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## Geography 1AC

**Advantage {X}: Drone Failure**

**Drone strikes are causing instability and terrorist backlash in Pakistan and Yemen- creating a failed state syndrome and killing relations**

Rohde ’12 (David Rohde, American author and investigative journalist for Thomson Reuters. While a reporter for The Christian Science Monitor, he won the Pulitzer Prize for International Reporting in 1996 for his coverage of the Srebrenica massacre. From July 2002 until December 2004, he was co-chief of The New York Times' South Asia bureau, based in New Delhi, India. He shared a second Pulitzer Prize for Times 2008 team coverage of Afghanistan and Pakistan, While in Afghanistan, Rohde was kidnapped by members of the Taliban in November 2008, but managed to escape in June 2009 after seven months in captivity, “How Obama’s drone war is backfiring”, <http://blogs.reuters.com/david-rohde/2012/03/01/how-obamas-drone-war-is-backfiring/>, March/April issue of Foreign Policy, March 1, 2012)

When Barack Obama took the oath of office three years ago, no one associated the phrase “targeted killing” with his optimistic young presidency. In his inaugural address, the 47-year-old former constitutional law professor uttered the word “terror” only once. Instead, he promised to use technology to “harness the sun and the winds and the soil to fuel our cars and run our factories.” Oddly, technology has enabled Obama to become something few expected: a president who has dramatically expanded the executive branch’s ability to wage high-tech clandestine war. With a determination that has surprised many, Obama has embraced the CIA, expanded its powers and approved more targeted killings than any modern president. Over the last three years, the Obama administration has carried out at least 239 covert drone strikes, more than five times the 44 approved under George W. Bush. And after promising to make counterterrorism operations more transparent and rein in executive power, Obama has arguably done the opposite, maintaining secrecy and expanding presidential authority. Just as importantly, the administration’s excessive use of drone attacks undercuts one of its most laudable policies: a promising new post-9/11 approach to the use of lethal American force, one of multilateralism, transparency and narrow focus. Obama’s willingness to deploy lethal force should have come as no surprise. In a 2002 speech, Illinois State Senator Obama opposed Bush’s impending invasion of Iraq, but not all conflicts. “I don’t oppose all wars,” he said. “What I am opposed to is a dumb war.” And as president, in his December 2009 Nobel Peace Prize acceptance speech, Obama warned, “There will be times when nations — acting individually or in concert — will find the use of force not only necessary but morally justified.” Since then, he has not only sent U.S. forces into Afghanistan, Iraq and Libya, but also repeatedly approved commando raids in Pakistan and Somalia and on the high seas, while presiding over a system that unleashed hundreds of drone strikes. In a series of recent interviews, current and former administration officials outlined what could be called an “Obama doctrine” on the use of force. Obama’s embrace of multilateralism, drone strikes and a light U.S. military presence in Libya, Pakistan and Yemen, they contend, has proved more effective than Bush’s go-heavy approach in Iraq and Afghanistan. “We will use force unilaterally if necessary against direct threats to the United States,” Ben Rhodes, the administration’s deputy national security advisor for strategic communications, told me. “And we’ll use force in a very precise way.” Crises the administration deems indirect threats to the United States — such as the uprisings in Libya and Syria — are “threats to global security,” Rhodes argued, and will be responded to multilaterally and not necessarily by force. The drawdown of U.S. troops in Iraq and Afghanistan, as well as the creation of a smaller, more agile U.S. military spread across Asia, the Pacific and the Middle East, are also part of the doctrine. So is the discreet backing of protesters in Egypt, Iran and Syria. The emerging strategy — which Rhodes touted as “a far more focused approach to our adversaries” — is a welcome shift from the martial policies and bellicose rhetoric of both the Bush administration and today’s Republican presidential candidates. But Obama has granted the CIA far too much leeway in carrying out drone strikes in Pakistan and Yemen. In both countries, the strikes often **appear to be backfiring**. Obama and other administration officials insist the drones are used rarely and kill few civilians. In a rare public comment on the program, the president defended the strikes in late January. “I want to make sure the people understand, actually, drones have not caused a huge number of civilian casualties,” Obama said. “For the most part, they have been very precise precision strikes against al Qaeda and their affiliates. And we are very careful in terms of how it’s been applied.” But from Pakistan to Yemen to post-American Iraq, **drones** often **spark deep resentment** where they operate. When they do attack, they kill as brutally as any weapon of war. The administration’s practice of classifying the **strikes as secret** only **exacerbates** local **anger and suspicion**. Under Obama, drone strikes have become too frequent, too unilateral, and too much associated with the heavy-handed use of American power. In 2008, I saw this firsthand. Two Afghan colleagues and I were kidnapped by the Taliban and held captive in the tribal areas of Pakistan for seven months. From the ground, drones are terrifying weapons that can be heard circling overhead for hours at a time. They are a potent, unnerving symbol of unchecked American power. At the same time, they were clearly effective, killing foreign bomb-makers and preventing Taliban fighters from gathering in large groups. The experience left me convinced that drone strikes should be carried out — but very selectively. In the January interview, Obama insisted drone strikes were used only surgically. “It is important for everybody to understand,” he said, “that this thing is kept on a very tight leash.” Drones, though, are in no way surgical. In interviews, current and former Obama administration officials told me the president and his senior aides had been eager from the outset to differentiate their approach in Pakistan and Afghanistan from Bush’s. Unlike in Iraq, where Democrats thought the Bush administration had been too aggressive, they thought the Bush White House had not been assertive enough with Afghan and Pakistani leaders. So the new administration adopted a unilateral, get-tough approach in South Asia that would eventually spread elsewhere. As candidate Obama vowed in a 2007 speech, referring to Pakistan’s president at the time, “If we have actionable intelligence about high-value terrorist targets and President Musharraf won’t act, we will.” In his first year in office, Obama approved two large troop surges in Afghanistan and a vast expansion of the number of CIA operatives in Pakistan. The CIA was also given more leeway in carrying out drone strikes in the country’s ungoverned tribal areas, where foreign and local militants plot attacks for Afghanistan, Pakistan and beyond. The decision reflected both Obama’s belief in the need to move aggressively in Pakistan and the influence of the CIA in the new administration. To a far greater extent than the Bush White House, Obama and his top aides relied on the CIA for its analysis of Pakistan, according to current and former senior administration officials. As a result, preserving the agency’s ability to carry out counterterrorism, or “CT,” operations in Pakistan became of paramount importance. “The most important thing when it came to Pakistan was to be able to carry out drone strikes and nothing else,” said a former official who spoke on condition of anonymity. “The so-called strategic focus of the bilateral relationship was there solely to serve the CT approach.” Initially, the CIA was right. Increased drone strikes in the tribal areas eliminated senior al Qaeda operatives in 2009. Then, in July 2010, Pakistanis working for the CIA pulled up behind a white Suzuki navigating the bustling streets of Peshawar. The car’s driver was later tracked to a large compound in the city of Abbottabad. On May 2, 2011, U.S. commandos killed Osama bin Laden there. The U.S. intelligence presence, though, extended far beyond the hunt for bin Laden, according to former administration officials. At one point, the CIA tried to deploy hundreds of operatives across Pakistan but backed off after suspicious Pakistani officials declined to issue them visas. At the same time, the agency aggressively used the freer hand Obama had given it to launch more drone strikes than ever before. Established by the Bush administration and Musharraf in 2004, the covert CIA drone program initially carried out only “personality” strikes against a preapproved list of senior al Qaeda members. Pakistani officials were notified before many, but not all, attacks. Between 2004 and 2007, nine such attacks were carried out in Pakistan, according to the New America Foundation. In 2008, the Bush administration authorized less-restrictive **“signature” strikes** in the tribal areas. Instead of basing attacks on intelligence regarding a specific person, CIA drone operators could carry out strikes based on the behavior of people on the ground. Operators could launch a drone strike if they saw a group, for example, crossing back and forth over the Afghanistan-Pakistan border. In 2008, the Bush administration carried out 33 strikes. Under Obama, the drone campaign has escalated rapidly. The number of strikes rose steeply to 53 in 2009 and then more than doubled to 118 in 2010. Former administration officials said **the looser rules resulted in the killing of more civilians**. Current administration officials insisted that Obama, in fact, tightened the rules on the use of drone strikes after taking office. They said strikes rose under Obama because improved technology and intelligence gathering created more opportunities for attacks than existed under Bush. But as Pakistani public anger over the spiraling strikes grew, other diplomats expressed concern as well. The U.S. ambassador in Pakistan at the time, Anne Patterson, opposed several attacks, but the CIA ignored her objections. When Cameron Munter replaced Patterson in October 2010, he objected even more vigorously. On at least two occasions, CIA Director Leon Panetta dismissed Munter’s protests and launched strikes, the Wall Street Journal later reported. One strike occurred only hours after Sen. John Kerry, head of the Senate Foreign Relations Committee, had completed a visit to Islamabad. A March 2011 strike brought the debate to the White House. A day after Pakistani officials agreed to release CIA contractor Raymond Davis, the agency — again over Munter’s objections — carried out a signature drone strike that the Pakistanis say killed four Taliban fighters and 38 civilians. Already angry about the Davis case, Pakistan’s Army chief, Gen. Ashfaq Parvez Kayani, issued an unusual public statement, saying a group of tribal elders had been “carelessly and callously targeted with complete disregard to human life.” U.S. intelligence officials dismissed the Pakistani complaints and insisted 20 militants had perished. “There’s every indication that this was a group of terrorists, not a charity car wash in the Pakistani hinterlands,” one official told the Associated Press. Surprised by the vehemence of the official Pakistani reaction, National Security Adviser Tom Donilon questioned whether signature strikes were worthwhile. Critics inside and outside the U.S. government contended that a program that began as a carefully focused effort to kill senior al Qaeda leaders had morphed into a bombing campaign against low-level Taliban fighters. Some outside analysts even argued that the administration had adopted a de facto “kill not capture” policy, given its inability to close Bush’s Guantánamo Bay prison and create a new detention system. In April 2011, the director of Pakistan’s intelligence service, Lt. Gen. Ahmed Shuja Pasha, visited Washington in an effort to repair the relationship, according to news accounts and former administration officials. Just after his visit, two more drone strikes occurred in the tribal areas, which Pasha took as a personal affront. In a rare concession, Panetta agreed to notify Pakistan’s intelligence service before the United States carried out any strike that could kill more than 20 people. In May, after the bin Laden raid sparked further anger among Pakistani officials, Donilon launched an internal review of how drone strikes were approved, according to a former administration official. But the strikes continued. At the end of May, State Department officials were angered when three missile strikes followed Secretary of State Hillary Clinton’s visit to Pakistan. As Donilon’s review progressed, an intense debate erupted inside the administration over the signature strikes, according to the Wall Street Journal. Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, said the strikes should be more selective. Robert Gates, then the defense secretary, warned that angry Pakistani officials could cut off supplies to U.S. troops in Afghanistan. Clinton warned that too many **civilian casualties** could **strengthen opposition to Pakistan’s weak**, pro-American **president**, Asif Ali Zardari. The CIA countered that Taliban fighters were legitimate targets because they carried out cross-border attacks on U.S. forces, according to the former official. In June, Obama sided with the CIA. Panetta conceded that no drone strike would be carried out when Pakistani officials visited Washington and that Clinton and Munter could object to proposed strikes. But Obama allowed the CIA director to retain final say. Last November, the worst-case scenario that Mullen, Gates and Clinton had warned of came to pass. After NATO airstrikes mistakenly killed 24 Pakistani soldiers on the Afghanistan-Pakistan border, Kayani [army chief general] demanded an end to all U.S. drone strikes and blocked supplies to U.S. troops in Afghanistan. At the same time, popular opposition to Zardari soared. After a nearly two-month lull that allowed militants to regroup, drone strikes resumed in the tribal areas this past January. But signature strikes are no longer allowed — for the time being, according to the former senior official. Among average Pakistanis, the strikes played out disastrously. In a 2011 Pew Research Center poll, 97 percent of Pakistani respondents who knew about the attacks said American drone strikes were a “bad thing.” Seventy-three percent of Pakistanis had an unfavorable view of the United States, a 10-percentage-point rise from 2008. Administration officials say the strikes are popular with Pakistanis who live in the tribal areas and have tired of brutal jihadi rule. And they contend that Pakistani government officials — while publicly criticizing the attacks — agree in private that they help combat militancy. Making the strikes more transparent could reduce public anger in other parts of Pakistan, U.S. officials concede. But they say some elements of the Pakistani government continue to request that the strikes remain covert. For me, the bottom line is that both governments’ approaches are failing. Pakistan’s economy is dismal. Its military continues to shelter Taliban fighters it sees as proxies to thwart Indian encroachment in Afghanistan. And the percentage of Pakistanis supporting the use of the Pakistani Army to fight extremists in the tribal areas — the key to eradicating militancy — dropped from a 53 percent majority in 2009 to 37 percent last year. **Pakistan is more unstable today than it was when Obama took office**. A similar dynamic is creating even worse results on the southern tip of the Arabian Peninsula. Long ignored by the United States, Yemen drew sudden attention after a suicide attack on the USS Cole killed 17 American sailors in the port of Aden in 2000. In 2002, the Bush administration carried out a single drone strike in Yemen that killed Abu Ali al-Harithi, an al Qaeda operative who was a key figure in orchestrating the Cole attack. In the years that followed, the administration shifted its attentions to Iraq, and militants began to regroup. A failed December 2009 attempt by a militant trained in Yemen to detonate a bomb on a Detroit-bound airliner focused Obama’s attention on the country. Over the next two years, the United States carried out an estimated 20 airstrikes in Yemen, most in 2011. In addition to killing al Qaeda-linked militants, the strikes killed dozens of civilians, according to Yemenis. Instead of decimating the organization, the Obama strikes have increased the ranks of al Qaeda in the Arabian Peninsula from 300 fighters in 2009 to more than 1,000 today, according to Gregory Johnsen, a leading Yemen expert at Princeton University. In January, the group briefly seized control of Radda, a town only 100 miles from the capital, Sanaa. “I don’t believe that the U.S. has a Yemen policy,” Johnsen told me. “What the U.S. has is a counterterrorism strategy that it applies to Yemen.” The deaths of bin Laden and many of his lieutenants are a step forward, but Pakistan and Yemen are increasingly unstable. Pakistan is a nuclear-armed country of 180 million with resilient militant networks; Yemen, an impoverished, failing state that is fast becoming a new al Qaeda stronghold. “They think they’ve won because of this approach,” the former administration official said, referring to the administration’s drone-heavy strategy. “A lot of us think there is going to be a lot bigger problems in the future.” The backlash from drone strikes in the countries where they are happening is not the only worry. In the United States, civil liberties and human rights groups are increasingly concerned with the breadth of powers Obama has claimed for the executive branch as he wages a new kind of war. In the Libya conflict, the administration invoked the drones to create a new legal precedent. Under the War Powers Resolution, the president must receive congressional authorization for military operations within 60 days. When the deadline approached in May, the administration announced that because NATO strikes and drones were carrying out the bulk of the missions, no serious threat of U.S. casualties existed and no congressional authorization was needed. “It’s changed the way politicians talk about what should be the most important thing that a nation engages in,” said Peter W. Singer, a Brookings Institution researcher. “It’s changed the way we in the public deliberate war.” Last fall, a series of drone strikes in Yemen set **another dangerous precedent**, according to civil liberties and human rights groups. Without any public legal proceeding, the U.S. government executed three of its own citizens. On Sept. 30, a drone strike killed Anwar al-Awlaki, a charismatic American-born cleric of Yemeni descent credited with inspiring terrorist attacks around the world. Samir Khan, a Pakistani-American jihadist traveling with him, was killed as well. Several weeks later, another strike killed Awlaki’s 16-year-old son, Abdulrahman al-Awlaki, also a U.S. citizen. Administration officials insisted a Justice Department review had authorized the killings but declined to release the full document. “The administration has claimed the power to carry out extrajudicial executions of Americans on the basis of evidence that is secret and is never seen by anyone,” said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. “It’s hard to understand how that is consistent with the Constitution.” After criticizing the Bush administration for keeping the details of its surveillance, interrogation and detention practices secret, Obama is doing the same thing. His administration has declined to reveal the details of how it places people on kill lists, carries out eavesdropping in the United States or decides whom to detain overseas. The administration is also prosecuting six former government officials on charges of leaking classified information to the media — more cases than all other administrations combined. Administration officials deny being secretive and insist they have disclosed more information about their counterterrorism practices than the Bush administration, which fiercely resisted releasing details of its “war on terror” and established the covert drone program in Pakistan. Obama administration officials say they have established a more transparent and flexible approach outside Pakistan that involves military raids, drone strikes and other efforts. They told me that every attack in Yemen was approved by Yemeni officials. Eventually, they hope to make drone strikes joint efforts carried out openly with local governments. For now, keeping them covert prevents American courts from reviewing their constitutionality, according to Jaffer. He pointed out that if a Republican president followed such policies, the outcry on the left would be deafening. “You have to remember that this authority is going to be used by the next administration and the next administration after that,” Jaffer said. “You need to make sure there are clear limits on what is really unparalleled power.” To their credit, Obama and his senior officials have successfully reframed Bush’s global battle as a more narrowly focused struggle against al Qaeda. They stopped using the term “war on terror” and instead described a campaign against a single, clearly identifiable group. Senior administration officials cite the toppling of Muammar al-Qaddafi as the prime example of the success of their more focused, multilateral approach to the use of force. At a cost of zero American lives and $1 billion in U.S. funding, the Libya intervention removed an autocrat from power in five months. The occupation of Iraq claimed 4,484 American lives, cost at least $700 billion, and lasted nearly nine years. “The light U.S. footprint had benefits beyond less U.S. lives and resources,” Rhodes told me. “We believe the Libyan revolution is viewed as more legitimate. The U.S. is more welcome. And there is less potential for an insurgency because there aren’t foreign forces present.” In its most ambitious proposal, the administration is also trying to restructure the U.S. military, implement steep spending cuts and “right-size” U.S. forces around the world. Under Obama’s plan, the Army would be trimmed by 80,000 soldiers, some U.S. units would be shifted from the Middle East to the Pacific, and more small, covert bases would be opened. Special Forces units that have been vastly expanded in Iraq and Afghanistan would train indigenous forces and carry out counterterrorism raids. Declaring al Qaeda nearly defeated, administration officials say it is time for a new focus. “Where does the U.S. have a greater interest in 2020?” Rhodes asked. “Is it Asia-Pacific or Yemen? Obviously, the Asia-Pacific region is clearly going to be more important.” Rhodes has a point, but Pakistan and its nuclear weapons — as well as Yemen and its proximity to vital oil reserves and sea lanes — are likely to haunt the United States for years. Retired military officials warn that drones and commando raids are no substitute for the difficult process of helping local leaders marginalize militants. Missile strikes that kill members of al Qaeda and its affiliates in Pakistan and Yemen do not strengthen economies, curb corruption or improve government services. David Barno, a retired lieutenant general who commanded U.S. forces in Afghanistan from 2003 to 2005, believes hunting down senior terrorists over and over again is not a long-term solution. “How do you get beyond this attrition warfare?” he asked me. “I don’t think we’ve answered that question yet.”

**Pakistan collapse causes nuclear war**

Pitt ‘9 (William, a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn't Want You to Know" and "The Greatest Sedition Is Silence.", “Unstable Pakistan Threatens the World,” <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183>, May 8, 2009)

But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world. The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and use d artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely serious about addressing the situation. So should we all.

**And Pakistan nukes are not secure**

Gregory ’11 (Shaun, Director of the Pakistan Security Research Unit at the University of Bradford, UK, a professor who published widely on nuclear and security issues in Pakistan and advises many governments, their agencies, and international organizations, “Terrorist Tactics in Pakistan Threaten Nuclear Weapons Safety,” CTC Sentinel, Vol. 4.6, <http://kms1.isn.ethz.ch/serviceengine/Files/ISN/131002/ichaptersection_singledocument/aa282522-4971-4513-a7ca-ec3afcd259be/en/Art+2.pdf>, accessed 10-26-11, June 2011)

Two high-profile attacks by terrorists on highly secure military bases in Pakistan, the first on the General Headquarters of the Pakistan Army in Rawalpindi in October 2009 and the second on the naval aviation base at PNS Mehran near Karachi in May 2011, have renewed international anxiety about the safety and security of Pakistan’s nuclear arsenal. This article addresses several worrying trends in Pakistan that are coming together to suggest that the safety and security of nuclear weapons materials in Pakistan may very well be compromised at some point in the future. The Growing Challenge of Securing Pakistan’s Nuclear Arsenal In recent months, a variety of media sources have reported a significant escalation of nuclear weapons production by Pakistan. According to some of these sources, Pakistan has been building between 12 and 15 nuclear weapons a year, effectively doubling the size of its nuclear arsenal during the past three to four years to around 100 nuclear weapons.1 More disconcerting, Pakistan is engaged in a rapid expansion of its fissile material production through two new reactors, the Khushab II, thought to be operating in some form since 2009, and Khushab III, which has been under construction since 2005-2006 and is likely to come on-stream around 2013- 2014. There is further evidence from the respected Washington-based Institute for Science and International Security that a fourth Khushab reactor may also be under early phase construction.2 Intended primarily to offset rival India’s conventional military advantage, the open-ended escalation of Pakistan’s nuclear weapons production explains why Pakistan has led the opposition to the international Fissile Material Cut-Off Treaty (FMCT), a treaty which would cap fissile material stockpiles. Aside from the intricate politics of international arms control, the steady rise in the size of Pakistan’s nuclear arsenal presents the rather more prosaic, though arguably more serious, challenge of ensuring the physical security of an ever increasing number of nuclear assets. This is not a simple matter. Safeguarding 100 weapons is a significantly greater challenge than safeguarding 50 weapons because strategic and operational realities require that those weapons are dispersed and that dispersal locations are adapted to the complex requirements of safely and securely storing nuclear weapons in various degrees of operational readiness.3 As Pakistan’s nuclear arsenal grows in the years ahead, these challenges will multiply. As many as 70,000 people in Pakistan reportedly have access to, or knowledge of, some element of the Pakistani nuclear weapons production, storage, maintenance, and deployment cycle, from those involved in the manufacture of fissile material, through those engaging in nuclear weapons design, assembly and maintenance, to those who transport and safeguard the weapons in storage and would deploy the weapons in crises.4 That number will also rise steadily as the size of the nuclear arsenal grows. This figure is important because of the complex and highly polarized debates about nuclear weapons safety and security in Pakistan. All sides of that debate agree that Pakistan has, with considerable U.S. assistance, put in place a range of robust measures to seek to assure the safety and security of its nuclear weapons. The consensus breaks down, however, on the issue of whether these measures provide adequate safety and security for Pakistan’s nuclear arsenal. The Pakistan Army, which has overall control of the weapons, and Pakistan’s government argue forcefully that they do, although even they have recently moderated their statements of reassurance.5 Critics point to a number of vulnerabilities that place these reassurances in some doubt. These vulnerabilities boil down to three core concerns: a) that the physical security of nuclear weapons—across the weapons cycle—may not be robust enough to withstand determined terrorist assault; b) that among the estimated 70,000 people with access to the nuclear weapons cycle, some may be willing to collude in various ways with terrorists;6 c) that the threat extends beyond terrorists gaining access to complete and viable nuclear weapons, and include the immense political and security implications of terrorists gaining access to fissile material, nuclear weapons components, or penetrating nuclear weapons facilities. A July 2009 article in the CTC Sentinel explained in detail the robust measures Pakistan has established to assure the safety and security of its nuclear weapons. It argued that terrorists have shown themselves able to carry out violent attacks at facilities that were reliably identified as having a nuclear weapons role. These facilities include the military complex at Wah, suspected to be involved in the manufacture of nuclear weapons parts; Kamra, suspected to be the designated base for the dispersal of nuclear assets in a crisis; and Sargodha, suspected to be a storage facility for nuclear delivery systems.7 In none of these cases, however, were the terrorist attacks themselves aimed at penetrating the bases or at seizing nuclear assets; rather, they were mass casualty bomb attacks that took advantage of the fact that Pakistani security personnel were concentrated and relatively static at base entry points as they waited to go through security barriers.8 Some analysts criticized the article, arguing that: a) terrorists in Pakistan had never shown themselves capable of penetrating high security bases; b) that the secrecy of Pakistan’s nuclear weapons sites would ensure that terrorists could not know the locations of the weapons. Within a few months, the validity of both these counterarguments would be seriously undermined when Pakistani militants penetrated the Pakistan Army’s General Headquarters (GHQ) in Rawalpindi. The Attack on Pakistan’s Army Headquarters On October 10, 2009, Tehrik-i-Taliban Pakistan (TTP) and Lashkar-i-Jhangvi militants staged an audacious attack on the Pakistan Army’s GHQ in Rawalpindi, arguably one of the most secure military complexes in Pakistan, housing within its sprawling campus not only the chief of army staff, but also many of Pakistan’s most senior military commanders, including the director-general of the Strategic Plans Division (SPD) and the director-general of Strategic Forces Command (SFC)— Pakistan’s two most senior operational nuclear commanders. The modalities of this attack add up to a virtual blueprint for a successful attack on a nuclear weapons facility: - the penetration of layers of security checkpoints, barriers, and obstacles on the approach to the sensitive military site; - the terrorist use of army uniforms and—according to some reports—a military vehicle with appropriate license plates, and forged ID cards, to deceive checkpoint personnel; - the use of a safe house relatively close to the target site for several weeks before the operation to allow the buildup of a detailed intelligence picture; - the use of a “sensitive” map (or maps) of the GHQ to allow detailed operational planning. The use of this map (or maps) point to one of two main possibilities: either that the attack had inside help, or that this kind of sensitive information is poorly controlled by the Pakistan Army/ISI; - use of the kind of weaponry—smallarms, grenades and suicide vests— which allow final tier barrier defenses to be penetrated; - use of tactics that allow final tier barriers to be penetrated: grenades and/ or suicide detonations at entry points which then allow penetration by followup commando-style groups; - use of diversionary tactics: attacking one gate first to draw off and weaken the defenses at a secondary entry point, perhaps closer to the main objective.9 In all, at least 10 terrorists were involved in the operation, with four attacking the first gate, and a further six attacking the second gate. The terrorists gained entry to the complex where they took at least 40 people hostage. It took the Pakistan Army’s elite commandos, the Special Service Group (SSG), more than 20 hours to kill or capture all of the militants and free most of the hostages. Two civilians, seven Pakistani soldiers and five SSG commandos were killed in the raid. In the months that followed the assault, several other disturbing aspects about the attack emerged. Among these was the assertion that intelligence about the attacks had been known to Pakistan’s Punjab government well before October 10 and that this intelligence had even been published in two Pakistani newspapers, The News International and The Daily Jhang, four days before the attack, but had been ignored by the Pakistan Army and ISI.10 It also emerged that the terrorists had, ironically, almost certainly learned their tactics from the SSG, which had trained earlier generations of Pakistani/Kashmiri militants in similar tactics for operations against India. In addition, there was a concerted effort by the Pakistan Army and ISI to manipulate the media reporting of the attacks, forcing several private TV channels temporarily off the air, contradicting or retracting certain details, and seeking to play down the significance of the assault.11 The second set of features of the attack relate to secrecy, and they weaken the argument that Pakistan can ultimately rely on concealment to protect its nuclear assets. The use of “sensitive” maps in the attack, the time and proximity to conduct intelligence gathering, the level of knowledge of details such as uniforms, military plates, and possibly ID cards, point to a high level of terrorist knowledge of sensitive military information and protocols, whether through insider help or not. Furthermore, detailed knowledge of Pakistan’s security force movements and modus operandi has been a consistent feature of terrorist actions in Pakistan for many years, from the repeated assassination attempts against former President Pervez Musharraf, at least one of which included the insider involvement of Pakistani military officers,12 through the targeting of the ISI headquarters and vehicles,13 to the murders of senior military figures.14 Pakistan’s Nuclear Security at Risk In this context, given that nuclear weapons and delivery systems demand construction and other visible physical necessities (such as road widening, unusual levels of security, and bunker construction), and given that the growth of the Pakistani nuclear arsenal will significantly expand the construction of nuclear weapons infrastructure and the number of individuals with nuclearrelated roles, it is simply not possible that the location of all of Pakistan’s nuclear weapons can remain unknown to terrorists in perpetuity.15 As evidence of this, on August 28, 2009, the U.S. Federation of American Scientists published the first open source satellite imagery of a suspected Pakistani nuclear weapons storage facility near Masroor airbase outside Karachi.16 Within its perimeter walls, the satellite image shows three potential storage bunkers linked by looping roads.17 The fact that this image is available online, and that the unusual configuration of the base is clear, argues strongly that knowledge of the location of at least some nuclear weapons storage and other related facilities has reached terrorists in Pakistan. As the number of nuclear weapons facilities grows, and the number of those with access to nuclear weapons or related components rises, the complex challenge of assuring the security of nuclear weapons and nuclear weapons components will become ever more difficult. Terrorist groups have now shown themselves capable of penetrating even the most securely defended of Pakistan’s military bases and of holding space within those bases for many hours even against the elite SSG, more than enough time with the right equipment and sufficient numbers to carry out terrorist acts with enormous political or destructive pay-off, from video broadcasts with the attention of the world’s media, through potentially destroying by explosions nuclear weapons or materials and the creation of a radiological hazard, to the possibility of the theft of nuclear weapons components or materials for subsequent terrorist use. Indeed, on May 22-23, 2011, only about 15 miles from the suspected nuclear weapons storage facility near Masroor, a major terrorist attack targeted the naval aviation base at PNS Mehran in Karachi. Early reports suggest that between six and ten terrorists stormed the high security base from several entry points, that they had knowledge of the location of intruder detection cameras that they were able to bypass, and that they penetrated deep inside the base before using rocket-propelled grenades, explosives and small-arms to destroy several aircraft and take hostages. It took the base security and additional Pakistan Army rangers and commandos more than 18 hours to end the siege. At least 13 people were killed. A frontal assault of this kind on nuclear weapons storage facilities, which are the most robustly defended elements of Pakistan’s nuclear weapons cycle, is no longer an implausible event. The successful location and penetration of such a site by terrorists, even if they were ultimately unsuccessful in accessing nuclear assets, would itself be a transformative event both in terms of the U.S.-Pakistani nuclear relationship and in terms of international anxiety about the security of Pakistan’s nuclear weapons. Such an assault would also critically undermine Pakistan’s reassurances about the security of nuclear weapons elsewhere in the weapons cycle, particularly in transit. As the number of Pakistani nuclear weapons inexorably continues to rise, and as the nuclear weapons security challenges thereby steadily multiply, the odds that Pakistan’s nuclear weapons security will eventually be compromised continue to rise.

**Instability in Yemen collapses global trade lanes**

Yuriditsky ’11 (Associate of the Institute for Gulf Affairs (Lev, “Yemen's Chaos - August 2011,” <http://yuriditsky.blogspot.com/2011/09/yemens-chaos-august-2011.html>, August 28, 2011)

Towards the end of July, the leader of AQAP, Nasir al Wuhayshi, pledged allegiance to Bin Laden’s successor, Ayman al Zawahiri. Wuhayshi vowed to fight until Sharia law is imposed across the globe and that he and the AQAP fighters under his order will “fight the enemies without leniency or surrender until Islam rules.” Wuhayshi’s pledge of allegiance came just a month after Al Shabaab, the Al Qaeda-linked organization in Somalia gave the same oath. The two groups, separated by the strategic Gulf of Aden and the Bab al-Mandab straight, through which millions of barrels of oil and other goods are shipped daily between Asia, Europe and the Americas, make instability in Yemen a tremendous risk to global trade. The groups have cooperated with each other in the past and together can prove to be one of the most deadly terrorist organizations in history. With Al Shabaab’s strong presence in Somalia, all it takes is Al Qaeda strengthening just slightly and the groups will control the horn of Africa, the southwestern peninsula, and the strategic Gulf of Aden. The alliance between Al Shabaab and Al Qaeda is of special significance to the U.S. Al Shabaab has a proven ability to recruit from the U.S. Somali-American population. During a hearing on Muslim radicalization, chair of the House Homeland Security Committee, Peter King discussed Al Shabaab’s “large cadre of American Jihadis” and the groups growing threat in the U.S. He went on to say that AQAP’s resources, such as arms and training (Yemen is the most heavily armed country in the world) with Al Shabaab’s reach can make for a particularly challenging situation.

**Collapse of trade causes war**

Panzner ‘8 (Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase, “Financial Armageddon: Protect Your Future from Economic Collapse”, Revised and Updated Edition, p. 136-138, googlebooks)

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile,many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, maylook to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

**The plan is key to a new successful Counterterrorism strategy-**

**1) Host Country-**

**Ending drones key to host country cooperation**

Streeter ’13 (Devin C. Streeter, Helms School Of Government, Liberty University “Boko Haram, Drone Policy, And Port Security: Issues For Congress”, [http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure](http://www.academia.edu/3523639/U.S._Drone_Policy_Tactical_Success_and_Strategic_Failure)shaw), April 19, 2013)

A new set of drone operating procedures would help to **repair international relations** and decrease civilian casualties. Furthermore, nations like Yemen, Somalia, and others, will not feel threatened and will **readily accept U.S. assistance in counterterrorism efforts**.¶ 78¶ Cooperation with affected nations will ensure that their sovereignty is not violated¶ 79¶ and the use of human intelligence programs will reduce civilian casualties, thus resulting in a sanitary, **more effective drone operation**.¶ 80¶ While the U.S. drone program has many noteworthy tactical successes, it simultaneously has suffered various strategic failures. Collateral damage has directly strained our relations with Pakistan, and indirectly stressed our relations with Europe, Asia, and South America. However, by increasing joint cooperation and decreasing civilian casualties, the **harms** inflicted on international relations **can be reconciled**. If this new system is implemented, not only will United States policy makers see the radical decrease of innocent deaths, but they will also see a decrease in terrorism and the terrorist recruiting pool.¶ 81¶ Confronting this issue and establishing a new set of standard operating procedures should be on the forefront of every elected official’s agenda, for the purpose of improving foreign policy and repairing international relations.

**Host country cooperation key**

Cordesman ’13 (Anthony Cordesman, Arleigh A. Burke Chair in Strategy at CSIS, “The Common Lessons of Benghazi, Algeria, Mali, Tunisia, Egypt, Syria, Iraq, Yemen, Afghanistan, Pakistan, and the Arab Spring”, <http://csis.org/publication/common-lessons-benghazi-algeria-mali-tunisia-egypt-syria-iraq-yemen-afghanistan-pakistan>, January 28, 2013)

Working with Regional and Host Country Partners The third lesson is that in most cases the United States will find that **the key partner will** not be a European ally but either a regional partner or **the host country itself**. The internal dynamics of the host country that will determine what real world opportunities exist at what mix of costs and benefits. If the host country lacks the willingness and absorption capability to use U.S. and allied aid, the default setting should be containment not intervention. It is a grim reality that regardless of the humanitarian cost, there is little point in trying to help countries that cannot help themselves and creating a culture of dependence that shifts that responsibility to the United States or some outside power. More broadly, the United States should learn that it needs to work through local governments on their terms and rely on local allies that share a common religion and value system with the host or target country. This is particularly true because much of the reason for the rebirth of religious values throughout the Islamic world has come from the failure of secular governance. U.S. strengths consist of helping nations and nonstate actors deal with secular problems and needs, but the United States will always face major obstacles when it comes to dealing with Islam and different cultural values. This is why allies like the southern Gulf states, Arab states, Turkey and other states with largely Islamic populations will be key partners at both the regional and national level. They can act in ways the United States and other outside powers cannot. They do not bring the burden of western secularism, ties to Israel, or the history of European colonialism to a given problem. They also do not bring the baggage of intervention in Iraq and Afghanistan or the war on terrorism. Moreover, **such partnerships are necessary** because the United States must also work with its regional allies to help them to maintain or achieve their own internal stability and to limit the risk of the political upheavals that are underway in so many states. Patient diplomatic and advisory **efforts** to help allied and friendly countries **make their own reforms in** areas like **economics and governance will be key sources of stability** and evolutionary change. So will assistance in creating effective counterterrorism forces and internal security efforts, as will support to regional security structures like the Gulf Cooperation Council.

**2) The plan shifts the CIA to focus to intel – solves better**

Anderson ’13 (Kenneth Anderson, Professor of law at Washington College of Law, American University; a visiting fellow of the Hoover Institution and member of its Task Force on National Security and Law; and a non-resident senior fellow of the Brookings Institution. He writes on international law, the laws of war, and national security, and his most recent book is "Living with the UN: American Responsibilities and International Order.", “Taking the CIA Out of Drone Strikes? The Obama Administration’s Yemen Experience”, <http://www.lawfareblog.com/2013/05/taking-the-cia-out-of-drone-strikes-the-obama-administrations-yemen-experience/>, May 28, 2013)

Washington Post national security reporter Greg Miller has an excellent story in Sunday’s paper on the operational role of the CIA in drone warfare. Back at the time of the Brennan confirmation hearings, and even before, there had been discussion that the CIA would be pulled – even if only gradually – out of drone warfare and this form of using lethal force would be turned over the military. The CIA would re-focus itself on intelligence gathering and analysis, which many commentators inside and outside government said had taken a backseat to operational roles. Brennan himself urged this re-configuring of CIA priorities – including a shift away from counterterrorism to re-emphasize other intelligence missions; and the administration has said similar things in recent weeks. Focusing on drone warfare in Yemen, however, Miller’s report suggests this is easier said than done – whether in Yemen (or, it might be added, in Pakistan). A fundamental reason seems to be something noted many times here at Lawfare – the firing of a missile from a drone is the last kinetic step in a long chain of intelligence-gathering that includes surveillance over time from drones, signals intelligence and, crucially, on-ground human intelligence networks that give the US reason to be focusing on certain people as possible targets. Whether in Pakistan or Yemen, the effectiveness of drone warfare has been a function of the quality of the front-end intelligence that finally might lead to a strike. The drone’s contribution to the intelligence is far from being entirely tactical, of course – the drone’s surveillance has far more utility than just the preparation of a strike and that surveillance is crucial for reducing collateral harm from the strike itself. But drones are not quite so useful if one has no prior idea who one is searching for or where he might be or even why him – and much of this intelligence is gathered at the front end of the process in reliance on human intelligence networks. Although in principle the functions of intelligence gathering at the front end might be separated out from the intelligence involved in the preparation of a strike and from the actual strike itself, with the CIA engaged in the intelligence side and the military serving as the trigger pullers, the experience in Yemen raises some cautions about how easy it is to create this division of labor.

**3) Over-reliance on drones causes failed policy**

Schwartz ’13 (Bernard L. Schwartz, Senior Fellow New America Foundation, Professor of Law, Georgetown University Law Center, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights”, April 23, 2013)

3. The true costs of current US drone policy When we come to rely excessively on drone strikes as a counterterrorism tool, this has potential costs of its own. Drones strikes enable a "short-term fix" approach to counterterrorism, one that relies excessively on eliminating specific individuals deemed to be a threat, without much discussion of whether this strategy is likely to produce long-term security gains. Most counter-terrorism experts agree that in the long-term, terrorist organizations are rarely defeated militarily. Instead, terrorist groups fade away when they lose the support of the populations within which they work. They die out when their ideological underpinnings come undone – when new recruits stop appearing—when the communities in which they work stop providing active or passive forms of assistance—when local leaders speak out against them and residents report their activities and identities to the authorities. A comprehensive counterterrorist strategy recognizes this, and therefore relies heavily on activities intended to undermine terrorist credibility within populations, as well as on activities designed to disrupt terrorist communications and financing. Much of the time, these are the traditional tools of intelligence and law enforcement. Kinetic force undeniably has a role to play in counterterrorism in certain circumstances, but it is rarely a magic bullet. In addition, overreliance on kinetic tools at the expense of other approaches can be dangerous. Drone strikes -- lawful or not, justifiable or not – can have the unintended consequence of increasing both regional instability and anti-American sentiment. Drone strikes sow fear among the "guilty" and the innocent alike, 24 and the use of drones in Pakistan and Yemen has increasingly been met with both popular and diplomatic protests. Indeed, drone strikes are increasingly causing dismay and concern within the US population. As the Obama administration increases its reliance on drone strikes as the counterterrorism tool of choice, it is hard not to wonder whether we have begun to trade tactical gains for strategic losses. What impact will US drone strikes ultimately have on the stability of Pakistan, Yemen, or Somalia? 25 To what degree -- especially as we reach further and further down the terrorist food chain, killing small fish who may be motivated less by ideology than economic desperation -- are we actually creating new grievances within the local population – or even within diaspora populations here in the United States? 26 As Defense Secretary Donald Rumsfeld asked during the Iraq war, are we creating terrorists faster than we kill them? 27 At the moment, there is little evidence that US drone policy – or individual drone strikes—result from a comprehensive assessment of strategic costs and benefits, as opposed to a shortsighted determination to strike targets of opportunity, regardless of long-term impact. As a military acquaintance of mine memorably put it, drone strikes remain “a tactic in search of a strategy.”

**4) International and Alliance Blowback**

Streeter ‘13 (Devin C, Director of Activities, Public Relations, and Recruitment at Liberty University Strategic Intelligence Society, “US Drone Policy: Tactical Success and Strategic Failure,” [http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure, April 19](http://www.academia.edu/3523639/U.S._Drone_Policy_Tactical_Success_and_Strategic_Failure,%20April%2019), 2013)

The first category of nations, while not targeted by drone strikes, is intimidated by their capabilities. India, Iran, Pakistan, Russia, Japan, South Korea, and over 40 other nations have announced intentions to acquire drones. 27 The main producers of unmanned aerial vehicles are the United States, Israel, and China. 28 The United States, while the leader in drone use and production 29 , must deal with “American export controls.” 30 Israel, however, has fewer restrictions, considering China’s acquisition of drone technology by buying an “anti-radar attack drone” 31 from the small nation. China in turn has offered to sell lower grade drones to the international community. 32 It is unlikely that drone technology will go unshared for long. 33 In essence, the United States has sparked a miniature arms race and has intimidated nations with the threat of a new, superior technology. Governments that have begun pursuing their own UAV programs have shown a notable bitterness to the United States for its unchecked use of drones. 34 Nations such as China, Japan, Russia, and Brazil all disapprove of United States drone policies by over 30 percentage points. 35 To them, the United States seems heavy handed and brutish; holding back technology while indiscriminately using it against our enemies. The lack of consideration and cooperation is a negative influence on world leaders. At the same time, other nations feel that drones violate their airspace and are used without approval from the international community. 36 The majority of these nations fall within the boundaries of the European Union, and while their disapproval is not as notable as the first group, it often reaches the double digits rate. 37 Germany, Great Britain, Poland, and other European Union members do not understand the ‘fire from the hip’ mentality of drone strikes. 38 The European Council on Foreign Relations noted “it [United States] seems to interpret the concept of imminence in a rather more permissive way than most Europeans would be comfortable with.” 39 The European Union fully supports drones in combat support and reconnaissance roles, but has issues with the concept of targeted killings, which often result in collateral damage. 40 European leaders desire an international consensus on how drones should be operated, before more civilians become casualties. 41 The European Council on Foreign Relations further notes: The Obama administration has so far chosen to operate by analogy with inter-state war, but in an era marked by the individualization of conflict, this seems like an outdated approach. 42 Europe does not share the mentality of drone strikes with "acceptable" collateral damage and apolicy that is not accountable to the international community. As a result, relations with Europe have reached a critical point. 43 European nations, alienated by the Obama administration’s progressive dialogue but aggressive drone policy, 44 are ready to try and take the lead in international relations. 45 Germany in particular will be a key nation as it increases in prominence among European states. 46 Hans Kundnani, a well-known journalist and political pundit, notes, “Obama is extremely popular in Germany, but Berlin’s deeply-held views on the use of military force… have the potential to create a Europe-America split.” 47 Kundnani also states, “A ‘special relationship’ is developing between China and Germany.” 48 Because of anti-drone sentiment, long-time U.S. allies grow increasingly distant, to the point of forming new relationships with China. This is a direct threat to the United States’ place in international relations and a direct challenge to its hegemony. If the relations with Europe are to be fixed, a change in drone protocol is needed.

**Advantage {Y}: Sovereignty Violations**

**Unrestrained executive drone policy violates sovereignty claims and undermines rule of law- sends a global signal**

Schwartz ’13 (Bernard L. Schwartz, Senior Fellow New America Foundation, Professor of Law, Georgetown University Law Center, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights”, April 23, 2013)

Once you take targeted killings outside hot battlefields, it’s a different story . The Obama Administration is currently using drones to strike terror suspects in Pakistan, Somalia, Yemen, and – perhaps — Mali and the Philippines as well. Defenders of the administration's increasing reliance on drone strikes in such places assert that the US is in an armed conflict with “al Qaeda and its associates,” and on that basis, they assert that the law of war is applicable -- in any place and at any time -- with regard to any person the administration deems a combatant. The trouble is, no one outside a very small group within the US executive branch has any ability to evaluate who is and who isn’t a combatant. The war against al Qaeda and its associates is not like World War II, or Libya, or even Afghanistan: it is an open - ended conflict with an inchoate, un defined adversary (who exactly are al Qaeda’s “associates ” ?). What is more, targeting decisions in this nebulous “ war” are based largely on classified intelligence reporting. As a result, Administration assertions about who is a combatant and what constitutes a threat are entirely non - falsifiable, because they're based wholly on undisclosed evidence. Add to this still another problem: most of these strikes are considered covert action, so although the US sometimes takes public credit for the deaths of alleg ed terrorist leaders, most of the time, the US will not even officially acknowledge targeted killings. This leaves all the key rule - of - law questions related to the ongoing war again st al Qaeda and its "associates " unanswered. 36 Based on what criteria might someone be considered a combatant or directly participating in hostilities? What constitutes “ hostil ities” in the context of an armed conflict against a non - state actor, and what does it mean to participate in them? And just where is the war? Does the war (and thus the law of war) somehow "travel" with combatants? Does the US have a “right” to target enemy combatants anywhere on earth, or does it depend on the consent of the state at issue? Who in the United States government is authorized to make such determinations, and what is the precise chain of command for such decisions? I think the rule of law problem here is obvious: when “armed conflict” becomes a term flexible enough to be applied both to World War II and to the relations between the United States and “associates” of al Qaeda such as Somalia’s al Shabaab, the concept of armed conflict is not very useful anymore. And when we lack clarity and consensus on how to re cognize “armed conflict,” we no longer have a clear or principled basis for deciding how to categorize targeted killings. Are they, as the US government argues, legal under the laws of war? Or are they , as some human rights groups have argued, unlawful murder?

**A hard signal is key- exceptions break the norm- each strike goes loud**

**Kels ‘12** [Maj. Charles G. Kels is an attorney for the Department of Homeland Security and an individual mobilization augmentee with the U.S. Air Force Office of the Judge Advocate General, “Mixed messages on drone strikes,” July 16, <https://wiki.nps.edu/display/CRUSER/2012/07/16/Mixed+messages+on+drone+strikes>]

Finally, the administration emphasizes its "rigorous standards and process of review ... when considering and authorizing strikes" outside of "hot" war zones. The State Department's Koh has insinuated that this robust vetting process is integral to validating our legitimate self-defense claim in each and every targeted killing operation. This is a somewhat disconcerting line of argument, because it is seemingly at odds with the government's overall assertion that we are in an armed conflict with al-Qaida. Self-defense is a jus ad bellum principle; once we are at war, the appropriate legal standards for applying force are guided by jus in bello. Applying a self-defense analysis to each individual drone strike - as opposed to the time-honored LOAC principles of war fighters - sends mixed signals about whether we really believe we are in an armed conflict.¶ Given that the lawful imperative of U.S. self-defense in World War II was the unconditional surrender of the Axis powers, we would seem to be on firm ground today by strictly maintaining that our right of self-defense, as triggered by the terrorist attacks of 9/11, is geared toward the much narrower goal of degrading or eliminating al-Qaida's capability to launch another deadly attack against the U.S. homeland. Within that framework, we are guided by LOAC in the conduct of hostilities. Indeed, the U.S. government clearly believes that drone warfare is particularly suited to the task of waging an armed conflict with limited goals, because the new technology enables to us to synergize the campaign's means and ends as never before.¶ At least in the context of an American citizen such as al-Awlaki, the attorney general has stated that on top of traditional LOAC principles, the elaborate "kill list" procedure considers the imminence of the threat posed by the individual, as well as the feasibility of capture in lieu of deadly force. Such robust executive deliberation, Holder argues, satisfies the Fifth Amendment's accordance of due process of law; this provides the context in which he famously said that "the Constitution guarantees due process, not judicial process." The attorney general has taken considerable heat for this statement, in large part because an ultra-secretive executive war-making function is an odd tool with which to safeguard constitutional rights. From an armed conflict perspective, however, law professor Jack Goldsmith is surely correct in his estimation that the current U.S. system, as described in the administration's speeches, "goes far beyond any process given to any target in any war in American history."¶ Does It Hold Water?¶ Taken individually, each of these arguments is reasonable, accurate and perhaps even persuasive. Viewed as a whole, however, the U.S. position suffers from a degree of cognitive dissonance which results from our trying to please everyone at once instead of holding firm to basic, time-tested principles. In the end, this scattershot approach risks undermining our legal authority and - ironically - pleasing no one. The problem emanates from attempting to superimpose legal doctrines on top of one another rather than insisting on their own internal logic. The net effect is to make us appear hesitant about the wisdom and legality of our own actions, which merely emboldens those critics whom we can never hope to satisfy anyway - at least not without compromising our own security.¶ To see why it's so crucial for us to speak boldly and plainly, it's important to understand what entities such as the U.N. Human Rights Council and the Red Cross are really trying to do. At base, these noble organizations - reflective of the international human rights law community as a whole, with a decidedly continental European outlook - believe that "sporadic, low-intensity attacks" from nonstate actors "do not rise to the level of armed attack" that would enable us to invoke the right of self-defense as a basis for resorting to force. As the aforementioned U.N. report approvingly remarks, "the legality of a defensive response must be judged in light of each armed attack, rather than by considering occasional, although perhaps successive, armed attacks in the aggregate."¶ In other words, the human rights community rejects our jus ad bellum argument that we are at war with al-Qaida wherever they may be. Moreover, these institutions deny that we are in an armed conflict at all - at least outside of "hot" war zones - both because al-Qaida is not cohesive enough and because the intensity and duration of the havoc it wreaks is insufficiently destructive. Thus, the applicable standard for applying force in each instance is not LOAC; jus in bello is out the window because there is no war. Rather, the peacetime model of human rights law prevails. This clearly is not a position that the U.S. can abide: first, because it eradicates any realistic deterrent for states to rein in terrorist attacks emanating from their territory; and second, because it effectively neuters our considerable national security apparatus as a counterterrorism asset. Simply put, it is an attempt to hem us in by wedding us to a police paradigm rather than a military one.¶ What To Do¶ This context illustrates precisely why the government has to stop straddling the fence and sending mixed messages about what we are doing. We must emphatically state that any complex vetting process undertaken by the president before targeting an individual terrorist is simply a matter of discretionary policy and grand strategy, not legal obligation. The bizarre "bureaucratic ritual" of White House "Terror Tuesday" meetings attended by high-level political advisers - as reported in a recent, much-publicized New York Times article - bears an unsettling resemblance to President Lyndon Johnson's well-documented "Tuesday lunches" reviewing target lists for Vietnam. Although the conflicts and eras clearly differ, the U.S. must not repeat the mistakes of the Rolling Thunder campaign by allowing overly restrictive and centralized targeting rules to degrade the efficient and lawful application of our military might.

**Drones outside battlefield specifically causes aggressive arms race based off of US modeling**

Bergen and Rowland ’12 [Peter Bergen, director of the National Security Studies Program at the New America Foundation, a research fellow at New York University's Center on Law and Security and CNN's national security analyst, former adjunct lecturer at the Kennedy School of Government at Harvard University and an Adjunct Professor at the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University, CNN National Security analyst, and Jennifer Rowland, research associate at the New America Foundation, “A dangerous new world of drones,” <http://www.cnn.com/2012/10/01/opinion/bergen-world-of-drones/index.html>]

A decade ago, the United States had a virtual monopoly on drones. Not anymore. According to data compiled by the New America Foundation, more than 70 countries now own some type of drone, though just a small number of those nations possess armed drone aircraft. The explosion in drone technology promises to change the way nations conduct war and threatens to begin a new arms race as governments scramble to counterbalance their adversaries. Late last month, China announced that it would use surveillance drones to monitor a group of uninhabited islands in the South China Sea that are controlled by Japan but claimed by China and Taiwan. In August 2010, Iran unveiled what it claimed was its first armed drone. And on Tuesday, the country's military chief, Gen. Amir Ali Hajizadeh, disclosed details of a new long-range drone that he said can fly 2,000 kilometers (1,250 miles), which puts Tel Aviv easily in range. Israel looks to Lebanon after drone shot down But without an international framework governing the use of drone attacks, the United States is setting a dangerous precedent for other nations with its aggressive and secretive drone programs in Pakistan and Yemen, which are aimed at suspected members of al Qaeda and their allies. Just as the U.S. government justifies its drone strikes with the argument that it is at war with al Qaeda and its affiliates, one could imagine that India in the not too distant future might launch such attacks against suspected terrorists in Kashmir, or China might strike Uighur separatists in western China, or Iran might attack Baluchi nationalists along its border with Pakistan. This moment may almost be here. China took the United States by surprise in November 2010 at the Zhuhai Air Show, where it unveiled 25 drone models, some of which were outfitted with the capability to fire missiles. It remains unclear just how many of China's drones are operational and how many of them are still in development, but China is intent on catching up with the United States' rapidly expanding drone arsenal. When President George W. Bush declared a "War on Terror" 11 years ago, the Pentagon had fewer than 50 drones. Now, it has around 7,500. As Bush embarked on that war, the United States had never used armed drones in combat. The first U.S. armed drone attack, which appears to be the first such strike ever, took place in mid-November 2001 and killed the military commander of al Qaeda, Mohammed Atef, in Afghanistan. Since then, the CIA has used drones equipped with bombs and missiles hundreds of times to target suspected militants in Pakistan and Yemen. Only the United States, United Kingdom and Israel are known to have launched drone strikes against their adversaries, although other members of the International Security Assistance Force in Afghanistan, such as Australia, have "borrowed" drones from Israel for use in the war there. Drone technology is proliferating rapidly. A 2011 study estimated that there were around 680 active drone development programs run by governments, companies and research institutes around the world, compared with just 195 in 2005. In 2010, U.S.-based General Atomics received export licenses to sell unarmed versions of the Predator drone to Saudi Arabia, Egypt, Morocco and the United Arab Emirates. And in March, the U.S. government agreed to arm Italy's six Reaper drones but rejected a request from Turkey to purchase armed Predator drones. An official in Turkey's Defense Ministry said in July that Turkey planned to arm its own domestically produced drone, the Anka. Israel is the world's largest exporter of drones and drone technology, and the state-owned Israeli Aerospace Industries has sold to countries as varied as Nigeria, Russia and Mexico. Building drones, particularly armed drones, takes sophisticated technology and specific weaponry, but governments are increasingly willing to invest the necessary time and money to either buy or develop them, as armed drones are increasingly seen as an integral part of modern warfare. Sweden, Greece, Switzerland, Spain, Italy and France are working on a joint project through state-owned aeronautical companies and are in the final stages of developing an advanced armed drone prototype called the Dassault nEURon, from which the France plans to derive armed drones for its air force. And Pakistani authorities have long tried to persuade the United States to give them armed Predator drones, while India owns an armed Israeli drone designed to detect and destroy enemy radar, though it does not yet have drones capable of striking other targets. The Teal Group, a defense consulting firm in Virginia, estimated in June that the global market for the research, development and procurement of armed drones will just about double in the next decade, from $6.6 billion to $11.4 billion. States are not alone in their quest for drones. Insurgent groups, too, are moving to acquire this technology. Last year, Libyan opposition forces trying to overthrow the dictator Moammar Gadhafi bought a sophisticated surveillance drone from a Canadian company for which they paid in the low six figures. You can even buy your own tiny drone on Amazon for $250. (And for an extra $3.99, you can get next-day shipping.) As drone technology becomes more widely accessible, it is only a matter of time before well-financed drug cartels acquire them. And you can imagine a day in the not too distant future where armed drones are used to settle personal vendettas. Given the relatively low costs of drones -- already far cheaper than the costs of a fighter jet and of training a fighter jet pilot -- armed drones will play a key role in future conflicts. While the drone industry thrives and more companies, research institutes and nations jump on board the drone bandwagon, the United States is setting a powerful international norm about the use of armed drones, which it uses for pre-emptive attacks against presumed terrorists in Pakistan and Yemen. It is these kinds of drone strikes that are controversial; the use of drones in a conventional war is not much different than a manned aircraft that drops bombs or fires missiles. According to figures compiled by the New America Foundation, drone attacks aimed at suspected militants are estimated to have killed between 1,900 and 3,200 people in Pakistan over the past eight years. While there has been considerable discussion of the legality of such strikes in a number of U.S. law schools, there has been almost no substantive public discussion about drone attacks among policymakers at the international level. The time has come for some kind of international convention on the legal framework surrounding the uses of such weapons, which promise to shape the warfare of the future as much as tanks and bombers did during the 20th century.

**This “world as a battlefield” precedent risk accidental miscalc that escalates**

Dowd ’13 (Alan Dowd, Writes on national defense, foreign policy, and international security. His writing has appeared in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland. He holds a B.A. with high honors from Butler University and an M.A. from Indiana University, “Drone Wars: Risks and Warnings”, <http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring_2013/1_Article_Dowd.pdf>, Winter/Spring 2013)

First, if the battlespace is the entire earth, the enemy would seem to have the right to wage war on those places where UCAV operators are based. That’s a sobering thought, one few policymakers have contemplated. Second, power-projecting nations are following America’s lead and developing their own drones to target their distant enemies by remote. An estimated 75 countries have drone programs underway.45 Many of these nations are less discriminating in employing military force than the United States—and less skillful. Indeed, drones may usher in a new age of accidental wars. If the best drones deployed by the best military crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland or Georgia; China and any number of its wary neighbors. China has at least one dozen drones on the drawing board or in pro- duction, and has announced plans to dot its coastline with 11 drone bases in the next two years.46 The Pentagon’s recent reports on Chinese mili- tary power detail “acquisition and development of longer-range UAVs and UCAVs . . . for long-range reconnaissance and strike”; development of UCAVs to enable “a greater capacity for military preemption”; and interest in “converting retired fighter aircraft into unmanned combat aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US aircraft carrier near Taiwan and relaying targeting information.48 Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ranks of power-projecting nations. Drones are a cheap alternative to long-range, long-endurance warplanes. Yet despite their low cost, drones can pack a punch. And owing to their size and range, they can conceal their home address far more effectively than the typical, nonstealthy manned warplane. Recall that the possibility of surprise attack by drones was cited to justify the war against Saddam Hussein’s Iraq.49 Of course, cutting-edge UCAVs have not fallen into undeterrable hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the United States in a direct way, it is unlikely that opposing swarms of semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes simply failing to respond to their remote-control pilots will do much to promote a liberal global order. It would be ironic if the promise ofrisk-free warpresented by drones spawned a new era of danger for the United States and its allies.

**Breaks down deterrence**

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The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147

**Independently- Executive uncertainty of US Drone policy cause accident and escalatory wars**

**Dean ‘13** [Adriana, degree from the University of Southern California in Philosophy, Politics and Law, Chapter Officer of Young Americans for Liberty, an organization with over 125,000 members nationwide, “Targeted Killings Behind the Veil of Ignorance,” <http://www.academia.edu/3832442/Targeted_Killings_Behind_the_Veil_of_Ignorance>]

While there are some justifiable points for the targeted killing program that individuals behind the veil of ignorance may find appealing, there is something to be said for the intuition that the possibility of a superpower state running rogue with a lethal program that has little to no oversight and a high probability for civilian casualties would be unnerving to anyone behind the veil of ignorance. Behind the veil, individual states cannot definitively determine if they would be on the sending or receiving end of a Hellfire missile. This uncertainty alone would pose truly terrifying implications for every state involved. It can be just as reasonably argued behind the veil of ignorance that al-Qaeda could have the drones and the whole of the United States would be under attack. This reality would place the entire American populace at risk. Al-Qaeda has definitively identified the United States as the single greatest threat to Islam. Unlike the United States, which has said repeatedly that it is not at war with Islam or with Muslims in general; al-Qaeda would not discriminate between leaders, military members, and civilians. While flawed, there is still a general attempt by the United States to minimize civilian casualties. Al-Qaeda would not be so kind. Perhaps even more chilling than simply the role reversal of the United States and al-Qaeda, the use of drones by the United States has had a consequence that no one could have predicted. Drones seem to have effectively erased the conventional understanding of “battlefields.” While the United States operates in¶ Pakistan with some semblance of approval from the government, it is generally understood that Pakistan is not approving every single strike that is carried out on its soil. If the President only signs off on a third of ¶ personality ¶ strikes in Pakistan, how many strikes can we reasonably assume that the Pakistani government is informed of? And what of signature strikes? The incessant pursuit of terrorists by the United States has opened up the entire world to the realm of drone strikes. Indeed, although not covered in this paper, the United States has also expanded its use of drones to both Yemen and Somalia, and these three states only constitute the states in which that the international community¶ knows¶ drone strikes are taking place. If the United States is capable of riding roughshod over the world and the general principles of engagement, it has set a dangerous precedent for the future use of drones by other states. The global implications of modern drone warfare would be fully realized if the conditions of the veil of ignorance were simply equalized, meaning that every state, and perhaps even all terrorist organizations, had access to drones. While it can be easily argued that terrorist organizations¶ would never abide by legal rules of “drone engagement,” just as¶ they do not follow military rules of engagement now, the United States has certainly done itself no favors by not regulating itself with respect to drone usage. If states such as Iran, who are openly hostile to the United States, had access to drones (a possibility that is not entirely far-¶ fetched given Iran’s current possession of a downed US drone) it could pose a threat even more terrifying than nuclear proliferation. Drones are silent, precision weapons. In a world where numerous states had obtained drones, they could be utilized covertly without much risk of discovery. It is easy to envision scenarios in which political figures could be assassinated, military instillations targeted, and major civilian population centers attacked without any indication as to who the perpetrator might be. The lack of oversight and accountability championed by the¶ United States in today’s targeted killing program only lends to this horrifying scenario of ¶ globalized drone usage. If the United States cannot regulate itself in its own usage of drones, it cannot reasonably expect that any other state would listen to international cries for oversight once it obtained drones of its own. The view of targeted killings from behind the veil of ignorance should disturb any state or group. In the first place, the equal likelihood that a state could be the exactor or victim of drone strikes should be enough to deter states from any inclination to utilize drone strikes in which there is no definitive oversight program and the possibility to use signature strikes. Secondly, the knowledge that the loose standards for using targeted killings within ones own country could lead to unfettered global drone warfare among a host of different states should be an even greater incentive for states to adopt more egalitarian means by which to utilize drones. This is not to say that the use of drones is outright unjustifiable. More to the point, it can simply be said that certain components and the resulting implications of the program are categorically unfair. The¶ unfairness inherent in the United States’ lack of oversight and accountability,¶ the use of signature strikes, and the hypothetical role reversal between the United States and al-Qaeda, or the expansion of drone strikes to a global model, behind the veil of ignorance indicates¶ a need for profound change within the United States’ targeted killing¶ program. While there seems to be little to object to with regard to the use of strikes against clearly identified senior-level al-Qaeda targets, the targeted killing program has expanded far beyond the bounds of permissibility behind the veil of ignorance. To this end, the United States must recognize that somewhere along its path of pursuing terrorist is has lost the fundamental principles that defined its claim to self-defense. Senseless collateral loss of civilian life, as well as questionable targeting practices by the executive branch, aid only in¶ undermining the United States’ goal of national security. The drone program must be either¶ drastically reformed in order to return it to a state of justifiability, or else it must be ended entirely. It is clear that the program has departed entirely from the realm of fairness, and every day that the United States continues to utilize the current program is one step further down the path of a precedent that will one day come back to haunt not only the executive, but the United States as a whole.

**Two scenarios**

**First- Armenian and Caucasus conflicts- draws in Israel/Iran/Russia**

Clayton ’12 (Nicholas Clayton, “Drone violence along Armenian-Azerbaijani border could lead to war”, <http://www.globalpost.com/dispatch/news/regions/europe/121022/drone-violence-along-armenian-azerbaijani-border-could-lead-war>, October 23, 2012)

Armenia and Azerbaijan could soon be at war if drone proliferation on both sides of the border continues. YEREVAN, Armenia — In a region where a fragile peace holds over three frozen conflicts, the nations of the South Caucasus are buzzing with drones they use to probe one another’s defenses and spy on disputed territories. The region is also host to strategic oil and gas pipelines and a tangled web of alliances and precious resources that observers say threaten to quickly escalate the border skirmishes and airspace violations to a wider regional conflict triggered by Armenia and Azerbaijan that could potentially pull in Israel, Russia and Iran. To some extent, these countries are already being pulled towards conflict. Last September, Armenia shot down an Israeli-made Azerbaijani drone over Nagorno-Karabakh and the government claims that drones have been spotted ahead of recent incursions by Azerbaijani troops into Armenian-held territory. Richard Giragosian, director of the Regional Studies Center in Yerevan, said in a briefing that attacks this summer showed that Azerbaijan is eager to “play with its new toys” and its forces showed “impressive tactical and operational improvement.” The International Crisis Group warned that as the tit-for-tat incidents become more deadly, “there is a growing risk that the increasing frontline tensions could lead to an accidental war.” “Everyone is now saying that the war is coming. We know that it could start at any moment.” ~Grush Agbaryan, mayor of Voskepar With this in mind, the UN and the Organization for Security and Co-operation in Europe (OSCE) have long imposed a non-binding arms embargo on both countries, and both are under a de facto arms ban from the United States. But, according to the Stockholm International Peace Research Institute (SIPRI), this has not stopped Israel and Russia from selling to them. After fighting a bloody war in the early 1990s over the disputed territory of Nagorno-Karabakh, Armenia and Azerbaijan have been locked in a stalemate with an oft-violated ceasefire holding a tenuous peace between them. And drones are the latest addition to the battlefield. In March, Azerbaijan signed a $1.6 billion arms deal with Israel, which consisted largely of advanced drones and an air defense system. Through this and other deals, Azerbaijan is currently amassing a squadron of over 100 drones from all three of Israel’s top defense manufacturers. Armenia, meanwhile, employs only a small number of domestically produced models. Intelligence gathering is just one use for drones, which are also used to spot targets for artillery, and, if armed, strike targets themselves. Armenian and Azerbaijani forces routinely snipe and engage one another along the front, each typically blaming the other for violating the ceasefire. At least 60 people have been killed in ceasefire violations in the last two years, and the Brussels-based International Crisis Group claimed in a report published in February 2011 that the sporadic violence has claimed hundreds of lives. “Each (Armenia and Azerbaijan) is apparently using the clashes and the threat of a new war to pressure its opponent at the negotiations table, while also preparing for the possibility of a full-scale conflict in the event of a complete breakdown in the peace talks,” the report said. Alexander Iskandaryan, director of the Caucasus Institute in the Armenian capital, Yerevan, said that the arms buildup on both sides makes the situation more dangerous but also said that the clashes are calculated actions, with higher death tolls becoming a negotiating tactic. “This isn’t Somalia or Afghanistan. These aren’t independent units. The Armenian, Azerbaijani and Karabakh armed forces have a rigid chain of command so it’s not a question of a sergeant or a lieutenant randomly giving the order to open fire. These are absolutely synchronized political attacks,” Iskandaryan said. The deadliest recent uptick in violence along the Armenian-Azerbaijani border and the line of contact around Karabakh came in early June as US Secretary of State Hillary Clinton was on a visit to the region. While death tolls varied, at least two dozen soldiers were killed or wounded in a series of shootouts along the front. The year before, at least four Armenian soldiers were killed in an alleged border incursion by Azerbaijani troops one day after a peace summit between the Armenian, Azerbaijani and Russian presidents in St. Petersburg, Russia. “No one slept for two or three days [during the June skirmishes],” said Grush Agbaryan, the mayor of the border village of Voskepar for a total of 27 years off and on over the past three decades. Azerbaijan refused to issue accreditation to GlobalPost’s correspondent to enter the country to report on the shootings and Azerbaijan’s military modernization. Flush with cash from energy exports, Azerbaijan has increased its annual defense budget from an estimated $160 million in 2003 to $3.6 billion in 2012. SIPRI said in a report that largely as a result of its blockbuster drone deal with Israel, Azerbaijan’s defense budget jumped 88 percent this year — the biggest military spending increase in the world. Israel has long used arms deals to gain strategic leverage over its rivals in the region. Although difficult to confirm, many security analysts believe Israel’s deals with Russia have played heavily into Moscow’s suspension of a series of contracts with Iran and Syria that would have provided them with more advanced air defense systems and fighter jets. Stephen Blank, a research professor at the United States Army War College, said that preventing arms supplies to Syria and Iran — particularly Russian S-300 air defense systems — has been among Israel’s top goals with the deals. “There’s always a quid pro quo,” Blank said. “Nobody sells arms just for cash.” In Azerbaijan in particular, Israel has traded its highly demanded drone technology for intelligence arrangements and covert footholds against Iran. In a January 2009 US diplomatic cable released by WikiLeaks, a US diplomat reported that in a closed-door conversation, Azerbaijani President Ilham Aliyev compared his country’s relationship with Israel to an iceberg — nine-tenths of it is below the surface. More from GlobalPost: Are Iran's drones coordinating attacks in Syria? Although the Jewish state and Azerbaijan, a conservative Muslim country, may seem like an odd couple, the cable asserts, “Each country finds it easy to identify with the other’s geopolitical difficulties, and both rank Iran as an existential security threat.” Quarrels between Azerbaijan and Iran run the gamut of territorial, religious and geo-political disputes and Tehran has repeatedly threatened to “destroy” the country over its support for secular governance and NATO integration. In the end, “Israel’s main goal is to preserve Azerbaijan as an ally against Iran, a platform for reconnaissance of that country and as a market for military hardware,” the diplomatic cable reads. But, while these ties had indeed remained below the surface for most of the past decade, a series of leaks this year exposed the extent of their cooperation as Israel ramped up its covert war with the Islamic Republic. In February, the Times of London quoted a source the publication said was an active Mossad agent in Azerbaijan as saying the country was “ground zero for intelligence work.” This came amid accusations from Tehran that Azerbaijan had aided Israeli agents in assassinating an Iranian nuclear scientist in January. Then, just as Baku had begun to cool tensions with the Islamic Republic, Foreign Policy magazine published an article citing Washington intelligence officials who claimed that Israel had signed agreements to use Azerbaijani airfields as a part of a potential bombing campaign against Iran’s nuclear sites. Baku strongly denied the claims, but in September, Azerbaijani officials and military sources told Reuters that the country would figure in Israel’s contingencies for a potential attack against Iran. "Israel has a problem in that if it is going to bomb Iran, its nuclear sites, it lacks refueling," Rasim Musabayov, a member of the Azerbiajani parliamentary foreign relations committee told Reuters. “I think their plan includes some use of Azerbaijan access. We have (bases) fully equipped with modern navigation, anti-aircraft defenses and personnel trained by Americans and if necessary they can be used without any preparations." He went on to say that the drones Israel sold to Azerbaijan allow it to “indirectly watch what's happening in Iran.” More from GlobalPost: Despite modern facade, Azerbaijan guilty of rights abuses According to SIPRI, Azerbaijan had acquired about 30 drones from Israeli firms Aeronautics Ltd. and Elbit Systems by the end of 2011, including at least 25 medium-sized Hermes-450 and Aerostar drones. In October 2011, Azerbaijan signed a deal to license and domestically produce an additional 60 Aerostar and Orbiter 2M drones. Its most recent purchase from Israel Aeronautics Industries (IAI) in March reportedly included 10 high altitude Heron-TP drones — the most advanced Israeli drone in service — according to Oxford Analytica. Collectively, these purchases have netted Azerbaijan 50 or more drones that are similar in class, size and capabilities to American Predator and Reaper-type drones, which are the workhorses of the United States’ campaign of drone strikes in Pakistan and Yemen. Although Israel may have sold the drones to Azerbaijan with Iran in mind, Baku has said publicly that it intends to use its new hardware to retake territory it lost to Armenia. So far, Azerbaijan’s drone fleet is not armed, but industry experts say the models it employs could carry munitions and be programmed to strike targets. Drones are a tempting tool to use in frozen conflicts, because, while their presence raises tensions, international law remains vague at best on the legality of using them. In 2008, several Georgian drones were shot down over its rebel region of Abkhazia. A UN investigation found that at least one of the drones was downed by a fighter jet from Russia, which maintained a peacekeeping presence in the territory. While it was ruled that Russia violated the terms of the ceasefire by entering aircraft into the conflict zone, Georgia also violated the ceasefire for sending the drone on a “military operation” into the conflict zone. The incident spiked tensions between Russia and Georgia, both of which saw it as evidence the other was preparing to attack. Three months later, they fought a brief, but destructive war that killed hundreds. The legality of drones in Nagorno-Karabakh is even less clear because the conflict was stopped in 1994 by a simple ceasefire that halted hostilities but did not stipulate a withdrawal of military forces from the area. Furthermore, analysts believe that all-out war between Armenia and Azerbaijan would be longer and more difficult to contain than the five-day Russian-Georgian conflict. While Russia was able to quickly rout the Georgian army with a much superior force, analysts say that Armenia and Azerbaijan are much more evenly matched and therefore the conflict would be prolonged and costly in lives and resources. Blank said that renewed war would be “a very catastrophic event” with “a recipe for a very quick escalation to the international level.” Armenia is militarily allied with Russia and hosts a base of 5,000 Russian troops on its territory. After the summer’s border clashes, Russia announced it was stepping up its patrols of Armenian airspace by 20 percent. Iran also supports Armenia and has important business ties in the country, which analysts say Tehran uses as a “proxy” to circumvent international sanctions. Blank said Israel has made a risky move by supplying Azerbaijan with drones and other high tech equipment, given the tenuous balance of power between the heavily fortified Armenian positions and the more numerous and technologically superior Azerbaijani forces. If ignited, he said, “[an Armenian-Azerbaijani war] will not be small. That’s the one thing I’m sure of.”

**Israel-Iran conflict escalates**

Russell ‘9 (James, Senior lecturer in the Department of National Security Affairs at NPS, Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East. Proliferation Papers, 2009)

America’s disapproval of Israeli pre-emption may reflect a reduced national appetite for military action in general, and for unilateral strategic action. However, the intensity of U.S.-Israeli bilateral relations places the United States in an extremely awkward position: on the one hand, a cherished ally could openly be calling for the fulfillment of security commitments77 for its protection and security in response to an external threat; on the other hand, U.S. security commitment to its allies include deterrence and defense, but are widely regarded as excluding preventative actions. To summarize, systemic weaknesses in the coercive bargaining framework induce the prospect of strategic instability in which escalation could unfold in a number of scenarios leading to the use of nuclear weapons by either the United States, Israel, or Iran. For purposes of this paper, escalation means an expansion of the intensity and scope of the conflict.78 The common denominator for the proposed scenarios is that nuclear use occurs in the context of conflict escalation – a conflict that could be initiated by a variety of different parties and in a variety of different circumstances.79 It is extremely unlikely that either the United States or Israel would initiate the use of nuclear weapons as part of a pre-emptive attack on Iran’s nuclear sites.80 However, there are escalation scenarios involving state and non-state actors in the coercive bargaining framework that could conceivably lead to nuclear weapons use by Israel and/or the United States. Iran’s response to what would initially start as a sustained stand-off bombardment (Desert Fox Heavy) could take a number of different forms that might lead to escalation by the United States and Israel, surrounding states, and non-state actors. Once the strikes commenced, it is difficult to imagine Iran remaining in a Saddam-like quiescent mode and hunkering down to wait out the attacks. Iranian leaders have unequivocally stated that any attack on its nuclear sites will result in a wider war 81 – a war that could involve regional states on both sides as well as non-state actors like Hamas and Hezbollah. While a wider regional war need not lead to escalation and nuclear use by either Israel or the United States, wartime circumstances and domestic political pressures could combine to shape decision-making in ways that present nuclear use as an option to achieve military and political objectives. For both the United States and Israel, Iranian or proxy use of chemical, biological or radiological weapons represent the most serious potential escalation triggers. For Israel, a sustained conventional bombardment of its urban centers by Hezbollah rockets in Southern Lebanon could also trigger an escalation spiral.

**Caucus wars go nuclear**

Blank ‘99 (Stephen, Director of Strategic Studies Institute at US Army War College, “Every Shark East of Suez: Great Power Interests, Policies and Tactics in the Transcaspian Energy Wars”, Central Asian Survey (18; 2),)

Past experience suggests Moscow will even threaten a Third World War if there is Turkish intervention in the Transcaucasus and the 1997 Russo-Armenian Treaty of Friendship, Cooperation, and Mutual Assistance and the 1994 Turkish-Azerbaijani Treaty of Friendship and Cooperation suggest just such a possibility. Conceivably, the two larger states could then be dragged in to rescue their allies from defeat. The Russo-Armenian treaty is a virtual bilateral military alliance against Baku, in that it reaffirms Russia’s lasting military presence in Armenia, commits Armenia not to join NATO, and could justify further fighting in Nagorno-Karabakh or further military pressure against Azerbaijan that will impede energy exploration and marketing. It also reconfirms Russia’s determination to resist an expanded U.S. presence and remain the exclusive regional hegemon. Thus, many structural conditions for conventional war or protracted ethnic conflict where third parties intervene now exist in the Transcaucasus. Many Third World conflicts generated by local structural factors have great potential for unintended escalation. Big powers often feel obliged to rescue their proxies and protégés. One or another big power may fail to grasp the stakes for the other side since interests here are not as clear as in Europe. Hence, commitments involving the use of nuclear weapons or perhaps even conventional war to prevent defeat of a client are not well established or clear as in Europe. For instance, in 1993 Turkish noises about intervening in the Karabakh War on behalf of Azerbaijan induced Russian leaders to threaten a nuclear war in such a case. This confirms the observations of Jim Hoagland, the international correspondent of the Washington Post, that “future wars involving Europe and America as allies will be fought either over resources in chaotic Third World locations or in ethnic upheavals on the southern fringe of Europe and Russia.” Unfortunately, many such causes for conflict prevail across the Transcaspian. Precisely because Turkey is a NATO ally but probably could not prevail in a long war against Russia, or if it could conceivably trigger a potential nuclear blow (not a small possibility given the erratic nature of Russia’s declared nuclear strategies), the danger of major war is higher here than almost anywhere else in the CIS or the so-called arc of crisis from the Balkans to China.

**Second- China and Asian drone wars**

Brimley et al 9/17 (Shawn Brimley, Ben Fitzgerald, Ely Ratner, Shawn Brimley, Ben FitzGerald, and Ely Ratner are, respectively, vice president, director of the Technology and National Security Program, and deputy director of the Asia Program at the Center for a New American Security, Foreign Policy, “The Drone War Comes to Asia”, <http://www.foreignpolicy.com/articles/2013/09/17/the_drone_war_comes_to_asia>, September 17, 2013)

How China sparked a dangerous unmanned arms race. It's now been a year since Japan's previously ruling liberal government purchased three of the Senkaku Islands to prevent a nationalist and provocative Tokyo mayor from doing so himself. The move was designed to dodge a potential crisis with China, which claims "indisputable sovereignty" over the islands it calls the Diaoyus. Disregarding the Japanese government's intent, Beijing has reacted to the "nationalization" of the islands by flooding the surrounding waters and airspace with Chinese vessels in an effort to undermine Japan's de facto administration, which has persisted since the reversion of Okinawa from American control in 1971. Chinese incursions have become so frequent that the Japanese Air Self-Defense Forces (JASDF) are now scrambling jet fighters on a near-daily basis in response. In the midst of this heightened tension, you could be forgiven for overlooking the news early in September that Japanese F-15s had again taken flight after Beijing graciously commemorated the one-year anniversary of Tokyo's purchase by sending an unmanned aerial vehicle (UAV) toward the islands. But this wasn't just another day at the office in the contested East China Sea: this was the first known case of a Chinese drone approaching the Senkakus. Without a doubt, China's drone adventure 100-miles north of the Senkakus was significant because it aggravated already abysmal relations between Tokyo and Beijing. Japanese officials responded to the incident by suggesting that Japan might have to place government personnel on the islands, a red line for Beijing that would have been unthinkable prior to the past few years of Chinese assertiveness. But there's a much bigger and more pernicious cycle in motion. The introduction of indigenous drones into Asia's strategic environment -- now made official by China's maiden unmanned provocation -- will bring with it additional sources of instability and escalation to the fiercely contested South and East China Seas. Even though no government in the region wants to participate in major power war, there is widespread and growing concern that military conflict could result from a minor incident that spirals out of control. Unmanned systems could be just this trigger. They are less costly to produce and operate than their manned counterparts, meaning that we're likely to see more crowded skies and seas in the years ahead. UAVs also tend to encourage greater risk-taking, given that a pilot's life is not at risk. But being unmanned has its dangers: any number of software or communications failures could lead a mission awry. Combine all that with inexperienced operators and you have a perfect recipe for a mistake or miscalculation in an already tense strategic environment. The underlying problem is not just the drones themselves. Asia is in the midst of transitioning to a new warfighting regime with serious escalatory potential. China's military modernization is designed to deny adversaries freedom of maneuver over, on, and under the East and South China Seas. Although China argues that its strategy is primarily defensive, the capabilities it is choosing to acquire to create a "defensive" perimeter -- long-range ballistic and cruise missiles, aircraft carriers, submarines -- are acutely offensive in nature. During a serious crisis when tensions are high, China would have powerful incentives to use these capabilities, particularly missiles, before they were targeted by the United States or another adversary. The problem is that U.S. military plans and posture have the potential to be equally escalatory, as they would reportedly aim to "blind" an adversary -- disrupting or destroying command and control nodes at the beginning of a conflict. At the same time, the increasingly unstable balance of military power in the Pacific is exacerbated by the (re)emergence of other regional actors with their own advanced military capabilities. Countries that have the ability and resources to embark on rapid modernization campaigns (e.g., Japan, South Korea, Indonesia) are well on the way. This means that in addition to two great powers vying for military advantage, the region features an increasingly complex set of overlapping military-technical competitions that are accelerating tensions, adding to uncertainty and undermining stability. This dangerous military dynamic will only get worse as more disruptive military technologies appear, including the rapid diffusion of unmanned and increasingly autonomous aerial and submersible vehicles coupled with increasingly effective offensive cyberspace capabilities. Of particular concern is not only the novelty of these new technologies, but the lack of well-established norms for their use in conflict. Thankfully, the first interaction between a Chinese UAV and manned Japanese fighters passed without major incident. But it did raise serious questions that neither nation has likely considered in detail. What will constrain China's UAV incursions from becoming increasingly assertive and provocative? How will either nation respond in a scenario where an adversary downs a UAV? And what happens politically when a drone invariably falls out of the sky or "drifts off course" with both sides pointing fingers at one another? Of most concern, how would these matters be addressed during a crisis, with no precedents, in the context of a regional military regime in which actors have powerful incentives to strike first? These are not just theoretical questions: Japan's Defense Ministry is reportedly looking into options for shooting down any unmanned drones that enter its territorial airspace. Resolving these issues in a fraught strategic environment between two potential adversaries is difficult enough; the United States and China remain at loggerheads about U.S. Sensitive Reconnaissance Operations along China's periphery. But the problem is multiplying rapidly. The Chinese are running one of the most significant UAV programs in the world, a program that includes Reaper- style UAVs and Unmanned Combat Aerial Vehicles (UCAVs); Japan is seeking to acquire Global Hawks; the Republic of Korea is acquiring Global Hawks while also building their own indigenous UAV capabilities; Taiwan is choosing to develop indigenous UAVs instead of importing from abroad; Indonesia is seeking to build a UAV squadron; and Vietnam is planning to build an entire UAV factory. One could take solace in Asia's ability to manage these gnarly sources of insecurity if the region had demonstrated similar competencies elsewhere. But nothing could be further from the case. It has now been more than a decade since the Association of Southeast Asian Nations (ASEAN) and China signed a declaration "to promote a peaceful, friendly and harmonious environment in the South China Sea," which was meant to be a precursor to a code of conduct for managing potential incidents, accidents, and crises at sea. But the parties are as far apart as ever, and that's on well-trodden issues of maritime security with decades of legal and operational precedent to build upon. It's hard to be optimistic that the region will do better in an unmanned domain in which governments and militaries have little experience and where there remains a dearth of international norms, rules, and institutions from which to draw. The rapid diffusion of advanced military technology is not a future trend. These capabilities are being fielded -- right now -- in perhaps the most geopolitically dangerous area in the world, over (and soon under) the contested seas of East and Southeast Asia. These risks will only increase with time as more disruptive capabilities emerge. In the absence of political leadership, these technologies could very well lead the region into war.

**That goes nuclear**

Lowther ‘13 (William Lowther, Staff Rreporter in Washington, “Taiwan could spark nuclear war: report”, <http://www.taipeitimes.com/News/taiwan/archives/2013/03/16/2003557211>, March 16, 2013)

Taiwan is the most likely potential crisis that could trigger a nuclear war between China and the US, a new academic report concludes. “Taiwan remains the single most plausible and dangerous source of tension and conflict between the US and China,” says the 42-page report by the Washington-based Center for Strategic and International Studies (CSIS). Prepared by the CSIS’ Project on Nuclear Issues and resulting from a year-long study, the report emphasizes that Beijing continues to be set on a policy to prevent Taiwan’s independence, while at the same time the US maintains the capability to come to Taiwan’s defense. “Although tensions across the Taiwan Strait have subsided since both Taipei and Beijing embraced a policy of engagement in 2008, the situation remains combustible, complicated by rapidly diverging cross-strait military capabilities and persistent political disagreements,” the report says. In a footnote, it quotes senior fellow at the US Council on Foreign Relations Richard Betts describing Taiwan as “the main potential flashpoint for the US in East Asia.” The report also quotes Betts as saying that neither Beijing nor Washington can fully control developments that might ignite a Taiwan crisis. “This is a classic recipe for surprise, miscalculation and uncontrolled escalation,” Betts wrote in a separate study of his own. The CSIS study says: “For the foreseeable future Taiwan is the contingency in which nuclear weapons would most likely become a major factor, because the fate of the island is intertwined both with the legitimacy of the Chinese Communist Party and the reliability of US defense commitments in the Asia-Pacific region.” Titled Nuclear Weapons and US-China Relations, the study says disputes in the East and South China seas appear unlikely to lead to major conflict between China and the US, but they do “provide kindling” for potential conflict between the two nations because the disputes implicate a number of important regional interests, including the interests of treaty allies of the US. The danger posed by flashpoints such as Taiwan, the Korean Peninsula and maritime demarcation disputes is magnified by the potential for mistakes, the study says. “Although Beijing and Washington have agreed to a range of crisis management mechanisms, such as the Military Maritime Consultative Agreement and the establishment of a direct hotline between the Pentagon and the Ministry of Defense, the bases for miscommunication and misunderstanding remain and draw on deep historical reservoirs of suspicion,” the report says. For example, it says, it is unclear whether either side understands what kinds of actions would result in a military or even nuclear response by the other party. To make things worse, “neither side seems to believe the other’s declared policies and intentions, suggesting that escalation management, already a very uncertain endeavor, could be especially difficult in any conflict,” it says.

**Contention {Z}: Solvency**

**Congress should restrict the use of remote controlled aerial vehicle targeted killings outside of geographic locations housing active American combat troops.**

**That solves- the executive branch being the arbiter is the problem**

Brooks ‘13 (Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department, 2013, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights April 23, 2013”, <http://www.lawfareblog.com/wp-content/uploads/2013/05/Brooks_05-16-13.pdf-> see the Appendix)

Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the U.S. currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.79 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter, 80 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.81 If the U.S. is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the U.S. executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an illdefined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

**Legislative restrictions prevent circumvention**

Barron ‘8 (Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center (David J. Barron, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis)

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, it is tempting to think that Commanders in Chief would always have claimed a unilateral and unregulable authority to determine the conduct of military operations. And yet, as we show, for most of our history, the presidential **practice was otherwise**. Several of our most esteemed Presidents - Washington, Lincoln, and both Roosevelts, among others - never invoked the sort of preclusive claims of authority that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, even when they confronted problematic restrictions, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed. Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, rather than denying the authority of Congress to act in this area, some **modern Presidents**, like their predecessors, have **acknowledged** the **constitutionality of legislative regulation**. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, there has been much less executive assertion of an inviolate power over the conduct of military campaigns than one might think. And, perhaps **most importantly,** until recently there has been almost **no** actual **defiance** of statutory limitations predicated on such a constitutional theory. This repeated, though not unbroken, deferential executive branch stance is not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between the branches over war. In particular, this well-developed executive branch practice appears to be premised on the assumption that the constitutional plan requires the nation's chief commander **to guard his supervisory powers** over the military chain of command **jealously**, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - **but** that otherwise, the Constitution compels the Commander in Chief to comply with legislative restrictions. In this way, the founding legal charter itself exhorts the President to justify controversial military judgments to a sympathetic but sometimes skeptical or demanding legislature and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 What emerges from our analysis is how much pull it seemed to [\*950] have on the executive branch itself for most of our history of war powers development.

**Congress key --- self-restraint HURTS Obama’s credibility- seen as continuing to circumvent Congress**

Goldsmith ’13 (Jack Goldsmith, Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003-2004, and Special Counsel to the Department of Defense from 2002-2003, “How Obama Undermined the War on Terror The President promised not to undercut the rule of law for expedience's sake. He did. Now we face the consequences”, <http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism>, May 1, 2013)

Questions grew when the administration **continued to withhold legal memos from Congress**, and when John Brennan danced around the issue during his confirmation hearings to be director of the CIA. Senator Rand Paul then cleverly asked Brennan whether the president could order a drone to kill a terrorist suspect inside the United States. When Brennan and Attorney General Eric Holder seemed to prevaricate, Paul conducted his now-famous filibuster. "I cannot sit at my desk quietly and let the president say that he will kill Americans on American soil who are not actively attacking the country," Paul proclaimed. The president never said, or suggested, any such thing. But with trust in Obama falling fast, Paul was remarkably successful in painting the secret wars abroad as a Constitution-defying threat to American citizens at home. Paul's filibuster attracted attention to the issue of drone attacks on Americans in the homeland. A more serious challenge to the president comes from growing concerns, including within his own party, about the legal integrity of his secret wars abroad. Anne-Marie Slaughter, a former senior official in Obama's State Department, recently gainsaid "the idea that this president would leave office having dramatically expanded the use of drones—including [against] American citizens—without any public standards and no checks and balances." Many in Congress want to increase the transparency of the processes and legal standards for placing a suspect (especially an American) on a targeting list, to tighten those legal standards (perhaps by recourse to a "drone court"), and to establish a more open accounting of the consequences (including civilian casualties) from the strikes. "This is now out in the public arena, and now it has to be addressed," Senator Dianne Feinstein, a Democrat, recently said. Others in Congress worry about the obsolescence of the legal foundation for the way of the knife: the congressional authorization, in 2001, of force against Al Qaeda. "I don't believe many, if any, of us believed when we voted for [the authorization] that we were voting for the longest war in the history of the United States and putting a stamp of approval on a war policy against terrorism that, 10 years plus later, we're still using," said Senator Richard Durbin, also a Democrat, in a Wall Street Journal interview. "What are the checks and balances of the system?" he asked. Senator John McCain, who led bipartisan efforts against what he saw as Bush-era legal excesses, is now focusing similar attention on Obama. "I believe that we need to revisit this whole issue of the use of drones, who uses them, whether the CIA should become their own air force, what the oversight is, [and] what the legal and political foundations [are] for this kind of conflict," he said last month. These are unhappy developments for the president who in his first inaugural address pledged with supercilious confidence that, unlike his predecessor, he would not expend the "rule of law" for "expedience's sake." Obama reportedly bristles at the legal and political **questions about his secret war**, and the lack of presidential trust that they imply. "This is not Dick Cheney we're talking about here," he recently pleaded to Democratic senators who complained about his administration's excessive secrecy on drones, according to Politico. And yet the president has ended up in this position because he committed the same sins that led Cheney and the administration in which he served to a similar place. **The first sin is an** extraordinary **institutional secrecy that Obama has long promised to reduce but has failed to**. In part this results from any White House's inevitable tendency to seek maximum protection for its institutional privileges and prerogatives. The administration's disappointing resistance to sharing secret legal opinions about the secret war with even a small subset of Congress falls into this category. But the point goes deeper, for secrecy is the essence of the type of war that Obama has chosen to fight. The intelligence-gathering in foreign countries needed for successful drone strikes there cannot be conducted openly. Nor can lethal operations in foreign countries easily be acknowledged. Foreign leaders usually insist on non-acknowledgment as a condition of allowing American operations in their territories. And in any event, an official American confirmation of the operations might spark controversies in those countries that would render the operations infeasible. The impossible-to-deny bin Laden raid was a necessary exception to these principles, and the United States is still living with the fallout in Pakistan. For official secrecy abroad to work, the secrets must be kept at home as well. In speeches, interviews, and leaks, Obama's team has tried to explain why its operations abroad are lawful and prudent. But to comply with rules of classified information and covert action, the explanations are conveyed in limited, abstract, and often awkward terms. They usually raise more questions than they answer—and secrecy rules often preclude the administration from responding to follow-up questions, criticisms, and charges. As a result, **much of what the administration says** about its secret war—about civilian casualties, or the validity of its legal analysis, or the quality of its internal deliberations—seems **incomplete, self-serving, and ultimately non-credible.** These **trust-destroying tendencies** are **exacerbated** by its **persistent resistance to transparency demands from Congress**, from the press, and from organizations such as the aclu that have sought to know more about the way of the knife through Freedom of Information Act requests. A related sin is the Obama administration's surprising failure to secure formal congressional support. Nearly every element of Obama's secret war rests on laws—especially the congressional authorization of force (2001) and the covert action statute (1991)—designed for different tasks. The administration could have worked with Congress to update these laws, thereby forcing members of Congress to accept responsibility and take a stand, and putting the secret war on a firmer political and legal foundation. But doing so would have required extended political efforts, public argument, and the possibility that Congress might not give the president precisely what he wants. The administration that embraced the way of the knife in order to lower the political costs of counterterrorism abroad found it easier to avoid political costs at home as well. But this choice deprived it of the many benefits of public argumentation and congressional support. What Donald Rumsfeld said self-critically of Bush-era unilateralism applies to Obama's unilateralism as well: it fails to "take fully into account the broader picture—the complete set of strategic considerations of a president fighting a protracted, unprecedented and unfamiliar war for which he would need sustained domestic and international support." Instead of seeking contemporary congressional support, the administration has **relied mostly on government lawyers' secret interpretive** extensions of the old laws to authorize new operations against new enemies in more and more countries. The administration has great self-confidence in the quality of its stealth legal judgments. But as the Bush administration learned, secret legal interpretations are invariably more persuasive within the dark circle of executive branch secrecy than when exposed to public sunlight. On issues ranging from proper targeting standards, to the legality of killing American citizens, to what counts as an "imminent" attack warranting self-defensive measures, these secret legal interpretations—so reminiscent of the Bushian sin of unilateral legalism—have been **less convincing** in public, further contributing to presidential mistrust. Feeling the heat from these developments, President Obama promised in his recent State of the Union address "to engage with Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world." So far, this promise, like similar previous ones, remains unfulfilled. The administration has floated the idea of "[shifting] the CIA's lethal targeting program to the Defense Department," as The Daily Beast reported last month. Among other potential virtues, this move might allow greater public transparency about the way of the knife to the extent that it would eliminate the covert action bar to public discussion. But JSOC's non-covert targeted killing program is no less secretive than the CIA's, and its congressional oversight is, if anything, less robust. A bigger problem with this proposed fix is that it contemplates executive branch reorganization followed, in a best-case scenario, by more executive branch speeches and testimony about what it is doing in its stealth war. The proposal fails to grapple altogether with the growing mistrust of the administration's oblique representations about secret war. The president cannot establish trust in the way of the knife through internal moves and more words. Rather, he must take advantage of the separation of powers. Military detention, military commissions, and warrantless surveillance became more legitimate and less controversial during the Bush era because adversarial branches of government assessed the president's policies before altering and then approving them. President Obama should ask Congress to do the same with the way of the knife, even if it means that secret war abroad is harder to conduct. Administration officials resist this route because they worry about the outcome of the public debate, and because the president is, as The Washington Post recently reported, "seen as reluctant to have the legislative expansion of another [war] added to his legacy." But the administration can influence the outcome of the debate only by engaging it. And as Mazzetti makes plain, the president's legacy already includes the dramatic and unprecedented unilateral expansion of secret war. What the president should be worried about for legacy purposes is that this form of warfare, for which he alone is today responsible, is increasingly viewed as illegitimate.

# 2AC

### Yemen Disad

#### Alt causes overwhelm Yemen instability and drone turn instability

Longley ’10 (April Longley, Published by the UAE-based THE NATIONAL on Dec. 20, 2009. Dr. April Longley Alley is a former Fulbright Fellow in Yemen, and a research associate at the National Defense University in Washington, “To fight al-Qaeda, cure the cancer at the heart of Yemen”, <http://www.alarabiya.net/views/2010/01/21/97988.html>, January 21, 2010)

Yemen has exploded on to the political scene as a central front in the battle against al-Qaeda. Long a stomping ground for al Qaeda affiliates, the country has witnessed the organization’s revival in the past few years under a new leadership. In response, the Obama administration in Washington appears to be emphatically throwing its weight behind the unpopular Saleh regime in Sana’a. The U.S. president has made it “a priority to strengthen partnership with the Yemeni government”, and the U.S. Central Command chief, General David Petraeus, has announced that security assistance to the country will more than double, from $70 million to $150 million. So for now it seems that Washington and Sana’a have renewed their troubled counter-terrorism cooperation at a time when the Yemeni state is buckling under the weight of multiple, converging socio-economic and political crises. An aggressive counter-terrorism campaign against al-Qaeda in Yemen will certainly answer the U.S. public’s demand for immediate action after the failed Christmas bombing of a plane over Detroit; but it risks further destabilizing the country, providing recruitment propaganda for al-Qaeda, and ultimately undermining U.S. national security interests. In fact, a narrow counter-terrorism approach will fail to address the underlying causes of instability in Yemen that are supporting al-Qaeda in the first place. Al-Qaeda is a symptom, not the cause, of instability in Yemen. The organization finds room to operate in part because of Yemen’s chronic poverty, weak central government and expanding pockets of domestic unrest. While the Saleh regime is a necessary partner in the struggle against al Qaeda, its policies perpetuate the very political and economic conditions that support al Qaeda expansion. Mr. Saleh has repeatedly avoided the political and economic reforms that would address local grievances, salvage the economy and buttress his domestic legitimacy. Endemic corruption, underdevelopment, divide-and-rule politics and the manipulation of regional and sectarian identities for tactical gain are undermining the authority of the central government, both in the northern province of Sa’adaa, where Mr. Saleh has been fighting a domestic insurgency for five years, and in the south where demands for secession are on the rise. Mr. Saleh’s mode of rule has also perpetuated tense relations between the regime and tribal factions, providing room for al-Qaeda to align with disgruntled tribal groups. Though combating al-Qaeda is the U.S. government’s priority, it is not Mr. Saleh’s. He is focused on the narrow target of staying in power, and at the moment that means fighting the Houthi rebellion in the north and the secessionist movement in the south. Some elements of al-Qaeda are perceived as a threat, but not on the level of these rebellions. As such, despite current co-operation, persuading Mr. Saleh to sustain an aggressive campaign against al-Qaeda will be difficult for the United States. Yemen’s political and economic climate provides fertile ground for al-Qaeda. As such, addressing the challenge will require more than hi-tech satellite imagery, drones and missiles. While capture-and-kill operations are necessary in some cases, they are woefully inadequate in the long term. In addition to neglecting root causes, a strategy based primarily on counter-terrorism could play into al-Qaeda’s hands, strengthening its recruitment potential and support base. Already, U.S.-assisted operations against suspected al-Qaeda operatives have drawn the ire of local tribes fiercely opposed to outside interference, and a wide array of citizens who resent the death of innocent civilians. While in some cases the strikes eliminate al-Qaeda leadership, ultimately the cost is at the narrative level, where al-Qaeda seems to be gaining strength. An al-Qaeda safe haven in Yemen poses a grave threat that must be addressed. It is critical, however, for the Obama administration to avoid pursuing an approach dominated by capture-and-kil. This will not address the root causes of the problem and it could actually aggravate the situation, especially if the U.S. is perceived as actively supporting military actions that kill Yemeni civilians.

### Pak Disad

Drones will ruin Sharif’s political leadership in the squo- this risk total kickout and backlash

Toosi ’13 (Nahal Toosi, Associated Press Editor, “Pakistan Summons U.S. Envoy Over Drone Strike”, <http://www.huffingtonpost.com/2013/06/08/pakistan-us-envoy-summoned_n_3407803.html>, June 8, 2013)

ISLAMABAD — Just days after taking power, Pakistan's new government summoned a top U.S. envoy Saturday to lodge a protest over a U.S. drone strike, suggesting that Prime Minister Nawaz Sharif's team fully intends to make good on its promise to aggressively push for an end to such strikes. Friday night's drone strike near the Afghan border, which was said to have killed seven militants, came two days after Sharif was sworn in as premier and the same day his Cabinet members took their oaths. Sharif's Pakistan Muslim League-N handily won general elections last month and is expected to govern with a relatively strong mandate because it doesn't need to rely on coalition partners. Sharif, who wants to pursue peace talks with militants threatening his country, has insisted the U.S. stop the drone strikes, saying they violate Pakistan's sovereignty and are counterproductive because they often kill innocent civilians and stoke anti-U.S. sentiment in this nation of 180 million. The U.S. insists the CIA-run strikes primarily kill al-Qaida and other militants who threaten the West as well as efforts to stabilize Afghanistan. In a recent speech, President Barack Obama pledged more transparency and restrictions on the highly secretive program. Sharif adviser Tariq Fatemi, acting on the premier's instructions, summoned U.S. Embassy Charge D'Affaires Richard Hoagland to the Foreign Office on Saturday to complain about the latest drone strike, according to a Pakistani government statement. U.S. Ambassador Richard Olson was out of Pakistan at the time. "The importance of bringing an immediate end to drone strikes was emphasized," the government statement said. "It was also stressed that these drone strikes have a negative impact on the mutual desire of both countries to forge a cordial and cooperative relationship and to ensure peace and stability in the region." A U.S. Embassy official confirmed the encounter but did not provide further details. He requested anonymity because he was not authorized to publicly talk about diplomatic discussions. Issuing the summons so quickly after taking power indicates Sharif wants to quickly carve out as much political space as he can – domestically and in his relations with the U.S. It could also be a fairly calculated move in this country, where the military retains significant power and where political rivals have gained traction by being even more vocal against drones. While the previous government of the Pakistan People's Party did, on occasion, summon U.S. envoys over drone strikes, it usually stuck to routine press releases denouncing them. It was also widely believed that many People's Party leaders privately supported the drone strikes. At the same time, Sharif has to strike a balance in his approach to a powerful ally such as the U.S., which has provided Pakistan with billions in military and humanitarian aid over the years, said Babar Sattar, a political and legal analyst in Pakistan. "Reaction more stringent than this with an ally and friend would obviously have the possibility of disrupting the relationship – and he's made it clear that's not what he wants," Sattar said, noting that Sharif has not, for example, backed calls by some activists that Pakistan shoot down the drones. Sharif also has been far more careful than his People's Party predecessors in his rhetoric about militancy in Pakistan and has said he wants to enter a dialogue with the Pakistani Taliban. That has raised concerns in the West that he might be too sympathetic to the Islamist extremists, but he also may simply want to exhaust the option of peace talks so as to later gain public support for military action, Sattar said. A stop to drone strikes could give him more space in that process. In its first drone strike in Pakistan after the country's recent election, the U.S. in late May killed Waliur Rehman, deputy leader of the Pakistani Taliban. The Pakistani Taliban, who have killed thousands of people in bombings and other attacks across the country, confirmed Rehman's death and promptly said they would not talk peace with Sharif. Sharif – while not naming Rehman or the Taliban – spoke out against that drone strike, and his party in a statement noted that it was "highly regrettable" that it came after Obama's speech. The drone strike Friday night struck a compound in Mangrothi village in the Shawal area, along the border dividing the North and South Waziristan tribal regions, two Pakistani intelligence officials said, speaking on condition of anonymity because they were not authorized to release the information on the record. The tribal regions are nearly impossible to access for foreign and many Pakistani journalists, so the report could not be independently confirmed. But North and South Waziristan are known to be havens for multiple militant groups, including the Pakistani Taliban. The U.S. has launched hundreds of drone strikes in Pakistan since 2008, though the frequency has fallen significantly in recent years. For all his rhetoric, it remains unclear if Sharif can actually stop the U.S. from using the drones to launch missiles at militants Washington believes are a threat. For one thing, despite his numbers in parliament, Sharif still has to contend with Pakistan's army for influence over security and foreign policies. And If he's unable to end the strikes in Pakistan as the months wear on, that could give more room to opposition politician Imran Khan, the former cricket star, to drain support from Sharif and his party. Khan has been especially strident in campaigning against the drone strikes.

#### Pakistan backlash to drones causes failure in Afghanistan

Mullikin ’11 (Andrew Mullkin, Behind the Wire, Georgetown, School of Foreign Service, “Mullikin: Drone Attacks Critical to American Success in Afghanistan”, <http://www.thehoya.com/mullikin-drone-attacks-critical-to-american-success-in-afghanistan-1.2164554#.UfqSRazCbbo>, April 14, 2011)

The Pakistani government recently called for a halt to American clandestine operations in the country's northwest, including unmanned aerial vehicle or drone strikes that have been a crucial element of American tactics in the region. These strikes have targeted Islamic militants in the mostly lawless border regions with Afghanistan that since 2004 have been home to training camps and safe havens for multiple extremist organizations including al-Qaeda and the Afghan Taliban. Unfortunately this change in the Pakistani-American strategic alliance comes at a critical time in the war in Afghanistan. As insurgent strikes against International Security Assistance Force units heat up as part of this year's spring offensive, a Taliban tactic has become a fixture of military operations in the country. As political pressure in the United States steps up to end the war in Afghanistan as quickly as possible, now is the time to ask: What does a change in Pakistan signal for American regional operations? UAV strikes have been a critical element in the Obama administration's tactics against regional extremists. According to the New America Foundation's "The Year of the Drone" project, roughly 748 militants were killed in the 118 drone strikes that were confirmed in 2010. These attacks on high-value targets such as extremist leadership elements, training camps and convoys have been highly successful according to Administration officials. There is little collateral damage in terms of both civilian lives lost and infrastructure damage, and residents in the region have repeatedly said that they support the American use of drone strikes. According to interviews, they believe that American strikes keep them safe from local militants. On the other hand, the Pakistani government views these strikes as a violation of their sovereignty and claims that collateral damage is too high despite American efforts to protect noncombatants as much as possible. After meeting with American intelligence officials Monday, a Pakistani general in charge of intelligence efforts in the country demanded that UAV strikes be stopped immediately. He also called for all clandestine U.S. operatives working in Pakistan — including CIA officers, special operations forces and civilian contractors working for the CIA — be immediately withdrawn. The new Pakistani demands signal a major setback in the war in Afghanistan. Effectively waging a counterinsurgency campaign in Afghanistan means being able to provide security and well-being for local Afghans. With Taliban and other extremist militants operating within easy striking distance of Afghan towns, ISAF troops cannot provide that security. Not only is time on the militants' side, so are tactics, including the safe havens for training and operational planning that insurgents and terrorists have used so effectively in Waziristan and other parts of Pakistan's Federally Administrated Tribal Areas give them a secure base from which to launch strikes across the Durand Line into Afghan territory. Without negating the strategic benefit of these safe havens, American operations in Afghanistan will be doomed to failure. For now, drone strikes are the only means American commanders have at their disposal for negating the benefits of these safe havens. Without putting boots on the ground in a counterinsurgency campaign, there is no way to effectively prevent militants from striking into Afghanistan while using Pakistani territory as a staging ground. Simply stepping up border defense is ineffective — not only is the border between northeastern Afghanistan and FATA extremely rugged and operationally challenging, the border itself is very hard to find. Without a geographic boundary between the two nations, it is far too difficult to operate exclusively in Afghanistan while working to combat extremist militants. American success in Afghanistan is rooted in a successful strategy for combating the militants who operate out of Waziristan and other Pakistani border areas. Without drone strikes, the United States and its allies are left without an effective means to counter these modern-day outlaws. To succeed in Afghanistan, we are left with no more viable option than to use drones in Pakistan. Thus, if Pakistan keeps to its desire to stop UAV strikes in border areas, our prospects for success in Afghanistan will continue to dim.

#### Afghanistan withdrawal key to prevent nuclear war

Cronin 13 (Audrey Kurth Cronin is Professor of Public Policy at George Mason University and author of How Terrorism Ends and Great Power Politics and the Struggle over Austria. Thinking Long on Afghanistan: Could it be Neutralized? Center for Strategic and International Studies The Washington Quarterly • 36:1 pp. 55\_72 <http://dx.doi.org/10.1080/0163660X.2013.751650>)

With ISAF withdrawal inevitable, a sea change is already underway: the question is whether the United States will be ahead of the curve or behind it. Under current circumstances, key actions within Afghanistan by any one state are perceived to have a deleterious effect on the interests of other competing states, so the only feasible solution is to discourage all of them from interfering in a neutralized state. As the United States draws down over the next two years, yielding to regional anarchy would be irresponsible. Allowing neighbors to rely on bilateral measures, jockey for relative position, and pursue conflicting national interests without regard for dangerous regional dynamics will result in a repeat of the pattern that has played out in Afghanistan for the past thirty years\_/except this time the outcome could be not just terrorism but nuclear war.

### Drone Prolif- Norms Solve

#### Even if prolif is inevitable, the plan sends a signal of norms of restraint that solve war

Roberts ’13 (Kirstin Roberts, News Editor for National Journal and was news editor and deputy bureau chief for Reuters’ Washington bureau, “When the Whole World Has Drones”, <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>, March 23, 2013)

A slim aircraft glided through Israeli airspace, maintaining low altitude and taking a winding path to avoid detection. It flew over sensitive military installations and was beginning its approach to the Dimona nuclear reactor when it was blown from the sky by the Israel Defense Forces. The plane was pilotless, directed by agents elsewhere, and had been attempting to relay images back home. Whether they were successfully transmitted, Israelis won’t say, perhaps because they don’t know. But here’s what’s certain: It wasn’t American. It wasn’t Russian or Chinese. It was an Iranian drone, assembled in Lebanon and flown by Hezbollah. The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines. It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following. America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts. To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things.”—Dennis Blair, former director of national intelligence Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan. This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation. THE WRONG QUESTION The United States is the indisputable leader in drone technology and long-range strike. Remote-piloted aircraft have given Washington an extraordinary ability to wage war with far greater precision, improved effect, and fewer unintended casualties than conventional warfare. The drones allow U.S. forces to establish ever greater control over combat areas, and the Pentagon sees the technology as an efficient and judicious force of the future. And it should, given the billions of dollars that have gone into establishing and maintaining such a capability. That level of superiority leads some national security officials to downplay concerns about other nations’ unmanned systems and to too narrowly define potential threats to the homeland. As proof, they argue that American dominance in drone warfare is due only in part to the aircraft itself, which offers the ability to travel great distances and loiter for long periods, not to mention carry and launch Hellfire missiles. The drone itself, they argue, is just a tool and, yes, one that is being copied aggressively by allies and adversaries alike. The real edge, they say, is in the unparalleled intelligence-collection and data-analysis underpinning the aircraft’s mission. “There is what I think is just an unconstrained focus on a tool as opposed to the subject of the issue, the tool of remotely piloted aircraft that in fact provide for greater degrees of surety before you employ force than anything else we use,” said retired Lt. Gen. David Deptula, the Air Force’s first deputy chief of staff for intelligence, surveillance, and reconnaissance. “I think people don’t realize that for the medium altitude aircraft—the MQ-1 [Predator] and MQ-9 [Reaper] that are generally written about in the press—there are over 200 people involved in just one orbit of those aircraft.… The majority of those people are analysts who are interpreting the information that’s coming off the sensors on the aircraft.” The analysts are part of the global architecture that makes precision strikes, and targeted killing, possible. At the front end, obviously, intelligence—military, CIA, and local—inform target decisions. But in as near-real time as technologically possible, intel analysts in Nevada, Texas, Virginia, and other locations watch the data flood in from the aircraft and make calls on what’s happening on target. They monitor the footage, listen to audio, and analyze signals, giving decision-makers time to adjust an operation if the risks (often counted in potential civilian deaths) outweigh the reward (judged by the value of the threat eliminated). “Is that a shovel or a rifle? Is that a Taliban member or is this a farmer? The way that warfare has advanced is that we are much more exquisite in our ability to discern,” Maj. Gen. Robert Otto, commander of the Air Force Intelligence, Surveillance, and Reconnaissance Agency, told National Journal at Nellis Air Force Base in Nevada. “We’re not overhead for 15 minutes with a fighter that’s about to run out of gas, and we have to make a decision. We can orbit long enough to be pretty sure about our target.” Other countries, groups, and even individuals can and do fly drones. But no state or group has nearly the sophisticated network of intelligence and data analysis that gives the United States its strategic advantage. Although it would be foolish to dismiss the notion that potential U.S. adversaries aspire to attain that type of war-from-afar, pinpoint-strike capability, they have neither the income nor the perceived need to do so. That’s true, at least today. It’s also irrelevant. Others who employ drones are likely to carry a different agenda, one more concerned with employing a relatively inexpensive and ruthlessly efficient tool to dispatch an enemy close at hand. “It would be very difficult for them to create the global-strike architecture we have, to have a control cell in Nevada flying a plane over Afghanistan. The reality is that most nations don’t want or need that,” said Peter Singer, director of the Brookings Institution’s Center for 21st Century Security and Intelligence and one of the foremost experts in advanced military technology. “Turkey’s not looking to conduct strikes into the Philippines.... But Turkey is looking to be able to carry out long-duration surveillance and potentially strike inside and right on its border.” And that’s a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir? “We don’t like other states using lethal force outside their borders. It’s destabilizing. It can lead to a sort of wider escalation of violence between two states,” said Micah Zenko, a security policy and drone expert at the Council on Foreign Relations. “So the proliferation of drones is not just about the protection of the United States. It’s primarily about the likelihood that other states will increasingly use lethal force outside of their borders.” LOWERING THE BAR Governments have covertly killed for ages, whether they maintained an official hit list or not. Before the Obama administration’s “disposition matrix,” Israel was among the best-known examples of a state that engaged, and continues to engage, in strikes to eliminate people identified by its intelligence as plotting attacks against it. But Israel certainly is not alone. Turkey has killed Kurds in Northern Iraq. Some American security experts point to Russia as well, although Moscow disputes this. In the 1960s, the U.S. government was involved to differing levels in plots to assassinate leaders in Congo and the Dominican Republic, and, famously, Fidel Castro in Cuba. The Church Committee’s investigation and subsequent 1975 report on those and other suspected plots led to the standing U.S. ban on assassination. So, from 1976 until the start of President George W. Bush’s “war on terror,” the United States did not conduct targeted killings, because it was considered anathema to American foreign policy. (In fact, until as late as 2001, Washington’s stated policy was to oppose Israel’s targeted killings.) When America adopted targeted killing again—first under the Bush administration after the September 11 attacks and then expanded by President Obama—the tools of the trade had changed. No longer was the CIA sending poison, pistols, and toxic cigars to assets overseas to kill enemy leaders. Now it could target people throughout al-Qaida’s hierarchy with accuracy, deliver lethal ordnance literally around the world, and watch the mission’s completion in real time. The United States is smartly using technology to improve combat efficacy, and to make war-fighting more efficient, both in money and manpower. It has been able to conduct more than 400 lethal strikes, killing more than 3,500 people, in Afghanistan, Pakistan, Yemen, Somalia, and North Africa using drones; reducing risk to U.S. personnel; and giving the Pentagon flexibility to use special-forces units elsewhere. And, no matter what human-rights groups say, it’s clear that drone use has reduced the number of civilians killed in combat relative to earlier conflicts. Washington would be foolish not to exploit unmanned aircraft in its long fight against terrorism. In fact, defense hawks and spendthrifts alike would criticize it if it did not. “If you believe that these folks are legitimate terrorists who are committing acts of aggressive, potential violent acts against the United States or our allies or our citizens overseas, should it matter how we choose to engage in the self-defense of the United States?” asked Rep. Mike Rogers, R-Mich., chairman of the House Intelligence Committee. “Do we have that debate when a special-forces team goes in? Do we have that debate if a tank round does it? Do we have the debate if an aircraft pilot drops a particular bomb?” But defense analysts argue—and military officials concede—there is a qualitative difference between dropping a team of men into Yemen and green-lighting a Predator flight from Nevada. Drones lower the threshold for military action. That’s why, according to the Council on Foreign Relations, unmanned aircraft have conducted 95 percent of all U.S. targeted killings. Almost certainly, if drones were unavailable, the United States would not have pursued an equivalent number of manned strikes in Pakistan. And what’s true for the United States will be true as well for other countries that own and arm remote piloted aircraft. “The drones—the responsiveness, the persistence, and without putting your personnel at risk—is what makes it a different technology,” Zenko said. “When other states have this technology, if they follow U.S. practice, it will lower the threshold for their uses of lethal force outside their borders. So they will be more likely to conduct targeted killings than they have in the past.” The Obama administration appears to be aware of and concerned about setting precedents through its targeted-strike program. When the development of a disposition matrix to catalog both targets and resources marshaled against the United States was first reported in 2012, officials spoke about it in part as an effort to create a standardized process that would live beyond the current administration, underscoring the long duration of the counterterrorism challenge. Indeed, the president’s legal and security advisers have put considerable effort into establishing rules to govern the program. Most members of the House and Senate Intelligence committees say they are confident the defense and intelligence communities have set an adequate evidentiary bar for determining when a member of al-Qaida or an affiliated group may be added to the target list, for example, and say that the rigor of the process gives them comfort in the level of program oversight within the executive branch. “They’re not drawing names out of a hat here,” Rogers said. “It is very specific intel-gathering and other things that would lead somebody to be subject for an engagement by the United States government.” BEHIND CLOSED DOORS The argument against public debate is easy enough to understand: Operational secrecy is necessary, and total opacity is easier. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things,” said Dennis Blair, Obama’s former director of national intelligence. “The reason it’s not been undertaken by the administration is that they just make a cold-blooded calculation that it’s better to hunker down and take the criticism than it is to get into the public debate, which is going to be a hard one to win.” “Consistently, nations have gone down the pathway of first only surveillance and then arming.”—Peter Singer, Brookings Institution But by keeping legal and policy positions secret, only partially sharing information even with congressional oversight committees, and declining to open a public discussion about drone use, the president and his team are asking the world to just trust that America is getting this right. While some will, many people, especially outside the United States, will see that approach as hypocritical, coming from a government that calls for transparency and the rule of law elsewhere. “I know these people, and I know how much they really, really attend to the most important details of the job,” said Barry Pavel, a former defense and security official in the Bush and Obama administrations who is director of the Brent Scowcroft Center on International Security at the Atlantic Council. “If I didn’t have that personal knowledge and because there isn’t that much really in the press, then I would be giving you a different rendering, and much more uncertain rendering.” That’s only part of the problem with the White House’s trust-us approach. The other resides in the vast distance between the criteria and authorization the administration says it uses in the combat drone program and the reality on the ground. For example, according to administration officials, before a person is added to the targeted strike list, specific criteria should be met. The target should be a 1) senior, 2) operational 3) leader of al-Qaida or an affiliated group who presents 4) an imminent threat of violent attack 5) against the United States. But that’s not who is being targeted. Setting aside the administration’s redefining of “imminence” beyond all recognition, the majority of the 3,500-plus people killed by U.S. drones worldwide were not leaders of al-Qaida or the Taliban; they were low- or mid-level foot soldiers. Most were not plotting attacks against the United States. In Yemen and North Africa, the Obama administration is deploying weaponized drones to take out targets who are more of a threat to local governments than to Washington, according to defense and regional security experts who closely track unrest in those areas. In some cases, Washington appears to be in the business of using its drone capabilities mostly to assist other countries, not to deter strikes against the United States (another precedent that might be eagerly seized upon in the future). U.S. defense and intelligence officials reject any suggestion that the targets are not legitimate. One thing they do not contest, however, is that the administration’s reliance on the post-9/11 Authorization for Use of Military Force as legal cover for a drone-strike program that has extended well beyond al-Qaida in Afghanistan or Pakistan is dodgy. The threat that the United States is trying to deal with today has an ever more tenuous connection to Sept. 11. (None of the intelligence officials reached for this article would speak on the record.) But instead of asking Congress to consider extending its authorization, as some officials have mulled, the administration’s legal counsel has chosen instead to rely on Nixon administration adviser John Stevenson’s 1970 justification of the bombing of Cambodia during the Vietnam War, an action new Secretary of State John Kerry criticized during his confirmation hearing this year. Human-rights groups might be loudest in their criticism of both the program and the opaque policy surrounding it, but even the few lawmakers who have access to the intelligence the administration shares have a hard time coping with the dearth of information. “We can’t always assume we’re going to have responsible people with whom we agree and trust in these positions,” said Sen. Angus King, I-Maine, who sits on the Senate Intelligence Committee. “The essence of the Constitution is, it shouldn’t matter who is in charge; they’re still constrained by principles and rules of the Constitution and of the Bill of Rights.” PEER PRESSURE Obama promised in his 2013 State of the Union to increase the drone program’s transparency. “In the months ahead, I will continue to engage Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world,” the president said on Feb. 12. Since then, the administration, under pressure from allies on Senate Intelligence, agreed to release all of the legal memos the Justice Department drafted in support of targeted killing. But, beyond that, it’s not certain Obama will do anything more to shine light on this program. Except in situations where leaks help it tell a politically expedient story of its skill at killing bad guys, the administration has done little to make a case to the public and the world at large for its use of armed drones. Already, what’s become apparent is that the White House is not interested in changing much about the way it communicates strike policy. (It took Sen. Rand Paul’s 13-hour filibuster of CIA Director John Brennan’s nomination to force the administration to concede that it doesn’t have the right to use drones to kill noncombatant Americans on U.S. soil.) And government officials, as well as their surrogates on security issues, are actively trying to squash expectations that the administration would agree to bring the judicial branch into the oversight mix. Indeed, judicial review of any piece of the program is largely off the table now, according to intelligence officials and committee members. Under discussion within the administration and on Capitol Hill is a potential program takeover by the Pentagon, removing the CIA from its post-9/11 role of executing military-like strikes. Ostensibly, that shift could help lift the secret-by-association-with-CIA attribute of the program that some officials say has kept them from more freely talking about the legitimate military use of drones for counterterrorism operations. But such a fix would provide no guarantee of greater transparency for the public, or even Congress. And if the administration is not willing to share with lawmakers who are security-cleared to know, it certainly is not prepared to engage in a sensitive discussion, even among allies, that might begin to set the rules on use for a technology that could upend stability in already fragile and strategically significant places around the globe. Time is running out to do so. “They’re not drawing names out of a hat here.”—Mike Rogers, chairman, House Intelligence Committee “The history of technology development like this is, you never maintain your lead very long. Somebody always gets it,” said David Berteau, director of the International Security Program at the Center for Strategic and International Studies. “They’re going to become cheaper. They’re going to become easier. They’re going to become interoperable,” he said. “The destabilizing effects are very, very serious.” Berteau is not alone. Zenko, of the Council on Foreign Relations, has urged officials to quickly establish norms. Singer, at Brookings, argues that the window of opportunity for the United States to create stability-supporting precedent is quickly closing. The problem is, the administration is not thinking far enough down the line, according to a Senate Intelligence aide. Administration officials “are thinking about the next four years, and we’re thinking about the next 40 years. And those two different angles on this question are why you see them in conflict right now.” That’s in part a symptom of the “technological optimism” that often plagues the U.S. security community when it establishes a lead over its competitors, noted Georgetown University’s Kai-Henrik Barth. After the 1945 bombing of Hiroshima and Nagasaki, the United States was sure it would be decades before the Soviets developed a nuclear-weapon capability. It took four years. With drones, the question is how long before the dozens of states with the aircraft can arm and then operate a weaponized version. “Pretty much every nation has gone down the pathway of, ‘This is science fiction; we don’t want this stuff,’ to, ‘OK, we want them, but we’ll just use them for surveillance,’ to, ‘Hmm, they’re really useful when you see the bad guy and can do something about it, so we’ll arm them,’ ” Singer said. He listed the countries that have gone that route: the United States, Britain, Italy, Germany, China. “Consistently, nations have gone down the pathway of first only surveillance and then arming.” The opportunity to write rules that might at least guide, if not restrain, the world’s view of acceptable drone use remains, not least because this is in essence a conventional arms-control issue. The international Missile Technology Control Regime attempts to restrict exports of unmanned vehicles capable of carrying weapons of mass destruction, but it is voluntary and nonbinding, and it’s under attack by the drone industry as a drag on business. Further, the technology itself, especially when coupled with data and real-time analytics, offers the luxury of time and distance that could allow officials to raise the evidentiary bar for strikes—to be closer to certain that their target is the right one. But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions. A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs. Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists. The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

### Drone Prolif- China Export/ AT: Barriers

#### China exports the drones

Zhouin 12 (Dillon, graduate of the International Relations Program at the University of Massachusetts Boston, PolicyMic, “China Drones Prompt Fears of a Drone Race With the US”, http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us, ZBurdette)

During China’s twice-a-year show, visitors got to see an impressive and, to some, alarming fleet of drones developed by Chinese companies, including many models resembling U.S. drones with their body shape, flight specs, and their missile and surveillance capabilities. It’s evident that China intends to take full advantage of using unmanned aerial vehicles (UAVs) to achieve its national interests – including their territorial disputes over the Senkaku Islands and South China Sea. The U.S. and the World should, therefore, be concerned with this development given that this may lead to a drone race between the top two producers of drones – the U.S. and China. In a world whose militaries and governments are buzzing about the potential of the drones, it is no surprise that China is working to bring their drone program up to speed to compete with America just as President Obama is executing his "Asia Pivot" through strengthening U.S. military, political and economic presence in Asia. China is rising – as evident in its growing economic and military power – but the U.S. should not treat the Chinese drone program as a cause for panic. If the U.S. works towards countermeasures against drones from rival states – like China – the risk posed by the development of competing drone programs can be minimized allowing the U.S. to implement its "Asia Pivot" with one less impediment. The Rise of the Drones Drones are the strategic tools of the future, especially when it comes to the political contests between the major players in global affairs. The Department of Defense’s Defense Science Board (DSB) released a report on the future of drones as a potent tool of great powers like the U.S. and China. The report notes that drones are fast becoming a “tipping point” in global affairs because: “Armed forces in the United States and around the world have actively embraced unmanned systems. The advantages of these systems in terms of persistence, endurance and generally lower costs and deployment footprint have been highlighted in recent conflicts ... Unmanned systems have become an established part of military operations and will play an increasing role in the modern military machine.” The value of the drone lies in its capacity to radically expand a military’s ability to gather intelligence and expand its ability to project its power beyond limits faced by frontline personnel. It can also carry out the unpleasant business of neutralizing enemies, including Anwar al-Awlaki and Abu Yahya al-Libi, Al Qaeda’s last number two leaders, with some civilian casualties. However, the drone is not as precise or accurate as described by the defense industry – as shown by a joint study published by Stanford Law School and NYU School of Law, which detailed the considerable toll taken on civilians in Pakistan – and causes unintended consequences in its search and kill operations in multiple areas of U.S. intelligence operations. The U.S. remains the leading market for drones, but other powers like China, Russia, Europe and the Middle East are also working to develop their own drone capabilities. Unlike the other powers, China is the most prolific developer of a rival drone program to America's program. The DSB report said “[i]n a worrisome trend, China has ramped up research in recent years faster than any other country.” China’s New “Dragons” in the Sky Like the U.S., China has given its new fleet of UAVs unique code names – which often include the character for “dragon” or "long" – and designed them with comparable capabilities as their U.S. counterparts. Many of its newer models – including the CH-4, the Wing Loong and Xianglong – appears to be copies of the U.S. Reaper, Predator and Global Hawk designs. The drone program has had a profound effect on China’s defense industry. The DSB report notes that “[China] displayed its first unmanned system model at the Zhuhai air show five years ago, and now every major manufacturer for the Chinese military has a research center devoted to unmanned systems.” One unique aspect of the Chinese drone program is that the cost of the drones are significantly cheaper than those made by the U.S. and Israel. For example, according to Wired, "[t]he Wing Loong [the Chinese equivalent of the U.S. Reaper] reportedly comes at a rather incredible bargain price of $1 million (£625,000), compared to the Reaper's varying price tags in the $30 million (£18.7 million) range." For China, their nascent drone program provides a valuable tool for projecting its power in Asia, especially in a time when it’s engaged in territorial disputes with its neighbors. More importantly, China feels a need to meet the threat in perceives in President Obama’s so-called “Asia Pivot.” The drones could act as the ideal surveillance tool in tracking U.S. and its Asian allies' military movements in the event of a crisis or international spat and act as a proxy weapon to deter assertive behavior over the South China Sea and Senkaku Islands. At the same time, the cheaper Chinese drones are a hot export product line for the Chinese defense industry. Many African and Asian states have placed orders for the economic Chinese drones. "We've been contacting many countries, especially from Africa and Asia," Guo Qian, a director at a division of the state-owned China Aerospace Science and Technology Corporation. The geostrategic impact of the advent of these new "dragons" is to stoke fears of a drone race between the U.S. and China, which have already manifested at the Pentagon. Worried About the Dragons’ Reach The U.S. is deeply concerned with the speed of the Chinese drone program and the growing resources being devoted to the program. The main concern, according to the DSB report, is as follows: “The military significance of China’s move into unmanned systems is alarming. [China] has a great deal of technology, seemingly unlimited resources and clearly is leveraging all available information on Western unmanned systems development. China might easily match or outpace U.S. spending on unmanned systems, rapidly close the technology gaps and become a formidable global competitor in unmanned systems.” Basically, the U.S. is afraid that it won't be able to keep up with a China that has invested itself in a intensive government-sponsored effort to compete with the U.S. drone program in terms of technical quality, quantity, and as a export product to clients in the developing world. On a strategic level, the Chinese drones could be the "tipping point" for giving the Chinese the edge in possible future disputes in Asia with the U.S. as it attempts to create regional security as part of its "Asia Pivot." There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program. First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present. Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years. Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation. The U.S. shouldn't be alarmed given these facts. Nor should it be overly critical of the Chinese drone program. Scott Shane of The New York Times observes that the U.S. has set the "international norms" for using drones: "If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them." The U.S. needs to take countermeasures against future risks from Chinese drones, but it needs not be overly alarmed or antsy. Clearly, President Obama and the U.S. has a need to work hard to keep the U.S. ahead of the competition from the "dragons" in order to implement the "Asia Pivot" and pursue U.S. interest in a balance of power in the region.

## Offcase

### 2AC- Prohibition

“Restrictions” are on time, place, and manner – this includes geography

Lobel, professor of law at the University of Pittsburgh, 2008

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf)

Throughout American history, Congress has placed restrictions on the President’s power as Commander in Chief to conduct warfare. On numerous occasions, **Congress has authorized the President to conduct warfare but placed significant restrictions on the time**, **place and manner of warfare**. Congress has regulated the tactics the President could employ, the armed forces he could deploy, the geographical area in which those forces could be utilized, and the time period and specific purposes for which the President was authorized to use force. Its regulations have both swept broadly and set forth detailed instructions and procedures for the President to follow. This historical practice is consistent with the Constitution’s text and Framers’ intent, which made clear that the President was not to have the broad powers of the British King, but was subject to the control and oversight of Congress in the conduct of warfare.

“On” means there’s no limits disad

Dictionary.com, http://dictionary.reference.com/browse/on

On

preposition

1.so as to be or remain supported by or suspended from: Put your package down on the table; Hang your coat on the hook.

2.so as to be attached to or unified with: Hang the picture on the wall. Paste the label on the package.

“War powers authority” includes national self-defense

Manget, law professor at Florida State and formerly in the Office of the General Counsel at the CIA, No Date

(Fred, “Presidential War Powers,” http://media.nara.gov/dc-metro/rg-263/6922330/Box-10-114-7/263-a1-27-box-10-114-7.pdf)

**The President has constitutional authority to order defensive military action in response to aggression without congressional approval**. This theory of self-defense has justified many military actions, from the Barbary Coast to the Mexican-American War to the Tonkin Gul£. 29 The Supreme Court has agreed. In The Prize Cases, it found that President Lincoln had the right to blockade southern states without a congressional declaration of war: "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. " 30 In a case arising out of the Vietnam war, the defendant claimed that draft law was unconstitutionally applied to him because Congress had not declared war. The court rejected that claim, stating that on the basis of the Commander in Chief power, "Unquestionably the President can start the gun at home or abroad to meet force with force. " 3 1 **When the President acts in defense of the nation**, **he acts under war powers authority**.

### 2AC- “Targeted Killing”

#### We meet and our aff is key to topic education

**Zenko ’12** [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, “Targeted Killings and Signature Strikes,” June 16, <http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/>]

No matter how U.S. officials (secretly) refer to the practice, signature strikes against military-age men have been part of U.S. targeted killings outside of battlefields from their beginning. In fact, the very first targeted killing was a signature strike.¶ After a year-long manhunt and several missed opportunities by Yemeni soldiers, on November 3, 2002, a fusion of human intelligence assets and signals intercepts pinpointed Abu Ali al-Harithi—an operational planner in the al-Qaeda cell that bombed the USS Cole in 2002—and his bodyguards living in the Marib region near the border with Saudi Arabia. Yemeni and U.S. forces on the ground, supported by a Predator drone circling above, were monitoring al-Harithi’s group when they left a compound in two Toyota SUVs. All of the men were in one vehicle and the women in the other. According to an unnamed U.S. official, “If the women hadn’t gotten into another car, we wouldn’t have fired.” (A member of the Senate Select Committee on Intelligence later wondered, “What do we do, next time, if the women get into the car?”)¶ Reportedly, the National Security Agency (NSA) intercepted a satellite phone call coming from the SUV filled with men. After an NSA analyst—who had listened to tapes of al-Harithi’s voice for years—heard confirming evidence, he shouted: “He’s in the backseat, and he’s giving the driver directions!” With that confirmation, a CIA-controlled Predator drone was authorized to fire a single Hellfire missile, which destroyed the SUV and killed al-Harithi, four unknown Yemenis, and Ahmed Hijazi (otherwise known as Kemal Derwish)—a naturalized U.S. citizen who recruited six men from Lackawanna, New York, to briefly attend an al-Qaeda training camp in Afghanistan. Ultimately, the Lackawanna Six pled guilty to providing material support to al-Qaeda and received sentences ranging from seven to nine years in federal prison.¶ As the Los Angeles Times reported the drone strike: “Even though the CIA wasn’t sure who else was in the car, the customary rules of armed conflict say that anyone sitting next to a legitimate target such as Harithi was, in effect, accepting the risk of imminent death.” (Many international legal scholars would dispute this interpretation.) At the same time, U.S. officials acknowledged that the CIA did not know Hijazi was in the vehicle before the CIA launched the missile, although one later claimed his death was justifiable “collateral damage” since “he was just in the wrong place at the wrong time.”¶ It is plausible that the military-age males who happened to get into al-Harithi’s SUV that day were involved with the suspected al-Qaeda operative in planning terrorist plots. However, there is no way to know this with any certainty, and the Bush administration never presented any supporting evidence to this effect. Moreover, we will never know what specific evidence was used to target al-Harithi, because some of it came from suspected al-Qaeda operative Abd al Rahim al-Nashiri. In 2008, CIA director Hayden testified before the Senate Select Committee on Intelligence that Nashiri was one of three detainees that the CIA waterboarded, and information obtained by torture is not admissible in a military commission trial.¶ Whether they are called signature strikes, crowd killing, or Terrorist Attack Disruption Strikes, all have been part of U.S. targeted killings from the start, and continue with the CIA’s tactic of staggered drone strikes to kill rescuers of initial victims. The Obama administration makes the false choice that kinetic counterterrorism options are either “large, intrusive military deployments” or drone strikes (although some signature strikes have been conducted with cruise missiles). Or, as former CIA official Henry Crumpton—who, according to his memoir, authorized the first U.S. drone strike on October 20, 2001, in Afghanistan—crudely described the dichotomy: “Look at the firebombing of Dresden, and compare what we’re doing today.” However, people have the right to disagree with the ethical and moral tradeoffs of how drone strikes are currently conducted, and the unwillingness of the Obama administration to discuss them, as well as Congress’ reticence to question them. After ten years of signature strikes, isn’t this a debate worth having?

#### Counter-interp- “targeted killing” is lethal force against those not in custody- broad definitions are comparatively better than scholars like Anderson- it’s most real world for legal practice

**Guardian ’13** [Jan, translator at the International Monetary Fund, Resident Representative Office in Belarus, “TARGETED KILLINGS: A SUMMARY,” <http://acontrarioicl.com/2013/02/27/targeted-killings-a-summary/>]

Currently there is no legal definition of targeted killings in either international or domestic law.[1] ‘Targeted killing’ is rather a descriptive notion frequently used by international actors in order to refer to a specific action undertaken in respect to certain individuals.¶ Various scholars propose different definitions. Machon, for example, refers to ‘targeted killing’ as an “intentional slaying of a specific individual or group of individuals undertaken with explicit governmental approval,”[2] whereas Solis suggests that for there to be a targeted killing (i) there must be an armed conflict, either international or non-international in character; (ii) the victim must be specifically targeted; (iii) he must be beyond a reasonable possibility of arrest; (iv) the killing must be authorized by senior military commanders or the head of government; (v) and the target must be either a combatant or someone directly participating in the hostilities.[3] But whereas some scholars seek to use a human rights-based definition, [4] others propose those which do not entail the applicability of international humanitarian law. [5]¶ However, such definitions are incorrect for several reasons. First of all, the definition of a ‘targeted killing’ has to be broad enough as to cover a wide range of practices and flexible enough as to encompass situations within and outside the scope of an armed conflict, thus, being subject to the application of both international human rights law and international humanitarian law, as opposed to the definition provided by some scholars and even states themselves.[6] Secondly, one should bear in mind that defining an act as an instance of ‘targeted killing’ should not automatically render the illegality of such an act at stake.[7] Moreover, the definition also has to cover situations where such an act is carried out by other subjects of international law, rather than only by states.¶ Therefore, maintaining an element-based approach and synthesizing common characteristics of multiple definitions, it is more advisable to use the one employed by Alston and Melzer, which refers to targeted killings as a use of lethal force by a subject of international law (encompassing non-state actors) that is directed against an individually selected person who is not in custody and that is intentional (rather than negligent or reckless), premeditated (rather than merely voluntary), and deliberate (meaning that ‘the death of the targeted person [is] the actual aim of the operation, as opposed to deprivations of life which, although intentional and premeditated, remain the incidental result of an operation pursuing other aims).[8]

### Politics

Europost 10/18/13 ("Janet Yellen rises to FED head challenge," <http://www.europost.bg/article?id=8754>)

Still, she is expect­ed to gain enough sup­port to secure the 60 votes need­ed to over­come any pro­ce­dur­al hur­dles in the 100-seat Sen­ate. Dem­o­crats con­trol the cham­ber 54-46.

Obama set­tled on Yell­en aft­er his former eco­nom­ic advis­er Law­rence Sum­mers with­drew his can­di­da­ture, due to a fierce oppo­si­tion from with­in the pres­i­dent's Dem­o­crat­ic Par­ty.

Crutsinger and Wiseman 10/9/13 (Martin and Paul, AP Economics Writers, "As Fed chair, Yellen would face tough challenges," http://www.dallasnews.com/business/headlines/20131009-as-fed-chair-yellen-would-face-tough-challenges.ece?nclick\_check=1)

Most analysts say they're confident Yellen can handle the many challenges.

"By temperament, by mannerism and by extensive experience, I think she is better prepared for that job than almost anybody on the face of the earth," says Alan Blinder, a Princeton University economist and former Fed vice chairman who served with Yellen at the Fed in the 1990s.

#### Budget and Obamacare thump immigration reform

The Atlantic Wire 10/24/13 (Allie Jones, writer for The Atlantic, "The Slim Chance for Immigration Reform")

President Obama made a short speech on Thursday morning at the White House to officially call for Congress to pass comprehensive immigration reform. Though the Senate has already passed a bipartisan bill addressing immigration, conservatives in the House have no intention of touching it. House Speaker John Boehner doesn't necessarily oppose negotiating on immigration, but it's unlikely that he will force a vote in the House on it. Obama [insisted](http://blogs.marketwatch.com/capitolreport/2013/10/24/president-obamas-comments-on-immigration-live-blog/) this morning, "Let’s see if we can get this done. And let’s see if we can get it done this year."¶ Most pundits would tell you that immigration reform [won't get done this year or next year.](http://www.theatlanticwire.com/politics/2013/10/could-immigration-reform-still-happen/70705/) The House GOP is still obsessed with Obamacare; Boehner [was tweeting about the health care law](http://blogs.marketwatch.com/capitolreport/2013/10/24/president-obamas-comments-on-immigration-live-blog/) during Obama's speech. Beyond that, Congress needs to reach a budget agreement sooner than it needs to pass immigration reform. As Republican Rep. Aaron Schock said [last week](http://www.theatlanticwire.com/politics/2013/10/could-immigration-reform-still-happen/70705/), "I know the president has said, well, gee, now this is the time to talk about immigration reform. He ain't gonna get a willing partner in the House until he actually gets serious about ... his plan to deal with the debt."

#### Obama asked for the plan

Baker ’13 (Peter Baker, NY Times, “Pivoting From a War Footing, Obama Acts to Curtail Drones”, <http://www.nytimes.com/2013/05/24/us/politics/pivoting-from-a-war-footing-obama-acts-to-curtail-drones.html?pagewanted=all&_r=0>, May 23, 2013)

WASHINGTON — Nearly a dozen years after the hijackings that transformed America, President Obama said Thursday that it was time to narrow the scope of the grinding battle against terrorists and begin the transition to a day when the country will no longer be on a war footing. Declaring that “America is at a crossroads,” the president called for redefining what has been a global war into a more targeted assault on terrorist groups threatening the United States. As part of a realignment of counterterrorism policy, he said he would curtail the use of drones, recommit to closing the prison at Guantánamo Bay, Cuba, and seek new limits on his own war power. In a much-anticipated speech at the National Defense University, Mr. Obama sought to turn the page on the era that began on Sept. 11, 2001, when the imperative of preventing terrorist attacks became both the priority and the preoccupation. Instead, the president suggested that the United States had returned to the state of affairs that existed before Al Qaeda toppled the World Trade Center, when terrorism was a persistent but not existential danger. With Al Qaeda’s core now “on the path to defeat,” he argued, the nation must adapt. “Our systematic effort to dismantle terrorist organizations must continue,” Mr. Obama said. “But this war, like all wars, must end. That’s what history advises. It’s what our democracy demands.” The president’s speech reignited a debate over how to respond to the threat of terrorism that has polarized the capital for years. Republicans contended that Mr. Obama was declaring victory prematurely and underestimating an enduring danger, while liberals complained that he had not gone far enough in ending what they see as the excesses of the Bush era. The precise ramifications of his shift were less clear than the lines of argument, however, because the new policy guidance he signed remains classified, and other changes he embraced require Congressional approval. Mr. Obama, for instance, did not directly mention in his speech that his new order would shift responsibility for drones more toward the military and away from the Central Intelligence Agency. But the combination of his words and deeds foreshadowed the course he hopes to take in the remaining three and a half years of his presidency so that he leaves his successor a profoundly different national security landscape than the one he inherited in 2009. While President George W. Bush saw the fight against terrorism as the defining mission of his presidency, Mr. Obama has always viewed it as one priority among many at a time of wrenching economic and domestic challenges. “Beyond Afghanistan, we must define our effort not as a boundless ‘global war on terror,’ ” he said, using Mr. Bush’s term, “but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America.” “Neither I, nor any president, can promise the total defeat of terror,” he added. “We will never erase the evil that lies in the hearts of some human beings, nor stamp out every danger to our open society. But what we can do — what we must do — is dismantle networks that pose a direct danger to us, and make it less likely for new groups to gain a foothold, all the while maintaining the freedoms and ideals that we defend.” Some Republicans expressed alarm about Mr. Obama’s shift, saying it was a mistake to go back to the days when terrorism was seen as a manageable law enforcement problem rather than a dire threat. “The president’s speech today will be viewed by terrorists as a victory,” said Senator Saxby Chambliss of Georgia, the top Republican on the Senate Intelligence Committee. “Rather than continuing successful counterterrorism activities, we are changing course with no clear operational benefit.” Senator John McCain, Republican of Arizona, said he still agreed with Mr. Obama about closing the Guantánamo prison, but he called the president’s assertion that Al Qaeda was on the run “a degree of unreality that to me is really incredible.” Mr. McCain said the president had been too passive in the Arab world, particularly in Syria’s civil war. “American leadership is absent in the Middle East,” he said. The liberal discontent with Mr. Obama was on display even before his speech ended. Medea Benjamin, a co-founder of the antiwar group Code Pink, who was in the audience, shouted at the president to release prisoners from Guantánamo, halt C.I.A. drone strikes and apologize to Muslims for killing so many of them. “Abide by the rule of law!” she yelled as security personnel removed her from the auditorium. “You’re a constitutional lawyer!” Col. Morris D. Davis, a former chief prosecutor at Guantánamo who has become a leading critic of the prison, waited until after the speech to express disappointment that Mr. Obama was not more proactive. “It’s great rhetoric,” he said. “But now is the reality going to live up to the rhetoric?” Still, some counterterrorism experts saw it as the natural evolution of the conflict after more than a decade. “This is both a promise to an end to the war on terror, while being a further declaration of war, constrained and proportional in its scope,” said Juan Carlos Zarate, a counterterrorism adviser to Mr. Bush. The new classified policy guidance imposes tougher standards for when drone strikes can be authorized, limiting them to targets who pose “a continuing, imminent threat to Americans” and cannot feasibly be captured, according to government officials. The guidance also begins a process of phasing the C.I.A. out of the drone war and shifting operations to the Pentagon. The guidance expresses the principle that the military should be in the lead and responsible for taking direct action even outside traditional war zones like Afghanistan, officials said. But Pakistan, where the C.I.A. has waged a robust campaign of air assaults on terrorism suspects in the tribal areas, will be grandfathered in for a transition period and remain under C.I.A. control. That exception will be reviewed every six months as the government decides whether Al Qaeda has been neutralized enough in Pakistan and whether troops in Afghanistan can be protected. Officials said they anticipated that the eventual transfer of the C.I.A. drone program in Pakistan to the military would probably coincide with the withdrawal of combat units from Afghanistan at the end of 2014. Even as he envisions scaling back the targeted killing, Mr. Obama embraced ideas to limit his own authority. He expressed openness to the idea of a secret court to oversee drone strikes, much like the intelligence court that authorizes secret wiretaps, or instead perhaps some sort of independent body within the executive branch. He did not outline a specific proposal, leaving it to Congress to consider something along those lines. He also called on Congress to “refine and ultimately repeal” the authorization of force it passed in the aftermath of Sept. 11. Aides said he wanted it limited more clearly to combating Al Qaeda and affiliated groups so it could not be used to justify action against other terrorist or extremist organizations. In renewing his vow to close the Guantánamo prison, Mr. Obama highlighted one of his most prominent unkept promises from the 2008 presidential campaign. He came into office vowing to shutter the prison, which has become a symbol around the world of American excesses, within a year, but Congress moved to block him, and then he largely dropped the effort. With 166 detainees still at the prison, Mr. Obama said he would reduce the population even without action by Congress. About half of the detainees have been cleared for return to their home countries, mostly Yemen. Mr. Obama said he was lifting a moratorium he imposed on sending detainees to Yemen, where a new president has inspired more faith in the White House that he would not allow recidivism. The policy changes have been in the works for months as Mr. Obama has sought to reorient his national security strategy. The speech was his most comprehensive public discussion of counterterrorism since he took office, and at times he was almost ruminative, articulating both sides of the argument and weighing trade-offs out loud in a way presidents rarely do. He said that the United States remained in danger from terrorists, as the attacks in Boston and Benghazi, Libya, have demonstrated, but that the nature of the threat “has shifted and evolved.” He noted that terrorists, including some radicalized at home, had carried out attacks, but less ambitious than the ones on Sept. 11. “We have to take these threats seriously and do all that we can to confront them,” he said. “But as we shape our response, we have to recognize that the scale of this threat closely resembles the types of attacks we faced before 9/11.”

#### Congress wants to do the plan

Jakes ’13 (Lara Jakes, Associated Press, “Some in Congress back limits on drone strikes”, <http://www.airforcetimes.com/article/20130205/NEWS/302050314/Some-Congress-back-limits-drone-strikes>, February 5, 2013)

WASHINGTON — Uncomfortable with the Obama administration's use of deadly drones, a growing number in Congress is looking to limit America's authority to kill suspected terrorists, even U.S. citizens. The Democratic-led outcry was emboldened by the revelation in a newly surfaced Justice Department memo that shows drones can strike against a wider range of threats, with less evidence, than previously believed. The drone program, which has been used from Pakistan across the Middle East and into North Africa to find and kill an unknown number of suspected terrorists, is expected to be a top topic of debate when the Senate Intelligence Committee grills John Brennan, the White House's pick for CIA chief, at a hearing Thursday. The White House on Tuesday defended its lethal drone program by citing the very laws that some in Congress once believed were appropriate in the years immediately after the Sept. 11 attacks but now think may be too broad. "It has to be in the agenda of this Congress to reconsider the scope of action of drones and use of deadly force by the United States around the world because the original authorization of use of force, I think, is being strained to its limits," Sen. Chris Coons, D-Del., said in a recent interview. Rep. Steny Hoyer of Maryland, the No. 2 Democrat in the House, said Tuesday that "it deserves a serious look at how we make the decisions in government to take out, kill, eliminate, whatever word you want to use, not just American citizens but other citizens as well." Hoyer added: "We ought to carefully review our policies as a country." The Senate Foreign Relations Committee likely will hold hearings on U.S. drone policy, an aide said Tuesday, and chairman Robert Menendez, D-N.J., and the panel's top Republican, Sen. Bob Corker, both have quietly expressed concerns about the deadly operations. And earlier this week, a group of 11 Democratic and Republican senators urged President Obama to release a classified Justice Department legal opinion justifying when U.S. counterterrorism missions, including drone strikes, can be used to kill American citizens abroad. Without those documents, it's impossible for Congress and the public to decide "whether this authority has been properly defined, and whether the president's power to deliberately kill Americans is subject to appropriate limitations and safeguards," the senators wrote. It was a repeated request after receiving last June an unclassified Justice Department memo, which fell short of giving the senators all the information they requested. First detailed publicly by NBC News late Monday, the memo for the first time outlines the Obama administration's decision to kill al-Qaida terrorist suspects without any evidence that specific and imminent plots are being planned against the United States. "The threat posed by al-Qaida and its associated forces demands a broader concept of imminence in judging when a person continually planning terror attacks presents an imminent threat," concluded the document. The memo was immediately decried by civil liberties groups as "flawed" and "profoundly disturbing" — especially in light of 2011 U.S. drone strikes in Yemen that killed three American citizens: Anwar al-Awlaki, his 16-year-old-son and Samir Khan. Al-Awlaki was linked to the planning and execution of several attacks targeting U.S. and Western interests, including the attempt to down a Detroit-bound airliner in 2009 and the plot to bomb cargo planes in 2010. His son was killed in a separate strike on a suspected al-Qaida den. Khan was an al-Qaida propagandist. White House spokesman Jay Carney, echoing comments Brennan made in a speech last April, called the strikes "legal, ethical and wise" and said they are covered by a law that Congress approved allowing the use of military force against al-Qaida. "And certainly, under that authority, the president acts in the United States' interest to protect the United States and its citizens from al-Qaida," Carney said Tuesday. "It is a matter of fact that Congress authorized the use of military force against al-Qaida," Carney said. "It is a matter of fact that al-Qaida is in a state of war against us and that senior leaders, operational leaders of al-Qaida are continually plotting to attack the United States, plotting to kill American citizens as they did most horrifically on September 11th of 2001." Three days after 9/11, Congress approved a law authorizing the military to use "all necessary and appropriate force" against al-Qaida and other groups believed to be helping or harboring the global terror network, including the use of drone strikes. In the decade since the attacks, U.S. intelligence officials say, al-Qaida has splintered into a number of affiliates and allied sympathizers. That means the current laws could allow military force against thousands of extremists across the Mideast and North Africa who have limited or no ability to strike the United States. Currently, both the CIA and the U.S. military are authorized to remotely pilot unmanned, missile-carrying drones against terror suspects. It's unknown exactly how many strikes have been carried out, but experts say that drone attacks in Pakistan are conducted by the CIA, while those in Yemen and Somalia, for example, are by military forces. The drones have strained diplomacy between the U.S. and the nations where the strikes are carried out, as civilians have been killed alongside the targeted terrorists, even though most nations have given Washington at least tacit agreement to carry out the attacks. A Middle Eastern diplomat said that in Yemen, for example, an uptick of U.S. drone strikes last month have killed dozens of people and upset the local public, leading some leaders in Sanaa to reconsider how often they should be used. The diplomat spoke Tuesday on condition of anonymity to avoid political retribution from the Obama administration. The Pentagon is also considering basing surveillance drones in Niger to monitor on burgeoning extremist violence in North Africa, but it's not clear if they will be armed. Scaling back the use of drones also would hamper war plans in Afghanistan after combat troops are scheduled to withdraw in 2014. Drones represent a major thrust of the post-troops campaign to help the limited number of special forces units that remain there keep the Taliban from regrouping. Brennan, who currently serves as the White House counterterrorism czar, has signaled he is prepared to turn the CIA from carrying out lethal drone strikes and hand over those missions to the U.S. military. Sen. Ron Wyden, a senior Democratic member of the Senate Intelligence panel, declared himself unsatisfied Tuesday with the Justice memo and said he will press Brennan at the confirmation hearing about the administration's current policy. The drone debate puts Obama, a former civil rights lawyer, in the awkward position of carrying out lethal attacks in secret and bucking his political allies in the Democratic Party. Democratic lawmakers were incensed by the refusal of the Republican administration of President George W. Bush to hand over classified Justice Department opinions justifying the use of waterboarding, the harsh interrogation tactic that critics call a form of torture. Obama repudiated those methods — and released those opinions — when he took office in 2009. The use of drones proved to have no political cost to Obama in his re-election campaign. House Intelligence Chairman Mike Rogers, R-Mich., defended the use of deadly drones, calling it "a lawful act of national self-defense." "When an individual has joined al-Qaida — the organization responsible for the murder of thousands of Americans — and actively plots future attacks against U.S. citizens, soldiers, and interests around the world, the U.S. government has both the authority and the obligation to defend the country against that threat," Rogers said in a statement. But Rep. Keith Ellison, said the new Justice memo could spur lawmakers into taking a fresh look at deadly drones, and what he called an outdated policy guiding them. "We are sort of running on the steam that we acquired right after our country was attacked in the most horrific act of terror in U.S. history," said Ellison, D-Minn. "We have learned much since 9/11, and now it's time to take a more sober look at where we should be with use of force."

#### Congress legitimizes Obama

Goldsmith ’12 (Jack Goldsmith, Jack Goldsmith is a Harvard Law professor and a member of the Hoover Task Force on National Security and Law. He served in the Bush administration as assistant attorney general in charge of the Office of Legal Counsel. His new book is Power and Constraint: The Accountable Presidency after 9/11, “Fire When Ready”, <http://www.foreignpolicy.com/articles/2012/03/19/fire_when_ready?page=0,2>, March 19, 2012)

The government needs a way to credibly convey to the public that its decisions about who is being targeted -- especially when the target is a U.S. citizen -- are sound. The government did provide this kind of information when there was public uncertainty about whether Awlaki was an operational leader of al Qaeda in the Arabian Peninsula or merely an inspirational figure. In its sentencing memorandum for "underwear bomber" Umar Farouk Abdulmutallab, the government revealed details about Awlaki meeting with Abdulmutallab and providing assistance for the planned attack on a U.S.-bound plane on Christmas Day 2009. This disclosure is credible because it is based on Abdulmutallab's debriefing statements. And because it is based on those statements, it does not reveal the sensitive intelligence that originally informed the government's conclusion that Awlaki was an operational leader. Outside this unusual context, however, it is hard for the executive branch to disclose more than it has about the factual basis for its high-value targeting decisions without disclosing and thus destroying its intelligence-gathering techniques or its arrangements with foreign governments. And that, in turn, leaves the government in the unattractive position of asking the public to trust its controversial targeting decisions without any outside confirmation of the facts. I can think of only two ways to improve the current arrangement. First, the government can and should tell us more about the process by which it reaches its high-value targeting decisions. It should answer a number of questions, such as: How many layers of bureaucracy are involved? How many people, from how many agencies, typically weigh in on such decisions? How long do the deliberations generally take? What, in general, are the intelligence review processes like? How long does a typical congressional briefing on such an issue take? How many members of the relevant congressional committees show up? Does the administration show committee members legal analyses? Do committee staffers, including committee lawyers, participate? How much sharing is there, if any, between the intelligence and armed services committees? Are targets or operations sometimes, frequently, or always revised by these processes? Are they sometimes, or frequently, aborted? The more the government tells us about the eyeballs on the issue and the robustness of the process, the more credible will be its claims about the accuracy of its factual determinations and the soundness of its legal ones. All of this information can be disclosed in some form without endangering critical intelligence. Second, the government should take advantage of the separation of powers. Military detention at Guantánamo Bay, Cuba has become more legitimate and less controversial in part because another branch of government, the judiciary, has looked at the detentions and agreed with the executive's assessment. Such judicial review is inappropriate for targeting decisions and, in any event, not available. But a different adversarial branch of government -- Congress -- can play an analogous role. The congressional intelligence and arms services committees know a lot about the president's targeting policies, and have gone along with the president's actions. These committees could (without revealing sensitive information) do more to enhance the president's credibility by stating publicly -- and preferably in a bipartisan fashion -- that they have monitored the president's high-value targeting decisions and find them, and the facts and processes on which they are based, to be sound. Congress does not typically like the responsibility (or the hard work) that such an endorsement would entail. But especially when courts are not available to review the president's actions, it should step up its public involvement in scrutinizing and vouching for (or criticizing) the president's targeting decisions. Indeed, the president should insist on it.

#### That means no PC loss

Kriner ’10 (Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60)

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. **Such authorizing legislation**, even if it fails to pass both chambers, **creates a sense of** shared legislative-executive responsibility for a military action's success **and provides the president with** considerable political support **for** **his chosen policy** course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

#### Unique link turn- drones fights now- plan ends those

Sink and Herb ’13 (Jeremy Herb and Justin Sink, “Obama faces turning point on administration drone policy”, <http://thehill.com/blogs/defcon-hill/policy-and-strategy/286945-obama-faces-turning-point-on-drones>, March 8, 2013)

A 13-hour filibuster by Sen. Rand Paul (R-Ky.) has thrust the expanded use of drone attacks to greater public scrutiny and is putting new pressure on the White House to explain its use of drones to Congress and the public. The same day Paul went to the Senate floor to press President Obama on whether drones could be used to kill American citizens within U.S. borders, Attorney General Eric Holder said Obama would soon speak to the public about the U.S. drone policy. The public address by Obama highlights the administration’s understanding that it needs to give a fuller account of a program that is a hallmark of Obama’s counter-terrorism policy — but that was a covert policy not publicly acknowledged by the government just months ago. It also suggests Obama is close to codifying a set of principles to govern the use of drone strikes for future administrations, which will govern in a world where links to terrorism are less clear and other countries are also using drones. The effort began before last year's election, born from a desire within the White House to provide Mitt Romney with a clear set of procedures and standards for the use of drone strikes, were he to be elected. “He thinks these are important issues,” White House press secretary Jay Carney said Thursday. “He believes very much in the need to be as transparent as possible on these matters with Congress as well as with the public.” Paul declared “victory” Thursday after his filibuster prompted the Obama administration to send the Kentucky senator a letter saying the president could not use drones to kill U.S. citizens on U.S. soil. “It has come to my attention that you have now asked an additional question: ‘Does the President have the authority to use a weaponized drone to kill an American not engaged in combat on American soil?’ ” Holder wrote to Paul. “The answer to that question is no.” The Holder letter is just the latest disclosure from the administration shedding light on a program in the shadows. In January, NBC News obtained a Justice Department white paper explaining the legal authority for drone-killings of senior operational leaders of al Qaeda, even if they were U.S. citizens. Last year, the New York Times reported that the president had personally overseen the development of a top-secret “kill list” identifying potential targets. Obama himself pledged greater transparency in this year’s State of the Union address. “My administration has worked tirelessly to forge a durable legal and policy framework to guide our counterterrorism operations,” said Obama, who pledged in the “months ahead” to explain policies in an “even more transparent” way. It’s a major shift for the White House, which did not publicly acknowledge the use of drones until April 2012, when John Brennan — whose confirmation as CIA Director was held up Wednesday by Paul’s filibuster — gave the first speech about the program. Both the Defense Department and CIA have an arsenal of armed drones, which are used primarily to target terrorists in areas where the U.S. military is not: Yemen, Somalia and Pakistan’s Federally Administered Tribal Areas (FATA). Yet there are more questions about the drone attacks than answers. For example, the administration has not disclosed how many people have been killed by drone strikes in their expanded use under Obama. Some lawmakers, including Paul, have challenged the constitutionality of such attacks. In 2011, New Mexico-born Anwar al-Awlaki was killed in a drone strike in Yemen. Awlaki was an al Qaeda leader connected to attacks against the United States, including the attempted “underwear bombing” of a flight to Detroit in 2009. Heather Hurlburt, executive director of the liberal-leaning National Security Network, said that the issue began getting more public attention last year, but the presidential campaign had curtailed public engagement from the administration. Now that may be changing. “This is an issue that was sort of starting to reach a bubbling point where there was talk inside and outside government about assessing the program,” Hulburt said. “What I think the White House is now doing is picking up the public conversation, the seeds of which were in place before the campaign got really hot.” The drone debate cuts across party lines, with Paul aligned with liberal Democrats like Sen. Ron Wyden (Ore.), the lone Democrat to join Wednesday’s filibuster. There were questions Thursday over why more Democrats didn’t join Paul when many of them have the same concerns about Executive Branch overreach on drones. Wyden said that he expected to see more scrutiny from Congress over the classified program going forward. “I thought it was a day when people would see that this concern about the balance between liberty and security is a bipartisan one,” Wyden said of the filibuster. “I think you’re going to start seeing the emergence as what I sometimes call around here the checks and balances caucus. And there will be a lot of Democrats in it.” While Paul’s filibuster received support from more than a dozen Republicans — including Senate Minority Leader Mitch McConnell (R-Ky.) — he was slammed Thursday by defense hawks Sen. Lindsey Graham (R-S.C.) and John McCain (R-Ariz.). McCain described some of Paul’s arguments as “ridiculous,” and that some of his colleagues who joined Paul should “know better.” He bristled at questions over whether support of the filibuster signified a shift in his party’s foreign policy views. “I have no idea, nor do I care,” McCain said. “I could care less if my view is majority or minority — I know what’s right. I’ve been involved in national security for 60 years.” Paul shot back that McCain was “dismissive” of a legitimate issue. “What I would say is that he’s wrong — the issue is a very important issue,” Paul told reporters. “He’s dismissive of something that involves the discussion of whether the 5th Amendment applies to American citizens and I consider that to be a very important issue.” Sen. Jeff Sessions (R-Ala.), who did not take part in the filibuster, said Paul had shaken things up in the Senate. “There is a sensitivity and a deep concern among the American people that too much power is being arrogated here,” Sessions said. “The president doesn’t have power to just execute somebody, and I think that concern needs to be heard. And Rand Paul made it heard last night.”

#### PC theory is wrong- winners win

Hirsh ’13 (National Journal chief correspondent, citing various political scientists, Michael, former Newsweek senior correspondent, "There’s No Such Thing as Political Capital," National Journal, 2-9-13, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207, accessed 2-8-13, mss]

The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much “political capital” Obama possesses to push his program through. Most of this talk will have no bearing on what actually happens over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.” As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn’t a few weeks ago. Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all. The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, political capital is a concept that misleads far more than it enlightens. It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and [they]he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.” ALL THE WAY WITH LBJ Sometimes, a clever practitioner of power can get more done just because [they’re]he’s aggressive and knows the hallways of Congress well. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?” Johnson didn’t worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, antipoverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. “Momentum is not a mysterious mistress,” LBJ said. “It is a controllable fact of political life.” Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)

#### US econ down – multiple indicators

Reuters October 25, 2013 “UPDATE 1-U.S. consumer sentiment slides in October on government shutdown” <http://www.reuters.com/article/2013/10/25/usa-economy-sentiment-idUSL1N0IF0S220131025>

U.S. consumer sentiment dropped in October to its lowest level since the end of last year as consumers worried congressional dysfunction and the resulting partial shutdown of the federal government would hurt growth, a survey released on Friday showed.¶ The Thomson Reuters/University of Michigan's final reading on the overall index on consumer sentiment fell to 73.2 in October from 77.5 in September and was the lowest final reading since December 2012¶ The October figure was lower than both the 75.0 forecast by economists in a Reuters poll and the mid-month preliminary reading of 75.2.¶ "Not too pretty but not a disaster after all," said Yelena Shulyatyeva, a U.S. economist at BNP Paribas in New York. Fiscal fights in Congress "took their toll," with a drumbeat of negative news eroding sentiment.¶ The federal government shut down for 16 days in the first half of October as Republicans in Congress sought to undermine President Barack Obama's signature health care law as a condition of funding the government.¶ The government also came close to breaching its borrowing limit, which compounded the crisis and could have pushed the country closer to a historic debt default.¶ While a last-minute agreement averted that outcome by raising the debt ceiling until early next year, rating agency Fitch warned it could still cut the U.S. sovereign credit rating because of the political brinkmanship.¶ "When asked to describe in their own words what they had heard about recent economic developments, the number of consumers that negatively mentioned the federal government in October was the highest in the more than half-century history of the surveys," survey director Richard Curtin said in a statement.¶ Other gauges also hit multi-month lows. The index of consumer expectations, at 62.5, hit its lowest since November 2011, and the index of current conditions, at 89.9, hit its lowest since April.¶ The debt impasse likely affected economic growth in the quarter, with Standard & Poor's estimating the shutdown took $24 billion out of the world's biggest economy.¶ The one-year inflation expectation fell to 3.0 percent from 3.3 percent while the five-to-10-year inflation outlook edged down to 2.8 percent from 3.0 percent.¶ The sliding consumer confidence could in turn affect holiday spending - especially as the Congressional deal is only a temporary fix, which could see renewed fiscal debates toward year-end.¶ "I really hope the holiday season will be okay," Shulyatyeva said. "This is really bad timing." (Reporting by Luciana Lopez; Editing by Meredith Mazzilli and Chizu Nomiyama)

#### No econ decline war – recession disproves

Drezner ’12 (Daniel W. Drezner, Professor, The Fletcher School of Law and Diplomacy, Tufts University, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>, October 2012)

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. ¶ The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40¶ None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

### AT: Unable or Unwilling

#### No clear limit on “unable or unwilling” means the counterplan doesn’t solve- empirically- independently can’t solve Pakistan because we have *already* deemed them unable or unwilling- bin Laden raid proves

Deeks ’12 (Ashley S. Deeks 12, Academic Fellow, Columbia Law School, Spring 2012, “ARTICLE: "Unwilling or Unable": Toward a Normative Framework for Extraterritorial Self-Defense,” Virginia Journal of International Law, 52 Va. J. Int'l L. 483)

In an August 2007 speech, then-Presidential candidate Barack Obama asserted that his administration would take action against high-value leaders of al-Qaida in Pakistan if the United States had actionable intelligence about them and President Musharraf would not act. n1 He later clarified his position, stating, "What I said was that if we have actionable intelligence against bin Laden or other key al-Qaida officials ... and Pakistan is unwilling or unable to strike against them, we should." n2 On May 2, 2011, the United States put those words into operation. Without the consent of Pakistan's government, U.S. forces entered Pakistan to capture or kill Osama bin Laden. In the wake of the successful U.S. military operation, the Government of Pakistan objected to the "unauthorized unilateral action" of the United States. n3 U.S. officials, on the other hand, suggested that the United States declined to provide Pakistan with advance knowledge of the raid because it was concerned that doing so might have compromised the mission. n4 This failure to notify suggests that the United States determined that Pakistan was indeed "unwilling or unable" to suppress the threat posed by bin Laden. n5 Unfortunately, international law currently gives the United States (or any state in a similar position) little guidance about what factors are relevant when making such [\*486] a determination. Yet the stakes are high: the U.S.-Pakistan relationship has come under serious strain as a result of the operation. If, in the future, a state in Pakistan's position deems another state's use of force in its territory pursuant to an "unwilling or unable" determination to be unlawful, the territorial state could use force in response. The lack of guidance therefore has the potential to be costly. President Obama's speech invoked an important but little understood legal standard governing the use of force. More than a century of state practice suggests that it is lawful for State X, which has suffered an armed attack by an insurgent or terrorist group, to use force in State Y against that group if State Y is unwilling or unable to suppress the threat. n6 Yet there has been virtually no discussion, either by states or scholars, of what that standard means.

What factors must the United States consider when evaluating Pakistan's willingness or ability to suppress the threats to U.S. (as well as NATO and Afghan) forces? Must the United States ask Pakistan to take measures itself before the United States lawfully may act? How much time must the United States give Pakistan to respond? What if Pakistan proposes to respond to the threat in a way that the United States believes may not be adequate? Many states agree that the "unwilling or unable" test is the correct standard by which to assess the legality of force in this context. For example, Russia used force in Georgia in 2002 against Chechen rebels who had conducted violent attacks in Russia, based on Russia's conclusion that Georgia was unwilling or unable to suppress the rebels' attacks. n7 Israel has invoked the "unwilling or unable" standard periodically in justifying its use of force in Lebanon against Hezbollah and the Palestine Liberation Organization, noting, "Members of the [Security] Council need scarcely be reminded that under international law, if a State is unwilling or unable to prevent the use of its territory to attack another State, that latter State is entitled to take all necessary measures in its own defense." n8 Similarly, [\*487] Turkey defends its use of force in Iraq against the Kurdish Workers' Party (PKK) by claiming that Iraq is unable to suppress the PKK. n9 Several U.S. administrations have stated that the United States will inquire whether another state is unwilling or unable to suppress the threat before using force without consent in that state's territory. n10 Given that academic discussion of the test has been limited thus far, we may describe what "unwilling or unable" means only at a high level of generality. n11 In its most basic form, a state (the "victim state") suffers an armed attack from a nonstate group operating outside its territory and concludes that it is necessary to use force in self-defense to respond to the continuing threat that the group poses. The question is whether the state in which the group is operating (the "territorial state") will agree to suppress the threat on the victim state's behalf. The "unwilling or unable" test requires a victim state to ascertain whether the territorial state is willing and able to address the threat posed by the nonstate group before using force in the territorial state's territory without consent. If the territorial state is willing and able, the victim state may not use force in the territorial state, and the territorial state is expected to take the appropriate steps against the nonstate group. If the territorial state is unwilling or unable to take those steps, however, it is lawful for the victim state to use [\*488] that level of force that is necessary (and proportional) to suppress the threat that the nonstate group poses. A test constructed at this level of generality offers insufficient guidance to states. Although many inquiries in the use of force area lack precision, including questions about what constitutes an "armed attack" and when force is proportional, states and commentators have discussed the possible meanings of these terms at length and in great detail. n12 The same is not true for the "unwilling or unable" test; strikingly little attention has been paid to the nature and consequences of -- or solutions to -- the imprecision surrounding the "unwilling or unable" test. The test's lack of content undermines the legitimacy of the test as it currently is framed and suggests that it is not, in its current form, imposing effective constraints on a state's use of force. n13 To address this flaw, this Article first identifies the test's historical parentage in the law of neutrality and then conducts an original analysis of two centuries of state practice in order to develop normative factors that define what it means for a territorial state to be "unwilling or unable" to suppress attacks by a nonstate actor.

#### Consent means they don’t solve

Posner ’12 (Eric Posner, “Obama’s Drone Dilemma”, Eric Posner, a professor at the University of Chicago Law School, is a co-author of The Executive Unbound: After the Madisonian Republic and Climate Change Justice. Follow him on Twitter, <http://www.slate.com/articles/news_and_politics/view_from_chicago/2012/10/obama_s_drone_war_is_probably_illegal_will_it_stop_.single.html#comments>, October 8, 2012)

Now what to do? The administration argues that consent can still be inferred despite the unanswered faxes. The reason is that “the Pakistani military continues to clear airspace for drones and doesn’t interfere physically with the unpiloted aircraft in flight”—meaning that Pakistan does not shoot down the drones or permit private aircraft to collide with them. We might call this “coerced consent.”

Consider it this way: You walk into a jewelry store and the proprietor announces that he will deem you to have consented to the purchase of a diamond tiara for $10,000, despite all your protests to the contrary, unless you use physical force to stop him as he removes your wallet from your pocket. Imagine further that he’s 7 feet tall and weighs 400 pounds. This is what a Pakistani official meant when he told the Wall Street Journal that shooting down a drone would be “needlessly provocative.” He meant that such an action would risk provoking retaliation from the United States, a risk that Pakistan cannot afford to take. Because Pakistan lies prostrate and endures the pummeling rather than makes a futile effort to stop it, it is deemed to consent to the bombing of its own territory.

### Courts

#### Counterplan links to politics- causes Congress backlash

Brickman ‘7 (Danette. "Congressional Reaction to U.S. Supreme Court Decisions: Understanding the Introduction of Legislation to Override" Paper presented at the annual meeting of the Southern Political Science Association, Hotel InterContinental, New Orleans, LA, Jan 03, 2007 <Not Available>. 2009-05-24 <http://www.allacademic.com/meta/p143265\_index.html>

The United States Constitution sets forth a government that prescribes specific roles for each of its branches. While, constitutionally, Congress is the policy-making branch, the U.S. Supreme Court enters the policy-making arena through statutory interpretation and judicial review decisions. The preferred policies of these two branches of government do not always coincide, causing conflict between the Court and Congress. At such times this conflict can lead to a battle over control of national policy. This paper explains congressional reaction to Supreme Court decisions by relaxing two of the assumptions of the separation of powers game and incorporating changing congressional preferences and context. U.S. Supreme Court decisions tend to be viewed “not as a mere interpretation of law, but a determinative statement of national policy that is, for all practical purposes, irrevocable” (Paschel 1991:144). While the majority of Supreme Court decisions remain untouched by Congress, a number of statutory interpretation and judicial review decisions have been successfully overridden by the legislative branch, making it apparent that Supreme Court decisions are not necessarily final. In certain circumstances Congress is willing to do battle with the Court to achieve their preferred policy. Although successful congressional overrides of Supreme Court decisions are infrequent, their occurrence has generated a body of research that has contributed to our understanding of the interaction between these two branches of government. What is missing from the discourse is an examination that focuses on the introduction of legislation to override Supreme Court decisions 1 . This paper fills that gap, examining the circumstances under which Congress introduces legislation attempting to override a Supreme Court decision. Using an approach which incorporates changing congressional preferences and context this research contributes to our understanding of Court-Congress interaction.

#### And if Courts link- NSA, legislative prayer, abortion, and affirmative action *all thump the politics disad*

#### Counterplan doesn’t solve

#### Signal – Congress key to signal- that’s Ellison

#### Courts don’t solve

**Liptak ‘8** [Adam, Pulitzer Prize finalist for Journalism and Supreme Court correspondent for The New York Times, “U.S. Supreme Court's global influence is waning,” 9-17-08, <http://www.nytimes.com/2008/09/17/world/americas/17iht-18legal.16249317.html?pagewanted=all&_r=0>]

Judges around the world have long looked to the decisions of the United States Supreme Court for guidance, citing and often following them in hundreds of their own rulings since the Second World War.¶ But now American legal influence is waning. Even as a debate continues in the court over whether its decisions should ever cite foreign law, a diminishing number of foreign courts seem to pay attention to the writings of American justices.¶ "One of our great exports used to be constitutional law," said Anne-Marie Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton. "We are losing one of the greatest bully pulpits we have ever had."¶ From 1990 through 2002, for instance, the Canadian Supreme Court cited decisions of the United States Supreme Court about a dozen times a year, an analysis by The New York Times found. In the six years since, the annual citation rate has fallen by more than half, to about five.¶ Australian state supreme courts cited American decisions 208 times in 1995, according to a recent study by Russell Smyth, an Australian economist. By 2005, the number had fallen to 72.¶ The story is similar around the globe, legal experts say, particularly in cases involving human rights. These days, foreign courts in developed democracies often cite the rulings of the European Court of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, "they tend not to look to the rulings of the U.S. Supreme Court."¶ The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court's fading influence, legal experts said. The new courts are, moreover, generally more liberal that the Rehnquist and Roberts courts and for that reason more inclined to cite one another.¶ Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration's unpopularity abroad. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience.¶ "It's not surprising, given our foreign policy in the last decade or so, that American influence should be declining," said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago.¶ The adamant opposition of some Supreme Court justices to the citation of foreign law in their own opinions also plays a role, some foreign judges say.¶ "Most justices of the United States Supreme Court do not cite foreign case law in their judgments," Aharon Barak, then the chief justice of the Supreme Court of Israel, wrote in the Harvard Law Review in 2002. "They fail to make use of an important source of inspiration, one that enriches legal thinking, makes law more creative, and strengthens the democratic ties and foundations of different legal systems."¶ Partly as a consequence, Chief Justice Barak wrote, the United States Supreme Court "is losing the central role it once had among courts in modern democracies."

#### Courts can’t enforce- that’s key

**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>]

By now, the general pattern concerning presidential treatment of¶ the WPR should be clear: when faced with a situation in which the WPR should, by its own terms, come into play, presidents circumvent its application by proffering questionable legal analyses. Yet, as was¶ frequently the case following the aforementioned presidential actions, those looking to the courts for support were disappointed to learn¶ that the judiciary would be of little help. Indeed, congressional and¶ private litigants have similarly been unsuccessful in their efforts to check potentially illegal presidential action.52¶ The suits arising out of possible WPR violations are well-documented53 and therefore only require a brief review. Generally, when faced with a question concerning the legality of presidential military action, courts have punted the issue using a number of procedural¶ tools to avoid ruling on the merits. For example, when twenty-nine¶ representatives filed suit after President Reagan’s possible WPR violation in El Salvador, the U.S. District Court for the District of Columbia¶ dismissed the suit on political question grounds.54 Similar suits were¶ dismissed for issues involving standing,55 mootness,56 ripeness,57 or nonjusticiability because Congress could better handle fact-finding.58¶ Despite the varying grounds for dismissing WPR suits, a general theme has emerged: absent action taken by Congress itself, the judiciary cannot be counted on to step in to check the President.

¶ To be sure, the judiciary’s unwillingness to review cases arising from WPR disputes arguably carries some merit. Two examples illustrate this point. First, although a serviceperson ordered into combat¶ might have standing to sue, congressional standing is less clear.59 Indeed, debates rage throughout war powers literature concerning whether congressional suits should even be heard on their merits.60¶ And though some courts have held that a member of Congress can¶ have standing when a President acts unilaterally, holding that such¶ unauthorized actions amount to “disenfranchisement,”61 subsequent decisions and commentators have thrown the entire realm of legislative standing into doubt.62 Though the merits of this debate are beyond the scope of this Note, it is sufficient to emphasize that a¶ member of Congress arguably suffers an injury when a President violates the WPR because the presidential action prevents the congressperson from being able to vote (namely, on whether to authorize¶ hostilities),63 thereby amounting to disenfranchisement by “preclu[ding] . . . a specific vote . . . by a presidential violation of law . . . .”64 As such, under the right circumstances, perhaps the standing doctrine should not be as problematic as history seems to indicate¶ when a congressperson attempting to have a say on military action brings a WPR suit. Secondly, and perhaps more importantly, it is arguably unclear¶ what, if any, remedy is available to potential litigants. Unlike a private¶ lawsuit, where a court can impose a simple fine or jail sentence, suits against the executive branch carry a myriad of practical issues. For example, if the remedy is an injunction, issues concerning enforcement arise: Who enforces it and how?65 Or, if a court makes a declaratory judgment stating that the President has acted illegally, it might invite open defiance, thereby creating unprecedented strife among¶ branches. Yet, a number of possible remedies are indeed available.¶ For one, courts could simply start the WPR clock, requiring a President to either seek congressional approval or cease all actions within¶ the time remaining (depending on whether the court starts the clock¶ from the beginning or applies it retroactively).66 In doing so, a court¶ would trigger the WPR in the same way that Congress would have had it acted alone. On a similar note, a court could declare the relevant¶ military conflict illegal under the WPR, thereby inviting Congress to¶ begin impeachment proceedings.67 Although both cases require¶ some level of congressional involvement, a court could at least begin¶ the process of providing a suitable remedy. Thus, the more questionable issues of standing and remedies should not (under the right circumstances) prevent a WPR suit from moving forward.

#### They turn credibility

Carter 3 (Phillip, writer, CNN, July 15, <http://www.cnn.com/2003/LAW/07/15/findlaw.analysis.carter.security/>)

As the ratification debates reveal, the Framers assigned these powers to the President because they feared that judicial or congressional interference in these areas might render the new nation weak, or incapable of rapid response to threats from abroad. The Framers also felt that because, at the time, the majority of national security knowledge and expertise lay in the Executive Branch, decision making on such issues properly belonged to that branch. Accordingly, while Article II gives expansive military and foreign policy powers to the President, Article I gives Congress only limited military powers. It may "define and punish piracies and felonies committed on the high seas, and offenses against the law of nations"; "declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water"; "raise and support armies, but no appropriation of money to that use shall be for a longer term than two years"; "provide and maintain a navy"; "make rules for the government and regulation of the land and naval forces"; and provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions . . ." But that is all. Finally, Article III gives the judicial branch no power at all over the military. As a result, the courts, unlike the other two branches, have no constitutional mandate to make military policy. The tradition of judicial deference to the military grew out of this constitutional structure and history. As commander-in-chief, the argument goes, the President should have the utmost latitude in making decisions that affect the readiness of America's military. Similarly, Congress deserves free rein in exercising its Constitutional responsibilities to fund the military and make laws for its governance. In contrast, the courts have no such Constitutional mandate to make military policy; thus, they should yield to decisions by the President and Congress.

#### Courts alone don’t solve

Taylor 13 [Paul Taylor, Senior Fellow at the Center for Policy & Research, JD from Seton Hall Law School, “A FISC for Drones?” Feb 9 2013, http://transparentpolicy.org/2013/02/a-fisc-for-drones/]

Judges would likely be much more comfortable with ex post review. Ex post review would free them from any implication that they are issuing a “death warrant” and would place them in a position that they are much more comfortable with: reviewing executive uses of force after the fact. While there are clearly parallels that could be drawn between the ex ante review proposed here and the search and seizure warrants that judges routinely deal with, there are also important differences. First and foremost is that this implicates not the executive’s law enforcement responsibility but its war-making and foreign relations responsibilities, with which courts are loath to interfere, but are sometimes willing to review for abuse.¶ Additionally, in search and seizure warranting, there an ex post review will eventually be available. That will likely not be the case in drone strikes and other targeted killings unless such a process is specifically created. There are simply too many hurdles to judicial review (including state secrets, political questions, discovery problems, etc) for the courts to create such an opportunity without congressional action.

# 1AR

## Courts

#### Perm do both---shields the link

Perine, 6/12/2008 (Katherine – staff at CQ politics, Congress unlikely to try to counter Supreme Court detainee ruling, CQ Politics, p. http://www.cqpolitics.com/wmspage.cfm?docID=news-000002896528&cpage=2)

Thursday’s decision, from a Supreme Court dominated by Republican appointees, gives Democrats further cover against GOP sniping. “This is something that the court has decided, and very often the court gives political cover to Congress,” said Ross K. Baker, a Rutgers University political science professor. “You can simply point to a Supreme Court decision and say, ‘The devil made me do it.’ ”

#### This takes out both counterplans

Farley ’12 (Benjamin R. Farley, J.D. with honors, Emory University School of Law, 2011. Editor-in-Chief, Emory International Law Review, 2010-2011. M.A., The George Washington University Elliott School of International Affairs, 2007, South Texas Law Review, 54 S. Tex. L. Rev. 385, “ARTICLE: Drones and Democracy: Missing Out on Accountability?”, Winter, 2012)

Congress should strengthen the WPR regime by defining hostilities in a manner that links hostilities to the scope and intensity of a use of force, irrespective of the attendant threat of U.S. casualties. Without defining hostilities, Congress has ceded to the President the ability to evade the trigger and the limits of the WPR. The President's adoption of a definition of hostilities that is tied to the threat of U.S. casualties or the presence of U.S. ground troops opens the door to long-lasting and potentially intensive operations that rely on drones - at least beyond the sixty-day window - that escape the WPR by virtue of drones being pilotless (which is to say, by virtue of drones being drones). Tying hostilities to the intensity and scope of the use of force will limit the President's ability to evade Congressional regulation of war. It will curtail future instances of the United States being in an armed conflict for purposes of international law but not for purposes of domestic law, as was the case in Libya. Finally, a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR - assuming the future existence of a plaintiff able to surmount the various prudential doctrines that have counseled against entertaining WPR cases thus far.

## Cp

### Unable/unwilling

#### Finishing 2ac

What factors must the United States consider when evaluating Pakistan's willingness or ability to suppress the threats to U.S. (as well as NATO and Afghan) forces? Must the United States ask Pakistan to take measures itself before the United States lawfully may act? How much time must the United States give Pakistan to respond? What if Pakistan proposes to respond to the threat in a way that the United States believes may not be adequate? Many states agree that the "unwilling or unable" test is the correct standard by which to assess the legality of force in this context. For example, Russia used force in Georgia in 2002 against Chechen rebels who had conducted violent attacks in Russia, based on Russia's conclusion that Georgia was unwilling or unable to suppress the rebels' attacks. n7 Israel has invoked the "unwilling or unable" standard periodically in justifying its use of force in Lebanon against Hezbollah and the Palestine Liberation Organization, noting, "Members of the [Security] Council need scarcely be reminded that under international law, if a State is unwilling or unable to prevent the use of its territory to attack another State, that latter State is entitled to take all necessary measures in its own defense." n8 Similarly, [\*487] Turkey defends its use of force in Iraq against the Kurdish Workers' Party (PKK) by claiming that Iraq is unable to suppress the PKK. n9 Several U.S. administrations have stated that the United States will inquire whether another state is unwilling or unable to suppress the threat before using force without consent in that state's territory. n10 Given that academic discussion of the test has been limited thus far, we may describe what "unwilling or unable" means only at a high level of generality. n11 In its most basic form, a state (the "victim state") suffers an armed attack from a nonstate group operating outside its territory and concludes that it is necessary to use force in self-defense to respond to the continuing threat that the group poses. The question is whether the state in which the group is operating (the "territorial state") will agree to suppress the threat on the victim state's behalf. The "unwilling or unable" test requires a victim state to ascertain whether the territorial state is willing and able to address the threat posed by the nonstate group before using force in the territorial state's territory without consent. If the territorial state is willing and able, the victim state may not use force in the territorial state, and the territorial state is expected to take the appropriate steps against the nonstate group. If the territorial state is unwilling or unable to take those steps, however, it is lawful for the victim state to use [\*488] that level of force that is necessary (and proportional) to suppress the threat that the nonstate group poses. A test constructed at this level of generality offers insufficient guidance to states. Although many inquiries in the use of force area lack precision, including questions about what constitutes an "armed attack" and when force is proportional, states and commentators have discussed the possible meanings of these terms at length and in great detail. n12 The same is not true for the "unwilling or unable" test; strikingly little attention has been paid to the nature and consequences of -- or solutions to -- the imprecision surrounding the "unwilling or unable" test. The test's lack of content undermines the legitimacy of the test as it currently is framed and suggests that it is not, in its current form, imposing effective constraints on a state's use of force. n13 To address this flaw, this Article first identifies the test's historical parentage in the law of neutrality and then conducts an original analysis of two centuries of state practice in order to develop normative factors that define what it means for a territorial state to be "unwilling or unable" to suppress attacks by a nonstate actor.

#### Their neg card proves our arg ---- countries are part of the unable or unwilling doctrine

Lewis & Crawford 13 [Michael W., Professor of Law at Ohio Northern University Pettit College of Law, Emily, Post-Doctoral Research Fellow at the University of Sydney, “DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES” p. 1166,

, http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF]

Lastly, the legal justiﬁcation advanced by the United States for its drone use does not seek an “ever-expanding entitlement” to use drones around the world, nor is it likely to result in the use of drones against the United States. While states must always be wary of conducting themselves in a manner that serves their short-term security interests while creating a damaging long-term precedent, it does not appear that the United States’ legal justiﬁcation does that. Because the justiﬁcation is largely based upon the consent of the state in which force is employed, there are minimal sovereignty concerns related to drone use. Those concerns do arise when a state is unable or unwilling to prevent non-state actors within its borders from engaging in an armed conﬂict with another state. These concerns should be addressed by showing proper deference to the targeted state in arriving at an “unable or unwilling” determination. As long as proper deference is shown to the target state, an emerging legal norm allowing for selfdefense targeting of non-state actors on the territory of a third state if that “host” state is either unable or unwilling to detain or expel the non-state actors does not threaten the stability and cohesion of the international order, nor is it likely to “haunt” the United States in the future.169

### Consent

#### Finishing 2ac

Consider it this way: You walk into a jewelry store and the proprietor announces that he will deem you to have consented to the purchase of a diamond tiara for $10,000, despite all your protests to the contrary, unless you use physical force to stop him as he removes your wallet from your pocket. Imagine further that he’s 7 feet tall and weighs 400 pounds. This is what a Pakistani official meant when he told the Wall Street Journal that shooting down a drone would be “needlessly provocative.” He meant that such an action would risk provoking retaliation from the United States, a risk that Pakistan cannot afford to take. Because Pakistan lies prostrate and endures the pummeling rather than makes a futile effort to stop it, it is deemed to consent to the bombing of its own territory.

#### Consent doesn’t solve sovereignty norms

Rowland ’12 (Jennifer, Foreign Policy, “U.S. perceives tacit consent from Pakistan on drone strikes”, <http://afpak.foreignpolicy.com/posts/2012/09/27/us_perceives_tacit_consent_from_pakistan_on_drone_strikes>, September 27, 2012)

Perception and permission

Although Pakistani officials publicly denounce the U.S. drone campaign in the tribal regions as a violation of national sovereignty, the U.S. government interprets the Pakistani intelligence agency's lack of response to a monthly memo informing them of the general locations of planned drone strikes as tacit consent for the program (WSJ). And while the Obama administration appears to be comfortable with this rationale, many legal experts within the government remain concerned about the permissibility of the strikes, and the precedent they are setting for other countries' use of drones in the future.

## Ptx

### Econ low

#### Economic collapse is inevitable for several reasons- expert predictions

Investment bank over-loaning, billionaires dumping stocks, global recessions spillover now

**Shjarback 9-13**-13 [Jeff, M.B.A. from Pfeiffer University, Award winning internet marketing consultant specializing in SEO Search Engine Optimization, “Is A Financial Collapse Imminent For U.S. Economy?” http://wallstreetsectorselector.com/2013/09/is-a-financial-collapse-imminent-for-u-s-economy/]

The American government and economy is in rather dire circumstances due to an overwhelming series of decisions which are shaping our entire country for the next few decades and likely beyond. As we take a look at the overall track record of our economy, we find that a financial collapse is more than just likely – it may be highly imminent. But why? Why is our government, as massive and established as it is, finding itself in a downward trajectory with little to stop it? Since 1776, we have continuously built up efforts towards being a global powerhouse, and circa-1944 around the close of World War II, we arguably achieved it. Reinstating Israel. Destroying the Nazis. Rebuilding Japan. The United States became the heartfelt center of our entire world. However, politics continued and finances became less stable, causing inflation to rise to astounding rates. Our financial collapse could be quite imminent and three core trends lead us to this theory. Billionaires Dumping Their Stocks A financial collapse would undoubtedly consist of billionaires unloading their stocks in droves. Unfortunately, this is already occurring. On the surface, the stock market (NYSEARCA:DIA) is surfacing from an ugly few years. Numbers are steadily rising, and the stability in the stock market is starting to be set once again. But this trickle-down effect applies in the market. Arguably, the greatest stock investor is Warren Buffet. For better or worse, millions follow his steps because he is so unbelievably successful, and billionaire stock investors follow his investment moves. So when Warren Buffet sells $19 million worth of stock in Johnson & Johnson (NYSE:JNJ) and 21% of his overall stock in consumer spending, others follow suit with the same general strategies. Billionaire, John Paulson, also unloaded 14 million shares in JPMorgan Chase (NYSE:JPM), as reported at Money News. The World is Suffering Financially The overall predictions state that the stock market may witness a 90% overall collapse. Though many are aghast at the numbers, those who predicted this have been notoriously accurate in the past. Robert Weidemer, PHD is open about this prediction. His acclaimed team predicted the sub prime mortgage crisis and consumer spending collapse a few years earlier. When the financial system collapses, other countries will follow suit with their own level of disaster. Unfortunately, again, this is already occurring at alarming rates. Greece has been essentially bankrupt for close to five years running. According to Simon Black of the Economic Collapse Blog, the situation is dire in the country. ‘There are roughly 11 million people in this country. 3.4 million of them are employed, of which roughly one third work for the government.’ These unemployment rates are shocking. Italy is no better off. The country’s unemployment rate is currently 12.2%, the highest in 35 years. Furthermore, Italy witnesses 134 retail closings each and every day. Doing the math, one can calculate close to 1,000 employees are becoming not-so-much employed every single day. Investment Bank Over-Loaning and Over-Spending This specific situation is astonishingly convoluted, and would take a series of books and essays and documentaries to even scratch the surface. But in its purest form, the investment banking companies are simply spending money they do not have. Due to excessive loan expenditures in the last decade plus, banks found they were not earning the income back. This, of course, caused the massive mortgage crisis that almost ended the country financially, however, the banks are not out of the situation yet. They still spend more than what is being brought in, and their overall closing of the doors for loans is destroying small business. Furthermore, Jim Willie, popular economist, is reporting that Deutsche Bank is on the brink of a full collapse. Considering their magnitude in the financial sphere, this could send momentous shockwaves throughout the economy. There is a light at the end of the tunnel, if we take serious steps immediately to rectify the situation. However, with each passing day, the light closes and we are further left in the dark emptiness of financial ruin if we continue on this path.

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#### Yellen comes first

Moore, 10/9/13 (Heidi – the Guardian, “Janet Yellen: Obama's Second Choice Hands Him a First-Rate Political Win.” http://www.alternet.org/economy/janet-yellen-obamas-second-choice-hands-him-first-rate-political-win)

The only thing standing in the way of Yellen's confirmation is the shutdown. As Garder predicted, "we expect the Senate Banking Committee will have a confirmation hearing on Dr Yellen by Thanksgiving and the Senate should be able to vote on her nomination by year-end. There is a small chance, in our view, that the vote could drift into January 2014." Easy peasy lemon squeezy, as the political film In The Loop might characterize it. In other words, Yellen is a godsend to Obama. His administration has logged almost no major wins on any legislative matters since the Dodd-Frank financial reform act passed in 2009. Gun control failed. Immigration reform failed. The farm bill and food stamp funding have been disastrous. The budget situation, which has dragged the country through three annual threats of default, is unspeakable. Economic stimulus has not even gotten off the ground. The Affordable Care Act, once considered a win, now has a permanent asterisk next to it; it was challenged in the supreme court and is the legislation that Republicans have put at the root of the current government shutdown. Even if the ACA is popular – and all indications are that it will be – it is not a clear political win. Yellen's nomination is, however, a slam dunk for Obama. It's historic, it's timely, and it's politically easy.

#### Says pc not key

Reuters 10/23 ("Yellen's Senate hearing for Fed chair unlikely before mid-November," http://www.reuters.com/article/2013/10/23/us-usa-fed-yellen-idUSBRE99M1EN20131023)

President Barack Obama nominated Yellen, the Fed's current vice chair, on October 9 to replace Ben Bernanke when his term expires at the end of January, subject to Senate confirmation.¶ Her hearing before the banking panel is the next step in that process, but Senate staff are still waiting to receive the paperwork from the White House before scheduling a start date, the aide said.¶ The hearing is expected to be somewhat confrontational, with Republicans critical of the Fed's ultra-easy monetary policy using the opportunity to voice concerns that it risks financial instability and future inflation.¶ But Obama's Democrats control the Senate, including 12 seats on the 20-member banking panel. As a result, Yellen is expected to win confirmation fairly easily, and to take the helm of the U.S. central bank when Bernanke steps down on January 31.

### Internal link

#### Says a ton of other things

Collier 9/30/13 (Sustainable Wealth Management, "Perspectives: Four Challenges Facing the Markets This Fall," http://webcache.googleusercontent.com/search?q=cache:mVzW9cxQi5YJ:www.collierswm.com/blog/perspectives-four-challenges-facing-markets-fall+&cd=15&hl=en&ct=clnk&gl=us)

1. The Syrian crisis Earlier this month, President Obama asked Congress to approve limited military action against Syria after government forces allegedly used chemical weapons against civilian targets. While a diplomatic solution has been negotiated between the U.S. and Russia, much remains to be decided and a military option may still be on the table. The major worry for investors would be if the situation escalates and the U.S. gets embroiled in a prolonged conflict.[ii] A New Federal Reserve Chairman Current Fed Chairman, Ben Bernanke, will step down from his position in January and his replacement will be named soon. Rumors about President Obama’s nomination are flying and we can expect a contentious confirmation process by the Senate, filled with horse-trading and negotiations. The new Fed chairman will have the responsibility of managing the tapering process and ending the Fed’s unprecedented quantitative easing programs while keeping the economy on track.[iii] Current Fed Chairman, Ben Bernanke, will step down from his position in January and his replacement will be named soon. Rumors about President Obama’s nomination are flying and we can expect a contentious confirmation process by the Senate, filled with horse-trading and negotiations. The new Fed chairman will have the responsibility of managing the tapering process and ending the Fed’s unprecedented quantitative easing programs while keeping the economy on track.[iii] Federal Reserve Tapering The Fed has been telegraphing for months that a reduction in the pace of its $85 billion of monthly bond purchases is coming. Whether tapering really gets going in September, October or December, it’s unlikely to be a smooth process. More probably, the Fed will taper, see how it goes, and taper again in fits and starts. Coming out of the Great Recession, the Fed pulled out all the stops to boost economic growth, which resulted in over $3.5 trillion in bond purchases. Now that the economy is chugging along, the Fed needs to pull back on its purchases and start unloading those bonds. Investors worry that cutting back on quantitative easing may cause the economy to stall and markets to decline. While much of the uncertainty is already priced in, markets could react nervously at any unexpected surprises. The Federal Debt Ceiling Debates Markets will also have to face up to the challenge represented by the debt ceiling crisis, which will rear its ugly head again when the U.S. reaches its debt limit again in October. To give you a quick refresher, the U.S. reached its debt ceiling, a limit set by Congress on the amount that the government can borrow for public spending, on December 31, 2012 (this formed part of the fiscal cliff.) Since then, Congress has repeatedly declined to resolve the situation and raise the debt limit. One of the consequences of this failure was the sequester, $1.2 trillion mandatory, across-the-board federal budget cuts, which went into effect on March 1. Well, we’re back where we started, but with many fewer options. Congress has to come to an agreement before October, or risk defaulting on U.S. debt obligations. These debates are a big deal because the U.S. has a serious debt problem - our national debt is now over 100 percent of GDP[iv] - and this has major ramifications for the long-term health of the U.S. economy.[v] As part of the debt ceiling debates Congress has to decide on the future of U.S. fiscal policy and come up with a way to reduce public debt. We expect these debates to be contentious and may roil markets.