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## Geography 1AC

### Contention {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 [infiltrated]** ~~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 [infiltrating] 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 --- alt is low threshold for use**

Rosa Brooks 13, Prof of Law @ Georgetown University Law Center, Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, The Constitutional and Counterterrorism Implications of Targeted Killing, http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf

But the advantages of drones are as overstated and misunderstood as the problems they pose — and in some ways, their very perceived advantages cause new problems. Drone technologies temptingly lower or disguise the costs of lethal force, but their availability can blind us to the potentially dangerous longer - term costs and consequences of our strategic choices. Armed drones lower the perceived costs of using lethal force in at least three ways. First, drones reduce the dollar cost of using lethal force inside foreign countries. 13 Most drones are economical compared with the available alternatives. 14 Manned aircraft, for instance, are quite expensive: 15 Lockheed Martin's F - 22 fighter jets cost about $150 million each; F - 35s are $90 million; and F - 16s are $55 million. But the 2011 price of a Reaper drone was approximately $28.4 million, while Predator drones cost only about $5 million to make. 16 As with so many things, putting a dollar figure on drones is difficult; it depends what costs are counted, and what time frame is used. Nevertheless, drones continue to be perceived as cheaper by government decision - makers. Second, relying on drone strikes rather than alternative means reduces the domestic political costs of using lethal force. Sending manned aircraft or special operations forces after a suspected terrorist places the lives of U.S. personnel at risk, and full - scale invasions and occupations endanger even more American lives. In contrast, using armed drones eliminates all short - term risks to the lives of U.S. personnel involved in the operations. Third, by reducing accidental civilian casualties, 17 precision drone technologies reduce the perceived moral and reputational costs of using lethal force. The US government is extraordinarily concerned about avoiding unnecessary civilian casualties, and rightly so. There are moral and legal reasons for this concern, and there are also pragmatic reasons: civilian casualties cause pain and resentment within local populations and host - country governments and alienate the international community It is of course not a bad thing to possess military technologies that are cost little, protect American lives and enable us to minimize civilian casualties. When new technologies appear to reduce the costs of using lethal force, however, the threshold for deciding to use lethal force correspondingly drops, and officials will be tempted to use lethal force with greater frequency and less wisdom.¶ Over the last decade, we have seen US drone strikes evolve from a tool used in extremely limited circumstances to go after specifically identified high - ranking al Qaeda officials to a tool relied on in an increasing number of countries to go after an eternally lengthening list of putative bad actors, with increasingly tenuous links to grave or imminent threats to the United States. Some of these suspected terrorists have been identified by name and specifically targeted, while others are increasingly targeted on the basis of suspicious behavior patterns. Increasingly, drones strikes have targeted militants who are lower and lower down the terrorist food chain, 18 rather than terrorist masterminds. 19 Although drone strikes are believed to have killed more than 3,000 people since 2004, 20 analysis by the New America Foundation and more recently by a the McClatchy newspaper s suggests that only a small fraction of the dead appear to have been so - called "high - value targets." 21 What’s more, drone strikes have spread ever further from "hot" battlefields, migrating from Pakistan to Yemen to Somalia (and perhaps to Mali 22 and the Philippines as well). 23

**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**

Billinger ’11 (John B. Bellinger III, Partner at Arnold & Porter LLP and an adjunct senior fellow in international and national security law at the Council on Foreign Relations. He served as legal adviser for the State Department from 2005 to 2009 and as legal adviser to the National Security Council from 2001 to 2005, “Will drone strikes become Obama’s Guantanamo?”<http://www.washingtonpost.com/opinions/will-drone-strikes-become-obamas-guantanamo/2011/09/30/gIQA0ReIGL_story_1.html>, October 2, 2011)

The killing of the U.S.-born al- Qaeda cleric Anwar Al-Awlaki on Friday along with another U.S. citizen and two other al-Qaeda operatives in Yemen is likely to fuel the international controversy over the legality and wisdom of the Obama administration’s dramatically increased use of drone attacks. For several years, U.S. allies have made no public comment even as U.S. drone strikes have killed twice as many suspected al-Qaeda and Taliban members than were ever imprisoned in Guantanamo Bay. But that acquiescence may change, as human rights groups and the media focus more attention on the legality and collateral damage of drone attacks. The U.S. drone program has been highly effective in killing senior al-Qaeda leaders, but the administration needs to work harder to explain and defend its use of drones as lawful and appropriate — to allies and critics — if it wants to avoid losing international support and potentially exposing administration officials to legal liability. The U.S. position, under the George W. Bush and Obama administrations, has been that drone strikes against al-Qaeda and Taliban leaders are lawful under U.S. and international law. They are permitted by the September 2001 Authorization to Use Military Force Act, which empowered the president to “all necessary and appropriate force” against nations, organizations or persons who planned, committed or aided the Sept. 11 attacks. The United States also believes that drone strikes are permitted under international law and the United Nations Charter as actions in self-defense, either with the consent of the country where the strike takes place or because that country is unwilling or unable to act against an imminent threat to the United States. U.S. officials have been understandably reluctant to confirm whether consent has been given by particular countries. Obama administration officials have explained in the past that strikes against particular militant leaders are permissible, either because the individuals are part of the overall U.S. conflict with al-Qaeda or because they pose imminent threats to the United States. President Obama emphasized Awlaki’s operational role on Friday, stating that he was the “leader of external operations for al-Qaeda in the Arabian Peninsula.” The killing of Awlaki raises additional legal concerns because U.S. citizens have certain constitutional rights wherever they are in the world. Some human rights groups have asserted that due process requires prior judicial review before killing an American, but it is unlikely that the Constitution requires judicial involvement in the case of a U.S. citizen engaged in terrorist activity outside this country. Administration lawyers undoubtedly reviewed the targeting of Awlaki even more carefully than of a non-American, and the Justice Department reportedly prepared an opinion concluding that his killing would comply with domestic and international law. This is likely to be considered sufficient due process under U.S. constitutional standards. But the U.S. legal position may not satisfy the rest of the world. No other government has said publicly that it agrees with the U.S. policy or legal rationale for drones. European allies, who vigorously criticized the Bush administration for asserting the unilateral right to use force against terrorists in countries outside Afghanistan, have neither supported nor criticized reported U.S. drone strikes in Pakistan, Yemen and Somalia. Instead, they have largely looked the other way, as they did with the killing of Osama bin Laden. Human rights advocates, on the other hand, while quiet for several years (perhaps to avoid criticizing the new administration), have grown increasingly uncomfortable with drone attacks. Last year, the U.N. rapporteur for summary executions and extrajudicial killings said that drone strikes may violate international humanitarian and human rights law and could constitute war crimes. U.S. human rights groups, which stirred up international opposition to Bush administration counterterrorism policies, have been quick to condemn the Awlaki killing. Even if Obama administration officials are satisfied that drone strikes comply with domestic and international law, they would still be wise to try to build a broader international consensus. The administration should provide more information about the strict limits it applies to targeting and about who has been targeted. One of the mistakes the Bush administration made in its first term was adopting novel counterterrorism policies without attempting to explain and secure international support for them. White House counterterrorism adviser John Brennan rightly acknowledged in a recent speech that “the effectiveness of our counterterrorism activities depends on the assistance and cooperation of our allies.” If the Obama administration wants to avoid losing the tacit support (and potentially the operational and intelligence assistance) of its allies for drone strikes and its other counterterrorism policies, it should try to ensure that they understand and agree with the U.S. policy and legal justification. Otherwise, the administration risks having its largely successful drone program become as internationally maligned as Guantanamo.

**5) 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?

**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**

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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

### 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**

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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.

### Contention {X}: Drone Industry

**Backlash undermines domestic drone industry- non-military companies are key**

Lowdy ‘13 (Joan Lowy, “Drone industry worries about privacy backlash”, <http://bigstory.ap.org/article/drone-industry-worries-about-privacy-backlash>, March 29, 2013)

It’s a good bet that in the not-so-distant future aerial drones will be part of Americans’ everyday lives, performing countless useful functions. A far cry from the killing machines whose missiles incinerate terrorists, these generally small unmanned aircraft will help farmers more precisely apply water and pesticides to crops, saving money and reducing environmental impacts. They’ll help police departments to find missing people, reconstruct traffic accidents and act as lookouts for SWAT teams. They’ll alert authorities to people stranded on rooftops by hurricanes, and monitor evacuation flows. Real estate agents will use them to film videos of properties and surrounding neighborhoods. States will use them to inspect bridges, roads and dams. Oil companies will use them to monitor pipelines, while power companies use them to monitor transmission lines. With military budgets shrinking, drone makers have been counting on the civilian market to spur the industry's growth. But there's an ironic threat to that hope: Success on the battlefield may contain the seeds of trouble for the more benign uses of drones at home. The civilian unmanned aircraft industry worries that it will be grounded before it can really take off because of fear among the public that the technology will be misused. Also problematic is a delay in the issuance of government safety regulations that are needed before drones can gain broad access to U.S. skies. Some companies that make drones or supply support equipment and services say the uncertainty has caused them to put U.S. expansion plans on hold, and they are looking overseas for new markets. "Our lack of success in educating the public about unmanned aircraft is coming back to bite us," said Robert Fitzgerald, CEO of The BOSH Group of Newport News, Va., which provides support services to drone users. "The U.S. has been at the lead of this technology a long time," he said. "If our government holds back this technology, there's the freedom to move elsewhere ... and all of a sudden these things will be flying everywhere else and competing with us." Since January, drone-related legislation has been introduced in more than 30 states, largely in response to privacy concerns. Many of the bills are focused on preventing police from using drones for broad public surveillance, as well as targeting individuals for surveillance without sufficient grounds to believe they were involved in crimes. Law enforcement is expected to be one of the bigger initial markets for civilian drones. Last month, the FBI used drones to maintain continuous surveillance of a bunker in Alabama where a 5-year-old boy was being held hostage. In Virginia, the state General Assembly passed a bill that would place a two-year moratorium on the use of drones by state and local law enforcement. The bill must still be signed by Gov. Bob McDonnell, a Republican. The measure is supported by groups as varied as the American Civil Liberties Union on the left and the Virginia Tea Party Patriots Federation on the right. "Any legislation that restricts the use of this kind of capability to serve the public is putting the public at risk," said Steve Gitlin, vice president of AeroVironment, a leading maker of smaller drones, including some no bigger than a hummingbird Seattle abandoned its drone program after community protests in February. The city's police department had purchased two drones through a federal grant without consulting the city council. Drones "clearly have so much potential for saving lives, and it's a darn shame we're having to go through this right now," said Stephen Ingley, executive director of the Airborne Law Enforcement Association. "It's frustrating."

**Resolving public hostility key – nations are overtaking manufacturing**

Kaste ’13 (Martin Kaste / NPR, “Will Bureaucracy Keep The U.S. Drone Industry Grounded?”, <http://www.ideastream.org/news/npr/179843540>, April 30, 2013)

Tough federal aviation rules and public backlash against drones have raised worries that the U.S. unmanned aerial vehicle industry will be left behind foreign competitors. Developers say the U.S. light drone industry is being overtaken by manufacturers in Israel and Australia. Americans are suspicious of drones. Reports of the unmanned aerial vehicles' use in war zones have raised concerns about what they might do here at home. For instance, in Seattle earlier this year, a public outcry forced the police department to abandon plans for eye-in-the-sky UAV helicopters. The backlash worries Paul Applewhite, an aerospace engineer with 10 years of experience at companies like McDonnell Douglas and Sikorsky. He now runs his own startup company, Applewhite Aero, in an industrial park on the south side of Seattle. Applewhite is developing drones — or UAVs, as the industry calls them. He shows off a 3-pound Styrofoam plane he has dubbed the Invenio. "We bought the airframe and the motor off of an online hobby shop," he says. To make it a UAV, he added a GPS antenna and a circuit board that allows it to fly autonomously. He hopes to sell it to aid agencies; medical teams could use it to fly tissue samples back to a lab, for instance. They'd enter the coordinates, and the Invenio would find its way back. That's the theory. The reality is, Applewhite can't know for sure what his plane can do, because he's not allowed fly it. The Federal Aviation Administration bars the use of UAVs for commercial purposes. That means, even though it's perfectly legal for hobbyists to fly small UAVs, Applewhite may not, because he's in business. He has applied for a special test permit, called a certificate of airworthiness, but that process has dragged on since last August. "We've generated a 62-page document that we've submitted to the federal government," he says, and he assumes he'll have to meet personally with regulators in Washington, D.C., before he's allowed to make a few short flights with his modified toy. "Quite frankly, I could do what I need to do in a cow pasture," he says. "I just need some legal and efficient way to test this aircraft." Applewhite is quick to stress his respect for the FAA's thoroughness in the interest of safety. But in the case of lightweight experimental UAVs, he says, that thoroughness threatens to stifle startups like his — and perhaps a whole nascent industry. He says he's losing valuable time while potential customers go elsewhere. "A lot of our universities that are developing [UAV] training programs, they're buying a vehicle from Latvia," he says. "I think I could compete on that, but I just can't test mine in the United States." Developers say the U.S. light drone industry is being overtaken by manufacturers in Israel and Australia; Seattle's controversial police UAVs came from Canada. The FAA won't comment on the permitting process for UAV tests. Heidi Williams, vice president for air traffic services and modernization at the Aircraft Owners and Pilots Association, defends the FAA's cautious approach. "Their primary mission is ensuring that the airspace environment that we all operate in is safe," says Williams, who is also a pilot. "Things that are really tiny or small to see, sometimes can be very close before you actually have time to see them and react and avoid them." UAV developers admit there's still no reliable way to "teach" small drones to avoid other aircraft, but they say there's little danger as long as they're tested at low altitudes, away from airports — the same rules that already apply to radio-controlled hobby aircraft. Juris Vagners, a professor emeritus of aeronautics at the University of Washington, helped pioneer UAVs in the 1990s. "There was some paperwork, but it wasn't anything like what's going on today," he says. Now the permitting process verges on the absurd. During a recent application, he says, it took a couple of months to satisfy the FAA that the University of Washington is, in fact, a public institution. Vagners blames the red tape on the public's hostility toward drones. "As everyone can't help but be aware, there's the whole big flap about privacy issues," Vagners says. "And the approach that is being taken by the FAA is basically a one size fits all." For example, commercial developers of 3-pound modified toy airplanes find themselves having to apply for an "N-number" — the same flying license plate that's required for Cessnas and 747s. Some frustrated American companies are now taking their prototypes to Mexico and Australia for testing. In Canada, the Canadian Centre for Unmanned Vehicle Systems is offering access to a test site among the flat farm fields of southern Alberta. One American drone developer has already used the facility, which is run by Sterling Cripps. He marvels at the bureaucratic hurdles for UAVs, both in Canada and in the U.S. "Here's the hypocrisy: Our governments allow us to fly UAVs over war-stricken, terrified civilians in other lands, but the moment you bring them back to our precious neck of the woods, where we're not getting shot at, where we have insurance, we have lawyers, they won't allow it," Cripps says. Regulators say they will allow it — eventually. Congress has given the FAA until September 2015 to come up with a plan for integrating commercial UAVs to the domestic airspace. As part of that process, the FAA will pick six sites around the country for UAV testing. The sites are expected to be selected by the end of the year. That's an eternity to UAV developers like Paul Applewhite. "We have a technology — we have an industry — that could be ours for the taking," Applewhite says. "We're losing it because we can't test the vehicles."

**Drones outside warzones is the heart of the fear- plan solves**

Wood ’13 (David Wood, Wood has been a journalist since 1970, a staff correspondent successively for Time Magazine, the Los Angeles Times, Newhouse News Service, The Baltimore Sun and Politics Daily. A birthright Quaker and former conscientious objector, he covers military issues, foreign affairs and combat operations. His 10-part series on the severely wounded of Iraq and Afghanistan won the 2012 Pulitzer Prize for national reporting, A Pulitzer Prize finalist, he has won the Gerald R. Ford Prize for Distinguished Defense Reporting and other national awards. He has appeared on CNN, CSPAN, the PBS News Hour, WUSA , RTV and the BBC, and is a regular guest on National Public Radio’s Diane Rehm Show. He has lectured at the U.S. Army Eisenhower Fellows Conference , the Marine Staff College, the Joint Forces Staff College and Temple University, “Drone Attacks Spur Legal Debate On Definition Of 'Battlefield'”, <http://www.huffingtonpost.com/2013/02/14/drone-attacks-legal-debate_n_2687980.html>, February 14, 2013)

WASHINGTON -- After a CIA Predator drone released its guided bomb high over Yemen on Nov. 3, 2002, the resulting explosion did more than kill six suspected al Qaeda terrorists riding in the targeted car. This strike, the first by an armed drone outside a traditional, recognized war zone, also blew apart long-held notions of "war" and "battlefield" which had guided the application of the legal traditions, treaties and laws of armed conflict for centuries. Until that day, armed drones had been used only in Afghanistan, easily identifiable as a traditional battlefield or war zone because it had supported al Qaeda's 9/11 plotters and the U.S. armed response was justifiable self-defense. Any casual observer could see a war was underway. Yemen was different. The White House was not sending tens of thousands of troops, and there was no solemn Oval Office speech summoning the nation to battle there. However, though few knew it at the time, earlier that year Yemen had been officially designated as a "combat zone" making the killings legal, at least in the eyes of the CIA and the White House of George W. Bush. But ever since that first "non-battlefield" drone strike, generals and legal scholars, pundits and politicians have argued passionately about what, exactly, constitutes an armed conflict, or a war zone, or a battlefield, and what is outside armed conflict. The distinction matters. "Inside an armed conflict, you are allowed to kill people without warning. Outside, you are not," says Notre Dame law professor Mary Ellen O'Connell, a specialist in international laws of war and conflict. "That makes it pretty important to know whether you're on a battlefield or not." And not just if you're standing on a battlefield. As difficult as it is to pin down the law of armed conflict, "it's really important to raise these questions, because we've been lulled since 9/11 into the sense that our government has the ability to decide through its intelligence agencies who is a bad guy and to kill him and the people around him," O'Connell told The Huffington Post. "I don't want to see them drag the law down and lose the world as a place in which the law is held as a high standard." Difficult questions about international law are boiling up because of the Obama administration's accelerating use of armed drones against what it says are suspected terrorists in Pakistan, Yemen and Somalia, and potentially elsewhere as well. In his State of the Union address Tuesday, President Obama seemingly acknowledged the growing public unease about the program's troubling secrecy and whether the strikes are justified and legal. He would, he promised, be "even more transparent" about how the strikes comply with the law. That vague wording promises that the bitter disagreements over what the law says, and how it applies, are only going to get more heated. "I don't think we are ever going to have a precise answer," says Laurie R. Blank, director of the International Humanitarian Law Center at Emory University School of Law and the author of several books on war and international law. In the long history of warfare, there have been clear-cut cases where existing law applies, mostly when two governments are at war in a geographically defined area. "But the nature of the world today is that it makes it difficult to put war into neat and tidy packages," Blank says. War and the law have come a long way from that muddy day in October almost 600 years ago when British infantry and archers memorably clashed with French knights near the Normandy village of Maisoncelles. It was a modest, neatly-defined battle, or armed conflict: the belligerents were drawn up at either end of a small wheat field; the bristling battle lines were barely 1,000 yards apart, and when the carnage was over in a few hours, a pair of professional referees declared British King Henry V the winner and named the battle Agincourt, after a nearby castle. By contrast, many of today's conflicts range over time and space, and belligerents morph from terrorist to civilian to warrior. Do a few suicide bombings in Islamabad define a war zone? Does the taking of hostages at an Algerian gas plant constitute an international armed conflict? Does a skyjacking plot conceived in Afghanistan and planned in Germany, which kills 3,000 people in New York and Washington, create legal war zones or armed conflicts in all four places? What if one of the plotters is hiding in Cleveland? How far does the concept of self-defense go? Can someone just declare an area to be a free-fire "battlefield"? If the United States is at war with terrorists, and there are terrorists inside the United States, can they be targeted with armed drones? If a Taliban sneaks across the Afghan border with Iran, can the U.S. target him there? And is Iran then justified under the U.N. rule of self defense to plant a terrorist bomb in Times Square? Could an al Qaeda terrorist protect himself by becoming an American citizen?

**Specifically- Agriculture and Pesticide**

**Scenario 1 ag - Drones key to Agriculture**

Bennett ’13 (Chris Bennett, Farm Press Blog, “Drones begin descent on US agriculture”, <http://westernfarmpress.com/blog/drones-begin-descent-us-agriculture>, February 12, 2013)

No one is laughing now. Once considered only a cut above remote-controlled toys, drones have proven their potency in Afghanistan and the Middle East, and manufacturers are eyeing U.S. agriculture as a tremendous market opportunity. Speaking to Wired magazine, Chris Mailey, vice president of the Association for Unmanned Vehicle Systems International (AUVSI), said, “Agriculture is gonna be the big market.” Wired reports that Japan used drones, or unmanned aerial vehicles (UAVs), to spray 30 percent of its rice fields in 2010. UAV technology is rapidly evolving and drones are already seeing limited use in the wine industry. In 2012, AirCover Integrated Solutions Corp., a California drone manufacturer, opened a plant in Carroll, Iowa. “UAVs can play a part in helping the American farmer lower costs and increase productivity. Unless an expensive helicopter is hired, or a flyby photo with a plane is done, farmers have limitations in assessing their crops until it’s time for harvest,” CEO James Hill told the Daily Times Herald. According to the Herald, the AirCover drones measure “about 2-1/2 feet by 2-1/2 feet and 3.7 pounds — are slightly larger than a seagull. The drones, managed from the ground by state-of-the-art computer systems, can climb 80 feet per second, or about four stories per second. They travel horizontally at 45 mph.” Drone use advocates for agriculture and other commercial industries will have to navigate through a minefield of privacy and legal issues. Lance Gooden, Texas state representative, has introduced a bill that with few exceptions, would ban the use of drones by private citizens — or state or federal law enforcement. WOAI reported the following: "These drones are going to get so cheap that soon you'll be able to buy your own drone at Best Buy," Gooden said. "You could park it a foot above the ground in your neighbor's back yard and film into their house. If someone wanted to film your children out playing by the pool and put that video on the Internet ... as creepy as that sounds." The Federal Aviation Administration, after getting swamped with thousands of drone applications from universities (with a heavy agricultural focus), law enforcement and private citizens, has a 2015 “deadline” to open up U.S. skies to civilian drones. The San Francisco Chronicle reports: "the drone makers have sought congressional help to speed their entry into a domestic market valued in the billions. The 60-member House of Representatives' "drone caucus" -- officially, the House Unmanned Systems Caucus -- has helped push that agenda." A host of industries are on hold to see what rules and regulations are finalized when concrete laws are laid down. The commercial industry market for drones is extremely difficult to gauge — but the potential is genuinely massive — measured in the billions. The New York Times puts the drone market value at $5.9 billion and growing: "The market for drones is valued at $5.9 billion and is expected to double in the next decade, according to industry figures. Drones can cost millions of dollars for the most sophisticated varieties to as little as $300 for one that can be piloted from an iPhone." Regardless of how good the drone technology is, the market scope and profit potential for agriculture will hinge on drone costs. Mailey believes farming and drones will be a fit, as he told Wired: “Spraying, watering — there’s a whole market for precision agriculture, and when you put that cost-benefit together, farmers will buy [drones].”

**Specifically precision farming**

Griekspoor ’13 (P.J. Griekspoor, “Precision Agriculture Seen as Big Winner in Drone Technology”, <http://farmprogress.com/story-precision-agriculture-seen-big-winner-drone-technology-9-96113>, March 21, 2013)

The biggest thing on the horizon in precision agriculture is Unmanned Aerial Vehicle flights, according to a new report from the Association for Unmanned Vehicle Systems International. Kansas, already a leader in research on the vehicles that are expected to see explosive growth when integration into national airspace begins in 2015, ranks No. 7 among states likely to see economic benefits the report says, with the state expected to see a $2.9 billion impact and 3,700 new jobs between 2015 and 2025. The greatest area of growth indicated by the report will be in precision agriculture, which is slated to grow 10 times that of the public safety market for UAS. Precision agriculture use of UAS refers to two segments of the farm market: remote sensing used to scan plants for health problems, growth rates and hydration; and precision application of needed pesticides or nutrients in order to save money and reduce environmental impact. Aerial sensing with the hexacopter, can provide mapping of an entire section of land at 1-inch resolution in about 18 minutes – a task that would take hours if not days on a tractor.Aerial sensing with the hexacopter, can provide mapping of an entire section of land at 1-inch resolution in about 18 minutes – a task that would take hours if not days on a tractor. Members of the Kansas Ag Research and Technology Association got an upclose look at the work that is being done at Kansas State University by agronomy professor Kevin Price, who is working closely with Deon van der Merwe, head of the toxicology section at the K-State Veterinary Diagnostic Laboratory. UAVs can help monitor crop conditions Van der Merwe is a remote-controlled aircraft enthusiast who is excited about the prospect of using UAVs, commonly referred to as drones, to detect blue-green algae blooms in bodies of water. Price brought two aircraft to the KARTA conference, a flying wing by RiteWingRC called the Zephyr II and a DJI S800 Spreading Wings hexacopter. Price said the promise of using the aircraft to do remote sensing to monitor crop condition, detect diseases and map fields for variable rate application of nutrients or pinpoint areas for fungicide or pesticide application, is huge. Aerial sensing with the hexacopter, for example, can provide mapping of an entire section of land at 1-inch resolution in about 18 minutes – a task that would take hours if not days on a tractor. You can read more about the K-State Unmanned Aerial Vehicle program in the March, 2013 Kansas Farmer magazine. Find it online at the Farm Progress website. Click on Magazine Online and go to Page 21. The entire AUVSI report on the economic prospects of unmanned vehicles can be found here.

**Key to prevent ag collapse**

Gonzales ’13 (Sarah Gonzalez, Associate Editor for Agri-Pulse, “Data analysis, biotech are key in agriculture's future sustainability”, <http://www.agri-pulse.com/ag-issues-biotech-future-22613.asp>, February 27, 2013)

Bayer's forum, which began on Tuesday in Orlando, Florida, included a futuristic look at agriculture in the year 2025, just 25 years before the world population is expected to reach nine billion and agriculture is required to increase productivity by 70 percent. “We've been able to convince consumers that biotechnology is the core of sustainability” by 2025, Kottmeyer said, adding that convincing and educating consumers is more important than convincing regulators. During the shift of focus from regulator to consumer he predicts, Kottmeyer said it is important to appeal to the emotional sentiments on which the consumer bases decisions. Furthermore, the organic customer is attracted to simpler agriculture, social justice, sustainability and good stewardship, which he says are all things biotechnology can provide. “The approach that they're rejecting has a clear benefit to the very things most important to them,” he said. The benefits of seed technology will be realized, particularly because of the increased global population in 2050, as well as the prediction that more than half the world population will be in the middle class by that date. He said this huge middle class, particularly in China and India, will create a new consumer. While the European Union currently blocks all U.S. biotechnology products, Kottmeyer is optimistic the consumer will drive a change. He noted that data analytics, which allowed him to make his 2025 predictions, show that finding ways to influence consumers is much simpler than normally anticipated. “You just have to crunch the data,” he said. In fact, the entire agriculture industry is currently moving into a “data-centric” era, said David Nicholson, head of Bayer's Research and Development, during the forum. Using the information gained from technology in a way that helps agriculture achieve the required 70 percent increase in productivity is the key to success or failure, he said. Precision agriculture, in particular, is the focus of this data-driven era allowing the farmer to know what to grow and where to grow it for the best results. “When we think of the farmer of the future we see a grower as CEO,” said David Hollinrake, Bayer's Vice President of Agriculture Commercial Operations Marketing, adding that farming will increasingly become a business investment instead of a lifestyle or family choice. “We want to be able to participate as an enabler of using data as precision tools.”

**Food wars go nuclear**

Brown ‘9 [Lester R., United States environmental analyst, founder of the Worldwatch Institute, and founder and president of the Earth Policy Institute, a nonprofit research organization based in Washington, D.C., recipient of 26 honorary degrees and a MacArthur Fellowship, Brown has been described by the Washington Post as "one of the world's most influential thinkers,” has been the recipient of many prizes and awards, including, the 1987 United Nations Environment Prize, the 1989 World Wide Fund for Nature Gold Medal, and the 1994 Blue Planet Prize for his "contributions to solving global environmental problems,” “Can Food Shortages Bring Down Civilization?” Scientific American, May]

The biggest threat to global stability is the potential for food crises in poor countries to cause government collapse. Those crises are brought on by ever worsening environmental degradation One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire--and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos--and Earth might collide with an asteroid, too! For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies. Yet I, too, have resisted the idea that food shortages could bring down not only individual governments but also our global civilization. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy--most important, falling water tables, eroding soils and rising temperatures--forces me to conclude that such a collapse is possible. The Problem of Failed States Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion. And those of us in the environmental field are well into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one. In six of the past nine years world grain production has fallen short of consumption, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the spring and summer of last year climbed to the highest level ever. As demand for food rises faster than supplies are growing, the resulting food-price inflation puts severe stress on the governments of countries already teetering on the edge of chaos. Unable to buy grain or grow their own, hungry people take to the streets. Indeed, even before the steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problem's stem from a failure to slow the growth of their populations. But if the food situation continues to deteriorate, entire nations will break down at an ever increasing rate. We have entered a new era in geopolitics. In the 20th century the main threat to international security was superpower conflict; today it is failing states. It is not the concentration of power but its absence that puts us at risk. States fail when national governments can no longer provide personal security, food security and basic social services such as education and health care. They often lose control of part or all of their territory. When governments lose their monopoly on power, law and order begin to disintegrate. After a point, countries can become so dangerous that food relief workers are no longer safe and their programs are halted; in Somalia and Afghanistan, deteriorating conditions have already put such programs in jeopardy. Failing states are of international concern because they are a source of terrorists, drugs, weapons and refugees, threatening political stability everywhere. Somalia, number one on the 2008 list of failing states, has become a base for piracy. Iraq, number five, is a hotbed for terrorist training. Afghanistan, number seven, is the world's leading supplier of heroin. Following the massive genocide of 1994 in Rwanda, refugees from that troubled state, thousands of armed soldiers among them, helped to destabilize neighboring Democratic Republic of the Congo (number six). Our global civilization depends on a functioning network of politically healthy nation-states to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach scores of other common goals. If the system for controlling infectious diseases--such as polio, SARS or avian flu--breaks down, humanity will be in trouble. Once states fail, no one assumes responsibility for their debt to outside lenders. If enough states disintegrate, their fall will threaten the stability of global civilization itself.

**Solves pesticides and environmental runoff**

Ghose ’13 (Tia Ghose, LiveScience Staff Writer, “Could Drones Revolutionize Agriculture?”, <http://www.livescience.com/34503-could-drones-revolutionize-agriculture.html>, May 20, 2013)

[Pin It] Chris Anderson talks to an audience at Maker Faire Bay Area on May 18, 2013, about how small foam drones could revolutionize farming. SAN MATEO, Calif. — The word "drone" tends to conjure up images of planes that kill terrorists or of creepy surveillance tools. But tiny drone airplanes made of foam may be more useful in rural environments, one researcher says. There, the fliers could revolutionize agriculture, reducing the need for pesticides and improving crop production. Because drones can fly cheaply at a low altitude, they can get highly detailed images of cropland, said Chris Anderson, the CEO of 3D Robotics and former editor-in-chief of Wired, here on Saturday (May 18) at this year's Maker Faire Bay Area, a two-day celebration of DIY science, technology and engineering. Drone-captured close-ups of fields could help farmers tailor their pesticide treatment and identify subtle differences in soil productivity. [Rise of the Drones: Photos of Unmanned Aircraft] Vast unknown The automation of farming has led to fewer farmers tending massive plots of land. That means they don't know how each leaf looks, notice changes in the height of plants, or the color of soil "Once upon a time farms were small and people could walk the farm," Anderson said. Now, however, "farms are too big to measure and too big to manage." As a result, farmers may not know about the condition of vast stretches of their land and make many decisions as if plots of land were uniform. For instance, they may blanket their entire crop with fungicide in June because fungal infections typically strike in July, whether or not their crop is actually afflicted, Anderson said. Plane power Drones provide a potential solution to this problem because they can provide high-resolution images of crops, are cheap to make and can fly unregulated over private lands, Anderson said. Anderson is developing tiny, foam drone airplanes that fly using a $170 autopilot — essentially a brain for the plane — that works in any kind of automated vehicle. Because the drones fly low to the ground, they can use cheap point-and-shoot technology to take pictures, instead of the costly equipment that enables satellite imagery. In addition, drones can store ultra-precise GPS coordinates for each picture they take. That information allows the planes to stitch pictures together more accurately, getting a better image of what's happening on the ground. Pinpointing problems One possible application is to pinpoint damage to crops early on. Early signs of plant damage show up in chlorophyll, the energy-making machinery. This damage changes how the plant appears in infrared and near-infrared images, which could be captured in drone airplane imagery. More precise imagery could also allow farmers to target pesticides just to the plants that need them, reducing how much ends up in the food supply, Anderson said. Drones could also be used by vineyards to make better wines, by identifying patches of soil with richer moisture content. Then the owners of vineyards could have greater control over the wines they produced by sorting grapes based on the soil in which they grew, Anderson said.

**American pesticides are destroying ecosystems and keystone species- monoculture and crop overproduction that kills sustainable ag**

Cook ‘5 (Christopher D. Cook is an award-winning investigative journalist who writes for Mother Jones, Harper's, The Nation, and elsewhere. He is author of Diet for a Dead Planet: How the Food Industry Is Killing Us, published November 2004 by the New Press. This article was adapted from the book, Earth Island Journal, “The Spraying of America”, <http://www.thirdworldtraveler.com/Environment/Spraying_America.html>, Spring 2005)

When Rachel Carson's Silent Spring was published in 1962, the American pesticide business was in full postwar bloom. These "elixirs of death," descended from World War II chemical warfare experiments, were suddenly ubiquitous - growing fivefold from 124 million pounds in 1947, to 637 million by 1960. Roughly 60 percent of these synthetic potions, some 376 million pounds, were applied on food. Toxic residues from pesticides were found everywhere: in water systems; in animals, including the "vast majority of human beings"; even in that most sacred nectar, mother's milk. That now-infamous poison, DDT, was "so universally used that in most minds the product takes on the harmless aspect of the familiar." Fast-forward 40 years: President George W. Bush, campaigning for a second term, eases restrictions on pesticide use by farmers and homeowners. In a move cheered by agribusiness and pesticide producers, the Bush administration enables the Environmental Protection Agency - often criticized for issuing permissive pesticide standards to approve pesticides on its own, without consulting other federal agencies about effects on endangered species. Court-ordered "no-spray zones," established along rivers to protect salmon and other fish, could soon be rolled back. Using toxins that may imperil life just got easier. The food industry benefits from a decided hush when it comes to today's silent spring. With concerns about genetically modified foods capturing the headlines - as well as the attentions of most food-industry critics today - the grave ecological effects of pesticides have been relegated to the back burner. After decades of activism and success banning "dirty dozen" pesticides such as DDT and chlordane, we are told a cleaner future lies ahead. In the brave new high-tech world of bio-engineered crops, like the Monsanto potato that secretes its own pesticide, it seems we needn't worry ourselves about poisoned farmworkers, pesticide drift, and children munching on toxic apples. Genetically modified crops are, according to USDA and corporate biotech officials, helping to cleanse the environment by reducing pesticides. As Bush's agriculture secretary Ann Veneman told a UN Food and Agriculture Organization conference, biotechnology promises to 'make agriculture more environmentally sustainable." The facts clearly refute the happy claims of Veneman and the politically connected GMO business: American industrial agriculture today dumps close to one billion pounds of pesticides on food crops, producing a truly toxic harvest. Despite public assurances of a kinder, gentler agriculture, the biotech and pesticide businesses march hand-in-hand, two sides of the same corporate coin. The industry's most prominent product, Monsanto's "Roundup Ready" soybean, was designed to withstand intensive spraying, thus expanding sales of the firm's highly popular - and highly toxic herbicide, Roundup. Since the 1996 introduction of Roundup Ready, the use of glyphosate, a key Roundup ingredient that studies have linked to non-Hodgkin's lymphoma, has risen. Roughly 85 percent of all cropland in America relies on herbicides - a business which will remain stable as long as agribusiness fights off new pesticide bans and maintains the myth that biotech is eliminating toxins in the fields. Since the publication of Silent Spring, the amount of pesticides applied to our food has more than doubled. In 1997, according to industry figures, US growers poured more than 985 million pounds of pesticides onto their crops. The US accounts for more than one third of the $33.5 billion in global pesticide sales, the vast majority for farming. That's an $11 billion business interest for the petrochemical and biotech industries to protect. They've protected it well, perpetually - though not always successfully - fighting and delaying new regulations to limit toxins in the fields. After a modest decline in the 1980s, the amount of pesticides used each year has increased by more than 100 million pounds since 1991. At the same time, there's been a dramatic increase in costs borne by farmers, whose spending on herbicides has more than doubled since 1980. Each year, over 100 million pounds of highly toxic active ingredients from pesticides are released into the environment in California alone. In the world's backyard If it were merely a matter of waiting for Rachel Carson's DDT ghosts of the 1960s to fade away, we might one day be in the clear. Rivers, lakes, fish, and birds might, over time, cleanse themselves of these toxins. But agriculture's chemicals continue to flood our water and air with contamination. What is particularly startling is the degree to which pesticides have spread throughout the entire environment. One might lament the plight of poisoned farmworkers or the effects of pesticides on farming communities and consign them to the realm of regrettable problems over which one has little control. While few would openly counsel reckless disregard for the health of farmworkers and their families who pay a very high price for our pesticide-based food system - it is all too easy to ignore and forget. But according to a 1998 analysis by the California Public Interest Research Group, nearly four million Californians live within half a mile of heavy applications of pesticides, a third of which are "designated by state or federal regulatory agencies as carcinogens, reproductive toxins or acute nerve poisons." Spring, if not silent, is no doubt quieter. Every year agricultural pesticides alone kill an estimated 67 million birds. An array of disturbing side effects is in store for those lucky enough to survive a sublethal dose, including 'increased susceptibility to predation, decreased disease resistance, lack of interest in mating and defending territory, and abandonment of nestlings," according to a 1999 report by Californians for Pesticide Reform and the Pesticide Action Network. A key indicator of today's pesticide pollution epidemic lies underground, in the hidden waters that ultimately percolate up into rivers, lakes, and wells. Groundwater is the source of 50 percent of America's drinking water, and it is intimately interconnected with surface water. Since the late 1970s, studies have found more than 139 different pesticide residues in groundwater in the US, most frequently in corn- and soybean-growing regions. One study of a Nebraska aquifer found numerous pesticides at "lifetime health advisory" levels. All of the samples contained atrazine, the most commonly-used pesticide applied to America's cornfields. In Iowa, toxic chemicals are found in roughly half of the groundwater. Even closer to home were the findings of a 1992 national pesticide survey by the EPA, which discovered that ten percent of community wells "contained detectable levels of one or more pesticides." Well water samples gathered by the California Department of Pesticide Regulation show residues of 16 active ingredients and breakdown products from agricultural pesticides. Groundwater pesticide presence, though, pales in comparison with the chemicals' prevalence in surface rivers and streams. In California, state regulators detected pesticides in 95 of 100 locations in the Central Valley. More than half of these sites exceeded safe levels for aquatic life and drinking water consumption. In Kentucky, where farmers annually apply roughly 4.5 million pounds of the top five herbicides, these chemicals showed up routinely in rivers. A two-year study by the state Department of Environmental Protection discovered atrazine and metolachior, both used heavily on corn, in a full 100 percent of the 26 river sites they examined; another chemical, simazine, was found 91 percent of the time. The spread of these toxins is a serious matter affecting both environmental and public health. Atrazine, found widely in drinking water across the Midwest and detectable on many foods, is a "possible human carcinogen," according to the EPA. Studies suggest it may cause ovarian cancer. Nationwide reports are equally troubling and reveal a bath of chemicals harmful to fish and the broader freshwater ecosystem. In a ten-year study examining thousands of streams across the country, the US Geological Survey traced the proliferation of numerous agricultural pesticides: atrazine was in 90 percent of the streams; deethylatrazine and metolachlor were in 82 percent of all samples; others were detected at least 40 percent of the time. Still more disquieting was a 1999 USGS finding of an average of 20 pesticides, mostly agricultural, at each river or stream tested. Chemical concentrations of some compounds were frequently found to exceed allowable levels in drinking water, and one or more standards for protecting aquatic life were exceeded in 39 of 58 sites. In studies conducted over the past 30 years, nearly half of all pesticides targeted for research were found in stream sediment, and some 64 percent in edible fish, mollusks, and other aquatic life. More and more, scientists are observing important changes in hormones and reproductive systems among fish and other waterborne creatures exposed to pesticides One study of sex hormones in carp revealed that the ratio of estrogen to testosterone in both males and females was "lower at sites with more pesticides." Pesticides may also be a factor behind rising numbers of frog deformities, such as extra or missing limbs. In a 2002 study published in the Proceedings of the National Academy of Sciences, biologist Joseph Kiesecker compared frogs in several Pennsylvania ponds, with and without pesticide runoff. The rate of misshapen frogs was nearly four times higher in the ponds with pesticides. Environmentalists and scientists are not the only ones complaining. Fishing enthusiasts are angry about the poisoning of their prey. Randy Fry of the Recreational Fishing Alliance of Northern California has written that pesticide pollution "seriously impacts the estuary's food-web and thereby limits the productivity of Central Valley populations of salmon, steelhead, striped bass, and sturgeon while increasing the pollutants carried by these fish." Fry has noted declines in fisheries throughout the Valley. Something in the air Perhaps the greatest - yet most elusive measure of pesticides' long reach is their presence in the air we breathe. "Nearly every pesticide that has been investigated has been detected in air, rain, snow, or fog across the nation at different times of year," says the US Geological Survey. Given just a lazy breeze, toxins can migrate for miles. A seemingly innocuous spraying or fumigation of a rural farm field can let pesticides drift through air currents for hours, even days, ending up as residue in nearby towns, ruining organic crops downwind and further polluting waterways. Diazinon, a highly volatile agent sprayed widely on nuts and stone fruit, actually increases its drift concentrations as time passes, the greatest amount of drift showing up two to three days after spraying. Although levels generally diminish, pesticide drift can last for weeks, and sometimes months after application. The epicenter for the pesticide drift problem, particularly its human effects, is California, where decades of suburban sprawl - and intensely consolidated agriculture - have wedged burgeoning population centers up against farms. Blending agriculture with suburbs would seem a fine rural-urban complement but for the rampant use and drift of pesticides, which are exceedingly toxic, even at low levels, for children. "Pesticides in air are often invisible and odorless, but like second-hand cigarette smoke, inhaling even small amounts over time can lead to serious health problems, especially for children," reports Susan Kegley, staff scientist for the Pesticide Action Network. More than 90 percent of pesticides used in California (including non-agricultural pesticides) are likely to drift, and roughly a third of those are highly toxic to humans, according to a 2003 study by Californians for Pesticide Reform. Samples of two pesticides, chiorpyrifos and metam sodium, taken near sprayed fields, produced residues that were, respectively, some 184 and 111 times the acute exposure standards set by government for a one-year-old child. The Gulf of Toxins The Gulf of Mexico is afflicted with a "dead zone" stretching across several thousand square miles along the Louisiana-Texas coast. A massive algae bloom feasts on a steady diet of nitrogen and other nutrients flowing downstream from the Mississippi River. In summer, when the river's flow peaks, the bloom spreads and chokes the Gulf's northern coasts, cutting off oxygen that supports sea life. In 1999 the zone ballooned to nearly 12,500 square miles - the size of New Jersey. The depleted water near the bottom of the Gulf contains less than two parts per million of dissolved oxygen, not enough to sustain fish or bottom-dwelling life. One of the chief contributors to this dead zone is American agriculture and its countless tributaries of petroleum-based fertilizers, pesticides, and animal feces overflowing from giant factory farms. The Mississippi River Basin, which drains an area representing about 41 percent of the contiguous US, is home to the majority of the nation's agricultural chemicals. About seven million metric tons of nitrogen in commercial fertilizers are applied in the Basin each year, and the annual load of nitrates poured from the Mississippi River into the Gulf has tripled since the late 1950s, when pesticides and synthetic fertilizers began to dominate the agricultural scene. Another key ingredient is on the rise: billions of tons of factory-farm animal waste, overloaded with nitrogen and other potentially damaging nutrients. In 1999, when Congress, the EPA and environmental groups pressed for cuts in farm pollution to clean up the Gulf of Mexico, some agricultural trade groups raised the specter of farm closures and diminished food production. 'Crop yields in the Midwest could shrink if federal regulators try to reduce use of fertilizers to cut pollution in the Mississippi River and in the Gulf of Mexico," the Associated Press reported, summing up the agribusiness argument. Asking farmers to reduce fertilizers would be "basically asking them to go out of business," said Cliff Snyder, representing the Potash and Phosphate Institute. "It would have a significant economic impact if producers were required to reduce nutrient input.., at a time when the farm economy is dismal." Despite the economic trap, some forward-looking farmers are contemplating ways to either use less synthetic fertilizer, which itself is quite costly, or at least drain their fields away from rivers, perhaps into wetlands that could use the nitrogen. Fertilizing sterility Beyond the Gulf case, chemical fertilizers - laden with nitrogen, ammonia, and phosphorus, as well as trace toxic metals like cadmium - are a serious environmental problem. Overshadowed in the public mind by pesticides, synthetic chemical fertilizers severely deplete and erode soil and drain toxic nutrients into the water supply. They have become a perilous crutch - with over 14 million tons applied annually, seven tons per square mile in the upper Midwest - injecting excessive nutrients into the ground, and ironically, robbing soil of its fertility. A 1984 World Bank report concluded that American agriculture's growing reliance on synthetic fertilizers "has allowed farmers to abandon practices - such as crop rotation and the incorporation of plant and animal wastes into the soil - which had previously maintained soil fertility." The petrochemical addiction Why has pesticide use increased even in this time of growing ecological awareness? In Living Downstream, scientist-author Sandra Steingraber describes the political economy that has driven agriculture into a self-feeding cycle of poison. First, the arrival of synthetic pesticides following World War II reduced labor on the farm. Simultaneously, profits per acre began to shrivel. "Both these changes pressed farmers into managing more acres to earn a living for their families." Bigger farms, and federal subsidies promoting mono-crop agriculture, "further increased the need for chemicals to control pests. And the use of these chemicals themselves set the stage for additional ecological changes that only more chemicals could offset." The decline of crop rotation in favor of monocropping - the planting of the same crop year after year - enables insects to adapt and recover, continuing the upward chemical spiral. Through Darwinian natural selection, the strongest few insects able to resist insecticides "become the progenitors of the next generation as their more chemically sensitive compatriots are killed off," explains Steingraber. Thus pesticides ultimately create insects that are less susceptible to them. During the postwar pesticide revolution between 1950 and 1990, the number of insect species resistant to pesticides mushroomed from fewer than 20 to more than 500. In roughly the same period, the amount of crops lost due to insect damage doubled. It doesn't have to be this way. Agriculture can be prolific and efficient without pesticides. The miraculous march of American agriculture toward unparalleled productivity long before the postwar pesticide revolution is a compelling testimonial to the possibilities of organic farming. Before agribusiness' petrochemical addiction, farmers used crop rotation and diversified agriculture to replenish soils and keep pests on the run. Crop diversity supplied sustenance for farm families and livestock and a natural insurance policy against pest outbreaks or weather disasters. While many so-called conventional" growers have bravely made the transition into organics - itself a lengthy and costly process for which there is virtually no government support the wider food economy and the profits of agribusiness rely on farmers' continued deployment of chemical warfare in the fields. The near-perennial , American surplus fueled by petrochemicals keeps farm crops cheap, l-,4' not so much for consumers as for the f intermediary complex of food processors, fast-food chains, and supermarkets. Back in the days of Silent Spring, o the US had for years been stockpiling food, requiring ever-larger subsidy payments and growing pressures on exports and food aid. As Carson remarked then, We are told that the enormous and expanding use of pesticides is necessary to maintain farm production." Yet, she said - noting that American taxpayers were paying more than $1 billion a year for this surplus food storage - "Is our real problem not one of over-production?" Excess supply is primarily a problem for farmers, both here and abroad, who are forced by price-depressing surpluses to "get big or get out." For the petrochemical industry and its close partner, the biotech business, today's economy of surplus production and exports, and of a mono-crop industrial agriculture stripped of its natural sustainability, is not a problem at all. Except that they, too - and their children - must inhabit a poisoned world. \*

**Ecosystem collapse causes extinction**

**Coyne and Hoekstra ‘7** [Jerry and Hopi, professor in the Department of Ecology and Evolution at the University of Chicago and Associate Professor in the Department of Organismic and Evolutionary Biology at Harvard University, “The Greatest Dying,” 9/24, <http://www.truthout.org/article/jerry-coyne-and-hopi-e-hoekstra-the-greatest-dying>]

But it isn't just the destruction of the rainforests that should trouble us. Healthy ecosystems the world over provide hidden services like waste disposal, nutrient cycling, soil formation, water purification, and oxygen production. Such services are best rendered by ecosystems that are diverse. Yet, through both intention and accident, humans have introduced exotic species that turn biodiversity into monoculture. Fast-growing zebra mussels, for example, have outcompeted more than 15 species of native mussels in North America's Great Lakes and have damaged harbors and water-treatment plants. Native prairies are becoming dominated by single species (often genetically homogenous) of corn or wheat. Thanks to these developments, soils will erode and become unproductive - which, along with temperature change, will diminish agricultural yields. Meanwhile, with increased pollution and runoff, as well as reduced forest cover, ecosystems will no longer be able to purify water; and a shortage of clean water spells disaster. In many ways, oceans are the most vulnerable areas of all. As overfishing eliminates major predators, while polluted and warming waters kill off phytoplankton, the intricate aquatic food web could collapse from both sides. Fish, on which so many humans depend, will be a fond memory. As phytoplankton vanish, so does the ability of the oceans to absorb carbon dioxide and produce oxygen. (Half of the oxygen we breathe is made by phytoplankton, with the rest coming from land plants.) Species extinction is also imperiling coral reefs - a major problem since these reefs have far more than recreational value: They provide tremendous amounts of food for human populations and buffer coastlines against erosion. In fact, the global value of "hidden" services provided by ecosystems - those services, like waste disposal, that aren't bought and sold in the marketplace - has been estimated to be as much as $50 trillion per year, roughly equal to the gross domestic product of all countries combined. And that doesn't include tangible goods like fish and timber. Life as we know it would be impossible if ecosystems collapsed. Yet that is where we're heading if species extinction continues at its current pace. Extinction also has a huge impact on medicine. Who really cares if, say, a worm in the remote swamps of French Guiana goes extinct? Well, those who suffer from cardiovascular disease. The recent discovery of a rare South American leech has led to the isolation of a powerful enzyme that, unlike other anticoagulants, not only prevents blood from clotting but also dissolves existing clots. And it's not just this one species of worm: Its wriggly relatives have evolved other biomedically valuable proteins, including antistatin (a potential anticancer agent), decorsin and ornatin (platelet aggregation inhibitors), and hirudin (another anticoagulant). Plants, too, are pharmaceutical gold mines. The bark of trees, for example, has given us quinine (the first cure for malaria), taxol (a drug highly effective against ovarian and breast cancer), and aspirin. More than a quarter of the medicines on our pharmacy shelves were originally derived from plants. The sap of the Madagascar periwinkle contains more than 70 useful alkaloids, including vincristine, a powerful anticancer drug that saved the life of one of our friends. Of the roughly 250,000 plant species on Earth, fewer than 5 percent have been screened for pharmaceutical properties. Who knows what life-saving drugs remain to be discovered? Given current extinction rates, it's estimated that we're losing one valuable drug every two years. Our arguments so far have tacitly assumed that species are worth saving only in proportion to their economic value and their effects on our quality of life, an attitude that is strongly ingrained, especially in Americans. That is why conservationists always base their case on an economic calculus. But we biologists know in our hearts that there are deeper and equally compelling reasons to worry about the loss of biodiversity: namely, simple morality and intellectual values that transcend pecuniary interests. What, for example, gives us the right to destroy other creatures? And what could be more thrilling than looking around us, seeing that we are surrounded by our evolutionary cousins, and realizing that we all got here by the same simple process of natural selection? To biologists, and potentially everyone else, apprehending the genetic kinship and common origin of all species is a spiritual experience - not necessarily religious, but spiritual nonetheless, for it stirs the soul. But, whether or not one is moved by such concerns, it is certain that our future is bleak if we do nothing to stem this sixth extinction. We are creating a world in which exotic diseases flourish but natural medicinal cures are lost; a world in which carbon waste accumulates while food sources dwindle; a world of sweltering heat, failing crops, and impure water. In the end, we must accept the possibility that we ourselves are not immune to extinction. Or, if we survive, perhaps only a few of us will remain, scratching out a grubby existence on a devastated planet. Global warming will seem like a secondary problem when humanity finally faces the consequences of what we have done to nature: not just another Great Dying, but perhaps the greatest dying of them all.

**Independently- overuse of pesticides cause human extinction through atmosphere**

**Western Daily Press ’97** [“Diana's gone all sari-eyed,” 10-6-07, Lexis]

For new research claims that PMT - which is supposed to be due to drops in oestrogen levels - is a myth, it's all in the mind, just an excuse used by women when they have those perfectly normal random bouts of depression or irritability which men get too. Only men don't have a convenient hormonal syndrome they can blame. Oestrogen is clearly tricky stuff, for elsewhere, scientists are blaming it for the potential extinction of mankind. Oestrogen in the atmosphere - and the industrial chemicals and pesticides which mimic it - are, they say, causing increases in cancer and dramatic drops in fertility in males of many species, including humans. It could, indeed, wipe out the human race. We don't dispute the way high levels of testosterone can affect males, so how come people are so eager to deny that similar changes in oestrogen levels can make us women a bit tetchy at times? Surely if it's powerful enough to result in the destruction of planetary life, it's not unreasonable to think oestrogen might also cause a teensy- weensy bit of disturbance in women now and again?

**This outweighs resilience**

Young ‘10 (PhD coastal marine ecology, 10 [Ruth, “Biodiversity: what it is and why it’s important”, February 9th, <http://www.talkingnature.com/2010/02/biodiversity/biodiversity-what-and-why/>]

Different species within ecosystems fill particular roles, they all have a function, they all have a niche. They interact with each other and the physical environment to provide ecosystem services that are vital for our survival. For example plant species convert carbon dioxide (CO2) from the atmosphere and energy from the sun into useful things such as food, medicines and timber. Pollination carried out by insects such as bees enables the [production of ⅓ of our food crops](http://www.talkingnature.com/2010/01/biodiversity/bees-pollination/). Diverse mangrove and coral reef ecosystems provide a wide variety of habitats that are essential for many fishery species. To make it simpler for economists to comprehend the magnitude of services offered by biodiversity, a team of researchers estimated their value – it amounted to $US33 trillion per year. “By protecting biodiversity we maintain ecosystem services” Certain species play a “keystone” role in maintaining ecosystem services. Similar to the removal of a keystone from an arch, the removal of these species can result in the collapse of an ecosystem and the subsequent removal of ecosystem services. The most well known example of this occurred during the 19th century when sea otters were almost hunted to extinction by fur traders along the west coast of the USA. This led to a population explosion in the sea otters’ main source of prey, sea urchins. Because the urchins graze on kelp their booming population decimated the underwater kelp forests. This loss of habitat led to declines in local fish populations. Sea otters are a keystone species once hunted for their fur (Image: Mike Baird) Eventually a treaty protecting sea otters allowed the numbers of otters to increase which inturn controlled the urchin population, leading to the recovery of the kelp forests and fish stocks. In other cases, ecosystem services are maintained by entire functional groups, such as apex predators (See [Jeremy Hance’s post at Mongabay)](http://news.mongabay.com/2010/0202-hance_toppredators.html). During the last 35 years, over fishing of large shark species along the US Atlantic coast has led to a population explosion of skates and rays. These skates and rays eat bay scallops and their out of control population has led to the closure of a century long scallop fishery. These are just two examples demonstrating how biodiversity can maintain the services that ecosystems provide for us, such as fisheries. One could argue that to maintain ecosystem services we don’t need to protect biodiversity but rather, we only need to protect the species and functional groups that fill thekeystone roles. However, there are a *couple of problems with this idea*. First of all, for most ecosystems we don’t know which species are the keystones! Ecosystems *are so complex* that we are still discovering which species play vital roles in maintaining them. In some cases its *groups of species* not just one species that are *vital for the ecosystem*. Second, even if we did complete the enormous task of identifying and protecting all keystone species, what back-up plan would we have if an unforseen event (e.g. pollution or disease) led to the demise of these ‘keystone’ species? Would there be another species to save the day and take over this role? Classifying some species as ‘keystone’ implies that the others are not important. This may lead to the non-keystone species being considered ecologically worthless and subsequently over-exploited. Sometimes we may not even know which species are likely to fill the keystone roles. An example of this was discovered on Australia’s Great Barrier Reef. This research examined what would happen to a coral reef if it were over-fished. The “over-fishing” was simulated by fencing off coral bommies thereby excluding and removing fish from them for three years. By the end of the experiment, the reefs had changed from a coral to an algae dominated ecosystem – the coral became overgrown with algae. When the time came to remove the fences the researchers expected herbivorous species of fish like the parrot fish (Scarus spp.) to eat the algae and enable the reef to switch back to a coral dominated ecosystem. But, surprisingly, the shift back to coral was driven by a supposed ‘unimportant’ species – the bat fish (Platax pinnatus). The bat fish was previously thought to feed on invertebrates – small crabs and shrimp, but when offered a big patch of algae it turned into a hungry herbivore – a cow of the sea – grazing the algae in no time. So a fish previously thought to be ‘unimportant’ is actually a keystone species in the recovery of coral reefs overgrown by algae! *Who knows how many other species are out there with unknown ecosystem roles!* In some cases it’s easy to see who the keystone species are but in many ecosystems seemingly unimportant or redundant species are also capable of changing niches and maintaining ecosystems. The more biodiverse an ecosystem is, the more likely these species will be present and the more resilient an ecosystem is to future impacts. Presently we’re only scratching the surface of understanding the full importance of biodiversity and how it helps maintain ecosystem function. The scope of this task is immense. In the meantime*,* a wise insurance policy for maintaining ecosystem services would be to conserve biodiversity. In doing so, we increase the chance of maintaining our ecosystem services in the event of future impacts such as disease, invasive species and of course, climate change. This is the international year of biodiversity – a time to recognize that biodiversity makes our survival on this planet possible and that our protection of biodiversity maintains this service.

## 2AC

### Solvency

#### This is the only card specific about targeted killing

**Goldsmith ’12** [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, “Fire When Ready,” 3-19-12, <http://www.foreignpolicy.com/articles/2012/03/19/fire_when_ready?page=full>, March 19, 2012]

When the Obama administration made the decision to kill Awlaki, it did not rely on the president's constitutional authority as commander in chief. Rather, it relied on authority that Congress gave it, and on guidance from the courts. In September 2001, Congress authorized the president "to use all necessary and appropriate force against those nations, organizations, or persons he determines" were responsible for 9/11. Whatever else the term "force" may mean, it clearly includes authorization from Congress to kill enemy soldiers who fall within the statute. Unlike some prior authorizations of force in American history, the 2001 authorization contains no geographical limitation. Moreover, the Supreme Court, in the detention context, has ruled that the "force" authorized by Congress in the 2001 law could be applied against a U.S. citizen. Lower courts have interpreted the same law to include within its scope co-belligerent enemy forces "associated" with al Qaeda who are "engaged in hostilities against the United States." International law is also relevant to targeting decisions. Targeted killings are lawful under the international laws of war only if they comply with basic requirements like distinguishing enemy soldiers from civilians and avoiding excessive collateral damage. And they are consistent with the U.N. Charter's ban on using force "against the territorial integrity or political independence of any state" only if the targeted nation consents or the United States properly acts in self-defense. There are reports that Yemen consented to the strike on Awlaki. But even if it did not, the strike would still have been consistent with the Charter to the extent that Yemen was "unwilling or unable" to suppress the threat he posed. This standard is not settled in international law, but it is sufficiently grounded in law and practice that no American president charged with keeping the country safe could refuse to exercise international self-defense rights when presented with a concrete security threat in this situation. The "unwilling or unable" standard was almost certainly the one the United States relied on in the Osama bin Laden raid inside Pakistan. These legal principles are backed by a system of internal and external checks and balances that, in this context, are without equal in American wartime history. Until a few decades ago, targeting decisions were not subject to meaningful legal scrutiny. Presidents or commanders typically ordered a strike based on effectiveness and, sometimes, moral or political considerations. President Harry Truman, for example, received a great deal of advice about whether and how to drop the atomic bomb on Hiroshima and Nagasaki, but it didn't come from lawyers advising him on the laws of war. Today, all major military targets are vetted by a bevy of executive branch lawyers who can and do rule out operations and targets on legal grounds, and by commanders who are more sensitive than ever to legal considerations and collateral damage. Decisions to kill high-level terrorists outside of Afghanistan (like Awlaki) are considered and approved by lawyers and policymakers at the highest levels of the government. The lawyers and policymakers are guided in part by Supreme Court and lower court decisions that, in the context of reviewing military detentions, have interpreted the meaning, scope, and limits of the congressional authorization to use force. The executive branch also has tools at its disposal -- an elaborate intelligence bureaucracy, precision weapons, and computer targeting algorithms -- to minimize collateral damage in war like never before (indeed, these tools sometimes force an operation or target to be avoided or aborted). We do not know the full details of targeting decisions, but we do know -- from administration speeches and press coverage of internal deliberations -- that Obama administration policymakers and lawyers seriously grapple with the legal limits of their authorities, construe them narrowly to meet the case at hand, and are constrained in who they target. Congress too is involved. The executive branch only targets enemy forces that fall within the parameters set by Congress in 2001. All major targeting operations conducted as "covert actions" must, under laws in place before 9/11, be conducted in conformity with presidential "findings" and reported to congressional intelligence committees. These committees lack a formal veto, but they have many ways to push back against covert actions they dislike. House Minority Leader Nancy Pelosi is said to have scaled back a covert operation in 2004 to influence the outcome of elections in Iraq by complaining to the White House, while the House Intelligence Committee reportedly persuaded the Obama administration not to arm the Libyan rebels in 2011. Operations by the U.S. military are also reported to and scrutinized by congressional armed services committees through less formal means. More broadly, Congress as a whole is well aware of the president's targeted killing program, and many congressional committees have held public hearings on targeted killing in the last few years. And yet, in contrast to its actions to tighten the president's traditional military authorities in other contexts (like interrogation, military detention, and military commissions), Congress has not tightened the president's power to target. Instead, Congress chose to reaffirm the 2001 authorization on which the president has rested his targeting practices in December 2011, and to bless the judicial construction of the statute that extended the president's authorities to co-belligerents like Awlaki, all without a word about limitations on targeted killing. Congress did this against the backdrop of many public reports that the 2001 statute was relied on to kill Awlaki. The targeted killing of Awlaki was also subject to a limited but important form of judicial scrutiny. In 2010, the ACLU and the Center for Constitutional Rights brought a novel lawsuit that sought to enjoin the president from killing Awlaki. Judge John Bates of the U.S. District Court for the District of Columbia dismissed the case, in part because of "the impropriety of judicial review." Bates explained that the Constitution places "responsibility for the military decisions at issue in this case 'in the hands of those who are best positioned and most politically accountable for making them'" -- Congress and the president. This ruling, based on extensive precedent, is almost certainly right. Commanders in chief have always had discretion over targeting decisions in wars authorized by Congress. No court has ever suggested that judicial approval for these decisions was appropriate or necessary. This is so even though the U.S. military killed U.S. citizens in the Civil War and most likely in World War II as well, when some fought in the Italian and German armies. The Supreme Court itself has ruled -- in the context of military commissions and military detention -- that U.S. citizenship does not by itself preclude the commander in chief from exercising traditional forms of military force. This is the background against which to assess Attorney General Holder's claim that the Constitution "guarantees due process, not judicial process." Holder was referring to the Fifth Amendment's prohibition on taking life without due process, a further legal limitation on the targeted killing of U.S. citizens. Critics belittled Holder for distinguishing due process from judicial process, but Holder is right. The Supreme Court has ruled in many contexts that due process does not always demand judicial scrutiny. It has also ruled that the type and extent of process due depends on the nature and circumstances of the deprivation, including a balance between the interests of the individual and the government. A U.S. citizen's interest is obviously at its height when he is targeted with lethal force. The government's interest is at its height when it seeks to incapacitate a threatening enemy in a congressionally sanctioned war. Holder only defended the wartime authority to kill a U.S. citizen who presents "an imminent threat of violent attack against the United States" and for whom "capture is not feasible," and only when operations are "conducted in a manner consistent with applicable law of war principles." In these circumstances, he claimed, high-level executive deliberation, guided by judicial precedent and subject to congressional oversight, is all the process that is due. Is Holder right? It is hard to say for sure because the due process clause has never before been thought relevant to wartime presidential targeting decisions. The system described above goes far beyond any process given to any target in any war in American history. Awlaki was not given a formal notice and opportunity to defend himself in court, but war does not permit such formal practices. One predicate for the killing was that Awlaki was in hiding -- beyond legal process or the reasonable possibility of capture -- and plotting and directing attacks on the United States. The U.S. government made clear that if Awlaki "were to surrender or otherwise present himself to the proper authorities in a peaceful and appropriate manner, legal principles with which the United States has traditionally and uniformly complied would prohibit using lethal force or other violence against him in such circumstances." And as Judge Bates noted, while Awlaki's placement on a targeting list was publicly disclosed in January 2010, Awlaki publicly disclaimed any intention of challenging his status or turning himself in. It is hard to see how the executive branch could have taken its constitutional responsibilities more seriously while honoring its obligation to keep the nation safe. In light of Judge Bates's ruling and the analysis on which it rests, and until Congress thinks the president's approach to targeting requires change, the current system -- executive deliberation guided by judicial precedent and subject to congressional oversight -- almost certainly satisfies any constitutional requirement. In any event, it belies the claim that the president is not subject to checks and balances. This conclusion will not assuage critics like Andrew Rosenthal who insist that "the president must receive judicial input before ordering the death of an American citizen." What Rosenthal and other krytocrats have not explained is how the Constitution permits, much less demands, such ex ante judicial input. These critics have not grappled with Judge Bates's analysis. Nor have they explained how a presidential request for judicial approval to target and kill a terrorist suspect is consistent with the constitutional limitation of judicial power to cases and controversies between parties in court. It is also unclear whether judges possess the competence to assess and quickly act upon military targets, or whether they would welcome the responsibility for targeting decisions. Perhaps Congress could devise a lawful and effective scheme of judicial or administrative review of the president's targeting decisions. But it has shown no inclination to do so, and it appears to support the current arrangement.

#### Obama will follow through- aligns himself with Congress

Bellinger ’13 (John B. Bellinger III, Adjunct Senior Fellow for International and National Security Law, “Seeking Daylight on U.S. Drone Policy”, <http://www.cfr.org/drones/seeking-daylight-us-drone-policy/p30348>, March 29, 2013)

The president also has additional constitutional authority anytime to use force to protect the Unites States, either in self-defense or because he believes that it's in our national security interest. So if President Obama concludes that it's necessary to carry out a drone strike against a terror suspect, but that individual does not fall into the categories covered by the AUMF, he would have additional constitutional authority. But this administration has taken great pains to emphasize that it has been relying on congressional grant of authority rather than the president's own constitutional authority to conduct most of its counterterrorism operations. It has wanted to do that to contrast itself with the Bush administration, which had, at least early in its tenure, relied heavily on the president's constitutional authority. It's not clear though, at this point, given how old and somewhat limited the AUMF is, if the Obama administration has now been forced to rely on constitutional powers for certain drone strikes. It appears to many observers that the administration may be stretching the limits of the AUMF by targeting people who were not responsible for 9/11 or who were not affiliated or associated co-belligerents with those who carried out 9/11. In theory, could the president always claim constitutional authority with regard to these strikes? Although, as you pointed out, the administration is obviously loath to do that. This administration is already finding that 95 percent of its counterterrorism policies, and the legal basis therefore, are the same as the Bush administration's. Absolutely. I think the issue is, in this administration, political. This administration is already finding that 95 percent of its counterterrorism policies, and the legal basis therefore, are the same as the Bush administration's. It came into office with both domestic and international supporters expecting that it would change all of those policies. So one area where it really has been loath to act like the Bush administration is to rely heavily on the president's constitutional authority. We simply don't know whether they are doing it, but politically I'm sure that administration officials would be very reluctant to have to acknowledge that they are acting outside of the grant given to them by Congress.

### DF

#### 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.

#### Pakistan collapse tanks the global economy

Walayat ‘10(Nadeem, financial analyst, editor of the Market Oracle, over 20 years experience of trading derivatives, portfolio management and analysing the financial markets, The Market Oracle, "Pakistan Collapse Could Trigger Global Great Depression and World War III," www.marketoracle.co.uk/Article16543.html, January 16, 2010)

Pakistan Collapse Could Trigger Global Great Depression and World War III During 2009 the 2600 terrorist attacks resulted in the number of deaths soaring to more than 12,000 casualties in Pakistan, compared to the number killed in Iraq falling to 2,800 from the 2008 total of 5,900. The U.S. War in Afghanistan pushed the Taliban and Al-Qeeda over the border into Pakistan that has sparked an escalating insurgency and Pakistan's own U.S. backed un-popular "War on Terror" which is going just as badly as that in Afghanistan, only without the deep financial pockets to embark up on an never ending war that is increasingly sapping what little strength the Pakistan Economy had out of it and now seriously risks the collapse of the state due to the stress of the conflict on the economy and society. The world appears to be sleep walking towards a mega-crisis during 2010 and beyond resulting from that of continuing and escalating terrorist insurgency fed by U.S. policy, that is spreading like a cancer across Pakistan resulting in the disintegration of the Pakistani economy and by consequence the disintegration of many areas of the state into lawless areas despite the size of the Pakistani Army, this would result in fallout across the whole region and the wider world on a scale of several magnitudes greater than that which followed the collapse of Iraq following the 2003 invasion. Pakistan populated by more than 170 million people could turn into a black hole that could swallow many more trillions of dollars in an escalating but ultimately unwinnable war on terror that would disrupt not only the economies of the west with hundreds of thousands more boots on the ground, but also the economies of the neighbouring states, especially India, Iran and China much as the war in Afghanistan had increasingly impacted on the Pakistani state and economy over the past few years. Not only is Pakistan's vast military industrial complex and arms stock piles at risk, but far more deadly than the IED's or klashnikovs are Pakistan's nuclear and chemical weapons that could greatly increase the risks of a series of dirty bombs emerging from within a failed state even if the nuclear weapons themselves remained secure. Therefore the Pakistan crisis has the potential for becoming a very significant factor when determining the direction of the global economy over the coming years due to both a mega refugee crisis that would emerge from a failed state and the conflagration of conflict across the region, unless action is taken to stabilise the situation in Pakistan towards which the following could form part of: 1. First world military technology such as drone air-craft and satellite surveillance made available to the Pakistan army to enable it to fight a more precise war against the Taliban Leadership without unpopular blanket warfare across regions of the country that only results in the conflict spreading and new recruits for the insurgency. Therefore Pakistan's War Against Terror needs to be greatly de-escalated rather than escalated, basically a strategy of containment of the Taliban in the Pushtoon areas rather invite more Pushtoon's to join the Taliban as a consequence of Pakistani Army actions. This would allow the rest of a more ethnically and culturally diverse Pakistan to stabilise rather than become sucked into an ever widening conflict. 2. To financially support and reform the Pakistan Government and economy into a self sustaining secular growth machine and as a far less corrupt entity than at present, much as the United States succeeded in turning the collapsed economies of Germany and Japan around following the second world war that would seek to pull Pakistan's people out of poverty and illiteracy, especially aimed at the impoverished youth that are increasingly falling pray to the Taliban ideology of holy war. The alternative of remaining on the present path risks the already debt saddled western worlds economies sowing the seeds of a Pakistan Collapse triggered Great Depression, much as many aspects of today's economic and financial crisis have their roots in both Afghanistan and Iraq and with even far worse consequences for the neighbouring states of Iran, India, China and perhaps Russia as the conflict falls out of Pakistan's borders. However at present U.S. and Western focus is primarily focused on bombing the Taliban and Al-Qeeda from the air and enticing the Pakistani army to embark on huge military expeditions against large regions of Pakistan, therefore not learning a single lesson from either Iraq or Afghanistan that the real solution is to win hearts and minds which cannot be done through carpet bombing of towns and cities but rather through building civil society and infrastructure. Unless action is taken now to change course then we may look back at the present in a few years time and say why did we not do something when we had the chance to prevent the Great Hyper-Inflationary Depression and resulting Global War much as the 1930's Great Deflationary Depression ultimately resulted in the Second World War.

### Ag

#### Pesticides push honeybees past the tipping point- causes planetary extinction

**Weyler 6-11**-13 [Rex, cofounder of Greenpeace International, was a director of the original Greenpeace Foundation, the editor of the organisation's first newsletter, “Worldwide Honey Bee Collapse: A Lesson in Ecology,” <http://ecowatch.com/2013/worldwide-honey-bee-collapse-a-lesson-in-ecology/>]

We know what is killing the bees. Worldwide Bee Colony Collapse is not as big a mystery as the chemical companies claim. The systemic nature of the problem makes it complex, but not impenetrable. Scientists know that bees are dying from a variety of factors—pesticides, drought, habitat destruction, nutrition deficit, air pollution, global warming and so forth. The causes of collapse merge and synergize, but we know that humanity is the perpetrator, and that the two most prominent causes appear to be pesticides and habitat loss.¶ Biologists have found over 150 different chemical residues in bee pollen, a deadly “pesticide cocktail” according to University of California apiculturist Eric Mussen. The chemical companies Bayer, Syngenta, BASF, Dow, DuPont and Monsanto shrug their shoulders at the systemic complexity, as if the mystery were too complicated. They advocate no change in pesticide policy. After all, selling poisons to the world’s farmers is profitable.¶ Furthermore, wild bee habitat shrinks every year as industrial agribusiness converts grasslands and forest into monoculture farms, which are then contaminated with pesticides. To reverse the world bees decline, we need to fix our dysfunctional and destructive agricultural system.¶ Bee Collapse¶ Apis mellifera—the honey bee, native to Europe, Africa and Western Asia—is disappearing around the world. Signs of decline also appear now in the eastern honey bee, Apis cerana.¶ This is no marginal species loss. Honey bees—wild and domestic—perform about 80 percent of all pollination worldwide. A single bee colony can pollinate 300 million flowers each day. Grains are primarily pollinated by the wind, but the best and healthiest food—fruits, nuts and vegetables—are pollinated by bees. Seventy out of the top 100 human food crops, which supply about 90 percent of the world’s nutrition, are pollinated by bees.¶ Tonio Borg, European Commissioner for Health and Consumer Policy, calculates that bees “contribute more than €22 billion ($30 billion U.S. dollars) annually to European agriculture.” Worldwide, bees pollinate human food valued at more than €265 billion ($350 billion). The bee collapse is a challenge to human enterprise on the scale of global warming, ocean acidification and nuclear war. Humans could not likely survive a total bee collapse.¶ Worker bees (females) live several months. Colonies produce new worker bees continuously during the spring and summer, and then reproduction slows during the winter. Typically, a bee hive or colony will decline by five to 10 percent over the winter and replace those lost bees in the spring. In a bad year, a bee colony might lose 15-20 percent of its bees.¶ In the U.S., where bee collapse first appeared, winter losses commonly reached 30-50 percent and in some cases more. In 2006, David Hackenberg, a bee keeper for 42 years, reported a 90 percent die-off among his 3,000 hives. U.S. National Agriculture Statistics show a honey bee decline from about 6 million hives in 1947 to 2.4 million hives in 2008, a 60 percent reduction.¶ The number of working bee colonies per hectare provides a critical metric of crop health. In the U.S., among crops that require bee pollination, the number of bee colonies per hectare has declined by 90 percent since 1962. The bees cannot keep pace with the winter die-off rates and habitat loss.¶ Europe Responds, U.S. Dithers¶ In Europe, Asia and South America, the annual die-off lags behind the U.S. decline, but the trend is clear, and the response is more appropriate. In Europe, Rabobank reported that the annual European die-offs have reached 30-35 percent and that the colonies-per-hectare count is down 25 percent. In the 1980s, in Sichuan, China, pear orchard pesticides obliterated local bees, and farmers must now pollinate crops by hand with feather dusters.¶ A European Food Safety Authority scientific report determined that three widely used pesticides—nicotine-based clothianidin, imidacloprid and thiametoxam—pose “high acute risks” for bees. These neonicotinoid pesticides—used in soils, on foliage and embedded in seeds—persist at the core of the toxic pesticide cocktail found in bee hives.¶ A Greenpeace scientific report identifies seven priority bee-killer pesticides—including the three nicotine culprits—plus clorpyriphos, cypermethrin, deltamethrin and fipronil. The three neonicotinoids act on insect nervous systems. They accumulate in individual bees and within entire colonies, including the honey that bees feed to infant larvae. Bees that do not die outright, experience sub-lethal systemic effects, development defects, weakness and loss of orientation. The die-off leaves fewer bees and weaker bees, who must work harder to produce honey in depleted wild habitats. These conditions create the nightmare formula for bee colony collapse.¶ Bayer makes and markets imidacloprid and clothianidin; Syngenta produces thiamethoxam. In 2009, the world market for these three toxins reached over $2 billion. Syngenta, Bayer, Dow, Monsanto and DuPont control nearly 100 percent of the world market for genetically engineered (GE) pesticides, plants and seeds.¶ In 2012, a German court criminally charged Syngenta with perjury for concealing its own report showing that its genetically modified corn had killed livestock. In the U.S., the company paid out $105 million to settle a class-action lawsuit for contaminating the drinking water for more than 50 million citizens with its “gender-bending” herbicide Atrazine. Now, these corporate polluters are waging multi-million-euro campaigns to deny responsibility for bee colony collapse.¶ In May, the European Commission responded, adopting a two-year ban on the three neonicotinoid pesticides. Scientists will use the two years to assess the recovery rate of the bees and a longer-term ban on these and other pesticides.¶ Meanwhile, the U.S. dithers and supports the corporations that produce and market the deadly pesticides. In May, as European nations took action, the U.S. Environmental Protection Agency (EPA) approved the neonicotinoid pesticides, in spite of a U.S. Department of Agriculture report warning about the dangers of the bee colony collapse.¶ Also in May, President Obama, signed the now infamous “Monsanto Protection Act“—written by Monsanto lobbyists—that gives biotech companies immunity in federal U.S. courts from damages to people and the environment caused by their commercial compounds.¶ Solutions Exist¶ Common sense actions could restore and protect the world’s bees. Experienced bee keepers, apiculturists, farmers, the European Commission and the Greenpeace report, Bees in Decline have outlined these solutions:¶ Ban the seven most dangerous pesticides¶ Protect pollinator health by preserving wild habitat¶ Restore ecological agriculture¶ Ecological farming is the over-arching new policy trend that will stabilize human food production, preserve wild habitats and protect the bees. The nation of Bhutan has led the world in adopting a 100 percent organic farming policy. Mexico has banned GE corn to protect its native corn varieties. In January, eight European countries banned GE crops, and Hungary has burned over a 1,000 acres of corn contaminated with GE varieties. In India, scientist Vandana Shiva and a network of small farmers have built an organic farming resistance to industrial agriculture over two decades.¶ Ecological or organic farming, of course, is nothing new. It is the way most farming has been done throughout human history. Ecological farming resists insect damage by avoiding large monocultures and preserving ecosystem diversity. Ecological farming restores soil nutrients with natural composting systems, avoids soil loss from wind and water erosion, and avoids pesticides and chemical fertilizers.¶ By restoring bee populations and healthier bees, ecological agriculture improves pollination, which in turn improves crop yields. Ecological farming takes advantage of the natural ecosystem services, water filtration, pollination, oxygen production and disease and pest control.¶ Organic farmers have advocated better research and funding by industry, government, farmers and the public to develop organic farming techniques, improve food production and maintain ecological health. The revolution in farming would promote equitable diets around the world and support crops primarily for human consumption, avoiding crops for animal food and biofuels.¶ Ecosystems¶ The plight of the bees serves as a warning that we still may not quite understand ecology. Ecological farming is part of a larger paradigm shift in human awareness. The corporate denialists appear just like the Pope’s shrouded inquisitors in 1615, who refused to look through Galileo’s telescope to see the moons of Jupiter. Today’s denialists refuse to recognize that Earth’s systems operate within real limits. However, the state religion in this case is money, and the state religion won’t allow it. The denialists cling to the presumed right to consume, hoard, and obliterate Earth’s great bounty for private profits. But hoards of money won’t reverse extinction, restore lost soils or heal the world’s bee colonies.¶ A great reckoning awaits humanity if we fail to awaken from our delusions. Earth’s delicately balanced systems can reach tipping points and collapse. Bees, for example, work within a limited range of marginal returns on the energy they exert to collect nutrition for their colonies. When winter bee deaths grow from 10 percent to 50 percent, the remaining bees are weakened by toxins, and the wild habitats shrink that thin, ecological margin of energy return can be squeezed to zero. Surviving bees expend more energy than they return in honey. More bees die, fewer reach maturity and entire colonies collapse. This crisis is a lesson in fundamental ecology.

#### Pesticides undermines resiliency factors

Sirinathsinghji ’13 (Dr Eva Sirinathsinghji, researcher at Institute of Science in Society (ISIS) and staff writer for its quarterly magazine Science in Society, “US Staple Crop System Failing from GM and Monoculture”, <http://www.i-sis.org.uk/US_Staple_Crop_System_Failing_from_GM_and_Monoculture.php>, October 7, 2013)

Resilience, yields, pesticide use, and genetic diversity, all worse than Non-GM Europe

Please circulate widely and repost, but you must give the URL of the original and preserve all the links back to articles on our website. If you find this report useful, please support ISIS by subscribing to our magazine Science in Society, and encourage your friends to do so. Or have a look at the ISIS bookstore for other publications A new study shows that the US Midwest staple crop system - predominantly genetically modified (GM) - is falling behind other economically and technologically equivalent regions. Western Europe, matched for latitude, season and crop type as well as economic and technological development, outperforms the US (and Canada) with regards to yields, pesticide use, genetic diversity and crop resilience, as well as farm worker wellbeing. The study, headed by Jack Heinemann at the University of Canterbury, New Zealand, is a damning indictment of the large-scale, monoculture model in the US, the world’s largest producer of maize since the records began in 1961, and is increasingly relied upon to provide more and more of the world’s calorie intake [1]. This serves as a warning to the UK environmental minister Owen Paterson, who proposes to introduce GM crops into the UK [2]. US Midwest and European yields compared Maize, rapeseed, soybean and cotton yield data were obtained from the United Nations Food and Agriculture organisation (FAO) FAOSTAT database for the United States, Canada and the total group Western Europe (Austrian, Belgium-Luxembourg, France, Germany, Netherlands and Switzerland). Records from 1961 to 2010 were used, while 2011 and 2012 data were included through projections and additional statistics. They conducted statistical covariance (ANCOVA) analyses to test whether the yield differed significantly between locations, year, percentage of GM crops used and any other interactions. First compared was rapeseed and maize, which have similar agroecosystems (latitude, growing seasons and equally developed agriculture systems across the two continents as well as access to biotechnological and intellectual property (IP) rights options, which are legal protection for so-called creations of the mind, allowing industry to own GM seeds through claiming them as novel inventions. The major difference between the continents is the near saturation of GM varieties in N. America compared to a virtual absence in W. Europe. Between 1961 and 1986, the US maize yield averaged 5 700 hectogram/hectare (hg/ha) more than W. Europe, totalling 54 379 hg/ha. (A hectogram = 100 g). However, after 1986, there was a significant change in yield between the compared regions. W. Europe averaged 82 899 hg/ha, slightly more than the 82 841 hg/ha in the US (see Table 1). This suggests that GM has offered no benefit whatsoever in the US – contrary to what has been claimed - while the overall increase in yields in both regions were due to improved management and conventional breeding (see Figure 1). Table 1 Yield data of maize and rapeseed in the US (and Canada) versus Western Europe Agroecosystem Crop Average yield (hg/ha) United States 1961 – 1985 Maize 54,379 Western Europe 1961 – 1985 Maize 48,681 United States 1986 – 2010 Maize 82,841 Western Europe 1986 – 2010 Maize 82,899 Canada 1961 – 1985 Rapeseed 10,489 Western Europe 1961 – 1985 Rapeseed 21,481 Canada 1986 – 2010 Rapeseed 14,588 Western Europe 1986 – 2010 Rapeseed 31,885 Figure 1 Yield data for maize show more improvement and less variability in Europe compared to the US despite Europe’s lack of GM varieties Further, the difference between the estimated yield potential and the actual yield, or the ‘yield-gap’ appears smaller in Europe. Over the entire period of 1961 to 2010 the US reached marginally significantly higher yield averages, but when taking into account the interaction between year and location, a steeper increase in European maize yield was found in recent years, as consistent with the actually higher yields in Europe than in the US, despite the latter’s use of GM. Yield data from 2011 and projected yields for 2012 reveal a downward trend in the US compared with Europe. Fluctuations in yield are more severe in the US, a sign of reduced resilience to environmental stressors, which can also spark dramatic price changes in agricultural markets. Rapeseed (or canola) shows a similar pattern when comparing yields from Canada, the next earliest adopter of GM after the US, with W. Europe. The average yield has always been lower in Canada by an average of 11 000 hg/ha during 1961-1985, and an even larger average difference between 1986 and 2010 of 17 300 hg/ha, the period when Canada moved to GM and Europe did not. Wheat yields have consistently increased in both regions, but increasing at a steeper rate in Europe. Neither region grows GM wheat, again highlighting that gains in yields over recent years are not dependent on GM technologies and that the combination of biotechnologies used in Europe is demonstrating greater productivity than in the US. Low genetic diversity of US crops Despite its size, the US agro-ecosystem has had very low levels of on-farm genetic diversity, with 80-85 % of maize in the 1980s for example being based on a single innovation – the T cytoplasm. Across the world, the low genetic diversity is a concern, with varieties of many staple crops decreasing in recent years. As FAO pointed out, China went from having 10 000 varieties of wheat in 1949 to 1 000 in the 1970s, while the US has lost 95 % of the cabbage, 91 % of field maize, 94 % of the pea, and 81 % of their tomato varieties in the last century. Powerful economic and legislative forces continue to drive uniformity

. There are two major farming policies in the US that affect sustainability – innovation (through development of licensing and IP rights) and public subsidies. Subsidies increase with higher acreage, promoting monoculture farming. The larger and more uniform the crop, the bigger the cost reduction on pest control, harvesting mechanisation and planting, which has been a major driver of GM crop adoption. With the huge subsidies given to industrial farms, the US is able to sell its staple crops including maize, wheat, sugar and milk at 73, 67, 44 and 61 % of cost price to the world market, which likely undermines the emergence of more sustainable production systems. Historically, low on-farm diversity has led to food production and price uncertainty. The huge scale of production of staple crops has led to a reduction in seed varieties available to small-scale farmers and poorer farmers, as well as organic farmers. While staple crops are being used on a large-scale for non-food industries, with maize being put into ‘household’ products such as cosmetics and medicines e.g. asparin and deodorant, antibiotics, tobacco, fuel, pastes and adhesives, textiles, building supplies and solvents among other things. The concentrated control of such products by large corporations and companies in these breadbasket regions of the world has far reaching consequences beyond national borders. The US has gone from a system based on public seed saving and exchanges between large and small farmers in the 19th century to one based on strict patents and patent-like protections of varieties, forcing seed saving to disappear. The advent of hybrid varieties in the 1970s which act as a ‘biological patent’, with the next generations seeds not transmitting the commercial traits uniformly, the power of seed control is left in the hands of the commercial breeders, along with the ‘legal patent’ system. This has driven the US industry away from mainly small-scale, specialist breeders to even larger and fewer specialist breeders. Patents on GM crops are only exaggerating this trend. Seed saving on crops such as soybean was still common until they became available as GM cultivars and came under the control of patents in the 1990s. Breeder concentration may lead to a loss of agrobiodiversity. The corn leaf blight epidemic of 1970 is a clear example of how the lack of genetic diversity can create a huge risk to food security, revealing the dangers and unsustainability of monoculture practices and genetic uniformity. What has happened to seed diversity as a result of American agricultural innovations? Using the seed catalogue provided by Monsanto to the US Department of Justice antitrust investigation of the seed industry, Heinemann’s team analysed the number of seed cultivars on offer. They found that the true genetic base of corn was much narrower than the numbers of names and numbers would suggest. One single variety of corn, “Reed Yellow Dent”, contributes to 47 % of the gene pool used for creating hybrid varieties. The germplasm is limited to around 7 founding inbred lines in the US Maize belt. Similar findings were made for soybean varieties, with a decrease in the number of cultivars by 13 % from the years 2005-2010. A reduction in diversity is consistent with a trend towards reduced yields over the last decade or so, with adverse high temperatures and droughts. Maize and soybean yield predictions for 2012 were the lowest since 2003. With this worrying trend of reduced yields comes a global increasing dependence on cereal crops for our calorie intake. Though the world produces more calories for food than it did in 1970, the proportion of calories derived from maize grew from 4 % in 1970 to 5 % in 2007. This heavy reliance on a crop that shows the large variability in losses due to biotic and abiotic stresses as highlighted by the authors is a sign of instability and not sustainability. This is in clear contrast to the agro-ecological advances made based on increased on-farm diversity that has seen significant increases in rice yields, reduced pesticide use as well as higher farmer incomes. Intercropping of maize with tobacco, maize with sugarcane, maize with potatoes and wheat with broad beans have all been shown to increase yields of at least one of the crops, or even overall yields as well as reduced disease [3]. Pesticide use higher in US Pesticide use has increased overall since the introduction of GM crops (see [4] Study Confirms GM Crops Increase Pesticide Use, SiS 56), largely a result of the most common GM trait providing tolerance to Monsanto’s herbicide Roundup. Insecticide use has officially gone down slightly, though dwarfed by the increases in herbicide use. This coincides with the introduction of Bt crops genetically engineered to produce an insecticide (which is not included in official ‘pesticides applied’ when insecticide use is analysed). However, Europe also showed a reduction in pesticide use during the same period. In the US in 2007, herbicide use was up by 108 % from 1995 levels, while insecticide use dropped to 85 % of 1995 levels. In Europe however, more impressive reductions were found, with France reducing herbicide use to 94% of 1995 levels and chemical insecticide levels to 24% of 1995 levels. By 2009, herbicide and pesticide use was down to 82 % and 12 % of 1995 levels respectively. Similar trends were seen in Switzerland and Germany. Farm workers role sacrificed for monoculture farming Another symptom of the American monoculture farming system is the sacrifice of farm workers. The number of farms has decreased since its peak in 1935, with the loss of 2 million farms by 2007 despite the acreage of the agroecosystem remaining the same to this day. For corn, 69 % is grown by Large or Very Large Farms as defined by the USDA, i.e., having sales in excess of $250 000 and $500 000 respectively. This comes with the inability of farmers to innovate and breed new varieties due to the monopolisation of the seed market and IP patent agreements which have all but abolished public breeding programmes. As the authors state [1]: “Loss of farmer experimentation will likely reduce resilience and adaptation to climate change, natural disasters or as an outcome of conflict.” The GM crop system, with its strict IP patent agreements and commercial development, contributes to the concentration of the seed market, as exemplified by the soybean varieties planted today: 0.5 % of soybean varieties were developed by the public sector in 2007, compared to 70 % in 1980. Seed prices have risen as a result, climbing by 140 % since 1994. With climate change affecting the global yields since the 1980s and 1990s for soybean, there is no evidence that strict IP instruments or biological patents have increased resilience so far. A warning to the US and the rest of the world The lessons of the 1972 epidemic of ‘corn leaf blight’ have still not been learnt. The Committee on Genetic Vulnerability of Major Crops at the US National Research Council at the time posed the question: “How uniform genetically are other crops upon which the nation depends, and how vulnerable, therefore, are they to epidemics? The answer is that most major crops are ‘impressively genetically uniform and thus vulnerable and results from government legislative and economic policy’.

### 2AC- “Targeted Killing”

#### 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]

### 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.

#### 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.

#### CP means we’ll only use signature strikes- won’t cause reform

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

One of the more interesting recent proposals for curing the "due process" deficit in the Administration's targeted killings program is for Congress to create a federal court to approve drone strikes. Senator Dianne Feinstein, among others, is championing this strategy.¶ I don't think it will work. Here's why.¶ First, the court would be modeled after the super-secret FISA court for approving government requests for surveillance in terrorism cases. Such courts impose a form of judicial review, yes, but there is little transparency and no adversarial process.¶ But there are bigger problems.¶ As some of my colleagues have already explained, it is unlikely and improbable that such a court could authorize specific operational strikes. That would be difficult to implement in real time, and might even be unconstitutional for infringing on the Executive Branch's commander-in-chief power. Rather, such a court would approve the administration's decision to place an individual's name on an approved target list. A court would review the legitimacy of this decision with the power to remove the name if the individual does not meet the sta ndard for being a functional member of al-Qaeda.¶ Although this is more plausible, I still don't think it will work. In the end, I think it would just push the administration to avoid targeted killings and would have the opposite effect. It would increase, not decrease, collateral damage. Let me explain.¶ Suppose the government has previously used the kill list to govern the selection procedure for targeted killings. The list serves as a clearinghouse for debates and ultimately conclusions about who is a high-value target. If the administration decides that the individual should be pursued, he is placed on the list. If the administration decides that the individual is of marginal or no value, he is removed from the list or never placed on it to begin with.¶ Now imagine that a court is requiring that the list be approved by a judicial process. Why would the administration have any incentive at all to keep adding names to the list? Why not stop using it entirely? It could then rely exclusively on signature strikes -- an important legal development well documented by Kevin Heller in his forthcoming JICJ article on the subject. Such strikes would not be banned by the court because the US would not know exactly who it is bombing.¶

(I'm assuming for the sake of argument that the US is still engaged in an armed conflict with al-Qaeda and that the AUMF or some other statutory authorization for the President's pursuit of the conflict would still be in place.)¶ Essentially, this would be a case of willful blindness -- a concept well known to criminal law scholars. The real benefit of targeted killings is that the administration knows the exact threat and only targets one individual. That has changed warfare tremendously. But the court system would push the military back towards the old system: target groups of individuals who are known terrorists or enemy combatants -- but you don't know exactly who they are. You just know they are the enemy. That's the system that reigned in all previous conflicts. And there would be a disincentive to ever acquire more specific information. Why have a drone hover over an area with known terrorists in order to determine, through surveillance, the exact identity of the individual's there? That would only trigger the jurisdiction of the drone court. So ignorance would maintain the legality of the strike.

#### Statutory definition of hostilities key to solves

* Solves presidential interventionism
* Causes judicial oversight
* Statutory definition key

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.

### Intra-Executive (Geo)

#### Perm solves and the net benefit is flawed

Tkachuk ’13 (Jonathan Tkachuk, Jonathan Tkachuk received his M.A. in Diplomacy-Counterterrorism from Norwich University and his B.A. in Political Science from Rutgers University. An independent professional with foreign policy research experience, Jonathan resides in Northern Virginia, “Forward: How President Obama Should Codify U.S. Drone Policy into Law”, <http://thebelltowers.com/2013/02/22/president-obama-should-codify-u-s-drone-policy-into-law/>, February 22, 2013)

It’s true, different Al Qaida affiliates and extremist groups have emerged, from the Arabian Peninsula to Africa. The threat these groups pose is evolving. But to meet this threat, we don’t need to send tens of thousands of our sons and daughters abroad or occupy other nations…That’s why my administration has worked tirelessly to forge a durable legal and policy framework to guide our counter-terrorism efforts…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. -President Barack Obama, State of the Union, February 12, 2013 Drone Strikes President Obama has an opportunity to formally place drone warfare squarely within the confines of the rule of law. To do so requires a commitment to not only keep Congress abreast of his counter-terrorist polices but to also press Congress to codify his internal policies into actual legislation. If he fails to pursue this, he will have unwittingly aided in the permanent perpetuation of the “war” he has fought hard to end: the now defunct “global war on terror.” Unlike many civil libertarians, I was initially pleased to learn of the Obama Administration’s decision to have the Department of Justice publically release its “durable legal and policy framework” behind its drone warfare program. As one committed to not letting the perfect become the enemy of the good, I found the initial release heartening. The fact that the Administration was willing to subject its legal rationale to public, and hopefully Congressional, scrutiny was an act that anyone who values checks and balances in government should appreciate. To be sure, the substance of the Administration’s legal rationale deserves all the scrutiny it has gotten up to this point. Its language openly grants the executive branch the discretion to assassinate anyone, including U.S. citizens, overseas. Its supposed safeguards and process of review are confined to the internal workings of the executive branch making a mockery of our federal system of checks and balances. It openly reserves the right to operate in states that are “unwilling” to assist the U.S. in apprehending suspected individual terrorists—something that risks turning a given asymmetrical counter-terrorist operation into a full-blown interstate conflict (i.e. a real war with an actual state). Unbeknownst to most Americans, this last point serves to further weaken the foundations of the international system which would fuel instability around the globe. What Should Be Done? Given these flaws and the risks inherent in them, it behooves the Administration to press Congress for legislation that would place drone warfare under the rule of law by addressing two of the more practical problems that bedevil its usage. These are as follows: 1) defining Al-Qaeda and what constitutes affiliation with Al-Qaeda and 2) creating a legal mechanism, such as a special judicial court modeled off of the Foreign Intelligence Surveillance Act (FISA), which would pre-review and authorize or reject all covert drone strikes in regions that are not formal combat zones (defined as countries where U.S. military forces are not both on the ground and engaged in combat activities). One of the biggest flaws in post 9/11 American foreign policy was the extent to which Congress deferred the definition of the “enemy” to the executive. Unfortunately for the country, this deference allowed the executive to expand the notion of the “enemy” to the point where it found itself waging wars of choice rather than one of necessity. In addition, the specter of the term “terrorist” being used against law abiding citizens with no affiliation with Al-Qaeda began to emerge. With no clear definition at hand, the executive branch was free, and in some sense still is, to wage permanent war against anyone it deems to be an “enemy” or a “terrorist.” With respect to establishing a legal mechanism, one will recall FISA emerged as a compromise between Congress and the Executive branch. The nature of the compromise was more institutional than political: the FBI and CIA sought a way to conduct legal and legitimate surveillance operations on Americans without imperiling their Constitutional rights. Intelligence agencies not only had to obtain warrants to conduct wiretapping surveillance but were also held accountable for their actions by a FISA judge. A FISA-like court for drone strikes would operate in much the same way. Before a lethal drone strike could be undertaken, the government would have to prove sufficient evidence attesting to the 1) imminence of the threat posed by the individual, 2) their association with Al-Qaeda and 3) infeasibility of capture either by the U.S. or by the host government. At present, this criterion is determined by, according to the white paper, “an informed high-level official of the U.S. government.” Outsourcing this duty from the executive branch to the judiciary is critical for ensuring civil liberties are duly protected. Some might argue that such legislation, were Congress to enact it, would greatly inhibit the executive branch’s ability to adapt to the complex security challenges it faces today. The charge, while understandable at a theoretical level, is absurd in reality. No one can argue that U.S. foreign policy interventions, particularly that of the military variety, have suffered from too narrow an operational focus over the last twenty years. If anything, the executive branch has abused its operational flexibility (see Congressional reluctance for providing meaningful oversight), pursuing wars of choice at an alarming rate. Given this reality, and given the fact that this otherwise classified program will be turned over to the Pentagon over the coming years, it behooves Congress to ensure that the definition of “combat zone” is both regulated and subject to the rule of law. In doing so, Congress would be well within its Constitutional prerogative to ensure the executive branch does not trample civil liberties in the name of national security. Conclusion President Obama’s attempt to provide a legal framework that allows him to pro-actively protect the country, while preserving the rule of law, has been deficient. As in all other matters, the President needs to work with Congress. However, unlike all other matters, foreign affairs and national security provide outlets for the President to operate independently, both from Congress and as a matter of State. President Obama must resist this temptation and instead demand Congress live up to its Constitutional duties and codify his drone policy, along with the above mentioned safeguards, into law.

#### Links to politics – immense opposition to bypassing debate

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

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ And the political opposition howls.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶ The Republican reaction is to be expected, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years there has been a growing concern about unchecked executive power,” Woolley said. “It tends to have a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

#### Congress key

#### Restrictions on the executive key

Harvard ’13 (Sarah Harvard, Writer for Atlantic-Community, Foreign Think Tank,“Transparency Key to Reformed US Drone Policy”, <http://www.atlantic-community.org/-/transparency-key-to-reformed-us-drone-policy?redirect=http%3A%2F%2Fwww.atlantic-community.org%2Fdrones%3Fp_p_id%3D101_INSTANCE_0pPXMFWjyyKE%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Daf-column-1-2%26p_p_col_pos%3D1%26p_p_col_count%3D2>, October 11, 2013)

In order to repair the damage to its reputation, the US needs to reform its current drone policy. Many feel that the executive branch of the US government has been acting without adequate checks and balances. The US Congress should demand more transparency and oversight and move to have explicit restrictions placed on the executive branch. A more transparent US drone policy would ease concerns of its allies and could allow the United States to lead the debate on international drone policy. With studies conducted by New York University and Stanford University, reports have surfaced that for every terrorist killed forty-nine innocent civilians are left dead. The heightened use of signature drone strikes – bombings that target individuals that the administration cannot identify – has created mass outrage among the Muslim and Arab World. The popular use of "double taps," as the Daily Mail summarizes it, is when "a drone fires one missile — and then a second as rescuers try to drag victims from the rubble." Although discussions on the ethics and convenience of drones are on the table, the victims are no longer waiting for reforms. At the first drone strike in Yemen in 2009, US officials reported that there were "300 core Al-Qaeda Arabian Peninsula" members. This has grown to more than 700 members in recent years of US drone warfare in Yemen. As reported by the Telegraph, the tragic death of Amb. Christopher Stevens has been perceived as an an attack that "might have been well-planned and linked to a call earlier in the day by the head of al-Qaeda, Ayman al-Zawahiri, for vengeance for the death of his Libyan deputy in a US drone strike in June." Without a doubt, the current US drone policy program leaves much power to the executive branch without set guidelines. A drone policy reform for the United States that would serve as a model on an international level would call for the limits and full disclosure of the executive branch, increased oversight by the US Congress, complete transparency of the United States' motives and increased international cooperation. Initially, the Obama Administration had administered all targeted killings – mostly those of his infamous "kill list" that included American citizens as young as sixteen years old – in non-battlefield zones as covert operations. Officials continuously denied admitting their existence on record; despite the classified discussions off the record. As a result, citizens and even some serving White House staff and Congressional members make inaccurate statements about US targeted killings. According to the New York Times, US Judiciary committees were constantly denied access to, or information from, the June 2010 Office of Legal Counsel memorandum that would have released a presentation on the legal basis for the drone strike that killed Anwar al-Awlaki – an American citizens and alleged leader of AQAP. The current Congressional transparency and oversight procedure is completely varied based upon whether the CIA or the US military is the leading authority. Hence, after nearly ten years of targeted killings in non-battlefield zones, there has been only one congressional committee that conducted a hearing on US drone warfare. It was the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights on April 23, 2013. A necessary drone policy reform will have to be established in the United States with explicit restrictions on the executive branch. The President should only have US officials clear targeted killings on individuals who are specifically targeted and bring drone strike practices in line with previous stated policies. Targeted killing should be limited to the leadership of al-Qaeda, affiliated forces, or individuals with a direct role in operations in past or on-going terrorist plots against the United States. The on-going use of signature strikes must be put to an end and force more public accountability on the executive branch by providing full disclosure on the basis of distinction and the principles of proportionality. The President and his advisors must review the current drone policy where the ultimate authority is between the CIA and Joint Special Operations Command. The president should offer full disclosure and information to the public, Congress, and UN special delegates on what methods are valid options to prevent the harm or killing of civilians, to mitigate collateral damage, corrective actions on collateral damage, and to make amends for civilian losses. The US Congress should ensure complete transparency and oversight. The US Senate and House committees should demand routined White House briefings on drone strikes and how the operations are necessary with the current foreign policy objectives. The congress should hold routined hearings with US officials and non-governmental scholars and experts on the short and long term effects and consequences, geographic and temporal limits of the Authorized for Use of Military Force, and the legality and justifications of targeted killings of non-US and US citizens. Congress should also hold power to withhold funding and the power to subpoena the Executive Branch if the President does abide by the regulations or if cooperation is unsatisfactory. As a nation, the United States should remain a leader in creating discussion on armed drones with other countries on the principles, as well as, the limits of various systems of weaponry. There should be an international association of drone proprietors that will serve the purpose to maintain peace and prevent consequences of drone proliferation. The US shall specifically state what legal frameworks apply and do not apply to drone strikes and offer safeguards to establish and ensure utmost compliance to foster a larger international consensus. The US shall host discussions with emerging countries with drone capability for a code of conduct, outlined principles, of how predator drones (and UAVs) should be applied outside of a state's territory and include the discussion of sovereignty, appropriate legal frameworks, and relevance to the current state of international affairs. Finally, the United States should discuss in cooperation with Israel to engage in providing and offering drone manufacturers guidelines on how to strengthen standards for the selling of systems with weapons capability.

#### Law is key to modeling

Maxwell ’12 (Mark David Maxwell, Colonel, Judge Advocate with the U.S. Army, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, <http://www.ndu.edu/press/targeted-killing.html>, Winter 2012)

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

#### President doesn’t solve public rollback

Anderson ‘13 (Kenneth Anderson is a professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, June 2013, "The Case for Drones", https://www.commentarymagazine.com/articles/the-case-for-drones/)

Without a hardheaded effort on the part of Congress and the executive branch to make drone policy, the efforts to discredit drones will continue. The current wide public support in the United States today should not mask the ways in which public perception and sentiment can be shifted, here and abroad. The campaign of delegitimation is modeled on the one against Guantanamo Bay during the George W. Bush administration; the British campaigning organization Reprieve tweets that it will make drones the Obama administration’s Guantanamo. Then as now, administration officials did not, or were unforgivably slow to, believe that a mere civil-society campaign could force a reset of their policies. They miscalculated then and, as former Bush administration officials John Bellinger and Jack Goldsmith have repeatedly warned, they might well be miscalculating now.

#### Self-restrain counterplan is a voting issue:

* + China fix itself voided the point of dealing with it
  + Voids the question of the resolution of whether Congress or Courts should increase restrictions
  + CI: executive counterplans but not restraint- gives the aff counterplan
  + Center the rez on courts/congress good or war powers bad

#### Transparency is bad- causes expansion of strikes

**Waxman 3-20**-13 [Matthew Waxman is a professor at Columbia Law School, a fellow at the Council on Foreign Relations, and a member of the Hoover Institution Task Force on National Security and Law, “Going Clear,” <http://www.foreignpolicy.com/articles/2013/03/20/going_clear>]

So, moving operations to the Pentagon may modestly improve transparency and compliance with the law but -- ironically for drone critics -- it may also entrench targeted-killing policy for the long term.¶ For one thing, the U.S. government will now be better able to defend publicly its practices at home and abroad. The CIA is institutionally oriented toward extreme secrecy rather than public relations, and the covert status of CIA strikes makes it difficult for officials to explain and justify them. The more secretive the U.S. government is about its targeting policies, the less effectively it can participate in the broader debates about the law, ethics, and strategy of counterterrorism.¶ Many of the criticisms of drones and targeting are fundamentally about whether it's appropriate to treat the fight against al Qaeda and its allies as a war -- with all the legal authorities that flow from that, like the powers to detain and kill. The U.S. government can better defend its position without having to maintain plausible deniability of its most controversial program and without the negative image (whether justified or not) that many audiences associate with the CIA. Under a military-only policy, the United States would also be better positioned to correct lingering misperceptions about targeted killings and to take remedial action when it makes a mistake.¶ Moreover, clearer legal limits and the perception of stricter oversight will make drone policy more legitimate in the public's eyes. Polling shows that Americans support military drone strikes more strongly than CIA ones, so this move will likely strengthen political backing for continued strikes. Consider the case of Guantanamo: The shuttering of black sites, as well as the Supreme Court's decisions that detainees there can challenge their detention in federal court and that all detainees are protected by the Geneva Convention, have muted criticism of the underlying practice of detention without trial. Here, too, the proposed reforms would put the remaining policy on stronger footing.

#### 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.

#### 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.

### PTX

#### 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."

#### Agenda fractured- budget and farm thump and won’t pass

Pickley 10/17 (Nedra Pickley, Associated Press Journalist, “Obama lays out post-shutdown agenda, says focus should be on budget, immigration, farm bill”, <http://www.washingtonpost.com/politics/federal_government/obama-lays-out-post-shutdown-agenda-says-focus-should-be-on-budget-immigration-farm-bill/2013/10/17/79129bc2-3740-11e3-89db-8002ba99b894_story.html>, October 17)

WASHINGTON — The government shutdown behind him, President Barack Obama focused Thursday on a new, trimmed down agenda by challenging Congress to overcome bitter partisan division and pass a budget and a farm bill and overhaul immigration. The president said getting through those three priorities would help Washington move beyond “the cloud of crisis” created by the 16-day partial shuttering of government operations. But he acknowledge the political reality that even passing such a slimmed-down agenda by the end of the year will be tough. “To all my friends in Congress, understand that how business is done in this town has to change because we’ve all got a lot of work to do on behalf of the American people, and that includes the hard work of regaining their trust,” Obama said from the White House, the morning after signing a painfully forged bipartisan deal to reopen the government and avert a default. Obama has slashed his wish list from earlier this year, when he called for legislation to address climate change, an increase in the minimum wage, gun control and the closure of the Guantanamo Bay prison. The reduced priorities underscore how difficult it has been to get legislation through Congress, the short legislative calendar left this year and Obama’s limited political capital. Prospects for passage of an immigration bill appear particularly dim. A bill passed by the Democratic-controlled Senate and backed by the White House includes billions for border security and a path to citizenship for those already living in the U.S. illegally, but most House Republicans have rejected the approach. Likewise, the roughly $500 billion farm bill has been held up over a dispute between the two chambers, this time over food stamps. The House has endorsed up to $4 billion in annual cuts to the almost $80 billion-a-year Supplemental Nutrition Assistance Program, while the Senate farm bill would cut only $400 million a year. The White House has threatened to veto the House bill. Obama did not mention the rift over food stamps but said the House should accept the Senate version of the bill. “Let’s negotiate. What are we waiting for? Let’s get this done,” Obama said. The president said the first focus should be on reaching a budget agreement that lowers deficits, invests in education and infrastructure, cuts spending and closes corporate loopholes. Congressional negotiators were starting to discuss that issue Thursday.

#### NCLB nomination battle coming-

Gruenberg 10/24/13 (Mark, "Senate to Vote Oct. 28 On Griffin for Top NLRB Enforcement Job")

WASHINGTON (PAI) - The Senate is scheduled to vote late on Oct. 28 on President Obama's nomination of former Operating Engineers General Counsel Richard Griffin to be General Counsel of the National Labor Relations Board (NLRB), the agency's chief enforcement officer.¶ Though the Senate Republicans reportedly promised not to filibuster Griffin, right-wing groups, plus the notoriously anti-worker Wall Street Journal editorial page, are trying to gin up opposition to his nod.

#### Immigration reform doesn’t solve ag- tech key

Wood ’13 (Daniel B. Wood, Staff writer, Christian Science Monitor, “Immigration reform too late to fix one big problem, studies say”, <http://www.csmonitor.com/USA/Politics/2013/0510/Immigration-reform-too-late-to-fix-one-big-problem-studies-say>, May 10, 2013)

Immigration reform aims to fix a migrant worker system that all sides say is broken. But demographic and economic trends in Mexico mean the era of cheap migrant labor flooding American fields is nearing an end, two studies say. Two recent studies suggest that the immigration reform bill now making its way through the US Senate may not be able to solve one of the core long-term challenges it seeks to fix. Beyond the weighty issues of border security and a path to citizenship for undocumented immigrants, the reform bill also targets America’s migrant labor system, which both workers’ rights groups and the agricultural industry say is broken. Agricultural businesses say there is not enough flexibility in the system to meet their employment needs, while workers say they can be trapped in unfair conditions. Both sides say the reform measure, while not perfect, is an improvement. Yet the two recent studies suggest that economic and demographic trends in Mexico are already changing the dynamics of the American migrant-worker system. In the longer term, the increasing urbanization and prosperity of the Mexican middle class will dramatically diminish the abundant, very cheap Mexican farm labor

that has flooded across the southern border for decades to harvest the crops of America. “The longstanding assumption that the region has an endless supply of less-educated workers headed for the US is becoming less and less accurate when it comes to Mexico; and in the years ahead, it is also likely to become less accurate first for El Salvador and then Guatemala,” says the executive summary of the report released Monday by the Migration Policy Institute and the Woodrow Wilson International Center for Scholars. The second study agrees with the first and connects the trend directly to issues at the heart of immigration reform. “This [trend] means that immigration policy will cease to be a solution to the US farm labor problem in the long run and probably sooner. In fact, we already may be witnessing the start of a new era in which farmers will have to adapt to labor scarcity by switching to less labor-intensive crops, technologies, and labor management practices,” according to the University of California study released in March. Together, the two studies reinforce statistically what experts have been cataloging anecdotally since the 1980s, pointing to several reasons for the historic drop in cheap Mexican farm labor. • As incomes in Mexico have risen, workers have shifted out of farm work into other sectors. Mexico’s farm workforce fell by nearly 2 million – 25 percent – from 1995 to 2010, and its per capita income now exceeds $15,000 per year. “Moving away from farm work as your income rises, reflects a pattern seen in many other countries,” says Edward Taylor, one of the authors of the University of California report. • Fertility rates have changed dramatically – down from a norm of seven children per woman in 1970 to just over two today. • Rural education has also improved dramatically. The average schooling for rural Mexicans 50 or older is 4.9 years, but for those in their 20s it is 9.7 years. “Better educated children eschew farm work in Mexico,” says Mr. Taylor. These developments could help proponents of immigration reform dull some criticism of the plan. “This study suggests that the level of illegal immigration will never return to its prior levels,” says Steven Schier, a political scientist at Carleton College in Northfield, Minn., referring to the University of California research. “That may serve to reduce the heat surrounding the issue and prompt Washington to address the problem with legislation for the first time in decades.” But groups against immigration say the studies show the need to focus on other ways of getting US food harvested. “American agriculture’s reliance on low-wage foreign labor has impeded capital investment in technology that would have made it more efficient and competitive,” says Ira Mehlman, national spokesman for the Federation of American Immigration Reform. “There are machines that can do many agricultural jobs much more efficiently and more cost effectively. Our government should have policies in place that incentivize that sort of capital investment in efficiency, not policies that perpetuate exploitative inefficiency.” More broadly, the research helps clarify the questions Congress ought to be asking, many say. "This … raises a series of questions for policymakers and those in the agricultural industry,” says Catherine Wilson, an immigration specialist at Villanova University. “First, given the increasing trend of Mexicans moving into nonagricultural occupations, how can the US secure a steady and reliable flow of workers in the agricultural industry? And second, does comprehensive immigration reform legislation provide a time-sensitive and effective response to this phenomenon?" The answers to those questions could push the US toward working with illegal immigrants already in the country, some say. “The boom in Mexican immigration is over. Mexico's rural sector is declining, labor force growth is decelerating, Mexico is becoming an aging society, its middle class is expanding, and incomes are rising,” says Douglas Massey, a sociologist at the Woodrow Wilson School of Public and International Affairs at Princeton University in New Jersey. “The critical need at this point is some kind of legalization for those already here.”

#### Local employment solves

Gene Aloise, Director, Natural Resources and Environment, GAO, April 12, MODERNIZING THE NUCLEAR SECURITY ENTERPRISE: Strategies and Challenges in Sustaining Critical Skills in Federal and Contractor Workforces, http://www.gao.gov/assets/600/590488.pdf

In addition, some of the production plants and the test site are also in isolated locations and face some of the same challenges as the laboratories. However, these sites require fewer candidates with advanced degrees and can generally rely on the local workforce to fill other types of critical skills positions. For example, Savannah River Site and Pantex are also both located far from other large cities. However, because of their relative isolation, they are among the biggest employers in these areas, and many local candidates are qualified and eager to accept positions in weapons manufacturing and maintenance. Pantex officials reported that they do not have difficulty finding most workers to perform weapons maintenance, which requires a shorter amount of on- the-job training than weapons design but nonetheless requires a set of critical skills. However, site staff have had to develop strategies to attract candidates to fill those positions that require advanced degrees. Unlike the laboratories, officials at all of the production plants told us that they focus their recruiting efforts for these positions at local and regional colleges and universities. Officials at Y-12, for example, have identified competitive science and engineering programs at universities within 300 miles of their plant in Oak Ridge, Tennessee. Y-12 officials reported that they have better results in both recruiting and retaining critically skilled workers when those workers have personal ties to the area. In contrast, M&O contractor officials from the laboratories told us that they needed to recruit from the top academic programs across the country.

#### 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

#### 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.”

#### 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

#### 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)

### T DA

#### They fail- hydra effect

Blum and Heymann ‘10 (Gabriella Blum\* and Philip Heymann\*\*, \*Assistant Professor of Law, Harvard Law School, \*\* James Barr Ames Professor of Law, Harvard Law School, “ Law and Policy of Targeted killing” ebsco, 2010)

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.

#### Intel gathering

Blum and Heymann ‘10 (Gabriella Blum\* and Philip Heymann\*\*, \*Assistant Professor of Law, Harvard Law School, \*\* James Barr Ames Professor of Law, Harvard Law School, “ Law and Policy of Targeted killing” ebsco, 2010)

Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.

#### No nuke terror- can’t use, steal, or transfer bombs

**Clarke 4-17**-13 [Michael, PhD, Senior Research Fellow at Griffith Asia Institute with a special focus in terrorism, Griffith University, Bachelor of Arts (Honors) in Asian and International Studies, “Pakistan and Nuclear Terrorism: How Real is the Threat?” Comparative Strategy, 32:2, 98-114, online]

Although the acquisition of an intact nuclear weapon would be “the most difﬁcult¶ challenge for any terrorist organization,” there remain a number of scenarios that involve¶ a terrorist organization acquiring an intact nuclear weapon,5¶ such as the deliberate transfer¶ of a warhead by a national government, “insider” collusion from senior ofﬁcials, seizure or¶ theft without collusion, and political instability or state failure/collapse. The direct transfer¶ scenario is difﬁcult to imagine as it is almost impossible to conceive of any national¶ government voluntarily gifting their “crown jewels” to a terrorist group due to the likely¶ reprisals they would incur if the weapon were used and the probability that the weapon¶ would be traced back to the state of origin.6¶ The scenario of “insider” collusion in the¶ diversion or transfer of nuclear materials has also been perceived as a major threat. To¶ cope with this threat, most advanced nuclear weapons states such as the United States,¶ France, the United Kingdom, the Russian Federation, and the People’s Republic of China¶ have instituted Personnel Reliability Programs (PRP), which establishes a centralized set of¶ procedures designed to ensure that individuals developing, managing, and guarding nuclear¶ weapons and related facilities are trustworthy.7¶ It has been asserted that theft of “weapons-usable materials” is “a proven and recurring¶ fact.”8¶ However, such a claim tends to refer to instances when small quantities of nuclear¶ material have been stolen. For example. Zimmerman and Lewis noted in 2006 that they¶ were aware of “only one particularly disturbing instance in which smugglers obtained a¶ signiﬁcant quality of highly enriched uranium: a 1994 case in Prague . . . involving Czech,¶ Slovak and Russian nationals.”9¶ In addition, in June 2011, authorities also interdicted¶ a smuggling gang in Moldova attempting to smuggle a small quantity of non–weapons¶ usable uranium-238 (U-238).10¶ The collapse or failure of a state with a nuclear arsenal would raise the potential¶ for nuclear weapons and materials to be diverted or stolen. However, even if a terrorist¶ organization did manage to acquire an intact weapon through one of these scenarios, there¶ would remain a variety of obstacles to be overcome in order to be able to detonate it. In¶ particular, there are a variety of safety and security measures/procedures that protect nuclear¶ weapons against accidents or unauthorized use, such as environmental sensing devices¶ (ESD) that block arming systems until a prescribed environment is achieved (e.g., missile¶ launch acceleration); insensitive high explosives (IHE) that make the weapon resistant to being detonated by mechanical shock; and permissive action links (PALs), which is an¶ electronic device that prevents arming of the weapon unless correct codes are inserted.11¶ To produce an IND, terrorists would need to acquire signiﬁcant quantities of ﬁssile¶ material, either HEU or plutonium.12 Two types of INDs are considered to be theoretically¶ possible for a terrorist organisation to construct—the gun-type weapon and the implosiontype weapon.13The former consists of a gun barrel in which a projectile of subcritical HEU¶ is ﬁred into a stationary piece of subcritical HEU, producing a supercritical mass leading to a¶ nuclear explosion. Bunn and Wier note that the gun type is “simple and robust” and “allows¶ the builder high conﬁdence that it will perform properly without the trouble, expense and¶ exposure of a test explosion.”14 However, as only a small amount of the HEU ﬁssions in a¶ gun-type weapon, a signiﬁcant quantity—between 50 and 60 kilograms (kg)—of HEU is¶ required.15¶ An implosion device, in contrast, “uses a set of shaped explosives arranged around a¶ less-than-critical mass of HEU or plutonium to crush the atoms of material closer together”¶ to produce a nuclear explosion.16Weapons-grade plutonium (plutonium that contains more¶ than 90% of plutonium isotope 239) is the desired type of plutonium for production of¶ such a device as it is most readily detonated, although, reactor-grade plutonium (containing¶ between 50 to 70% plutonium 239) could also produce a nuclear explosion.17 A much¶ smaller amount of plutonium—between 6 and 8 kg—is also required for an implosion device¶ compared to the HEU required for a gun-type device. Unlike uranium, however, plutonium is¶ not a naturally occurring element and is produced when U-238 absorbs neutrons in a nuclear¶ reactor where it is intimately mixed with the U-238. The plutonium must then be separated¶ or “reprocessed” from the U-238 before it can be used for either weapons applications¶ or for reactor fuel.18 Plutonium separation is technically easier than uranium enrichment¶ as it is affected by chemical means rather than isotopic mass in the case of uranium¶ enrichment. The production of plutonium, however, “is made greatly more difﬁcult by the¶ intense radiation emanating from the commingled ﬁssion products.”19 The complexity of an implosion device also poses additional challenges in terms of manufacture/acquisition¶ and testing of components, which could also increase the likelihood of detection.20¶ The acquisition of the required quantity of ﬁssile material remains the major obstacle¶ to terrorists fabricating a nuclear device. Acquisition of ﬁssile material could be achieved in¶ two ways: through terrorists undertaking the process of enrichment or through purchase or¶ theft of weapons grade HEU or plutonium. A terrorist organization is unlikely to attempt the¶ enrichment of natural uranium as this is a technically demanding process, the technologies¶ for which are tightly controlled.21 The theft of a sufﬁcient quantity and quality of HEU is¶ the more likely option due not only to technical requirements but also to the amount of¶ HEU stockpiled around the world. According to the International Panel on Fissile Materials (IPFM), there exists approximately 1,700 metric tons of HEU worldwide in various¶ locations, and 99% is estimated to be in possession of the nuclear weapons states.22 The¶ bulk of this HEU is accounted for by acknowledged military uses, although it is estimated¶ that between 50 and 100 metric tons is in the civilian sector, where it is primarily used in¶ research reactors, the production of medical isotopes, and to fuel Russian icebreakers.23

## 1AR

### Econ Impact

#### Impact empirically denied

**Barnett ‘9** (Thomas P.M. Barnett, senior managing director of Enterra Solutions LLC, “The New Rules: Security Remains Stable Amid Financial Crisis,” 8/25/2009)

When the global financial crisis struck roughly a year ago, the blogosphere was ablaze with all sorts of scary predictions of, and commentary regarding, ensuing conflict and wars -- a rerun of the Great Depression leading to world war, as it were. Now, as global economic news brightens and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, it's interesting to look back over the past year and realize how **globalization's first truly worldwide recession has had virtually no impact whatsoever on the international security landscape**. None of the more than three-dozen ongoing conflicts listed by GlobalSecurity.org can be clearly attributed to the global recession. Indeed, the last new entry (civil conflict between Hamas and Fatah in the Palestine) predates the economic crisis by a year, and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions. Looking over the various databases, then, we see a most familiar picture: the usual mix of civil conflicts, insurgencies, and liberation-themed terrorist movements. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends. And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). Everywhere else we find serious instability we pretty much let it burn, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces. So, to sum up: \* No significant uptick in mass violence or unrest (remember the smattering of urban riots last year in places like Greece, Moldova and Latvia?); \* The usual frequency maintained in civil conflicts (in all the usual places); \* Not a single state-on-state war directly caused (and no great-power-on-great-power crises even triggered); \* No great improvement or disruption in great-power cooperation regarding the emergence of new nuclear powers (despite all that diplomacy); \* A modest scaling back of international policing efforts by the system's acknowledged Leviathan power (inevitable given the strain); and \* No serious efforts by any rising great power to challenge that Leviathan or supplant its role. (The worst things we can cite are Moscow's occasional deployments of strategic assets to the Western hemisphere and its weak efforts to outbid the United States on basing rights in Kyrgyzstan; but the best include China and India stepping up their aid and investments in Afghanistan and Iraq.) Sure, we've finally seen global defense spending surpass the previous world record set in the late 1980s, but even that is likely to wane given the stress on public budgets created by all this unprecedented "stimulus" spending. If anything, the friendly cooperation on such stimulus packaging was the most notable great-power dynamic caused by the crisis. Can we say that the world has suffered a distinct shift to political radicalism as a result of the economic crisis? Indeed, no. The world's major economies remain governed by center-left or center-right political factions that remain decidedly friendly to both markets and trade. In the short run, there were attempts across the board to insulate economies from immediate damage (in effect, as much protectionism as allowed under current trade rules), but there was no great slide into "trade wars." Instead, the **W**orld **T**rade **O**rganization is functioning as it was designed to function, and regional efforts toward **f**ree-**t**rade **a**greement**s** have not slowed. Can we say Islamic radicalism was inflamed by the economic crisis? If it was, that shift was clearly overwhelmed by the Islamic world's growing disenchantment with the brutality displayed by violent extremist groups such as al-Qaida. And looking forward, austere economic times are just as likely to breed connecting evangelicalism as disconnecting fundamentalism. At the end of the day, the economic crisis did not prove to be sufficiently frightening to provoke major economies into establishing global regulatory schemes, even as it has sparked a spirited -- and much needed, as I argued last week -- discussion of the continuing viability of the U.S. dollar as the world's primary reserve currency. Naturally, plenty of experts and pundits have attached great significance to this debate, seeing in it the beginning of "economic warfare" and the like between "fading" America and "rising" China. And yet, in a world of globally integrated production chains and interconnected financial markets, such "diverging interests" hardly constitute signposts for wars up ahead. Frankly, I don't welcome a world in which America's fiscal profligacy goes undisciplined, so bring it on -- please! Add it all up and it's fair to say that this global financial crisis has proven the great resilience of America's post-World War II international liberal trade order.

### Circumvention

#### Fiat solves– Only link warrant assumes President will veto & that Congress solves

Baron et al 8 – Prof of Law @ Harvard & Lederman, Vsting Prof @ Georgetown Law Center

Harvard Law Review, vol 121, no 4, Feb 2008, THE COMMANDER IN CHIEF AT THE LOWEST EBB — A CONSTITUTIONAL HISTORY, http://www.scribd.com/doc/142282896/Barron-Lederman2

Congress's capacity to effectively check such defiance will be comparatively weak. After all, the President can veto any effort to legislatively respond to defiant actions, and impeachment is neither an easy nor an attractive remedy. The prior practice we describe, therefore, could over time become a faint memory, recalled only for the proposition that it is anachronistic, unsuited for what are thought to be the unique perils of the contemporary world. Were this to happen it would represent an unfortunate development in the constitutional law of war powers. Thus, it is incumbent upon legislators to challenge efforts to bring about such a change. Moreover, executive branch actors, particularly those attorneys helping to assure that the President takes care the law is faithfully executed, should not abandon two hundred years of historical practice too hastily. At the very least, they should resist the urge to continue to press the new and troubling claim that the President is entitled to unfettered discretion in the conduct of war.

#### Zone of active hostilities is the best definition

Daskal 13 - Fellow and Adjunct Professor, Georgetown Center on National Security and the Law

University of Penn L. Rev., THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, April, 2013, 161 U. Pa. L. Rev. 1165, Lexis

The Zone of Active Hostilities Commentary, political discourse, court rulings, and academic literature are rife with references to the distinction between the so-called "hot battlefield" and elsewhere. Yet despite the salience of this distinction, there is no commonly understood definition of a "hot battlefield," let alone a common term applied by all. n118 In what follows, I briefly survey the relevant treaty [\*1203] and case law and offer a working definition of what I call the "zone of active hostilities." This definition takes into account such sources of law as well as the normative and practical reasons for this distinction 1. Treaty and Case Law While not explicitly articulated, the notion of a distinct zone of active hostilities where fighting is underway is implicit in treaty law. The Geneva Conventions, for example, specify that prisoners of war and internees must be moved away from the "combat zone" in order to keep them out of danger, n119 and that belligerent parties must conduct searches for the dead and wounded left on the "battlefield." n120 While there are no explicit definitions provided, the context suggests that these terms refer to those areas where fighting is currently taking place or very likely to occur. The related term "zones of military operations," which is spelled out in a bit more detail in the Commentaries to the Geneva Conventions, is described as covering those areas where there is actual or planned troop movement, even if no active fighting. n121 [\*1204] In a variety of contexts, U.S. courts also have opined on whether certain activities fall within or outside of a zone of active hostilities, indicating that the existence and quantity of fighting forces are key. In Hamdi v. Rumsfeld, for example, the Supreme Court observed that the large number of troops on the ground in Afghanistan supported the finding that the United States was involved in "active combat" there. n122 A panel of the D.C. Circuit subsequently noted that the ongoing military campaign by U.S. forces, the attacks against U.S. forces by the Taliban and al Qaeda, the casualties U.S. personnel incurred, and the presence of other non-U.S. troops under NATO command supported its finding that Afghanistan was "a theater of active military combat." n123 Previous cases have similarly used the presence of fighting forces, the actual engagement of opposing forces, and casualty counts to identify a theater of active conflict. n124 Conversely, U.S. courts have often assumed that areas in which there is no active fighting between armed entities fall outside of the zone of active hostilities. Thus, the Al-Marri and Padilla litigations were premised on the notion that the two men were outside of the zone of active hostilities when [\*1205] taken into custody in the United States. n125 The central issue in those cases was how much this distinction mattered. n126 The D.C. Circuit in Al Maqaleh similarly distinguished Afghanistan - defined as part of "the theater of active military combat" - from Guantanamo - described as outside of this "theater of war" - presumably because of the absence of active fighting there. n127 In the context of the Guantanamo habeas litigation, D.C. District Court judges have at various times also described Saudi Arabia, Gambia, Zambia, Bosnia, Pakistan, and Thailand as outside an active battle zone. n128

### 1AR- Obamacare

#### Dem unity is fractured – Obamacare

Fox 10/24/13 (Lauren, US News and World Report, "Democrats Unity Splintering In Wake Of Obamacare Glitches")

Washington is accustomed to the infighting within the Republican Party as tea party factions and establishment politicians fight for the heart and soul of the party.¶ But now its Democrats who are divided, with many from conservative-leaning states fed up with a sloppy Obamacare rollout. So much so that some are taking matters into their own hands, leaving the party that was united in its strategy during a government shutdown cracking at the seams.¶ [[READ: Democrats Ask to Delay Obamacare Deadline](http://www.usnews.com/news/articles/2013/10/24/democrats-ask-to-delay-obamacare-deadline)]¶ During the shutdown, Republicans demanded a delay of Obamacare and the individual mandate in exchange for passing a federal funding bill. Democrats refused to negotiate arguing a budget bill was not the right place to change policy.¶ Now that the government has reopened, however, some Democrats want to get ahead of what Sen. Max Baucus, D-Mont., once predicted would be a "train wreck."¶ Sen. Joe Manchin, D-W.Va., a wild card in his own party, announced he'd introduce a bill to delay the individual mandate requirement by one year during an appearance on Fox News Wednesday night.¶ Manchin's working alongside Sen. Johnny Isakson, R-Ga., to ensure Americans won't be penalized for not buying health insurance by the March deadline, signalling he has three of four other Democrats who may be willing to work alongside him.

### AT: Sullivan

#### - Your evidence says Boehner could go either way – not that the bill is coming for a vote now.

#### - Also doesn’t make the argument that pressure is key but rather that Boehner has an electoral incentive to consider passing an immigration bill.

### AT: Epstein 10/17

#### Epstein concludes neg – no chance of the GOP getting on board

EPSTEIN 10/17, Politico, 10-17-13 (Reid, “Obama’s latest push features a familiar strategy,” <http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512.html>, accessed 10-23-13)

“When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”

…Mary Washington’s Card Ends…

Before the resolution of the shutdown and default standoff, Carney was more circumspect about the prospect of immigration reform passing the House. Earlier in the week, Carney wouldn’t venture a guess about whether the White House believes a new immigration push from the president would actually work.¶ “Congress is a difficult institution to make predictions about,” Carney said Wednesday. “Our view is simply that it’s the right thing to do, and we’re going to push for it.”¶ The earlier assessment reflects the tough reality: over on Capitol Hill, the Republicans forced to accept the fiscal deal on Obama’s terms are hardly in the mood to give the president another political victory.¶ Speaker John Boehner’s spokesman said House Republicans will stick with a piecemeal approach to immigration reform.¶ “The speaker remains committed to a common sense, step-by-step approach that ensures we get immigration reform done right,” spokesman Brendan Buck said Thursday. “That’s why the committees of the House continue to work on this important issue.”¶ Rep. Raul Labrador (R-Idaho), who quit the House immigration group, said there’s no chance of a bicameral reform bill getting to Obama.¶ “I think it would be crazy for the House Republican leadership to enter into negotiations with him on immigration,” Labrador said Wednesday. “I think what he has done over the last two and half weeks, he’s trying to destroy the Republican Party and I think that anything we negotiate right now with the president on immigration will be with that same goal in mind, which is to destroy the Republican Party and not to get good policies.”¶ And Sen. Jeff Sessions (R-Ala.) called it “unthinkable” that Obama would press his immigration push so soon after the fiscal crises.¶

## 2AR

### 2AR Econ Impact D

#### Recession disproves it affects American interest

Blackwill ‘9 (Former associate dean of the Kennedy School of Government and Deputy Assistant to the President and Deputy National Security Advisor for Strategic Planning (Robert, RAND, “The Geopolitical Consequences of the World Economic Recession—A Caution”, http://www.rand.org/pubs/occasional\_papers/2009/RAND\_OP275.pdf)

First, the United States, five years from today. Did the global recession weaken the political will of the United States to, over the long term, defend its external interests? Many analysts are already forecasting a “yes” to this question. As a result of what they see as the international loss of faith in the American market economy model and in U.S. leadership, they assert that Washington’s influence in international affairs is bound to recede, indeed is already diminishing. For some, the wish is the father of this thought. But where is the empirical evidence? From South Asia, through relations with China and Russia through the Middle East peace process, through dealing with Iran’s nuclear ambitions and North Korea’s nuclear weaponization and missile activities, through confronting humanitarian crises in Africa and instability in Latin America, the United States has the unchallenged diplomatic lead. Who could charge the Obama Administration with diplomatic passivity since taking office? Indeed, one could instead conclude that the current global economic turbulence is causing countries to seek the familiar and to rely more and not less on their American connection. In any event, foreigners (and some Americans) often underestimate the existential resilience of the United States. In this respect, George Friedman’s new book, The Next Hundred Years,14 and his view that the United States will be as dominant a force in the 21st century as it was in the last half of the 20th century, is worth considering. So once again, those who now predict, as they have in every decade since 1945, American decay and withdrawal will be wrong 15— from John Flynn’s 1955 The Decline of the American Republic and How to Rebuild It,16 to Paul Kennedy’s 1987 The Rise and Fall of Great Powers,17 to Andrew Bacevich’s 2008 The Limits of Power: The End of American Exceptionalism,18 to Godfrey Hodgson’s 2009 The Myth of American Exceptionalism19 and many dozens of similar books in between. Indeed, the policies of the Obama Administration, for better or worse, are likely to be far more influential and lasting regarding America’s longer-term geopolitical power projection than the present economic decline. To sum up regarding the United States and the global economic worsening, former Council on Foreign Relations President Les Gelb, in his new book, Power Rules: How Common Sense Can Rescue American Foreign Policy,20 insists that a nation’s power is what it always was—essentially the capacity to get people to do what they don’t want to do, by pressure and coercion, using one’s resources and position. . . . The world is not flat. . . . The shape of global power is decidedly pyramidal—with the United States alone at the top, a second tier of major countries (China, Japan, India, Russia, the United Kingdom, France, Germany and Brazil), and several tiers descending below. . . . Among all nations, only the United States is a true global power with global reach. Lee Kuan Yew, former Prime Minister of the Republic of Singapore, agrees: “After the crisis, the US is most likely to remain at the top of every key index of national power for decades. It will remain the dominant global player for the next few decades. No major issue concerning international peace and stability can be resolved without US leadership, and no country or grouping can yet replace America as the dominant global power.”21 The current global economic crisis will not alter this reality. And the capitalist market model will continue to dominate international economics, not least because China and India have adopted their own versions of it.

### Obama care

#### Their Obama care arguments are aff arguments

#### 1) GOP pushing strong AND so many issues com e before

Sargent, Washington Post, 10-23-13

(Greg, “The Morning Plum: Obamacare rollout is awful. GOP’s position is a lot worse.,” http://www.washingtonpost.com/blogs/plum-line/wp/2013/10/23/the-morning-plum-obamacare-rollout-is-awful-gops-position-is-a-lot-worse/, accessed 10-25-13, CMM)

It’s heart-warming to see Republicans so worried about the difficulties the uninsured are facing in getting health care coverage.¶ Republicans continue attacking Obamacare’s rollout today, with a focus on the difficulties people face signing on to the exchanges. The problems with Obamacare are awful and unforgivable. As Jonathan Cohn notes, the next few weeks are critical, and it’s possible the law’s overall success is in peril, though health reform is larger than its web site, and there are reasons for some optimism about its long term prospects.¶ Health and Human Services secretary Kathleen Sebelius, who is facing scalding criticism, is claiming this morning that Obama had no prior knowledge of the problems. Okay, but there must be real accountability and transparency into what’s going wrong.¶ Still, folks shouldn’t sugar-coat the true nature of the GOP position here. House Republicans have rolled out a video mocking the unhelpfulness of HealthCare.Gov’s customer service:¶ Republicans have also set up a web page where people can share their own bad experiences of the law.¶ In a way, this perfectly captures what the larger debate is all about. This expression of sympathy with would-be health insurance customers is particularly amusing, given that some Republicans have openly said they will not help their own constituents with the law. Meanwhile, the GOP position is to get rid of the law entirely and replace it with nothing in the way of significant reform, which would be far worse for those who stand to benefit from it than the current problems they face.¶ The House GOP rolled out its own health care solutions this fall. But they probably wouldn’t come anywhere near covering the number of uninsured Obamacare is designed to cover. At any rate, there is no way House Republicans could ever pass anything that has a chance of becoming law, let alone anything that is up to the scale of the health care challenges we face. Bottom line: Republicans just don’t envision the federal government playing an ambitious oversight role in regulating the health system — or spending the money necessary – in service of the goal of expanding coverage to tens of millions of uninsured.¶ But Republicans are going further than just arguing their position. They are actively trying to prevent people from enjoying the benefits of the law, to try to make it fail. As Ron Fournier notes, while there are serious questions about the failures of the Obaamcare rollout, that doesn’t diminish the fact that multiple GOP governors, by opting out of the Medicaid expansion for purely political reasons, are acting against the interests of millions of their own constituents. The GOP’s commitment to full repeal has led it to refuse to participate in bipartisan fixes that even GOP-aligned constituencies want. Republicans’ current criticism of the law’s rollout is also of a piece with this larger stance. As Brian Beutler observes:¶ If you’re a reporter or a news junkie or a constituent, you should be absolutely clear that these people don’t want Healthcare.gov to work and are making wild, unsupportable claims to discourage people from becoming insured.¶ We can keep two ideas in our heads at the same time. The first: Obamacare’s rollout is awful and demands accountability. The second: GOP criticism of the rollout is deeply incoherent and indicative of a larger refusal — one that has gone on for years — to participate seriously in the basic governing necessary to solve