# 1NC

## 1

#### Patent reform will pass- its top of the docket and PC is key

Hattern, 3-5 – The Hill Correspondent

[Julian, "Congress gets out club for patent ‘trolls’," The Hill, 3-5-14, thehill.com/blogs/hillicon-valley/technology/199954-lawmakers-look-to-push-patent-troll-bill, accessed 3-13-14]

Proponents of a bill to prevent patent “trolls” from harassing businesses are increasingly optimistic their legislation will become law this year. Lawmakers and a wide swath of different industries have aligned behind the push for a crackdown on the so-called trolls, which sue companies for patent license violations. Supporters of the reform effort claim the lawsuits are often frivolous, but nonetheless force businesses into settlements to avoid lengthy and costly court cases. Plaintiffs in the suits argue they are merely trying to protect their intellectual property and preserve inventors’ ability to innovate. With campaign politics gumming up the works on Capitol Hill, the patent crackdown could be one of the few bills to make it to President Obama’s desk before November, supporters say. “I think that members on both sides of the aisle recognize that this is a big problem affecting people being employed in their district, investments in their district,” said Beth Provenzano, a senior director for government relations at the National Retail Federation. “I think that this does stand a good chance, even in the election year.” The Senate Judiciary Committee, the focus of the patent reform fight, will look to take action on legislation this month, Chairman Patrick Leahy (D-Vt.) said on Tuesday. Sen. Mike Lee (R-Utah) on Wednesday said he hoped the full chamber would vote on the bill in the coming months. In addition to the retailers trade group, associations for restaurants, financial institutions and major tech companies such as Google have pushed for the chamber to approve legislation. The troublesome lawsuits can cost millions, they say, and need to be stopped immediately. Patent-rights holders skeptical of reform claim that bill goes too far and warn it could make it difficult for inventors and universities to profit from their creations. In December, the House overwhelmingly passed the Innovation Act, which would reform much of the patent lawsuit process. Lee and Leahy are pushing a companion bill, the Patent Transparency and Improvements Act, in the Senate. Obama backed the House bill and called for action in his State of the Union address. Supporters hope the president’s backing will help push legislation across the finish line in the Senate. “It meant a lot in the Senate to have the president weigh in like that,” Lee said at an event Tuesday in Washington. “To have it brought up by the president in some very public settings has been very helpful to help focus the public attention on the fact that this is hurting a lot of people.” Obama’s support also created momentum in the House, and convinced Democratic lawmakers who might not have been focused on the issue to hop on board, according to Rep. Jared Polis (D-Colo.).

#### The plan is a huge loss for Obama –Democrats cracking down on war powers makes Obama look weak

Paterno 6/23/2013 (Scott, Writer for Rock the Capital, “Selfish Obama” http://www.rockthecapital.com/06/23/selfish-obama/)

Now we have a Democratic president who wants to make war and does not want to abide by the War Powers Resolution. But rather than truly test the constitutionality of the measure, he is choosing to simply claim that THIS use of US military power is not applicable.¶ This is an extraordinarily selfish act, and one liberals especially should fear. POTUS is setting a precedent that subsequent presidents will be able to use – presidents that the left might not find so “enlightened.” Left as is, President Obama has set a standard where the president can essentially attack anywhere he wants without congressional approval for as long as he wants so long as he does not commit ground forces.¶ That is an extraordinarily selfish act. Why selfish? Because the president is avoiding congress because he fears a rebuke – from his own party, no less. The politically safe way to both claim to be decisive and to not face political defeat at the hands of Democrats – a defeat that would signal White House weakness – is to avoid congress all together. Precedent be damned, there is an election to win after all.

#### Patent litigation destroys biotech

Chandler, 3-3 – Cisco chief compliance officer

[Mark, and Mike Dillon, senior vice president, general counsel, and corporate secretary of Adobe Systems Incorporated, “Window of opportunity for action on patent reform,” <http://thehill.com/blogs/congress-blog/technology/199566-window-of-opportunity-for-action-on-patent-reform>, accessed 3-13-14]

The patent problem is becoming worse. What began as a cottage industry of abusive patent litigation and threatening demand letters has become a full-scale flood, a veritable business model predicated upon abuse. Patent assertion entities target businesses, large and small, from whom they believe they can extract financial settlements, no matter the merits of the case. Nearly 60 percent of new patent lawsuits are being filed by patent assertion entities, up from 25 percent in 2007. And a new study by Professor Robin Feldman of the University of California Hastings College of the Law has found that no industry will be immune. What started in the technology industry, has moved to main street, and the pharmaceutical and biotechnology industries may be next as patent aggregators stockpile patents hoping that they can make a case that those industries too are somehow copying earlier inventions.

#### Biotech solves extinction from natural disasters

Anthony **Trewavas**, **University of Edinburgh** Institute of Cell and Molecular Biology **plant biologist**, 6-5-**2000**, "GM is the Best Option We Have," <http://www.agbioworld.org/biotech-info/articles/biotech-art/best_option.html>

In 535A.D. a volcano near the present Krakatoa exploded with the force of 200 million Hiroshima A bombs. The dense cloud of dust so reduced the intensity of the sun that for at least two years thereafter, summer turned to winter and crops here and elsewhere in the Northern hemisphere failed completely. The population survived by hunting a rapidly vanishing population of edible animals. The after-effects continued for a decade and human history was changed irreversibly. But the planet recovered. Such examples of benign nature's wisdom, in full flood as it were, dwarf and make miniscule the tiny modifications we make upon our environment. There are apparently 100 such volcanoes round the world that could at any time unleash forces as great. And even smaller volcanic explosions change our climate and can easily threaten the security of our food supply. Our hold on this planet is tenuous. In the present day an equivalent 535A.D. explosion would destroy much of our civilisation. Only those with agricultural technology sufficiently advanced would have a chance at survival. Colliding asteroids are another problem that requires us to be forward-looking accepting that technological advance may be the only buffer between us and annihilation.

## 2

#### A. Definitions

#### The only War Power authority is the ability to MAKE MILITARY DECISIONS

Bajesky 13 (2013¶ Mississippi College Law Review¶ 32 Miss. C. L. Rev. 9¶ LENGTH: 33871 words ARTICLE: Dubitable Security Threats and Low Intensity Interventions as the Achilles' Heel of War Powers NAME: Robert Bejesky\* BIO: \* M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American Government and Constitutional Law courses for Alma College, and business law courses at Central Michigan University and the University of Miami.)

A numerical comparison indicates that the Framer's intended for Congress to be the dominant branch in war powers. Congressional war powers include the prerogative to "declare war;" "grant Letters of Marque and Reprisal," which were operations that fall short of "war"; "make Rules for Government and Regulation of the land and naval Forces;" "organize, fund, and maintain the nation's armed forces;" "make Rules concerning Captures on Land and Water," "raise and support Armies," and "provide and maintain a Navy." [n25](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n25) In contrast, the President is endowed with one war power, named as the Commander-in-Chief of the Army and Navy. [n26](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n26)¶ The Commander-in-Chief authority is a core preclusive power, predominantly designating that the President is the head of the military chain of command when Congress activates the power. [n27](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n27) Moreover, peripheral Commander-in-Chief powers are bridled by statutory and treaty restrictions [n28](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n28) because the President "must respect any constitutionally legitimate restraints on the use of force that Congress has enacted." [n29](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n29) However, even if Congress has not activated war powers, the President does possess inherent authority to expeditiously and unilaterally react to defend the nation when confronted with imminent peril. [n30](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n30) Explicating the intention behind granting the President this latitude, Alexander Hamilton explained that "it is impossible to foresee or to define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." [n31](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n31) The Framers drew a precise distinction by specifying that the President was empowered "to repel and not to commence war." [n32](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n32)

#### **B. Violation – the affirmative does not prohibit the ability of the President to make a military decision in one of the following areas mentioned in the topic – it merely requires a process or disclosure for the President to go through before exercising his commander and chief power**

**Changing drone control does not RESTRICT LEGAL AUTHORIZATIONS - this evidence is the most specific in the debate about why they are not a restriction**

**Ackerman ’13** (Spencer Ackerman, “Little Will Change If the Military Takes Over CIA’s Drone Strikes”, http://www.wired.com/dangerroom/2013/03/military-drones/, March 20, 2013)

Nor does the change to military drone control restrict the relevant legal authorizations in place. The Obama administration relies on an expansive interpretation of a 2001 congressional authorization to run its global targeted-killing program. If that authorization constrains the military to the “hot” battlefield of Afghanistan, someone forgot to tell the Joint Special Operations Command to get out of Yemen.

#### C. Prefer our interpretation

#### Vote neg---

#### Neg ground---only prohibitions guarantee links to every core argument like flexibility and deference and impact turns

#### Limits---there are an infinite number of small hoops they could require the president to jump through---overstretches our research burden

## 3

#### Counterplan Text: The Counsel to the President of the United States should request to the Office of Legal Counsel for legal counsel and coordination on the President’s war powers authority. The Office of Legal Counsel should advise the President that he should increase restrictions on targeted killing strikes carried out under Title 50.

#### CP is competitive and solves the case ---- Coordination with OLC can ensure executive action

BORRELLI et al 2000 - Professor of Government Chair of the Government and International Relations Department, Connecticut College (Maryanne Borrelli, Karen Hult, Nancy Kassop, “The White House Counsel’s Office”, http://whitehousetransitionproject.org/files/counsel/Counsel-OD.PDF)

The White House Counsel’s Office is at the hub of all presidential activity. Its mandate is to be watchful for and attentive to legal issues that may arise in policy and political contexts in which the president plays a role. To fulfill this responsibility, it monitors and coordinates the presidency’s interactions with other players in and out of government. Often called “the president’s lawyer,” the Counsel’s Office serves, more accurately, as the “presidency’s lawyer,” with tasks that extend well beyond exclusively legal ones. These have developed over time, depending on the needs of different presidents, on the relationship between a president and a Counsel, and on contemporary political conditions. The Office carries out many routine tasks, such as vetting all presidential appointments and advising on the application of ethics regulations to White House staff and executive branch officials, but it also operates as a “command center” when crises or scandals erupt. Thus, the more sharply polarized political atmosphere in recent years has led to greater responsibility and demands, as well as heightened political pressure and visibility, on the traditionally low-profile Counsel’s Office. The high-stakes quality of its work has led to a common sentiment among Counsels and their staff that there is “zero tolerance” for error in this office.

In sum, the Counsel’s Office might be characterized as a monitor, a coordinator, a negotiator, a recommender, and a translator: it monitors ethics matters, it coordinates the president’s message and agenda with other executive branch units, it negotiates with a whole host of actors on the president’s behalf (not the least of which is Congress), it recommends myriad actions to the president, and it translates or interprets the law (whether it is the Constitution, federal rules and regulations, treaties or legislation) for all executive branch officials. Past Counsels have lamented that there is no job description for this office, while the opening quote from Peter Wallison makes clear that even if there was, it would be all-consuming and all-inclusive of everything that goes in and out of the president’s office.

In simple terms, the Counsel’s Office performs five basic categories of functions: (1) advising on the exercise of presidential powers and defending the president’s constitutional prerogatives; (2) overseeing presidential nominations and appointments to the executive and judicial branches; (3) advising on presidential actions relating to the legislative process; (4) educating White House staffers about ethics rules and records management and monitoring adherence; and (5) handling department, agency and White House staff contacts with the Department of Justice (see Functions section). In undertaking these responsibilities, the Counsel’s Office interacts regularly with, among others, the president, the Chief of Staff, the White House Office of Personnel, the Press Secretary, the White House Office of Legislative Affairs, the Attorney General, the Office of Management and Budget (on the legislative process), the General Counsels of the departments and agencies, and most especially, the Office of Legal Counsel in the Department of Justice (see Relationships section). In addition to the Counsel, the Office usually consists of one or two Deputy Counsels, a varying number of Associate and Assistant Counsels, a Special Counsel when scandals arise, a Senior Counsel in some administrations, and support staff. Tasks are apportioned to these positions in various ways, depending on the Counsel’s choices, though most Counsels expect all Office members to share the ongoing vetting for presidential appointments (see Organization and Operations section).

Certain responsibilities within the Office are central at the very start of an administration (e.g., vetting for initial nominations and shepherding the appointment process through the Senate), while others have a cyclical nature to them (e.g., the annual budget, the State of the Union message), and still others follow an electoral cycle (e.g., determining whether presidential travel and other activities are partisan/electoral/campaign or governmental ones) (see Organization and Operations). There is, of course, the always unpredictable (but almost inevitable) flurry of scandals and crises, in which all eyes turn to the Counsel’s Office for guidance and answers. Watergate, Iran-contra, Whitewater, the Clinton impeachment, and the FBI files and White House Travel Office matters were all managed from the Counsel’s Office, in settings that usually separated scandal management from the routine work of the Office, so as to permit ongoing operations to continue with minimal distraction. Among the more regular tasks that occur throughout an administration are such jobs as directing the judicial nomination process, reviewing legislative proposals (the president’s, those from departments and agencies, and bills Congress has passed that need the Counsel’s recommendation for presidential signature or veto), editing and clearing presidential statements and speeches, writing executive orders, and determining the application of executive privilege (see both Relationships and Organization and Operations sections).

Perhaps, the most challenging task for the Counsel is being the one who has the duty to tell the president “no,” especially when it comes to defending the constitutional powers and prerogatives of the presidency. Lloyd Cutler, Counsel for both Presidents Carter and Clinton, noted that, in return for being “on the cutting edge of problems,” the Counsel needs to be someone who has his own established reputation…someone who is willing to stand up t o the President, to say, “No, Mr. President, you shouldn’t do that for these reasons.” There is a great tendency among all presidential staffs to be very sycophantic, very sycophantic. It’s almost impossible to avoid, “This man is the President of the United States and you want to stay in his good graces,” even when he is about to do something dumb; you don’t tell him that. You find some way to put it in a very diplomatic manner. (Cutler interview, pp. 3-4)

LAW, POLITICS AND POLICY

A helpful way to understand the Counsel’s Office is to see it as sitting at the intersection of law, politics and policy. Consequently, it confronts the difficult and delicate task of trying to reconcile all three of these without sacrificing too much of any one. It is the distinctive challenge of the Counsel’s Office to advise the president to take actions that are both legally sound and politically astute. A 1994 article in Legal Times warned of the pitfalls: Because a sound legal decision can be a political disaster, the presidential counsel constantly sacrifices legal ground for political advantage. (Bendavid, 1994, p. 13) For example, A.B. Culvahouse recalled his experience upon arriving at the White House as counsel and having to implement President Reagan’s earlier decision to turn over his personal diaries to investigators during the Iran-contra scandal.

Ronald Reagan’s decision to turn over his diary - that sits at the core of the presidency. …You’re setting up precedents and ceding a little power. But politically, President Reagan wanted to get it behind him. (Bendavid, 1994, p. 13)

Nonetheless, Culvahouse added, the Counsel is “the last and in some cases the only protector of the President’s constitutional privileges. Almost everyone else is willing to give those away in part inch by inch and bit by bit in order to win the issue of the day, to achieve compromise on today’s thorny issue. So a lot of what I did was stand in the way of that process...” (Culvahouse interview, p. 28)

Because of this blend of legal, political and policy elements, the most essential function a Counsel can perform for a president is to act as an “early warning system” for potential legal trouble spots before **(**and, ultimately, after) they erupt. For this role, a Counsel must keep his or her “antennae” constantly attuned. Being at the right meetings at the right time and knowing which people have information and/or the necessary technical knowledge and expertise in specific policy or legal areas are the keys to insuring the best service in this part of the position. C. Boyden Gray, Counsel for President Bush, commented: “As Culvahouse said -- I used to say that the meetings I was invited to, I shouldn’t go to. …It’s the meetings I wasn’t invited to that I’d go to.” (Gray interview, p. 26) Lloyd Cutler noted that

….the White House Counsel will learn by going to the staff meetings, et cetera, that something is about to be done that has buried within it a legal issue which the people who are advocating it either haven’t recognized or push under the rug. He says, “Wait a minute. We’ve got to check this out,” and goes to the Office of Legal Counsel and alerts them and gets their opinion. But for the existence of the White House Counsel, the Office of Legal Counsel would never have learned about the problem until it was too late. (Cutler interview, p. 4)

One other crucial part of the job where the legal overlaps with the policy and the political -- and which can spell disaster for Counsels who disregard this -- is knowing when to go to the Office of Legal Counsel for guidance on prevailing legal interpretations and opinions on the scope of presidential authority. It is then up to the White House Counsel to sift through these legal opinions, and to bring into play the operative policy and political considerations in order to offer the president his or her best recommendation on a course of presidential action. Lloyd Cutler described how this process works:

They [OLC staffers] are where the President has to go or the President’s counsel has to go to get an opinion on whether something may properly be done or not. For example, if you wish to invoke an executive privilege not to produce documents or something, the routine now is you go to the Office of Legal Counsel and you get their opinion that there is a valid basis for asserting executive privilege in this case. ...You’re able to say [to the judge who is going to examine these documents] the Office of Legal Counsel says we have a valid basis historically for asserting executive privilege here. (Cutler interview, p. 4)

C. Boyden Gray underscored the critical importance of OLC’s relationship to the Counsel’s Office: They [OLC] were the memory…We paid attention to what they did. [Vincent] Foster never conferred with them. When they [the Clinton Counsel’s Office] filed briefs on executive privilege, they had the criminal division, the civil division and some other division signing on the brief; OLC wasn’t on the brief… In some ways they [OLC] told us not to do things but that was helpful. They said no to us… I can give you a million examples. They would have said to Vince Foster, “Don’t go in and argue without thinking about it.” They would have prevented the whole healthcare debacle [referring to the Clinton Counsel’s Office’s position that Hillary Rodham Clinton was a government official for FACA purposes] …[T]he ripple effect of that one decision is hard to exaggerate: it’s hard to calculate. (Gray interview, pp. 18-19)

## 4

#### War powers policy analysis is plagued with flawed scholarship based on constructed threats to US national security – these threats reify the power of the sovereign while resulting in endless warfare – questioning the underlying assumptions of the knowledge presented in the 1AC is critical to creating a base for substantive political change

Rana, ’11 [Aziz Rana received his A.B. summa cum laude from Harvard College and his J.D. from Yale Law School. He also earned a Ph.D. in political science at Harvard, where his dissertation was awarded the university's Charles Sumner Prize. He was an Oscar M. Ruebhausen Fellow in Law at Yale; “Who Decides on Security?”; 8/11/11; Cornell Law Library; <http://scholarship.law.cornell.edu/clsops_papers/87/>]

Despite such democratic concerns, a large part of what makes today’s dominant security concept so compelling are two purportedly objective sociological claims about the nature of modern threat. As these claims undergird the current security concept, by way of a conclusion I would like to assess them more directly and, in the process, indicate what they suggest about the prospects for any future reform. The first claim is that global interdependence means that the U.S. faces near continuous threats from abroad. Just as Pearl Harbor presented a physical attack on the homeland justifying a revised framework, the American position in the world since has been one of permanent insecurity in the face of new, equally objective dangers. Although today these threats no longer come from menacing totalitarian regimes like Nazi Germany or the Soviet Union, they nonetheless create of world of chaos and instability in which American domestic peace is imperiled by decentralized terrorists and aggressive rogue states. Second, and relatedly, the objective complexity of modern threats makes it impossible for ordinary citizens to comprehend fully the causes and likely consequences of existing dangers. Thus, the best response is the further entrenchment of Herring’s national security state, with the U.S. permanently mobilized militarily to gather intelligence and to combat enemies wherever they strike – at home or abroad. Accordingly, modern legal and political institutions that privilege executive authority and insulated decisionmaking are simply the necessary consequence of these externally generated crises. Regardless of these trade-offs, the security benefits of an empowered presidency (one armed with countless secret and public agencies as well as with a truly global military footprint)188 greatly outweigh the costs. Yet, although these sociological views have become commonplace, the conclusions that Americans should draw about security requirements are not nearly as clear cut as the conventional wisdom assumes. In particular, a closer examination of contemporary arguments about endemic danger suggests that such claims are not objective empirical judgments but rather are socially complex and politically infused interpretations. Indeed, the openness of existing circumstances to multiple interpretations of threat implies that the presumptive need for secrecy and centralization is not self-evident. And as underscored by high profile failures in expert assessment, claims to security expertise are themselves riddled with ideological presuppositions and subjective biases. All this indicates that the gulf between elite knowledge and lay incomprehension in matters of security may be far less extensive than is ordinarily thought. It also means that the question of who decides – and with it the issue of how democratic or insular our institutions should be – remains open as well. Clearly technological changes, from airpower to biological and chemical weapons, have shifted the nature of America’s position in the world and its potential vulnerability. As has been widely remarked for nearly a century, the oceans alone cannot guarantee our permanent safety. Yet, in truth they never fully ensured domestic tranquility. The nineteenth century was one of near continuous violence, especially with indigenous communities fighting to protect their territory from expansionist settlers. But even if technological shifts make doomsday scenarios more chilling than those faced by Hamilton, Jefferson, or Taney, the mere existence of these scenarios tells us little about their likelihood or how best to address them. Indeed, these latter security judgments are inevitably permeated with subjective political assessments, assessments that carry with them preexisting ideological points of view – such as regarding how much risk constitutional societies should accept or how interventionist states should be in foreign policy. In fact, from its emergence in the 1930s and 1940s, supporters of the modern security concept have – at times unwittingly – reaffirmed the political rather than purely objective nature of interpreting external threats. In particular, commentators have repeatedly noted the link between the idea of insecurity and America’s post-World War II position of global primacy, one which today has only expanded following the Cold War. In 1961, none other than Senator James William Fulbright declared, in terms reminiscent of Herring and Frankfurter, that security imperatives meant that “our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century,” was no longer “adequate” for the “20th- century nation.” For Fulbright, the driving impetus behind the need to jettison antiquated constitutional practices was the importance of sustaining the country’s “preeminen[ce] in political and military power.” Fulbright held that greater executive action and war-making capacities were essential precisely because the United States found itself “burdened with all the enormous responsibilities that accompany such power.”192 According to Fulbright, the United States had both a right and a duty to suppress those forms of chaos and disorder that existed at the edges of American authority. Thus, rather than being purely objective, the American condition of permanent danger was itself deeply tied to political calculations about the importance of global primacy. What generated the condition of continual crisis was not only technological change, but also the belief that the United States’ own ‘national security’ rested on the successful projection of power into the internal affairs of foreign states. The key point is that regardless of whether one agrees with such an underlying project, the value of this project is ultimately an open political question. This suggests that whether distant crises should be viewed as generating insecurity at home is similarly as much an interpretative judgment as an empirically verifiable conclusion. To appreciate the open nature of security determinations, one need only look at the presentation of terrorism as a principal and overriding danger facing the country. According to the State Department’s Annual Country Reports on Terrorism, in 2009 “[t]here were just 25 U.S. noncombatant fatalities from terrorism worldwide” (sixteen abroad and nine at home).194 While the fear of a terrorist attack is a legitimate concern, these numbers – which have been consistent in recent years – place the gravity of the threat in perspective. Rather than a condition of endemic danger – requiring everincreasing secrecy and centralization – such facts are perfectly consistent with a reading that Americans do not face an existential crisis (one presumably comparable to Pearl Harbor) and actually enjoy relative security. Indeed, the disconnect between numbers and resources expended, especially in a time of profound economic insecurity, highlights the political choice of policymakers and citizens to persist in interpreting foreign events through a World War II and early Cold War lens of permanent threat. In fact, the continuous alteration of basic constitutional values to fit ‘national security’ aims highlights just how entrenched Herring’s old vision of security as pre-political and foundational has become, regardless of whether other interpretations of the present moment may be equally compelling. It also underscores a telling and often ignored point about the nature of modern security expertise, particularly as reproduced by the United States’ massive intelligence infrastructure. To the extent that political assumptions – like the centrality of global primacy or the view that instability abroad necessarily implicates security at home – shape the interpretative approach of executive officials, what passes as objective security expertise is itself intertwined with contested claims about how to view external actors and their motivations. This means that while modern conditions may well be complex, the conclusions of the presumed experts may not be systematically less liable to subjective bias than judgments made by ordinary citizens based on publicly available information. It further underscores that the question of who decides cannot be foreclosed in advance by simply asserting deference to elite knowledge. If anything, one can argue that the presumptive gulf between elite awareness and suspect mass opinion has generated its own very dramatic political and legal pathologies. In recent years, the country has witnessed a variety of security crises built on the basic failure of ‘expertise.’ 195 At present, part of what obscures this fact is the very culture of secret information sustained by the modern security concept. Today, it is commonplace for government officials to leak security material about terrorism or external threat to newspapers as a method of shaping the public debate. These ‘open’ secrets allow greater public access to elite information and embody a central and routine instrument for incorporating mass voice into state decision-making. But this mode of popular involvement comes at a key cost. Secret information is generally treated as worthy of a higher status than information already present in the public realm – the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed, its status as secret masks these problems and allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism; it also means that security judgments may be more ‘Hobbesian’ – marked fundamentally by epistemological uncertainty as opposed to verifiable fact – than policymakers admit. If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the r elationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars – emphasizing new statutory frameworks or greater judicial assertiveness – is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants – danger too complex for the average citizen to comprehend independently – it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The p roblem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

#### The alternative is to reject the 1AC and the affirmatives reliance on state-based sovereignty. Their scholarship sanitizes global destruction by proliferating symptom-focused solutions to power imbalances—-causes cycles of violence that make global warfare and extinction inevitable—adopt the role of a critical intellectual to question the claims of the 1AC

Ahmed, ‘11 [2011, Dr. Nafeez Mosaddeq Ahmed is Executive Director of the Institute for Policy Research and Development [IPRD], an independent think tank focused on the study of violent conflict, he has taught at the Department of International Relations, University of Sussex "The international relations of crisis and the crisis of international relations: from the securitisation of scarcity to the militarisation of society" Global Change, Peace %26 Security Volume 23, Issue 3, Taylor Francis]

**This analysis thus calls for a broader approach to environmental security based on retrieving the manner in which political actors construct discourses of ‘scarcity’ in response to ecological, energy and economic crises [critical security studies] in the context of the historically-speciﬁc socio-political and geopolitical relations of domination by which their power is constituted, and which are often implicated in the acceleration of these very crises [historical sociology and historical materialism].** Instead, both realist and liberal orthodox IR approaches focus on different aspects of interstate behaviour, conﬂictual and cooperative respectively, but each lacks the capacity to grasp that the unsustainable trajectory of state and inter-state behaviour is only explicable in the context of a wider global system concurrently over-exploiting the biophysical environment in which it is embedded. **They are, in other words, unable to addressthe relationship of the inter-state system itself to the biophysical environment as a key analytical category for understanding the acceleration of global crises. They simultaneously therefore cannot recognise the embeddedness of the economy in society and the concomitant politically-constituted nature of economics**.84 Hence, **they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale – in the very process of seeking security**.85 In Cox’s words, because positivist IR theory ‘does not question the present order [it instead] has the effect of legitimising and reifying it’. 86 Orthodox **IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason – thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence**. Indeed, **the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises**.87 By the same token**, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military–political power rather than any attempt to transform root structural cause**s.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nulliﬁed under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, **the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to ‘securitise’them– and this, ironically, fuels the proliferation of violent conﬂict and militarisation responsible for magniﬁed global insecurity. ‘Securitisation’ refers to a ‘speech act’ – an act of labelling – whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law**. **It thus legitimises resort to special extra-legal powers. By labelling issues a matter of ‘security’, therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival** itself. **Far from representing a mere aberration from democratic state practice, this discloses a deeper ‘dual’ structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military– police measures in purported response to an existential danger**.89 The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating ‘new security challenges’, and are thus entirely disproportionate.90 All that remains to examine is on the ‘surface’ of the international system [geopolitical competition, the balance of power, international regimes, globalisation and so on], phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. **The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms.** Indeed, **orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to ‘new security challenges’ such as ‘low-intensity’ intra-state conﬂicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafﬁcking; proliferation of weapons of mass destruction; and international terrorism**.91 Although the majority of such ‘new security challenges’ are non-military in origin – whether their referents are states or individuals – **the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power**.92 In other words, **the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military–political capacities to maintain existing power structures, to keep the lid on**.93 **Global crises are thus viewed as amplifying factors that could mobilise the popular will in ways that challenge existing political and economic structures, which it is presumed [given that state power itself is constituted by these structures] deserve protection**. **This justiﬁes the state’s adoption of extra-legal measures outside the normal sphere of democratic politics. In the context of global crisis impacts, this counter-democratic trend-line can result in a growing propensity to problematise potentially recalcitrant populations – rationalising violence toward them as a control mechanism**. 3.2 From theory to policy Consequently, for the most part, the policy implications of orthodox IR approaches involve a redundant conceptualisation of global systemic crises purely as potential ‘threat-multipliers’ of traditional security issues such as ‘political instability around the world, the collapse of governments and the creation of terrorist safe havens’. Climate change will serve to amplify the threat of international terrorism, particularly in regions with large populations and scarce resources.94 The US Army, for instance, depicts climate change as a ‘stress-multiplier’ that will ‘exacerbate tensions’ and ‘complicate American foreign policy’; while the EU perceives it as a ‘threat-multiplier which exacerbates existing trends, tensions and instability’. 95 In practice, this generates an excessive preoccupation not with the causes of global crisis acceleration and how to ameliorate them through structural transformation, but with their purportedly inevitable impacts, and how to prepare for them by controlling problematic populations. Paradoxically, **this ‘securitisation’ of global crises does not render us safer.** Instead, **by necessitating more violence, while inhibiting preventive action, it guarantees greater insecurity.** Thus, a **recent US Department of Defense report explores the future of international conﬂict up to 2050. It warns of ‘resource competition induced by growing populations and expanding economies’, particularly due to a projected ‘youth bulge’ in the South, which ‘will consume ever increasing amounts of food, water and energy’. This will prompt a ‘return to traditional security threats posed by emerging near-peers as we compete globally for depleting natural resources and overseas markets’**. Finally, climate change will ‘compound’ these stressors by generating humanitarian crises, population migrations and other complex emergencies.96 A similar study by the US Joint Forces Command draws attention to the danger of global energy depletion through to 2030. Warning of ‘the dangerous vulnerabilities the growing energy crisis presents’, the report concludes that ‘**The implications for future conﬂict are ominous.’ 97 Once again, the subject turns to demographics: ‘In total, the world will add approximately 60 million people each year and reach a total of 8 billion by the 2030s’, 95 per cent accruing to developing countries, while populations in developed countries slow or decline. ‘Regions such as the Middle East and Sub-Saharan Africa, where the youth bulge will reach over 50% of the population, will possess fewer inhibitions about engaging in conﬂict.**’ 98 The assumption is that regions which happen to be both energy-rich and Muslim-majority will also be sites of violent conﬂict due to their rapidly growing populations. A British Ministry of Defence report concurs with this assessment, highlighting an inevitable ‘youth bulge’ by 2035, with some 87 per cent of all people under the age of 25 inhabiting developing countries. In particular, the Middle East population will increase by 132 per cent and sub-Saharan Africa by 81 per cent. Growing resentment due to ‘endemic unemployment’ will be channelled through ‘political militancy, including radical political Islam whose concept of Umma, the global Islamic community, and resistance to capitalism may lie uneasily in an international system based on nation-states and global market forces’. More strangely, predicting an intensifying global divide between a super-rich elite, the middle classes and an urban under-class, the report warns: ‘**The world’s middle classes might unite, using access to knowledge, resources and skills to shape transnational processes in their own class interest**.’ 99 3.3 **Exclusionary logics of global crisis securitisation? Thus, the securitisation of global crisis leads not only to the problematisation of particular religious and ethnic groups in foreign regions of geopolitical interest, but potentially extends this problematisation to any social group which might challenge prevailing global political economic structures across racial, national and class lines.** The previous examples illustrate how securitisation paradoxically generates insecurity by reifying a process of militarisation against social groups that are constructed as external to the prevailing geopolitical and economic order. In other words, the internal reductionism, fragmentation and compartmentalisation that plagues orthodox theory and policy reproduces precisely these characteristics by externalising global crises from one another, externalising states from one another, externalising the inter-state system from its biophysical environment, and externalising new social groups as dangerous ‘outsiders’. Hence, a simple discursive analysis of state militarisation and the construction of new ‘outsider’ identities is insufﬁcient to understand the causal dynamics driving the process of ‘Otherisation’. As Doug Stokes points out, the Western state preoccupation with the ongoing military struggle against international terrorism reveals an underlying ‘discursive complex’, where representations about terrorism and non-Western populations are premised on ‘the construction of stark boundaries’ that ‘operate to exclude and include’. Yet these exclusionary discourses are ‘intimately bound up with political and economic processes’, such as strategic interests in proliferating military bases in the Middle East, economic interests in control of oil, and the wider political goal of ‘maintaining American hegemony’ by dominating a resource-rich region critical for global capitalism.100 But even this does not go far enough, for arguably the construction of certain hegemonic discourses is mutually constituted by these geopolitical, strategic and economic interests – exclusionary discourses are politically constituted. New conceptual developments in genocide studies throw further light on this in terms of the concrete socio-political dynamics of securitisation processes. It is now widely recognised, for instance, that the distinguishing criterion of genocide is not the pre-existence of primordial groups, one of which destroys the other on the basis of a preeminence in bureaucratic military–political power. Rather, **genocide is the intentional attempt to destroy a particular social group that has been socially constructed as different**. 101 As Hinton observes, genocides precisely constitute a process of‘othering’in which an imagined community becomes reshaped so that previously ‘included’ groups become ‘ideologically recast’ and dehumanised as threatening and dangerous outsiders, be it along ethnic, religious, political or economic lines – eventually legitimising their annihilation.102 In other words, **genocidal violence is inherently rooted in a prior and ongoing ideological process, whereby exclusionary group categories are innovated, constructed and ‘Otherised’ in accordance with a speciﬁc socio-political programme**. **The very process of identifying and classifying particular groups as outside the boundaries of an imagined community of ‘inclusion’, justifying exculpatory violence toward them, is itself a political act without which genocide would be impossible.103 This recalls Lemkin’s recognition that the intention to destroy a group is integrally connected with a wider socio-political project – or colonial project – designed to perpetuate the political, economic, cultural and ideological relations of the perpetrators in the place of that of the victims, by interrupting or eradicating their means of social reproduction**. Only by interrogating the dynamic and origins of this programme to uncover the social relations from which that programme derives can the emergence of genocidal intent become explicable.104 Building on this insight, Semelin demonstrates that the process of exclusionary social group construction invariably derives from political processes emerging from deep-seated sociopolitical crises that undermine the prevailing framework of civil order and social norms; and which can, for one social group, be seemingly resolved by projecting anxieties onto a new ‘outsider’ group deemed to be somehow responsible for crisis conditions. **It is in this context that various forms of mass violence, which may or may not eventually culminate in actual genocide, can become legitimised as contributing to the resolution of crises.105 This does not imply that the securitisation of global crises by Western defence agencies is genocidal. Rather, the same essential dynamics of social polarisation and exclusionary group identity formation evident in genocides are highly relevant in understanding the radicalisation processes behind mass violence.** This highlights the fundamental connection between social crisis, the breakdown of prevailing norms, the formation of new exclusionary group identities, and the projection of blame for crisis onto a newly constructed ‘outsider’ group vindicating various forms of violence. Conclusions While recommendations to shift our frame of orientation away from conventional state-centrism toward a ‘human security’ approach are valid, this cannot be achieved without confronting the deeper theoretical assumptions underlying conventional approaches to ‘non-traditional’ security issues.106 By occluding the structural origin and systemic dynamic of global ecological, energy and economic crises, orthodox approaches are incapable of transforming them. Coupled with their excessive state-centrism, this means they operate largely at the level of ‘surface’ impacts of global crises in terms of how they will affect quite traditional security issues relative to sustaining state integrity, such as international terrorism, violent conﬂict and population movements. Global crises end up fuelling the projection of risk onto social networks, groups and countries that cross the geopolitical fault-lines of these ‘surface’ impacts – which happen to intersect largely with Muslim communities. Hence, regions particularly vulnerable to climate change impacts, containing large repositories of hydrocarbon energy resources, or subject to demographic transformations in the context of rising population pressures, have become the focus of state security planning in the context of counter-terrorism operations abroad. The intensifying problematisation and externalisation of Muslim-majority regions and populations by Western security agencies – as a discourse – is therefore not only interwoven with growing state perceptions of global crisis acceleration, but driven ultimately by an epistemological failure to interrogate the systemic causes of this acceleration in collective state policies [which themselves occur in the context of particular social, political and economic structures]. **This expansion of militarisation is thus coeval with the subliminal normative presumption that the social relations of the perpetrators, in this case Western states, must be protected and perpetuated at any cost – precisely because the efﬁcacy of the prevailing geopolitical and economic order is ideologically beyond question. As much as this analysis highlights a direct link between global systemic crises, social polarisation and state militarisation, it fundamentally undermines the idea of a symbiotic link between natural resources and conﬂict per se**. Neither ‘resource shortages’ nor ‘resource abundance’ [in ecological, energy, food and monetary terms] necessitate conﬂict by themselves. There are two key operative factors that determine whether either condition could lead to con- ﬂict. The ﬁrst is the extent to which either condition can generate socio-political crises that challenge or undermine the prevailing order. The second is the way in which stakeholder actors choose to actually respond to the latter crises. To understand these factors accurately requires close attention to the political, economic and ideological strictures of resource exploitation, consumption and distribution between different social groups and classes. **Overlooking the systematic causes of social crisis leads to a heightened tendency to problematise its symptoms, in the forms of challenges from particular social groups. This can lead to externalisation of those groups, and the legitimisation of violence towards them**. Ultimately, this systems approach to global crises strongly suggests that conventional policy ‘reform’ is woefully inadequate. Global warming and energy depletion are manifestations of a civilisation which is in overshoot. The current scale and organisation of human activities is breaching the limits of the wider environmental and natural resource systems in which industrial civilisation is embedded. This breach is now increasingly visible in the form of two interlinked crises in global food production and the global ﬁnancial system. In short, industrial civilisation in its current form is unsustainable. This calls for a process of wholesale civilisational transition to adapt to the inevitable arrival of the post-carbon era through social, political and economic transformation. Yet **conventional theoretical and policy approaches fail to [1] fully engage with the gravity of research in the natural sciences and [2] translate** **the social science implications of this research in terms of the embeddedness of human social systems in natural systems.** Hence**, lacking capacity for epistemological self-reﬂection and inhibiting the transformative responses urgently required, they reify and normalise mass violence against diverse ‘Others’, newly constructed as traditional security threats enormously ampliﬁed by global crises – a process that guarantees the intensiﬁcation and globalisation of insecurity on the road to ecological, energy and economic catastrophe. Such an outcome, of course, is not inevitable, but extensive new transdisciplinary research in IR and the wider social sciences – drawing on and integrating human and critical security studies, political ecology, historical sociology and historical materialism, while engaging directly with developments in the natural sciences – is urgently required to develop coherent conceptual frameworks which could inform more sober, effective, and joined-up policy-making on these issues.**

## Case

### Solvency

#### Obama can circumvent the plan- covert loopholes are inevitable

**Lohmann 1-28**-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### Restricting “targeted killing” causes a shift to signature strikes

Ohlin 13 – Cornell law professor

[Jens David Ohlin, law professor at Cornell Law School who specializes in international law, Ph.D., Columbia University, 2002, J.D., Columbia Law School, “Would A Federal District Court for Drones Increase Collateral Damage?” 2-13-13, <http://www.liebercode.org/2013/02/would-federal-district-court-for-drones.html>]

Although this is more plausible, I still don't think it will work. In the end, I think it would just push the administration to avoid targeted killings and would have the opposite effect. It would increase, not decrease, collateral damage. Let me explain.¶ Suppose the government has previously used the kill list to govern the selection procedure for targeted killings. The list serves as a clearinghouse for debates and ultimately conclusions about who is a high-value target. If the administration decides that the individual should be pursued, he is placed on the list. If the administration decides that the individual is of marginal or no value, he is removed from the list or never placed on it to begin with.¶ Now imagine that a court is requiring that the list be approved by a judicial process. Why would the administration have any incentive at all to keep adding names to the list? Why not stop using it entirely? It could then rely exclusively on signature strikes -- an important legal development well documented by Kevin Heller in his forthcoming JICJ article on the subject. Such strikes would not be banned by the court because the US would not know exactly who it is bombing.¶ (I'm assuming for the sake of argument that the US is still engaged in an armed conflict with al-Qaeda and that the AUMF or some other statutory authorization for the President's pursuit of the conflict would still be in place.)¶ Essentially, this would be a case of willful blindness -- a concept well known to criminal law scholars. The real benefit of targeted killings is that the administration knows the exact threat and only targets one individual. That has changed warfare tremendously. But the court system would push the military back towards the old system: target groups of individuals who are known terrorists or enemy combatants -- but you don't know exactly who they are. You just know they are the enemy. That's the system that reigned in all previous conflicts. And there would be a disincentive to ever acquire more specific information. Why have a drone hover over an area with known terrorists in order to determine, through surveillance, the exact identity of the individual's there? That would only trigger the jurisdiction of the drone court. So ignorance would maintain the legality of the strike.

**Turns the case- signature strikes are worse for blowback, cred and counter-terror**

**Greenfield 13** [Danya, deputy director of the Rafik Hariri Center for the Middle East at the Atlantic Council, where she leads the Yemen Policy Group, “The Case Against Drone Strikes on People Who Only 'Act' Like Terrorists,” 8-19-13, <http://www.theatlantic.com/international/archive/2013/08/the-case-against-drone-strikes-on-people-who-only-act-like-terrorists/278744/>]

As Mark Bowden discusses in this month's Atlantic cover story, there is great debate about whether drone strikes should be a core component of the U.S. counterterrorism strategy. Of all the the arguments in favor, those those emphasizing effectiveness of signature strikes are particularly dubious. The term "signature strike" is used to distinguish strikes conducted against individuals who "match a pre-identified 'signature' of behavior that the U.S. links to militant activity," rather than targeting a specific person. The United States should not allow signature strikes because the cost of these attacks far outweighs the potential benefit. Leaving aside significant concerns about the legality of such strikes, there are serious questions about the efficacy of this approach in undermining terrorist networks.¶ The problem with signature strikes is that they open the door to a much higher incidence of civilian casualties--and this is where the danger lies. If the United States is choosing targets based on suspicious activity or proximity to other known-terrorists, this falls short of the threshold for drone strikes set by the Obama Administration, perpetuates a disastrous U.S. image in Yemen, and serves to invigorate the ranks of those groups the United States aims to disable. ¶ In response to increasing criticism, President Obama outlined his counterterrorism policy in May 2013 with a speech at National Defense University. Obama noted that the U.S. will only act against "terrorists who pose a continuing and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat." He did not, however, directly address the use of signature strikes, leaving open the prospect that they could be used in the ongoing fight against terrorism. This would be a mistake. In Pakistan and Afghanistan, extensive signature strikes sparked a significant increase in anti-American sentiment. After years of drone strikes, 74 percent of Pakistanis considered the U.S. an enemy by 2012 (up from 64 percent in 2009) according to a Pew Research Center poll. The White House authorized signature strikes for Yemen, but U.S. officials insist that they have not employed this tactic to date. If true, the incidence of civilian and non-combatant casualties in Yemen means that faulty intelligence and targeting failures are to blame, which is perhaps even more worrisome.¶ In waging the drone campaign, the United States occasionally hits precisely the wrong person. A U.S. strike in August 2012 supposedly killed three al-Qaeda militants in Yemen. Among the casualties, however, was an anti-Qaeda imam and a policeman he had brought along for protection. The imam was working to dismantle al-Qaeda in the Arabian Peninsula (AQAP), making him precisely the sort of local ally the U.S. desperately needs in a place like Yemen. Yemeni Nobel Prize laureate Tawakkul Karman warned that Yemeni tribal leaders in areas where civilians have been killed in drone strikes say that these attacks drive more Yemenis to turn against Washington. During his testimony to the Senate Judiciary Committee, Yemeni writer Farea al-Muslimi recounted an incident where the eldest son of a man killed by a drone joined AQAP because he identifies the U.S. as his father's killer and wants revenge. As the deaths and injuries mount, dangerous anti-American sentiment grows. When drone strikes occur and non-combatants are killed, Yemenis lash out with protests demanding justice and accountability from the United States--which has not been forthcoming.¶ In a place like Yemen, although the American drone program is universally hated, many Yemenis will admit they would support targeted assassinations if there is clear intelligence that an individual is a senior operative within AQAP and plotting a specific and imminent act of terror against Americans. The problem with signature strikes is that they do not meet this threshold--not even remotely-- and they open the door for the U.S. to make grievous targeting mistakes and be seen as taking sides in a domestic insurgency. Signature strikes target low-level militants who might be nasty characters, but they are not necessarily planning an imminent act of terror or hold a leadership position.¶ Beyond signature strikes, there is a more fundamental question that we should be asking--a question of overall strategy: is the current drone program achieving our national security objectives? It is not just civil libertarians and human rights advocates that are sounding the alarm; a group of 30 foreign policy experts sent a letter to President Obama in March 2013 calling for an end to the current drone strategy. Even senior retired members of the military, including General Stanley McChrystal, believe drone strikes are counterproductive because of the blowback they foment among the local population.¶ Targeted killings may eliminate key al-Qaeda leaders, but when civilians die along with them, these strikes ensure that a generation of Yemenis, Pakistanis, or Somalis will blame the U.S. for killing innocent community members, exacerbating America's serious image problems abroad and creating a space for extremist ideology to take root. In short, the U.S. drone program not only undermines the long-term national security of the United States by fostering widespread anti-U.S. sentiment, it also undermines the legitimacy of the host country government, whose support the U.S. needs, and it provides fodder for jihadi rhetoric that strengthens the very groups the U.S. seeks to destroy

### Adv 1

#### Drone prolif doesn’t escalate

**Singh ’12** [Joseph Singh is a researcher at the Center for a New American Security, an independent and non-partisan organization that focuses on researching and analyzing national security and defense policies, also a research assistant at the Institute for Near East and Gulf Military Analysis (INEGMA) North America, is a War and Peace Fellow at the Dickey Center, a global research organization, “Betting Against a Drone Arms Race,” 8-13-12, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>]

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.¶ Non-state actors, on the other hand, have even more reasons to steer clear of drones:¶ – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue.¶ – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose.¶ – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face.¶ – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts.¶ In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### Drone prolif is slow and the impact is small

**Zenko ’13** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, online]

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out¶ distant drone strikes that would be harmful to U.S. national interests.¶ However, those candidates able to obtain this technology will most¶ likely be states with the financial resources to purchase or the industrial¶ base to manufacture tactical short-range armed drones with limited¶ firepower that lack the precision of U.S. laser-guided munitions; the¶ intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder¶ adversaries who currently face attacks or the threat of attacks¶ by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia¶ into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into¶ Yemen. When compared to distant U.S. drone strikes, these contingencies¶ do not require system-wide infrastructure and host-state support.¶ Given the costs to conduct manned-aircraft strikes with minimal threat¶ to pilots, it is questionable whether states will undertake the significant¶ investment required for armed drones in the near term.

#### Alt Cause- NSA scandal and Mid-east inaction crush cred

Spetalnick, 10-25 -- Reuters White House correspondent

[Matt, "Analysis: Obama's aversion to Mideast conflicts fuels backlash from allies," Reuters, 10-25-13, www.reuters.com/article/2013/10/25/us-usa-obama-foreign-analysis-idUSBRE99O14720131025, accessed 10-31-13, mss]

Analysis: Obama's aversion to Mideast conflicts fuels backlash from allies

From Saudi Arabia to Israel, traditional U.S. allies in the Middle East are beginning to ask: Is America turning its back on us? President Barack Obama's diplomatic overtures to old foe Iran and his last-minute refusal to attack Syria have officials in Israel, the Gulf countries and Turkey wondering if Washington is deliberately neglecting them to avoid being dragged into a Middle East facing deeper sectarian strife and concerns that Tehran may be seeking a nuclear bomb. Media reports that the U.S. National Security Agency may have spied on the leaders of Germany, Mexico and Brazil have upset those longtime allies too, adding to the impression in some quarters that Obama has his foreign priorities backward. But it is in the Middle East where Obama's policy is under harsher scrutiny, especially from Saudi Arabia, which fears a warming of relations between the United States and Riyadh's regional rival Iran. A senior Saudi prince warned this week that the kingdom could "shift away" from the United States, suggesting a major strategic change after decades of close military and economic cooperation. Israeli officials say they worry Obama will not take a hard enough line in negotiations with Iran over its nuclear ambitions and might balk at a military attack on Iran just as he backed off from attacking Syrian President Bashar al-Assad in September. "The United States did a lot of damage to their image by failing to attack Syria," said an Israeli diplomat in Jerusalem. Allies' concerns about U.S. distaste for deep involvement in the Middle East are heightened by opinion polls showing Americans strongly opposed to intervention in the Syrian civil war. A Reuters/Ipsos survey from October 11 showed only 13 percent of Americans backed U.S. intervention in Syria. 'IT'S A MESS OUT THERE' The White House denies insinuations from both friends and foes in the Middle East that it does not have the stomach to use force in the region and points to the overthrow of Libyan leader Muammar Gaddafi in 2011. U.S. officials also caution against underestimating Obama's willingness to use a military option against Iran to prevent it from getting a nuclear weapon. "It's not as if this is a president who has proven to be unwilling to act when he believed it was in our interest, but he's not going to act when he doesn't think it's in our interest," said Ben Rhodes, Obama's deputy national security adviser. He said the United States would not begin to lift sanctions against Iran until Tehran shows real progress in nuclear talks. Washington and its allies believe Iran is developing the ability to make a nuclear weapon, but Tehran says the program is for generating power and medical devices. But Obama will resist pressure from Saudi Arabia to become more active in Syria where the rebels opposing Assad are coming increasingly under the sway of Islamist militants, some of whom are linked to al Qaeda. Obama is extremely wary of open-ended U.S. military involvement in the Middle East. His caution is shaped in part by Iraq, Rhodes said. "I think the Iraq war does bear on our thinking," Rhodes told the Reuters Washington Summit. He said Iraq's slide into sectarian and political chaos "proved the limitations of our influence." "We had an occupying army of 150,000 people in the country and we weren't able to dictate events in that country over the following several years. So it's not as if that was an advertisement for the ability of military power to dictate outcomes in the Middle East," he said. Obama's wariness is matched by congressional opposition as well as a war-weariness that most polls show has permeated the American public. "The president is accurately reflecting a kind of fatigue with the Middle East," said Elliott Abrams, a foreign policy aide under Obama's Republican predecessor, George W. Bush, and a frequent critic of the Democratic president. Obama, he said, had embraced the view that "it's a mess out there" and that it is best to limit military action largely to drone strikes in places like Pakistan, Yemen and Somalia. SAUDIS SMARTING Saudi Arabia is still smarting over what it says were promises by the United States that it would strike Assad - a close ally of Iran - for using chemical weapons against civilians. "What we are doing seriously is to scare the Americans to make them wake up. They can't make promises to us and then not implement those promises. It's going to cost them," said a Saudi analyst close to the thinking of the kingdom's rulers. Obama cut long-standing ally Egyptian President Hosni Mubarak adrift during huge street protests in 2011, raising red flags with both Israel and Saudi Arabia. U.S. officials see the recent Saudi threat to distance itself from Washington as mostly rhetoric. There has been no sign the Saudis want to scale back or close U.S. military installations, including a base used to launch drones against militants in neighboring Yemen. Large strides in U.S. oil output helped by "fracking" technology make America less dependent on Saudi Arabia and other Gulf crude producers. But if Saudi Arabia decides to translate its anger over U.S. policy into action, it could make life more difficult for Washington. Saudi Arabia could be less helpful in filling the gap in global oil supplies - and keeping prices under control - to make up for lower Iranian exports caused by Obama's drive for international sanctions. Saudi Arabia could also supply more advanced weapons to radical Islamists fighting to overthrow Assad, giving them an advantage in firepower over moderate Western-backed rebels. Apart from trying to smooth over relations with Saudi Arabia and Israel, the White House is struggling to head off complaints from Europe and Latin America that the NSA monitored leaders' communications.

### ADV2

No internal link to warfighting- none of the 1AC evidence indicates ALL warfighting capabilities will collapse absent a CIA shift to the DOD

#### Stability will survive without US hegemony

Fettweis ‘10 (Chris Fettweis, Professor of national security affairs @ U.S. Naval War College, Georgetown University Press, “Dangerous times?: the international politics of great power peace” Google Books)

Simply stated, the hegemonic stability theory proposes that international peace is only possible when there is one country strong enough to make and enforce a set of rules. At the height of Pax Romana between 27 BC and 180 AD, for example, Rome was able to bring unprecedented peace and security to the Mediterranean. The Pax Britannica of the nineteenth century brought a level of stability to the high seas. Perhaps the current era is peaceful because the United States has established a de facto Pax Americana where no power is strong enough to challenge its dominance, and because it has established a set of rules that a generally in the interests of all countries to follow. Without a benevolent hegemony, some strategists fear, instability may break out around the globe. Unchecked conflicts could cause humanitarian disaster and, in today’s interconnected world economic turmoil that would ripple throughout global financial markets. If the United States were to abandon its commitments abroad, argued Art, the world would “become a more dangerous place” and, sooner or later, that would “rebound to America’s detriment.” If the massive spending that the United States engages in actually produces stability in the international political and economic systems, then perhaps internationalism is worthwhile. There are good theoretical and empirical reasons, however, the belief that U.S. hegemony is not the primary cause of the current era of stability. First of all, the hegemonic stability argument overstates the role that the United States plays in the system. No country is strong enough to police the world on its own. The only way there can be stability in the community of great powers is if self-policing occurs, ifs states have decided that their interest are served by peace. If no pacific normative shift had occurred among the great powers that was filtering down through the system, then no amount of international constabulary work by the United States could maintain stability. Likewise, if it is true that such a shift has occurred, then most of what the hegemon spends to bring stability would be wasted. The 5 percent of the world’s population that live in the United States simple could not force peace upon an unwilling 95. At the risk of beating the metaphor to death, the United States may be patrolling a neighborhood that has already rid itself of crime. Stability and unipolarity may be simply coincidental. In order for U.S. hegemony to be the reason for global stability, the rest of the world would have to expect reward for good behavior and fear punishment for bad. Since the end of the Cold War, the United States has not always proven to be especially eager to engage in humanitarian interventions abroad. Even rather incontrovertible evidence of genocide has not been sufficient to inspire action. Hegemonic stability can only take credit for influence those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. Ethiopia and Eritrea are hardly the only states that could go to war without the slightest threat of U.S. intervention. Since most of the world today is free to fight without U.S. involvement, something else must be at work. Stability exists in many places where no hegemony is present. Second, the limited empirical evidence we have suggests that there is little connection between the relative level of U.S. activism and international stability. During the 1990s the United States cut back on its defense spending fairly substantially, By 1998 the United States was spending $100 billion less on defense in real terms than it had in 1990. To internationalists, defense hawks, and other believers in hegemonic stability this irresponsible "peace dividend" endangered both national and global security "No serious analyst of American military capabilities," argued Kristol and Kagan, "doubts that the defense budget has been cut much too far to meet Americas responsibilities to itself and to world peace."" If the pacific trends were due not to U.S. hegemony but a strengthening norm against interstate war, however, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable Pentagon, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove mistrust and arms races; no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat ofinternational war was not a pressing concern, despite the reduction in U.S. capabilities. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and it kept declining as the Bush Administration ramped spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. It is also worth noting for our purposes that the United States was no less safe.

#### No internal link to diplomacy- 1AC sims evidence says intelligence might be slightly helpful for some things- but doesn’t conclude that they are necessary for conflict prevention

#### They have no card saying the DoD gives bad intel in the squo, no reason why CIA would be better

#### Guantanamo is an alt cause to diplomacy and treaties- each treaty violation triggers a vicious cycle

Koh, 4, dean of Yale Law School and professor of international agreement, 9/20/2004

(Harold, “On America's Double Standard,” http://prospect.org/article/americas-double-standard)

When the United States holds Taliban detainees at Guantanamo Bay, Cuba, without Geneva Convention hearings, then decries the failure of others to accord Geneva Convention protections to their American prisoners, it supports a double standard. When George W. Bush tries to “unsign” the International Criminal Court (ICC) treaty that Bill Clinton signed in 2000, yet expects other nations to honor signed treaties, he does the same. When U.S. courts ignore an International Court of Justice decision enjoining American execution of foreign nationals, even as we demand that other countries obey international adjudications that favor American interests, the United States is using its vast power and wealth to promote a double standard. In these and other instances, the United States proposes that a different rule should apply to itself than to the rest of the world. U.S. officials say that they must act to protect our security and to avoid unacceptable constraints on national prerogative. But to win the illusion of unfettered sovereignty, they are actually undermining America's capacity to participate in international affairs. Over the past two centuries, the United States has become party not just to a few treaties but to a global network of closely interconnected treaties enmeshed in multiple frameworks of international institutions. Unilateral administration decisions to bend or break one treaty commitment thus rarely end the matter; rather, they usually trigger vicious cycles of treaty violation. Repeated insistence on a double standard creates the damaging impression of a United States contemptuous of both its treaty obligations and its treaty partners, even as America tries to mobilize those same partners to help it solve problems it simply cannot solve alone -- most obviously, the war against global terrorism, but also the postwar construction of Iraq, the Middle East crisis, and the renewed nuclear militarization of North Korea. \* \* \* Historically, American administrations have tended to distance and distinguish themselves from the rest of the international community; human-rights advocates have often condemned this “American exceptionalism.” But while the promotion of double standards is indeed corrosive, not all forms of exceptional American behavior are equally harmful. America's distinctive rights culture, for example, sometimes sets it apart. Due to our particular history, some human rights, such as the norm of nondiscrimination based on race or First Amendment protections for speech and religion, have received far greater emphasis and judicial protection in the United States than in Europe. But our distinctive rights culture is not fundamentally inconsistent with universal human-rights values. Nor is America genuinely exceptional because it sometimes uses different labels to describe synonymous concepts. When I appeared before the UN Committee Against Torture in Geneva, Switzerland, to defend the first U.S. report on U.S. compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I was asked the reasonable question of why the United States does not “maintain a single, comprehensive collation of statistics regarding incidents of torture and cruel, inhuman or degrading treatment or punishment,” a universally understood concept. My answer, in effect, was that we applied different labels, not different standards. The myriad bureaucracies of the federal government, the 50 states, and the territories did gather statistics regarding torture and cruel, inhuman, or degrading treatment, but we called that practice different things, including “cruel and unusual punishment,” “police brutality,” “section 1983 actions,” applications of the exclusionary rule, violations of civil rights under color of state law, and the like. Refusing to accept the internationally accepted term reflected national quirkiness, somewhat akin to our continuing use of feet and inches rather than the metric system. A third form of American exceptionalism, our penchant for non-ratification (or ratification with reservations) of international treaties, is more problematic -- but for the United States, not for the world. For example, it is a huge embarrassment that only two nations in the world -- the United States and Somalia, which until recently did not have an organized government -- have not ratified the international Convention on the Rights of the Child. But this is largely our loss. In no small part because of its promiscuous failure to ratify a convention with which it actually complies in most respects, the United States rarely gets enough credit for the large-scale moral and financial support that it actually gives to children's rights around the world. In my view, by far the most dangerous and destructive form of American exceptionalism is the assertion of double standards. For by embracing double standards, the United States invariably ends up not on the higher rung but on the lower rung with horrid bedfellows -- for example, such countries as Iran, Nigeria, and Saudi Arabia, the only other nations that have not in practice either abolished or declared a moratorium on the imposition of the death penalty on juvenile offenders. This appearance of hypocrisy sharply weakens America's claim to lead globally through moral authority. More important, by opposing global rules in order to loosen them for our purposes, the United States can end up -- as it has done with the Geneva Conventions -- undermining the legitimacy of the rules themselves, just when we need them most.

#### No impact to diplomacy

Greenwald ’10 (Abe is policy adviser and online editor with the Foreign Policy Initiative in Washington, July/August http://www.commentarymagazine.com/viewarticle.cfm/the-soft-power-fallacy-15466?page=all

Like Francis Fukuyama’s essay “The End of History,” soft-power theory was a creative and appealing attempt to make sense of America’s global purpose. Unlike Fukuyama’s theory, however, which the new global order seemed to support for nearly a decade, Nye’s was basically refuted by world events in its very first year. In the summer of 1990, a massive contingent of Saddam Hussein’s forces invaded Kuwait and effectively annexed it as a province of Iraq. Although months earlier Nye had asserted that “geography, population, and raw materials are becoming somewhat less important,” the fact is that Saddam invaded Kuwait because of its geographic proximity, insubstantial military, and plentiful oil reserves. Despite Nye’s claim that “the definition of power is losing its emphasis on military force,” months of concerted international pressure, including the passage of a UN resolution, failed to persuade Saddam to withdraw. In the end, only overwhelming American military power succeeded in liberating Kuwait. The American show of force also succeeded in establishing the U.S. as the single, unrivaled post–Cold War superpower. Following the First Gulf War, the 1990s saw brutal acts of aggression in the Balkans: the Bosnian War in 1992 and the Kosovo conflicts beginning in 1998. These raged on despite international negotiations and were quelled only after America took the lead in military actions. It is also worth noting that attempts to internationalize these efforts made them more costly in time, effectiveness, and manpower than if the U.S. had acted unilaterally. Additionally, the 1990s left little mystery as to how cataclysmic events unfold when the U.S. declines to apply traditional tools of power overseas. In April 1994, Hutu rebels began the indiscriminate killing of Tutsis in Rwanda. As the violence escalated, the United Nations’s peacekeeping forces stood down so as not to violate a UN mandate prohibiting intervention in a country’s internal politics. Washington followed suit, refusing even to consider deploying forces to East-Central Africa. By the time the killing was done, in July of the same year, Hutus had slaughtered between half a million and 1 million Tutsis. And in the 1990s, Japan’s economy went into its long stall, making the Japanese model of a scaled down military seem rather less relevant. All this is to say that during the presidency of Bill Clinton, Nye’s “intangible forms of power” proved to hold little sway in matters of statecraft, while modes of traditional power remained as critical as ever in coercing other nations and affirming America’s role as chief protector of the global order.

#### Alt causes overwhelm or hegemony is resilient

Copley ’12 (Gregory R., editor of Defense & Foreign Affairs’ Strategic Policy, Strategic Policy in an Age of Global Realignment, lexis, June 2012)

3. Strategic Recovery by the US. The US will not, in 2012 or 2013, show signs of any recovery of its global strategic credibility or real strength. Its manufacturing and science and technology sectors will continue to suffer from low (even declining) productivity and difficulty in capital formation (for political reasons, primarily). A significant US recovery is not feasible in the timeframe given the present political and economic policies and impasse evident. US allies will increasingly look to their own needs while attempting to sustain their alliance relationship with the US to the extent feasible. Those outside the US alliance network, or peripheral to it, will increasingly disregard US political/diplomatic pressures, and will seek to accommodate the PRC or regional actors. The continued economic malaise of the US during 2012, even if disguised by modest nominal GDP growth, will make economic (and therefore strategic) recovery more difficult and ensure that it will take longer. In any event, the fact that the US national debt exceeds the GDP hollows the dollar and thus makes meaningful recovery impossible in the short-term. The attractiveness of a low dollar value in comparison to other currencies in making US manufacturing investment more feasible than in recent years is offset by declining US workforce productivity and political constraints which penalize investment in manufacturing, or even in achieving appealing conditions for capital formation. Banks are as afraid of such investment as are manufacturing investors themselves

# 2NC

## Solvency

### 2NC- Circumvention

#### Targeted killings fall into CAS exceptions- such activities are exempt from reporting rules- this provides a loophole whereby the president can circumvent restrictions placed on drones- that’s Lohmann

#### Obama ignores restrictions- tons of loopholes

**Kumar 3-19**-13 [Anita, White House correspondent for McClatchy Newspapers, former writer for The Washington Post, covering Virginia politics and government, and spent a decade at the St. Petersburg Times, writing about local, state and federal government both in Florida and Washington, “Obama turning to executive power to get what he wants,” <http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Ue18CdK1FSE>]

President Barack Obama came into office four years ago skeptical of pushing the power of the White House to the limit, especially if it appeared to be circumventing Congress.¶ Now, as he launches his second term, Obama has grown more comfortable wielding power to try to move his own agenda forward, particularly when a deeply fractured, often-hostile Congress gets in his way.¶ He’s done it with a package of tools, some of which date to George Washington and some invented in the modern era of an increasingly powerful presidency. And he’s done it with a frequency that belies his original campaign criticisms of predecessor George W. Bush, invites criticisms that he’s bypassing the checks and balances of Congress and the courts, and whets the appetite of liberal activists who want him to do even more to advance their goals.¶ While his decision to send drones to kill U.S. citizens suspected of terrorism has garnered a torrent of criticism, his use of executive orders and other powers at home is deeper and wider.¶ He delayed the deportation of young illegal immigrants when Congress wouldn’t agree. He ordered the Centers for Disease Control and Prevention to research gun violence, which Congress halted nearly 15 years ago. He told the Justice Department to stop defending the Defense of Marriage Act, deciding that the 1996 law defining marriage as between a man and a woman was unconstitutional. He’s vowed to act on his own if Congress didn’t pass policies to prepare for climate change.¶ Arguably more than any other president in modern history, he’s using executive actions, primarily orders, to bypass or pressure a Congress where the opposition Republicans can block any proposal.¶ “It’s gridlocked and dysfunctional. The place is a mess,” said Rena Steinzor, a law professor at the University of Maryland. “I think (executive action) is an inevitable tool given what’s happened.”¶ Now that Obama has showed a willingness to use those tactics, advocacy groups, supporters and even members of Congress are lobbying him to do so more and more.¶ The Center for Progressive Reform, a liberal advocacy group composed of law professors, including Steinzor, has pressed Obama to sign seven executive orders on health, safety and the environment during his second term.¶ Seventy environmental groups wrote a letter urging the president to restrict emissions at existing power plants.¶ Sen. Barbara Mikulski, D-Md., the chairwoman of the Appropriations Committee, sent a letter to the White House asking Obama to ban federal contractors from retaliating against employees who share salary information.¶ Gay rights organizations recently demonstrated in front of the White House to encourage the president to sign an executive order to bar discrimination based on sexual orientation or gender identity by companies that have federal contracts, eager for Obama to act after nearly two decades of failed attempts to get Congress to pass a similar bill.¶ “It’s ridiculous that we’re having to push this hard for the president to simply pick up a pen,” said Heather Cronk, the managing director of the gay rights group GetEQUAL. “It’s reprehensible that, after signing orders on gun control, cybersecurity and all manner of other topics, the president is still laboring over this decision.”¶ The White House didn’t respond to repeated requests for comment.¶ In January, Obama said he continued to believe that legislation was “sturdier and more stable” than executive actions, but that sometimes they were necessary, such as his January directive for the federal government to research gun violence.¶ “There are certain issues where a judicious use of executive power can move the argument forward or solve problems that are of immediate-enough import that we can’t afford not to do it,” the former constitutional professor told The New Republic magazine.¶ Presidents since George Washington have signed executive orders, an oft-overlooked power not explicitly defined in the Constitution. More than half of all executive orders in the nation’s history – nearly 14,000 – have been issued since 1933.

#### Awlaki and Gitmo prove- Obama ignores legal checks

**Kushner 1-24**-13 [Maya, senior staff member for the Legislation & Policy Brief Blog, a legislative-based legal publication of the Washington College of Law, “Will the Predator Drone On? Obama’s Efforts to Unify the Drone Policy,” <http://www.legislationandpolicy.com/541/will-the-predator-drone-on-obamas-efforts-to-unify-the-drone-policy/>]

Finally, there are legal questions. First, these military actions are carried out without any declaration of war and likely violate the sovereignty of the nations where the drone strikes occur. The Obama Administration maintains that the strikes are legal given Congressional authorization for military actions passed in the wake of September 11 attacks, as well as general principles of self-defense, but this rhetoric does not find much support outside of the United States. Second, there is speculation that drone strikes are sometimes used to kill targets to avoid detention and the judicial process even though these options are feasible. This speculation is especially high surrounding the Obama administration, as President Obama promised to close the prison in Guantanamo Bay, failed to do so, and has been very reluctant to add any detainees to the prison. The third pressing legal question is: what happens when the target is a U.S. citizen? This was the case with Al-Awlaki, a U.S. citizen placed on the “kill list” and killed by a drone. It is clear that Al-Awlaki was vehemently anti-American and was working with Al-Qaeda, so the U.S. had a valid security interest in eliminating him. But prior to being killed by the drone, Al-Awlaki was neither stripped of his U.S. citizenship nor afforded the due process rights granted to him by the U.S. Constitution. In killing him with a drone strike, the Obama administration effectively circumvented U.S. law.¶ To his credit, President Obama is trying to address some of the concerns surrounding drone strikes by unifying the drone policy, and has called upon Congress to assist in this process. Yet the proposal remains vague since much of the drone program is classified. In fact, the first time the government has officially acknowledged the use of armed drones was a few months ago – on April 30, 2012 in a speech by the Homeland Security Advisor, John Brennan. It is rumored that the current rule book on drone strikes is so highly classified that it is hand-carried from office to office instead of being sent by email.

#### Libya and the WPR prove circumvention

**Druck ‘12** [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

On March 19, 2011, American forces began attacking various¶ targets controlled by Muammar el-Qaddafi as part of NATO’s support¶ for the Libyan antigovernment resistance.1¶ Promising that no ground troops would be used during these operations,2¶ President Barack¶ Obama ordered strikes on Qaddafi forces using Tomahawk missiles¶ and bombings from warplanes.3¶ This order would later include the¶ use of unmanned Predator drones, signaling a shift toward a supporting role for NATO.4¶ Fighting lasted for months, ultimately culminating in the ousting of Qaddafi by rebel forces.5¶ Despite the limited nature of the U.S. intervention, questions¶ concerning the legality of the President’s actions quickly arose.6¶ Under the 1973 War Powers Resolution (WPR),7¶ which was enacted in¶ the wake of protests during the Vietnam War, the President is required to cease any use of military forces in “hostilities” within sixty¶ days of the conflict’s beginning unless he receives congressional authorization to the contrary.8¶ Having acted without any support from¶ Congress in the first sixty days, the President had seemingly presented¶ a clear example of a WPR violation. Yet President Obama and State¶ Department legal adviser Harold Koh rejected this view by arguing¶ that the use of force in Libya had not involved the type of “hostilities”¶ covered by the WPR.9¶ Emphasizing the absence of U.S. casualties and¶ lack of exposure to “exchanges of fire with hostile forces,” the President stood firmly behind his decision to intervene in Libya without¶ consulting Congress.10 Legislators, pundits, and academics alike broadly criticized this¶ legal analysis.11 Yet aside from these particularized complaints, the¶ President ultimately faced no discernible repercussions (judicial, legislative, or social challenges) for his actions.12 From a historical perspective, the absence of substantial backlash is unsurprising: since its¶ inception, the WPR has generally failed to prevent presidents from¶ using military action in an arguably illegal manner.13 In those situations, courts,14 legislators,15 and social movements16 have failed to¶ challenge this sort of presidential action, setting the stage for President Obama’s similar neglect of the WPR.

#### Obama circumvents war-powers rules- covert action inevitable

**Hallowell 2-11**-13 [Billy, founder of Pathufind Media, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS,” <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>]

Regulations give teeth and specificity to laws are essential to their functioning even as they create bureaucratic bloat. Congress-skirting executive orders and similar presidential directives are less numerous and generally have less reach than laws. But every president uses them and often tests how far they can go, especially in times of war and other crises.¶ President Harry Truman signed an executive order in 1952 directing the Commerce Department to take over the steel industry to ensure U.S. troops fighting in Korea were kept supplied with weapons and ammunition. The Supreme Court struck it down.¶ Other significant actions have stood. President Franklin D. Roosevelt issued an order in February 1942 to relocate more than 110,000 Japanese-Americans living on the West Coast to internment camps after Japan’s attack on the Pearl Harbor naval base. Decades later, Congress passed legislation apologizing and providing $20,000 to each person who was interned.¶ After the terrorist attacks of Sept. 11, 2001, President George W. Bush approved a series of executive orders that created an office of homeland security, froze the assets in U.S. banks linked to al-Qaida and other terrorist groups, and authorized the military services to call reserve forces to active duty for as long as two years.¶ Bush’s most contentious move came in the form of a military order approving the use of the military tribunals to put accused terrorists on trial faster and in greater secrecy than a regular criminal court.¶ Obama also has wielded considerable power in secret, upsetting the more liberal wing of his own party. He has carried forward Bush’s key anti-terrorism policies and expanded the use of unmanned drone strikes against terrorist targets in Pakistan and Yemen.¶ When a promised immigration overhaul failed in legislation, Obama went part way there simply by ordering that immigrants brought illegally to the United States as children be exempted from deportation and granted work permits if they apply. So, too, the ban on gays serving openly in the military was repealed before the election, followed now by the order lifting the ban on women serving in combat.¶ Those measures did not prove especially contentious. Indeed, the step on immigration is thought to have helped Obama in the election. It may be a different story as the administration moves more forcefully across a range of policy fronts that sat quiet in much of his first term.¶ William Howell, a political science professor at the University of Chicago and the author of “Power Without Persuasion: The Politics of Direct Presidential Action,” isn’t surprised to see commandments coming at a rapid clip.¶ “In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ And the political opposition howls.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”

### 2NC – Top Shelf

#### The plan causes a shift from targeted killing to signature strikes- if Obama can’t use targeted killing then he will create legal cover by increasing untargeted killing- ignorance of the target will be used as a legal defense for worse strikes- that’s Ohlin.

#### Takes out solvency and turns the case- signature strikes cause more civilian deaths, backlash, cred problems and terrorist blowback- that’s Greenfield.

#### Empirically, Obama will exploit legal loopholes like this to maintain drone warfare

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus

[Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### The plan only bans targeted killing- not signature strikes, which are distinct

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[Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters,” August 29 2011, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>]

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains:¶ The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there.¶ High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say.¶ Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.)¶ This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

### EXT: TK = / = Sig Strikes

#### Signature strikes and targeted killings are distinct operations with entirely separate lit bases and advantages---their interpretation kills precision and limits

Kenneth Anderson 11, Professor at Washington College of Law, American University, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Efficiency in Bello and ad Bellum: Targeted Killing Through Drone Warfare,” Sept 23 2011, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1812124

Although targeted killing and drone warfare are often closely connected, they are not the same and are not always associated with each other. We need to disaggregate the practices of targeted killing from the technologies of drone warfare.¶ Targeted killing consists of using deadly force, characterized by the identification of and then strike against an individual marked to be killed. It is distinguished, among other things, by making an individualized determination of a person to be killed, rather than simply identifying, for example, a mass of enemy combatants to attack as a whole. Since it is a practice that involves the determination of an identified person, rather than a mass of armed and obvious combatants, it is a use of force that is by its function integrated with intelligence work, whether the intelligence actors involved are uniformed military or a civilian agency such as the CIA.¶ Targeted killing might (and does) take place in the course of conventional warfare, through special operations or other mechanisms that narrowly focus operations through intelligence. But it might also take place outside of a conventional conflict, or perhaps far from the conventional battlefields of that conflict, sufficiently so operationally to best be understood as its own operational category of the use of force – “intelligence-driven,” often covert, and sometimes non-military intelligence agency use of force, typically aimed at “high value” targets in global counterterrorism operations. It might be covert or it might not – but it will be driven by intelligence, because of necessity it must identify and justify the choice of target (on operational, because resources are limited; or legal grounds; or, in practice, both).¶ Targeted killing might use a variety of tactical methods by which to carry out the attack. The method might be by drones firing missiles – the focus of discussion here. But targeted killing – assassination, generically – is a very old method for using force and drones are new. Targeted killing in current military and CIA doctrine might, and often does, take place with covert civilian intelligence agents or military special operations forces – a human team carrying out the attack, rather than a drone aircraft operated from a distance. The Bin Laden raid exemplifies the human team-conducted targeted killing, of course, and in today’s tactical environment, the US often uses combined operations that have available both human teams and drones, to be deployed according to circumstances.¶ Targeted killing is thus a tactic that might be carried out either by drones or human teams. If there are two ways to do targeted killing, there are also two functions for the use of drones – targeted killing as part of an “intelligence-driven” discrete use of force, on the one hand, and a role (really, roles) in conventional warfare. Drones have a role in an ever-increasing range of military operations that have no connection to “targeted killing.” For many reasons ranging from cost-effectiveness to mission-effectiveness, drones are becoming more ramified in their uses in military operations, and will certainly become more so. This is true starting with their fundamental use in surveillance, but is also true when used as weapons platforms.¶ From the standpoint of conventional military operations and ordinary battlefields, drones are seen by the military as simply an alternative air weapons platform. One might use an over-the-horizon manned aircraft – or, depending on circumstances, one might instead use a drone as the weapons platform. It might be a missile launched from a drone by an operator, whether sitting in a vehicle near the fighting or farther away; it might be a weapon fired from a helicopter twenty miles away, but invisible to the fighters; it might be a missile fired from a US Navy vessel hundreds of miles away by personnel sitting at a console deep inside the ship. Future air-to-air fighter aircraft systems are very likely to be remotely piloted, in order to take advantage of superior maneuverability and greater stresses endurable without a human pilot. Remotely-piloted aircraft are the future of much military and, for that matter, civil aviation; this is a technological revolution that is taking place for reasons having less to do with military aviation than general changes in aviation technology.¶ Missiles fired from a remotely-piloted standoff platform present the same legal issues as any other weapons system – the law of war categories of necessity and proportionality in targeting. To military professionals, therefore, the emphasis placed on “remoteness” from violence of drone weapons operators, and presumed psychological differences in operators versus pilots, is misplaced and indeed mystifying. Navy personnel firing missiles from ships are typically just as remote from the fighting, and yet one does not hear complaints about their indifference to violence and their “Playstation,” push-button approach to war. Air Force pilots more often than not fire from remote aircraft; pilots involved in the bombing campaign over Serbia in the Kosovo war sometimes flew in bombers taking off from the United States; bomber crews dropped their loads from high altitudes, guided by computer, with little connection to the “battlefield” and little conception of what they – what their targeting computers - were aiming at. Some of the crews in interviews described spending the flights of many hours at a time, flying from the Midwest and back, as a good chance to study for graduate school classes they were taking – not Playstation, but study hall. In many respects, the development of new sensor technologies make the pilots, targeters, and the now-extensive staff involved in a decision to fire a weapon from a drone far more aware of what is taking place at the target than other forms of remote targeting, from Navy ships or high altitude bombing.¶ Very few of the actors on a technologically advanced battlefield are personally present in a way that makes the destruction and killing truly personal – and that is part of the point. Fighting up close and personal, on the critics’ psychological theories, seems to mean that it has greater significance to the actors and therefore leads to greater restraint. That is extremely unlikely and contrary to the experience of US warfighters. Lawful kinetic violence is more likely to increase when force protection is an issue, and overuse of force is more likely to increase when forces are under personal pressure and risk. The US military has known since Vietnam at least that increased safety for fighting personnel allows them greater latitude in using force, encourages and permits greater willingness to consider the least damaging alternatives, and that putting violence at a remove reduces the passions and fears of war and allows a coolly professional consideration of what kinds, and how much, violence is required to accomplish a lawful military mission. Remote weapon systems, whether robotic or simply missiles launched from a safe distance, in US doctrine are more than just a means for reducing risk to forces – they are an integral part of the means of allowing more time to consider less-harmful alternatives.¶ This is an important point, given that drones today are being used for tasks that involve much greater uses of force than individualized targeted killing. Drones are used today, and with increasing frequency, to kill whole masses of enemy columns of Taliban fighters on the Pakistan border – in a way that would otherwise be carried out by manned attack aircraft. This is not targeted killing; this is conventional war operations. It is most easily framed in terms of the abstract strategic division of counterinsurgency from counterterrorism (though in practice the two are not so distinct as all that). In particular, drones are being deployed in the AfPak conflict as a counterinsurgency means of going after Taliban in their safe haven camps on the Pakistan side of the border. A fundamental tenet of counterinsurgency is that the safe havens have to be ended, and this has meant targeting much larger contingents of Taliban fighters than previously understood in the “targeted killing” deployment. This could be – and in some circumstances today is – being done by the military; it is also done by the CIA under orders of the President partly because of purely political concerns; much of it today seems to be a combined operation of military and CIA.¶ Whoever conducts it and whatever legal issues it might raise, the point is that this activity is fundamentally counterinsurgency. The fighters are targeted in much larger numbers in the camps than would be the case in “targeted killing,” and this is a good instance of how targeted killing and drone warfare need to be differentiated. The targets are not individuated, either in the act of targeting or in the decision of who and where to target: this is simply an alternative air platform for doing what might otherwise be done with helicopters, fixed wing aircraft, or ground attack, in the course of conventional counterinsurgency operations. But it also means that the numbers killed in such operations are much larger, and consist often of ordinary fighters who would otherwise pile into trucks and cross back into Afghanistan, rather than individualized “high value” targets, whether Taliban or Al Qaeda.

### 2NC No Impact to Drone Prolif

#### Prolif doesn’t cause wars- restraint wins out

**Goure ’12** [ Daniel Goure, PhD in international relations and Russian studies from the Johns Hopkins University, is a vice president of the Lexington Institute, was a member of the Defense Department’s Transition Team, served as director of the Office of Strategic Competitiveness for the Secretary of Defense and was a senior analyst with the Center for Naval Analyses, Science Applications International Corporation, SRS Technologies, R&D Associates and System Planning Corporation, has been a consultant for the Departments of State, Defense, and Energy, has been an adjunct professor in graduate programs at the Center for Peace and Security Studies at Georgetown University, and an adjunct professor at National Defense University, “Drones and the Changing Nature of Warfare: Hold the Presses!” <http://www.cato-unbound.org/2012/01/13/daniel-goure/drones-changing-nature-warfare-hold-presses>]

Despite the proliferation of drones, particularly by the United States, at best it can be argued that the proliferation of unmanned aerial systems (UASs) is changing tactics, particularly with respect to operations on land. The predominant mission of drones today is to collect information, primarily electro-optical data in the form of pictures and full motion video. The overwhelming majority of drone flying hours are conducted by systems such as Aerovironment’s Wasp, Puma, and Raven; Insitu’s ScanEagle; and Textron’s Shadow for the purpose of providing overwatch for maneuvering Army and Marine Corps units. Even the vaunted Predator, a variant of which, the MQ-9 Reaper, is the platform employed for armed strikes, is predominantly employed for intelligence, surveillance, and reconnaissance missions. The larger systems such as Northrop Grumman’s Global Hawk and Lockheed Martin’s stealthy RQ-170 Sentinel are intended solely to gather intelligence.¶ Armed drones serve a niche function. They are useful in situations where real-time tactical intelligence is required in order to launch a weapon and the operating environment is extremely benign. Because they can loiter in the area of a suspected target, waiting for positive identification and the proper time to strike with the least possibility of inflicting collateral damage, they are far less lethal than any other aerial weapons system.¶ Attempts to connect an increased tendency to use force are supported neither by the evidence nor by logic. The frequency and intensity of conflicts has declined even as the ability to conduct remote combat has increased exponentially. There were only a handful of drones available to the U.S. military when Operations Enduring Freedom and Iraqi Freedom began. The lack of unmanned systems appears to have posed no obstacle to the decision to initiate either operation.¶ It is difficult to accord any serious influence over the conduct of air operations in past or current conflicts to the presence of armed drones. In the era before drones, the U.S. imposed ten year long no-fly zones over northern and southern Iraq. In addition, the number of drone sorties in total is but a tiny fraction of all aerial sorties. Armed drone sorties constitute only a small fraction of total drone missions. Cortright notes that since 2009 there have been 239 drone strikes into Pakistan. However, for the month of January 2011, Coalition forces in Afghanistan flew 387 sorties in which guns were fired or munitions expended.[2] These statistics suggest a clear preference on the part of the military for manned aerial systems and not drones in the conduct of tactical air operations. Cortright also reports that 145 drone strikes were conducted during Operation Odyssey Dawn—the liberation of Libya. Actually this is an incorrect statement. While drones were used over Libya, these were not armed flights, hence they were sorties and not strikes. But this is good example of the breathless quality of much of the analysis today of the implications of drones for warfare. Look at the numbers. The U.S. alone conducted some 3,500 sorties during Operation Odyssey Dawn. So drones amounted to 4% of the total. By the way, the United States and United Kingdom also launched 228 Tomahawk cruise missiles during this operation, 112 on the first night of the conflict. If we are to accord to weapon systems influence over the decision to use force, then in the case of Libya, precedence must be given based simply on the number of sorties conducted to cruise missiles, aerial refueling tankers, tactical fighters, and even cargo planes before we come to the little-used drone.¶ The availability of unmanned aerial systems in no way makes conflict more likely or more brutal. Quite the opposite, in fact, seems to be the case. The presumption that were it not for the availability of drones, the U.S. would refrain from conducting military operations against terrorists based in Pakistan is highly dubious. We have an example of an alternative military option: Operation Enduring Freedom. As Joshua Goldstein pointed out in a recent article, the use of armed drones in Pakistan may have prevented the use of far bloodier means. “Armed drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way.”[3] According to Robert Woodward’s reporting on President Obama’s decision to deploy additional forces to Afghanistan in 2009, a number of senior advisors proposed a lower-cost, smaller deployment based on increased use of special operations forces and unmanned aerial vehicles.

### 2NC/ 1AR- Hegemony

#### History disproves effective deterrence

Kober ‘10 (Stanley Kober, Research Fellow in foreign policy studies at the Cato Institute, “The Deterrence Illusion” http://www.cato.org/pub\_display.php?pub\_id=11898, June 13, 2010)

The world at the beginning of the 21st century bears an eerie — and disquieting — resemblance to Europe at the beginning of the last century.

That was also an era of globalisation. New technologies for transportation and communication were transforming the world. Europeans had lived so long in peace that war seemed irrational. And they were right, up to a point. The first world war was the product of a mode of rational thinking that went badly off course. The peace of Europe was based on security assurances. Germany was the protector of Austria-Hungary, and Russia was the protector of Serbia. The prospect of escalation was supposed to prevent war, and it did — until, finally, it didn't. The Russians, who should have been deterred — they had suffered a terrible defeat at the hands of Japan just a few years before — decided they had to come to the support of their fellow Slavs. As countries honoured their commitments, a system that was designed to prevent war instead widened it. We have also been living in an age of globalisation, especially since the end of the cold war, but it too is increasingly being challenged. And just like the situation at the beginning of the last century, deterrence is not working. Much is made, for example, of the North Atlantic Treaty Organisation (NATO) invoking Article V — the famous "three musketeers" pledge that an attack on one member is to be considered as an attack on all — following the terrorist attacks of September 11. But the United States is the most powerful member of NATO by far. Indeed, in 2001, it was widely considered to be a hegemon, a hyperpower. Other countries wanted to be in NATO because they felt an American guarantee would provide security. And yet it was the US that was attacked. This failure of deterrence has not received the attention it deserves. It is, after all, not unique. The North Vietnamese were not deterred by the American guarantee to South Vietnam. Similarly, Hezbollah was not deterred in Lebanon in the 1980s, and American forces were assaulted in Somalia. What has been going wrong? The successful deterrence of the superpowers during the cold war led to the belief that if such powerful countries could be deterred, then lesser powers should fall into line when confronted with an overwhelmingly powerful adversary. It is plausible, but it may be too rational. For all their ideological differences, the US and the Soviet Union observed red lines during the cold war. There were crises — Berlin, Cuba, to name a couple — but these did not touch on emotional issues or vital interests, so that compromise and retreat were possible. Indeed, what we may have missed in the west is the importance of retreat in Soviet ideology. "Victory is impossible unless [the revolutionary parties] have learned both how to attack and how to retreat properly," Lenin wrote in Left-Wing Communism: An Infantile Disorder. When the Soviets retreated, the US took the credit. Deterrence worked. But what if retreat was part of the plan all along? What if, in other words, the Soviet Union was the exception rather than the rule? That question is more urgent because, in the post-cold war world, the US has expanded its security guarantees, even as its enemies show they are not impressed. The Iraqi insurgents were not intimidated by President Bush's challenge to "bring 'em on". The Taliban have made an extraordinary comeback from oblivion and show no respect for American power. North Korea is demonstrating increasing belligerence. And yet the US keeps emphasising security through alliances. "We believe that there are certain commitments, as we saw in a bipartisan basis to NATO, that need to be embedded in the DNA of American foreign policy," secretary of state Hillary Clinton affirmed in introducing the new National Security Strategy. But that was the reason the US was in Vietnam. It had a bipartisan commitment to South Vietnam under the Southeast Asia Treaty Organisation, reaffirmed through the Tonkin Gulf Resolution, which passed Congress with only two dissenting votes. It didn't work, and found its commitments were not embedded in its DNA. Americans turned against the war, Secretary Clinton among them. The great powers could not guarantee peace in Europe a century ago, and the US could not guarantee it in Asia a half-century ago.

# 1NR

#### That genocidal violence creates priming that psychologically structures escalation

**Scheper-Hughes and Bourgois ‘4**

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(Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematic- ally and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonal- ization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency” (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide are born, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human - a prerequisite to genocide and one that is carefully honed during the unremark- able peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. Collective denial and misrecognition are prerequisites for mass violence and genocide. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. They harbor the early “warning signs” (Charney 1991), the “priming” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) that push social consensus toward devaluing certain forms of human life and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

#### *No epistemology -* this is specifically true of war powers debates

Pugliese, 13 -- Macquarie University Cultural Studies professor

[Joseph, Macquarie University MMCCS (Media, Music, Communication and Cultural Studies) research director, State Violence and the Execution of Law: Biopolitcal Caesurae of Torture, Black Sites, Drones, 3-15-13, ebook accessed via EBL on 8-30-13, mss]

A constitutively incomplete scholarship: redactions, foreclosures, fragments

The work that unfolds in the chapters that follow is inscribed by a constitutively incomplete scholarship. This incompleteness is not due to the standard limitations imposed by time, word length and the other practical exigencies that impact on the process of scholarly research. Rather, this incompleteness is constitutive in quite another way. It is an incompleteness determined by the power of the state to impose fundamental omissions of information through the redaction of key documents, through the legal silencing of its agents and through the literal obliteration of evidence. These are all techniques of foreclosure that establish the impossibility of disclosure. In rhetorical terms, the redactions that score the legal texts that I examine operate as aposiopetic ﬁgures; ﬁgures that, in keeping with Greek etymology of the term, demand the keeping of silence. In their liquidation of linguistic meaning, they establish voids of signiﬁcation. Through the process of institutionalized censorship, they order into silence the voices of those subjects who might proceed to name the violence they perpetrated, while also nullifying the voices of the tortured. As rectilinear bars of blackness, the redactions that score the state’s declassiﬁed texts occlude the victims of state violence even as they neatly geometrize the disorder of torn flesh and violated bodies. The slabs of redaction encrypt the disappeared victims of torture in their textual black coffins. As such, they graphically exemplify the obliterative violence of law. These aposiopetic tracts are the textual and symbolic equivalent of the physical violence that is exercised by the state in order to silence its captives. Perhaps the most graphic incarnation of this transpired at Guantanamo, where a detainee, after an interrogation session, ‘began to yell (in Arabic): “Resist, Resist with all your might.”’102 The Interrogation Control Element Chief for Joint Task Force 170# GTMO ordered the detainee to be silenced with duct tape. In their Summarized Witness Statement, an unnamed agent recounts what they witnessed: "˜When I arrived at the interrogation room. I observed six or seven soldiers (or persons I believed were soldiers) laughing and pointing at something inside the room. When I looked inside I noticed a detainee with his entire head covered in duct tape . . . When I asked how he planned to take the tape off without hurting the detainee (the detainee had a beard and longer hair) [redacted] just laughed" The reduction of the detainee to a figure of bondage - short-shackled to the floor and manacled - is not adequate in confirming his status as captive. His face and voice, evidence of his human status, must be physically redacted. The taping of his entire head transmutes him into a faceless papier-machê mannequin. Even the most minimal sign of resistance, such as the exercise of the voice, IIILISI be subju- gated. The corporal economies of torture oscillate between the exercise of violence in order to extort confessions from broken bodies finally rendered docile and the exercise of violence to silence those insurgent bodies that refuse the order to be silent. The duct taping of the head of the detainee emblematizes the deployment of two violent modalities of torture: instrumental and gratuitous. Instrumental violence is produced by the direct application of tools and technologies - such as cables, pliers. electrodes and so on ~ onto the body of the victim in order to inflict pain. In this case the duct taping of the detainee's entire head directly produces a terrifying sense of asphyxiation. Gratuitous violence is a type of supplementary violence that results indirectly, after the fact of the application of instrumental violence. In this instance, the instrumentalized application of duct tape was principally driven by the desire to silence and subjugate the detainee. The ripping off of the duct tape and the tearing of his hair and beard will generate a violence that is wanton, augmenting the pain of having one's facial apertures sealed up. The end result is to confirm the detainee's status as subjugated object of violence. The US government’s power to withhold or destroy information runs the full gamut of censorial practices -- from the ludicrous to the indefensible. The CIA, for example, has exercised an impressive commitment to linguistic probity by insisting on the redaction of such disturbing terms as ‘rot,’ ‘shithole’ and ‘urinal’ from the testimony of one its former interrogators.104 It has also overseen the wholesale destruction of 92 videos that document the torture practices inflicted on their victims; torture practices that allegedly ‘went even beyond those approved by the expansive Yoo and Bybee Torture Memos.’105 These censorial practices have fundamentally determined the very material conditions of possibility of my research. They have produced a complex textual field inscribed by gaps, silences and the contingent fragments of knowledge that have managed to enter the public domain despite the censorial power of the state. And I refer here to the extraordinary work of individuals - such as Bradley Manning, who is himself now a victim of the state`s punitive regime of cruel and degrading punishment - or organizations, such as WikiLeaks, that have defied the censorial power of the state in order to make public texts that document the full extent of the state's violent practices and that compel its witnesses to call it to account. The work of these whistle- blowers and activists evidences the fact that the state is not an impervious monolith of repressive power but that, on the contrary, much as it strives to be unilateral in its actions and monologic in its enunciations, the state cannot completely master its heterogeneous agents or silence its heteroglossic voices. In the chapters that follow, I draw heavily on the texts that document the operations of the state in executing and exceeding its laws. I also, however, take the time to reflect critically on the materiality of the absences that mark my field of study by focusing specifically on the redactions that score a number of the key state documents to which I refer. These redactions, as I argue in Chapter 5, visibly signify both the sovereign power of the state and its insecurity. I read these redactions as techniques designed to manage, control and, where necessary, to obliterate knowledge altogether. In effect, these redactions function to constitute the opposite of epistemology: they generate official systems of unknowing, anti-epistemologies that consign the reading subject to ignorance and unknowledge. Faced with these lacunae, I attempt to unsettle the anti-epistemological practices of redaction by reading the very processes of redaction as symbolic instantiations of state violence: they reproduce, textually, their own figural black sites that effectively occlude the names of the agents responsible for the torture practices, even as they also become the black holes to which are dispatched the victims of such practices. Against the grain, then, I read these black sites of redaction as the textual and symbolic equivalent to the material black site prisons run by the state. The anti-epistemological violence of these sites of redaction works in tandem with the ontological violence that the state visits upon its embodied subjects.

I’ll do link work here

#### Worse wars case turnTrombly, 12 – Caerus Analytics, LLC National Security/International Affairs analyst

[Daniel, "Drones are a symptom, not a cause," 5-23-12, slouchingcolumbia.wordpress.com/2012/05/23/drones-are-a-symptom-not-a-cause/, accessed 9-2-13, mss]

Drones have yet to be used in a situation where a pilot of a manned strike platform would have been at serious risk from something besides a plane crash. In practice, in these kinds of campaigns the most vulnerable people are those operating on the ground to support drone operations, and more of them, not fewer of them, are brought in to support so-called drone wars. But does the lack of accident threat increase bellicosity? Not really, since again, in virtually all theaters of drone use, drone strikes occur where manned strikes or manned ISR support is also occurring. These aircraft are also at accident risk, yet they are often used alongside drones or to fulfill missions that drones also carry out. While again, on paper, drones remove these risk, in practice the kind of missions policymakers employ drones with does not suggest drones have significantly changed their calculus towards waging standoff strike campaigns. Policymakers are relying on drones The United States is only “relying” on drones in Pakistan, and even then, in Pakistan it’s also operating Counterterrorism Pursuit Teams on the ground and other proxy militia forces, and very likely receiving the kind of manned ISR support that drones very frequently do in Afghanistan (along with strike support in that theater, of course). The “unique capabilities” of drones do not change the calculus to actually initiate military action, they just change the relative logistical load of the operation. That’s not a revolution and that’s hardly enough evidence to suggest it significantly effects U.S. bellicosity or the accountability of warmaking by giving policymakers a cost free option for prosecuting strikes. In Yemen and Somalia, policymakers almost certainly are not relying on drones. The first drone strikes in Somalia did not occur until years after the U.S. had begun using JSOC ground forces, helicopters, gunships, and naval aircraft and ship fires to target the ICU and later al Shabaab. Even then, drones have yet to actually take over the duties of strike missions, as the F-15E squadron in Djibouti suggests. In Yemen, the strikes have generally been a mix of platforms that has ranged from drones, to seaborne fire missions, to manned aircraft. So it’s certainly not an undisputed fact that policymakers are relying on drones, even if this factor is publicly played up by the media and government alike. If anything, drones are over-emphasized to hide the very many people operating on the ground and in manned supporting strike and ISR platforms that are involved in these wars. It’s absolutely false to suggest that it’s casualty aversion or drone expendability which enables these conflicts, or otherwise policymakers would not be using manned missions in Yemen and Somalia (and they would probably be more willing to conduct high-value strikes when Pakistan clamps down on strikes). Farley suggests that policymakers are not casualty tolerant of air wars. This is false. In fact, the utter air superiority of U.S. forces has been invoked for the ease of conducting U.S. airpower interventions in the Balkans and Iraq after 1991. There’s significant evidence to suggest that policymakers consider aerial and naval assets writ large, along with deniable and covert SOF assets, more expendable than regular ground troops from the Army and the USMC. The record of U.S. military interventions suggests this. Casualty aversion from ground troops did not prevent the growth of an airpower mystique among policymakers which allowed for interventions in Bosnia, Kosovo, Iraq between 1991-2003, and later, Libya. The punitive use of aerial and standoff fires is extended to virtually all aerial assets, and in many cases policymakers are more eager to send manned aircraft against enemy air defenses than they are to send unmanned strike aircraft into contested areas. If Farley was arguing, as many other commentators have, that there is a general airpower mystique, that would be a much more plausible argument. But the conduct of U.S. military interventions since 1991 suggests that policymakers are not very worried about pilot casualties (even after the shoot-down of an F-16 in Bosnia and an F-117 in the Kosovo War), and drone strikes rarely occur when there’s a real threat of pilot casualties beyond the accidents that can afflict the manned strike and ISR assets used alongside them. Drones make policymakers more prone to use force This is highly unlikely. As I have noted, in Yemen, Somalia, and Pakistan, drone use has been dependent on both militarily and diplomatically permissive environments, and they are generally used alongside [non-drone]manned assets, proxy forces, special operations, and security force assistance to other states. In other words, there are a variety of militarized options which are employed concomitantly which all suggest drone strikes were not the limiting factor in the U.S. choosing to find a variety of direct and indirect methods for covertly and overtly killing foes determined to be hostile to the country. Secondly, the fact that the U.S. also uses the Pursuit Teams and other covert actors in Pakistan suggests that the U.S. would still be trying to kill its enemies across the borders if drones were not available. In Yemen there isn’t convincing evidence that drones are the reason the U.S. chose to militarize its policy there, as the increase in strikes starting in 2009 came with an increase in [non-drone]manned and naval strikes. In Somalia, drones are definitively not the reason the U.S. chose to militarize its counterterrorism policy there, as U.S. strikes in support of the American-backed Ethiopian invasion in 2006 were all of a manned variety. Thirdly, there’s little suggestion that drones are blinding policymakers to the virtues of riskier means of force, an example of which that Farley cites is SOF. But SOCOM has expanded enormously alongside the growth of the drone program, and SOCOM and JSOC are operating on the ground in far far more countries than we use drones! Not only that, but JSOC, CIA SAD operators, and proxy forces such as contractors, militia groups and foreign military forces are all in play in Yemen, Somalia, and Pakistan. Standoff strikes are always and everywhere just one prong of the U.S. counterterrorism strategy – even the kinetic aspects. If anything, the biggest advantage to policymakers of drones, in terms of initiating and continuing use of force, is that they allow policymakers to obscure and misinform the public and the international community – and each other – as to the extent of the military and covert campaign. But that’s not drones eluding accountability and enabling bellicosity, it’s secrecy and the management of public perceptions. The CIA had methods of doing this thing before today’s remotely-operated weapons were invented. Back in the day, when you wanted to avoid the bad publicity of USAF or USN platforms getting formally involved in “shadow wars” (and they often were anyway, as they very obviously are now), you started a secret air force. Former USAF or USN airframes, crewed and often even supported by foreign nationals or deniable covert operators. This was what happened in Cuba and the Congo. Drones make very little difference in the ability of policymakers to militarize U.S. foreign policy approaches. They are insufficient for action in military impermissive airspace, and they are almost always used alongside manned assets, and they are always used alongside covert ground or proxy forces. This is why I greatly admire the work of national security journalists (the first coming to mind being Jeremy Scahill and Marc Ambinder and D.B. Grady) who sketch out not simply the new hotness that is killer robots, but the full spectrum of direct and indirect methods that are by necessity and by preference used along side drone attacks, such as SOF, manned platforms, naval assets, spies, mercenaries, unsavory foreign security services, militias, warlords, and even terrorists previously targeted by the U.S. to attack America’s real and imagined enemies in places like Yemen and Somalia. Criticism that exalts the mythical capabilities of drones to conduct cost-free, casualty-free campaigns in fact enables to prosecution of unaccountable wars. Why? Because it’s not having the option of drones which make the policymakers responsible for determining the mission and demanding warheads put to foreheads decide to do so. If it was, then we’d see being drones used in the expendable, cost-free ways that our comprehensive strike campaigns and covert wars suggest is not occurring. Instead, the exaltation of these game-changing features of drones, which will be eagerly swallowed by the broader public, if not by critics of the war on terror, is often parroted by the fears of drone critics, which give policymakers the ability to obscure the extent of the “drone wars” and what is really going on. It’s not drones that decrease accountability or increase bellicosity. It’s secrecy and bureaucratic politics. Drones don’t truly offer any advantages in terms of secrecy or bureaucratic politics that did not already exist or are not being cultivated alongside drones by other branches of the military and intelligence community. Even the much-vaunted ability that drones give the CIA to conduct military-grade “secret wars” was pioneered aerially by the “instant air forces” of the Cold War that it set up, as well as other proxy assets with which the CIA can emply and is now employing in its modern shadow conflicts. The very same compartmentalization and secrecy that protect the drone campaign also protects the activities of [non-drone]manned strike missions, SOCOM, CIA assets, and U.S.-backed proxy forces. Drones only marginally alter the kind of impunity that U.S. air superiority gave American policymakers to launch its airpower interventions of the 1990s and 2000s (themselves, as Carl Schmitt foresaw in the 1950s, an outgrowth of naval technology). What’s at least slightly novel about these campaigns is the way in which bureaucracies and secrecy have been utilized to obscure policymakers use of all manner of overt and covert strike, ground, intelligence and proxy assets from proxy criticism, even though even this was essentially cultivated during the Cold War. Perhaps some day in the future drone capabilities will improve enough that they will actually encourage the lack of accountability and bellicosity that critics blame for them. But the record of drone usage so far suggests that the evasions of accountability and enablings of bellicosity in question are equally available to [non-drone]manned assets, standoff naval assets, and deniable covert assets. Drones have yet to be responsible for a single militarization of a U.S. CT campaign that would not have been militarized by the concomitant use of other assets. They’re a symptom of the post-Iraq decision to conduct comprehensive shadow conflicts against AQAM ( arguably pioneered in the Horn of Africa long before strike drones showed up), not from what we can observe in the conduct of drones so far, a cause of its direction. They are a useful instrument in the toolbox. But it’s the toolbox, not any one tool in it, that’s shaping policy. Giving the drones the kind of hype they receive from critics and proponents alike shifts debate obscures what’s really allowing policymakers to conduct today’s wars.

[Matt note: gender-modified]

#### Hollow hope link

Zenko 13 – fellow @ CFR

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**In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63** Under **President** Obama drone strikes have expanded and intensified**, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64** But **much** as **the** Bush **administration** was compelled to reform **its controversial** counterterrorism **practices,** it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. **The** Obama **administration** can preempt this pressure **by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and inter- national humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy** by limiting drone strikes **to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease).** The choice **the United States faces** is notbetween unfettered drone use and sacrificing freedom of action, but between drone **policy** reforms by design or **drone policy reforms** by default.Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways **that the CIA or JSOC have** not anticipated. **In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies,** drone strikes are vulnerable to **similar—albeit still largely untapped—**moral outrage**,** and **they are even more** susceptible to political constraints **because they occur in plain sight.** Indeed, a negative trend in U.S. public opinion on drones is already apparent. **Between February and June 2012,** U.S. support for drone strikes against suspected terrorists fell **from 83 per- cent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gun- ships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forc- ing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making signifi- cant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allow- ing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resis- tance—such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attack- ing Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes.** Nevertheless, **in each of these cases,** domestic anger would **partially or** fully abate if the United States modified its drone policy **in the ways suggested below**

#### Maintaining hegemony accelerates paranoid imperial violence – their obsession manufactures threats and conceals the US’ role in enemy construction – the alternative makes visible power relationships that enable endless warfare

McClintock 09, (Anne, Simone de Beauvoir Professor of English and Women’s and Gender Studies at the University of Wisconsin, Madison, "Paranoid Empire: Specters from Guantánamo and Abu Ghraib," Muse)

By now it is fair to say that the United States has come to be dominated by two grand and dangerous hallucinations: the promise of benign US globalization and the permanent threat of the “war on terror.” I have come to feel that we cannot understand the extravagance of the violence to which the US government has committed itself after 9/11—two countries invaded, thousands of innocent people imprisoned, killed, and tortured—unless we grasp a defining feature of our moment, that is, a deep and disturbing doubleness with respect to power. Taking shape, as it now does, around fantasies of global omnipotence (Operation Infinite Justice, the War to End All Evil) coinciding with nightmares of impending attack, the United States has entered the domain of paranoia: dream world and catastrophe. For it is only in paranoia that one finds simultaneously and in such condensed form both deliriums of absolute power and forebodings of perpetual threat. Hence the spectral and nightmarish quality of the “war on terror,” a limitless war against a limitless threat, a war vaunted by the US administration to encompass all of space and persisting without end. But the war on terror is not a real war, for “terror” is not an identifiable enemy nor a strategic, real-world target. The war on terror is what William Gibson calls elsewhere “a consensual hallucination,”[4](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f4) and the US government can fling its military might against ghostly apparitions and hallucinate a victory over all evil only at the cost of catastrophic self-delusion and the infliction of great calamities elsewhere. [End Page 51] I have come to feel that we urgently need to make visible (the better politically to challenge) those established but concealed circuits of imperial violence that now animate the war on terror. We need, as urgently, to illuminate the continuities that connect those circuits of imperial violence abroad with the vast, internal shadowlands of prisons and supermaxes—the modern “slave-ships on the middle passage to nowhere”—that have come to characterize the United States as a super-carceral state.[5](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f5) Can we, the uneasy heirs of empire, now speak only of national things? If a long-established but primarily covert US imperialism has, since 9/11, manifested itself more aggressively as an overt empire, does the terrain and object of intellectual inquiry, as well as the claims of political responsibility, not also extend beyond that useful fiction of the “exceptional nation” to embrace the shadowlands of empire? If so, how can we theorize the phantasmagoric, imperial violence that has come so dreadfully to constitute our kinship with the ordinary, but which also at the same moment renders extraordinary the ordinary bodies of ordinary people, an imperial violence which in collusion with a complicit corporate media would render itself invisible, casting states of emergency into fitful shadow and fleshly bodies into specters? For imperialism is not something that happens elsewhere, an offshore fact to be deplored but as easily ignored. Rather, the force of empire comes to reconfigure, from within, the nature and violence of the nation-state itself, giving rise to perplexing questions: Who under an empire are “we,” the people? And who are the ghosted, ordinary people beyond the nation-state who, in turn, constitute “us”? We now inhabit a crisis of violence and the visible. How do we insist on seeing the violence that the imperial state attempts to render invisible, while also seeing the ordinary people afflicted by that violence? For to allow the spectral, disfigured people (especially those under torture) obliged to inhabit the haunted no-places and penumbra of empire to be made visible as ordinary people is to forfeit the long-held US claim of moral and cultural exceptionalism, the traditional self-identity of the United States as the uniquely superior, universal standard-bearer of moral authority, a tenacious, national mythology of originary innocence now in tatters. The deeper question, however, is not only how to see but also how to theorize and oppose the violence without becoming beguiled by the seductions of spectacle alone.[6](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f6) Perhaps in the labyrinths of torture we must also find a way to speak with ghosts, for specters disturb the authority of vision and the hauntings of popular memory disrupt the great forgettings of official history. [End Page 52] Paranoia Even the paranoid have enemies. —Donald Rumsfeld Why paranoia? Can we fully understand the proliferating circuits of imperial violence—the very eclipsing of which gives to our moment its uncanny, phantasmagoric cast—without understanding the pervasive presence of the paranoia that has come, quite violently, to manifest itself across the political and cultural spectrum as a defining feature of our time? By paranoia, I mean not simply Hofstadter’s famous identification of the US state’s tendency toward conspiracy theories.[7](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f7) Rather, I conceive of paranoia as an inherent contradiction with respect to power: a double-sided phantasm that oscillates precariously between deliriums of grandeur and nightmares of perpetual threat, a deep and dangerous doubleness with respect to power that is held in unstable tension, but which, if suddenly destabilized (as after 9/11), can produce pyrotechnic displays of violence. The pertinence of understanding paranoia, I argue, lies in its peculiarly intimate and peculiarly dangerous relation to violence.[8](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f8) Let me be clear: I do not see paranoia as a primary, structural cause of US imperialism nor as its structuring identity. Nor do I see the US war on terror as animated by some collective, psychic agency, submerged mind, or Hegelian “cunning of reason,” nor by what Susan Faludi calls a national “terror dream.”[9](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f9) Nor am I interested in evoking paranoia as a kind of psychological diagnosis of the imperial nation-state. Nations do not have “psyches” or an “unconscious”; only people do. Rather, a social entity such as an organization, state, or empire can be spoken of as “paranoid” if the dominant powers governing that entity cohere as a collective community around contradictory cultural narratives, self-mythologies, practices, and identities that oscillate between delusions of inherent superiority and omnipotence, and phantasms of threat and engulfment. The term paranoia is analytically useful here, then, not as a description of a collective national psyche, nor as a description of a universal pathology, but rather as an analytically strategic concept, a way of seeing and being attentive to contradictions within power, a way of making visible (the better politically to oppose) the contradictory flashpoints of violence that the state tries to conceal. [End Page 53] Paranoia is in this sense what I call a hinge phenomenon, articulated between the ordinary person and society, between psychodynamics and socio-political history. Paranoia is in that sense dialectical rather than binary, for its violence erupts from the force of its multiple, cascading contradictions: the intimate memories of wounds, defeats, and humiliations condensing with cultural fantasies of aggrandizement and revenge, in such a way as to be productive at times of unspeakable violence. For how else can we understand such debauches of cruelty?