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#### Using the law to restrain its own war power authority only re-centralizes power --- Voting neg to reject the 1AC’s institutional war power narrative is the most productive political act

RANA 2011 - A.B. summa cum laude from Harvard College and his J.D. from Yale Law School. He also earned a Ph.D. in political science at Harvard, where his dissertation was awarded the university's Charles Sumner Prize. He was an Oscar M. Ruebhausen Fellow in Law at Yale (Aziz Rana, “Who Decides on Security?”, August 11, 2011, <http://scholarship.law.cornell.edu/clsops_papers/87/>)

Despite such democratic concerns, a large part of what makes today’s dominant security concept so compelling are two purportedly objective sociological claims about the nature of modern threat. As these claims undergird the current security concept, by way of a conclusion I would like to assess them more directly and, in the process, indicate what they suggest about the prospects for any future reform. The first claim is that global interdependence means that the U.S. faces near continuous threats from abroad. Just as Pearl Harbor presented a physical attack on the homeland justifying a revised framework, the American position in the world since has been one of permanent insecurity in the face of new, equally objective dangers. Although today these threats no longer come from menacing totalitarian regimes like Nazi Germany or the Soviet Union, they nonetheless create of world of chaos and instability in which American domestic peace is imperiled by decentralized terrorists and aggressive rogue states.187 Second, and relatedly, the objective complexity of modern threats makes it impossible for ordinary citizens to comprehend fully the causes and likely consequences of existing dangers. Thus, the best response is the further entrenchment of Herring’s national security state, with the U.S. permanently mobilized militarily to gather intelligence and to combat enemies wherever they strike – at home or abroad. Accordingly, modern legal and political institutions that privilege executive authority and insulated decisionmaking are simply the necessary consequence of these externally generated crises. Regardless of these trade-offs, the security benefits of an empowered presidency (one armed with countless secret and public agencies as well as with a truly global military footprint)188 greatly outweigh the costs. Yet, although these sociological views have become commonplace, the conclusions that Americans should draw about security requirements are not nearly as clear cut as the conventional wisdom assumes. In particular, a closer examination of contemporary arguments about endemic danger suggests that such claims are not objective empirical judgments but rather are socially complex and politically infused interpretations. Indeed, the openness of existing circumstances to multiple interpretations of threat implies that the presumptive need for secrecy and centralization is not self-evident. And as underscored by high profile failures in expert assessment, claims to security expertise are themselves riddled with ideological presuppositions and subjective biases. All this indicates that the gulf between elite knowledge and lay incomprehension in matters of security may be far less extensive than is ordinarily thought. It also means that the question of who decides – and with it the issue of how democratic or insular our institutions should be – remains open as well. Clearly technological changes, from airpower to biological and chemical weapons, have shifted the nature of America’s position in the world and its potential vulnerability. As has been widely remarked for nearly a century, the oceans alone cannot guarantee our permanent safety. Yet, in truth they never fully ensured domestic tranquility. The nineteenth century was one of near continuous violence, especially with indigenous communities fighting to protect their territory from expansionist settlers. 189 But even if technological shifts make doomsday scenarios more chilling than those faced by Hamilton, Jefferson, or Taney, the mere existence of these scenarios tells us little about their likelihood or how best to address them. Indeed, these latter security judgments are inevitably permeated with subjective political assessments, assessments that carry with them preexisting ideological points of view – such as regarding how much risk constitutional societies should accept or how interventionist states should be in foreign policy. In fact, from its emergence in the 1930s and 1940s, supporters of the modern security concept have – at times unwittingly – reaffirmed the political rather than purely objective nature of interpreting external threats. In particular, commentators have repeatedly noted the link between the idea of insecurity and America’s post-World War II position of global primacy, one which today has only expanded following the Cold War. In 1961, none other than Senator James William Fulbright declared, in terms reminiscent of Herring and Frankfurter, that security imperatives meant that “our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century,” was no longer “adequate” for the “20th- century nation.”190 For Fulbright, the driving impetus behind the need to jettison antiquated constitutional practices was the importance of sustaining the country’s “preeminen[ce] in political and military power.”191 Fulbright held that greater executive action and war-making capacities were essential precisely because the United States found itself “burdened with all the enormous responsibilities that accompany such power.”192 According to Fulbright, the United States had both a right and a duty to suppress those forms of chaos and disorder that existed at the edges of American authority. Thus, rather than being purely objective, the American condition of permanent danger was itself deeply tied to political calculations about the importance of global primacy. What generated the condition of continual crisis was not only technological change, but also the belief that the United States’ own ‘national security’ rested on the successful projection of power into the internal affairs of foreign states. The key point is that regardless of whether one agrees with such an underlying project, the value of this project is ultimately an open political question. This suggests that whether distant crises should be viewed as generating insecurity at home is similarly as much an interpretative judgment as an empirically verifiable conclusion.193 To appreciate the open nature of security determinations, one need only look at the presentation of terrorism as a principal and overriding danger facing the country. According to the State Department’s Annual Country Reports on Terrorism, in 2009 “[t]here were just 25 U.S. noncombatant fatalities from terrorism worldwide” (sixteen abroad and nine at home).194 While the fear of a terrorist attack is a legitimate concern, these numbers – which have been consistent in recent years – place the gravity of the threat in perspective. Rather than a condition of endemic danger – requiring ever increasing secrecy and centralization – such facts are perfectly consistent with a reading that Americans do not face an existential crisis (one presumably comparable to Pearl Harbor) and actually enjoy relative security. Indeed, the disconnect between numbers and resources expended, especially in a time of profound economic insecurity, highlights the political choice of policymakers and citizens to persist in interpreting foreign events through a World War II and early Cold War lens of permanent threat. In fact, the continuous alteration of basic constitutional values to fit ‘national security’ aims highlights just how entrenched Herring’s old vision of security as pre-political and foundational has become, regardless of whether other interpretations of the present moment may be equally compelling. It also underscores a telling and often ignored point about the nature of modern security expertise, particularly as reproduced by the United States’ massive intelligence infrastructure. To the extent that political assumptions – like the centrality of global primacy or the view that instability abroad necessarily implicates security at home – shape the interpretative approach of executive officials, what passes as objective security expertise is itself intertwined with contested claims about how to view external actors and their motivations. This means that while modern conditions may well be complex, the conclusions of the presumed experts may not be systematically less liable to subjective bias than judgments made by ordinary citizens based on publicly available information. It further underscores that the question of who decides cannot be foreclosed in advance by simply asserting deference to elite knowledge. If anything, one can argue that the presumptive gulf between elite awareness and suspect mass opinion has generated its own very dramatic political and legal pathologies. In recent years, the country has witnessed a variety of security crises built on the basic failure of ‘expertise.’195 At present, part of what obscures this fact is the very culture of secret information sustained by the modern security concept. Today, it is commonplace for government officials to leak security material about terrorism or external threat to newspapers as a method of shaping the public debate.196 These ‘open’ secrets allow greater public access to elite information and embody a central and routine instrument for incorporating mass voice into state decision-making. But this mode of popular involvement comes at a key cost. Secret information is generally treated as worthy of a higher status than information already present in the public realm – the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed,197 its status as secret masks these problems and allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism; it also means that security judgments may be more ‘Hobbesian’ – marked fundamentally by epistemological uncertainty as opposed to verifiable fact – than policymakers admit. If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars – emphasizing new statutory frameworks or greater judicial assertiveness – is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants – danger too complex for the average citizen to comprehend independently – it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

#### Centralized institutionalizion causes genocide and extinction

HINDMARSH 2005 - Professor at the Australian School of Environmental Studies—Griffith University (Richard Hindmarsh, April 2005, Green Biopolitics & the Molecular Reordering of Nature, <http://www.essex.ac.uk/ecpr/events/jointsessions/paperarchive/granada/ws16/Hindmarsh.pdf>)

The first usage of the term ‘biopolitics’ that Braun and Gottweis (2004) refer to aligns to my longstanding analysis of the genetic engineering context. Unconnected to the traditional Foucauldian concept of **‘biopolitics’**, it ‘refers to the new public policy area of biotechnology policy which has co-evolved with the development of the life sciences’ to refer to transformations in medicine and health, or in food, agriculture and the environment. Here, biopolitical analysis is predominantly on biotechnology regulation and bioscientific-technological development. In turn, the second usage refers to the historical tradition of Foucauldian inquiry, which describes and analyses two forms of control and administration (the ‘art of government’) that emerged from the sixteenth century onwards. The first form concerns the disciplining, especially through institutionalisation, of individuals, or collections of individuals, for their usefulness (or performance) for integration into systems of **‘efficient and economic controls’** (Foucault 1990 [French version 1976]: 139). The second form is concerned with administering the biological processes and resources (or subjugation and control) of the species body or populations in general: namely their bodies, and reproduction. This is achieved through their productive engagement with the then emerging scientific methods such as, for example, statistics, in what Foucault calls the investment of the body of the population and its valorization. Typically, this area tackles the urban space, the habitat, the natural resources and their distribution, and within this, public health. Scientists and engineers, deemed holders of ‘**expert knowledges’**, carry out this **disciplining and administration** on behalf of the government (Foucault 1977, Rutherford 1999). This aims to ‘**normalize’ the knowledge** of the experts vis-à-vis other knowledges, although this is not a given but is achieved in a relational way. As such, systems of knowledge-power instead **negotiate and mediate society** and its directions. Forms of knowledge-power to ‘administer life’ (govern) and normalize governmentality, Foucault (1990: 143) refers to as ‘bio-power’, applied as a regime of power within the social body, rather from above it. This is carried out through the application of tactical elements (‘discourses’) or ‘discursive practices’: ‘practices of talk, text, writing, cognition, argumentation, and representation generally’ (Clegg 1989: 151). The exercise of power is thus not understood as a ‘single, all-encompassing strategy’ (Foucault 1990: 103), but, as Clegg (1989: 154) recognises, as ‘a more or less stable or shifting network of alliances extended over a shifting terrain of practice and discursively constituted interests. Points of resistance will open up at many points in the network. Their effect will be to fracture alliances, constitute regroupings and reposit strategies’. Such practices applied to the administration of resources in managing human populations also introduces the notion of the environment and its control, and thus the Cartesian body-mind or nature-culture dichotomy — which has been described as ‘the drawing apart of the human subject, or “experiencer”, and the world experienced’ (Pratt et al. 2000: 7). Much environmental thought has since ascribed this divide as the main cause of today’s environmental problems (as discussed below). The Cartesian divide paralleled the emergence of bio-power, during the Enlightenment, with logical links extended to the control of human populations through it partitioning and regulation, the focus of Foucault’s inquiry. Yet, in introducing the broader environmental context, my attention is almost immediately drawn to the point in Foucault’s conceptualisation of bio-power of his recognition that the techniques of the administration of life cannot effect total control, that ‘it [life] constantly escapes them’. Thus, even though Foucault’s focus is on human life and its regulation, where ‘escape’ equates to resistance, ‘escape’, in reference to the management of natural resources where the Foucauldian gaze is also upon the health of the people, institutional and/or technological failure of administration **can instead cause environmental breakdown** that instead exposes human health to undue risk and hazard, the opposite of health**.** This, I would posit, is posed by Foucault, although rather opaquely, in The Will To Knowledge (1990: 137), Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone … the decision that initiates them and the one that **terminates them** are in fact increasingly informed by the naked question of survival … **The atomic situation is now at the end point** of this process: **the power to guarantee an individual’s existence.** The principle underlying the tactics of battle — **that one has to be capable of killing in order to go on living** — **has become the principle that defines the strategy of states**. But the existence in question is no longer the juridical existence of sovereignity; **at stake is the biological existence** of a population. **If genocide is indeed the dream of modern powers**, this is not because of a recent return of the ancient right to kill**; it is because power is situated and exercised at the level of life,** the species, the race, and the large-scale phenomena of population.

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#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Vote neg---

#### Only prohibitions on authority guarantee neg ground---their interpretation lets affs no link the best neg offense like deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

### 1NC

#### The President of the United States should request his Counsel and the Office of Legal Counsel for coordination over his war powers authority on targeted killing authority. The President should designate District Court judges to apply a strict scrutiny test to targeted killings involving the use of drone strikes.

#### plan would uniquely decimate Obama and the military’s ability to calm alliances and deter enemies through cyber arms --- Makes terrorism and global nuclear war more likely --- INDEPENDENTLY prevents ability to negotiate north Korean miscalc

WAXMAN 2013 - law professor at Columbia Law School, co-chairs the Roger Hertog Program on Law and National Security (Matthew Waxman, “The Constitutional Power to Threaten War,” August 27, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777)

As a prescriptive matter, Part II also shows that examination of threatened force and the credibility requirements for its effectiveness calls into question many orthodoxies of the policy advantages and risks attendant to various allocations of legal war powers, including the existing one and proposed reforms.23 Most functional arguments about war powers focus on fighting wars or hostile engagements, but that is not all – or even predominantly – what the United States does with its military power. Much of the time it seeks to avert such clashes while achieving its foreign policy objectives: to bargain, coerce, deter.24 The President’s flexibility to use force in turn affects decision-making about threatening it, with major implications for securing peace or dragging the United States into conflicts. Moreover, constitutional war power allocations affect potential conflicts not only because they may constrain U.S. actions but because they may send signals and shape other states’ (including adversaries’) expectations of U.S. actions.25 That is, most analysis of war-powers law is inward-looking, focused on audiences internal to the U.S. government and polity, but thinking about threatened force prompts us to look outward, at how war-powers law affects external perceptions among adversaries and allies. Here, extant political science and strategic studies offer few clear conclusions, but they point the way toward more sophisticated and realistic policy assessment of legal doctrine and proposed reform. More generally, as explained in Part III, analysis of threatened force and war powers exposes an under-appreciated relationship between constitutional doctrine and grand strategy. Instead of proposing a functionally optimal allocation of legal powers, as legal scholars are often tempted to do, this Article in the end denies the tenability of any such claim. Having identified new spaces of war and peace powers that legal scholars need to take account of in understanding how those powers are really exercised, this Article also highlights the extent to which any normative account of the proper distribution of authority over this area depends on many matters that cannot be predicted in advance or expected to remain constant.26 Instead of proposing a policy-optimal solution, this Article concludes that the allocation of constitutional war powers is – and should be –geopolitically and strategically contingent; the actual and effective balance between presidential and congressional powers over war and peace in practice necessarily depends on fundamental assumptions and shifting policy choices about how best to secure U.S. interests against potential threats.27 I. Constitutional War Powers and Threats of Force Decisions to go to war or to send military forces into hostilities are immensely consequential, so it is no surprise that debates about constitutional war powers occupy so much space. But one of the most common and important ways that the United States uses its military power is by threatening war or force – and the constitutional dimensions of that activity receive almost no scrutiny or even theoretical investigation. A. War Powers Doctrine and Debates The Constitution grants Congress the powers to create military forces and to “declare war,”28 which the Supreme Court early on made clear includes the power to authorize limited uses of force short of full-blown war.29 The Constitution then vests the President with executive power and designates him commander in chief of the armed forces,30 and it has been well-accepted since the Founding that these powers include unilateral authority to repel invasions if the United States is attacked.31 Although there is nearly universal acceptance of these basic starting points, there is little legal agreement about how the Constitution allocates responsibility for the vast bulk of cases in which the United States has actually resorted to force. The United States has declared war or been invaded only a handful of times in its history, but it has used force – sometimes large-scale force – hundreds of other times.32 Views split over questions like when, if ever, the President may use force to deal with aggression against third parties and how much unilateral discretion the President has to use limited force short of full-blown war. For many lawyers and legal scholars, at least one important methodological tool for resolving such questions is to look at historical practice, and especially the extent to which the political branches acquiesced in common practices.33 Interpretation of that historical practice for constitutional purposes again divides legal scholars, but most would agree at least descriptively on some basic parts of that history. In particular, most scholars assess that from the Founding era through World War II, Presidents and Congresses alike recognized through their behavior and statements that except in certain narrow types of contingencies, congressional authorization was required for large-scale military operations against other states and international actors, even as many Presidents pushed and sometimes crossed those boundaries.34 Whatever constitutional constraints on presidential use of force existed prior to World War II, however, most scholars also note that the President asserted much more extensive unilateral powers to use force during and after the Cold War, and many trace the turning point to the 1950 Korean War.35 Congress did not declare war in that instance, nor did it expressly authorize U.S. participation.36 From that point forward, presidents have asserted broad unilateral authority to use force to address threats to U.S. interests, including threats to U.S. allies, and that neither Congress nor courts pushed back much against this expanding power.37 Concerns about expansive presidential war-making authority spiked during the Vietnam War. In the wind-down of that conflict, Congress passed – over President Nixon’s veto – the War Powers Resolution,38 which stated its purpose as to ensure the constitutional Founders’ original vision that the “collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.”39 Since then, presidentialists have argued that the President still retains expansive authority to use force abroad to protect American interests,40 and congressionalists argue that this authority is tightly circumscribed.41 These constitutional debates have continued through the first decade of the 21st century. Constitutional scholars split, for example, over President Obama’s power to participate in coalition operations against Libya without congressional authorization in 2011, especially after the War Powers Resolution’s 60-day clock expired.42 Some argue that President Obama’s use of military force without specific congressional authorization in that case reflects the broad constitutional discretion presidents now have to protect American interests, at least short of full-blown “war”, while others argue that it is the latest in a long record of presidential violations of the Constitution and the War Powers Resolution.43 B. Threats of Force and Constitutional Powers These days it is usually taken for granted that – whether or not he can make war unilaterally – the President is constitutionally empowered to threaten the use of force, implicitly or explicitly, through diplomatic means or shows of force. It is never seriously contested whether the President may declare that United States is contemplating military options in response to a crisis, or whether the President may move substantial U.S. military forces to a crisis region or engage in military exercises there. To take the Libya example just mentioned, is there any constitutional limitation on the President’s authority to move U.S. military forces to the Mediterranean region and prepare them very visibly to strike?44 Or his authority to issue an ultimatum to Libyan leaders that they cease their brutal conduct or else face military action? Would it matter whether such threats were explicit versus implicit, whether they were open and public versus secret, or whether they were just a bluff? If not a constitutional obstacle, could it be argued that the War Powers Resolution’s reporting requirements and limits on operations were triggered by a President’s mere ultimatum or threatening military demonstration, insofar as those moves might constitute a “situation where imminent involvement in hostilities is clearly indicated by the circumstances”? These questions simply are not asked (at least not anymore).45 If anything, most lawyers would probably conclude that the President’s constitutional powers to threaten war are not just expansive but largely beyond Congress’s authority to regulate directly. From a constitutional standpoint, to the extent it is considered at all, the President’s power to threaten force is probably regarded to be at least as broad as his power to use it. One way to look at it is that the power to threaten force is a lesser included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the primary issue of the scope of presidential power to actually use it. If one interprets the President’s defensive war powers very broadly, to include dealing with aggression not only directed against U.S. territories but also against third parties,46 then it might seem easy to conclude that the President can also therefore take steps that stop short of actual armed intervention to deter or prevent such aggression. If, however, one interprets the President’s powers narrowly, for example, to include only limited unilateral authority to repel attacks against U.S. territory,47 then one might expect objections to arguably excessive presidential power to include his unilateral threats of armed intervention. Another way of looking at it is that in many cases, threats of war or force might fall within even quite narrow interpretations of the President’s inherent foreign relations powers to conduct diplomacy or his express commander in chief power to control U.S. military forces – or some combination of the two – depending on how a particular threat is communicated. A President’s verbal warning, ultimatum, or declared intention to use military force, for instance, could be seen as merely exercising his role as the “sole organ” of U.S. foreign diplomacy, conveying externally information about U.S. capabilities and intentions.48 A president’s movement of U.S. troops or warships to a crisis region or elevation of their alert level could be seen as merely exercising his dayto- day tactical control over forces under his command.49 Generally it is not seriously contested whether the exercise of these powers alone could so affect the likelihood of hostilities or war as to intrude on Congress’s powers over war and peace.50 We know from historical examples that such unilateral military moves, even those that are ostensibly pure defensive ones, can provoke wars – take, for example, President Polk’s movement of U.S. forces to the contested border with Mexico in 1846, and the resulting skirmishes that led Congress to declare war.51 Coming at the issue from Congress’s Article I powers rather than the President’s Article II powers, the very phrasing of the power “To declare War” puts most naturally all the emphasis on the present tense of U.S. military action, rather than its potentiality. Even as congressionalists advance interpretations of the clause to include not merely declarative authority but primary decision-making authority as to whether or not to wage war or use force abroad, their modern-day interpretations do not include a power to threaten war (except perhaps through the specific act of declaring it). None seriously argues – at least not any more – that the Declare War Clause precludes presidential threats of war. This was not always the case. During the early period of the Republic, there was a powerful view that beyond outright initiation of armed hostilities or declaration of war, more broadly the President also could not unilaterally take actions (putting aside actual military attacks) that would likely or directly risk war,52 provoke a war with another state,53 or change the condition of affairs or relations with another state along the continuum from peace to war.54 To do so, it was often argued, would usurp Congress’s prerogative to control the nation’s state of peace or war.55 During the Quasi-War with France at the end of the 18th century, for example, some members of Congress questioned whether the President, absent congressional authorization, could take actions that visibly signaled an intention to retaliate against French maritime harassment,56 and even some members of President Adams’ cabinet shared doubts.57 Some questions over the President’s power to threaten force arose (eventually) in relation to the Monroe Doctrine, announced in an 1823 presidential address to Congress and which in effect declared to European powers that the United States would oppose any efforts to colonize or reassert control in the Western Hemisphere.58 “Virtually no one questioned [Monroe’s proclamation] at the time. Yet it posed a constitutional difficulty of the first importance.”59 Of course, Monroe did not actually initiate any military hostilities, but his implied threat – without congressional action – risked provoking rather than deterring European aggression and by putting U.S. prestige and credibility on the line it limited Congress’s practical freedom of action if European powers chose to intervene.60 The United States would have had at the time to rely on British naval power to make good on that tacit threat, though a more assertive role for the President in wielding the potential for war or intervention during this period went hand in hand with a more sustained projection of U.S. power beyond its borders, especially in dealing with dangers emanating from Spanish-held Florida territory.61 Monroe’s successor, John Quincy Adams, faced complaints from opposition members of Congress that Monroe’s proclamation had exceeded his constitutional authority and had usurped Congress’s by committing the United States – even in a non-binding way – to resisting European meddling in the hemisphere.62 The question whether the President could unilaterally send militarily-threatening signals was in some respects a mirror image of the issues raised soon after the Constitution was ratified during the 1793 Neutrality Controversy: could President Washington unilaterally declare the United States to be neutral as to the war among European powers. Washington’s politically controversial proclamation declaring the nation “friendly and impartial” in the conflict between France and Great Britain (along with other European states) famously prompted a back-and-forth contest of public letters by Alexander Hamilton and James Madison, writing pseudonymously as “Pacificus” and “Helvidius”, about whether the President had such unilateral power or whether it belonged to Congress.63 Legal historian David Currie points out the irony that the neutrality proclamation was met with stronger and more immediate constitutional scrutiny and criticism than was Monroe’s threat. After all, Washington’s action accorded with the principle that only Congress, representing popular will, should be able to take the country from the baseline state of peace to war, whereas Monroe’s action seemed (at least superficially) to commit it to a war that Congress had not approved.64 Curiously (though for reasons offered below, perhaps not surprisingly) this issue – whether there are constitutional limits on the President’s power to threaten war – has almost vanished completely from legal discussion, and that evaporation occurred even before the dramatic post-war expansion in asserted presidential power to make war. Just prior to World War II, political scientist and presidential powers theorist Edward Corwin remarked that “[o]f course, it may be argued, and has in fact been argued many times, that the President is under constitutional obligation not to incur the risk of war in the prosecution of a diplomatic policy without first consulting Congress and getting its consent.”65 “Nevertheless,” he continued,66 “the supposed principle is clearly a maxim of policy rather than a generalization from consistent practice.” In his 1945 study World Policing and the Constitution, James Grafton Rogers noted: [E]xamples of demonstrations on land and sea made for a variety of purposes and under Presidents of varied temper and in different political climates will suffice to make the point. The Commander-in-Chief under the Constitution can display our military resources and threaten their use whenever he thinks best. The weakness in the diplomatic weapon is the possibility of dissidence at home which may cast doubt on our serious intent. The danger of the weapon is war.67 At least since then, however, the importance to U.S. foreign policy of threatened force has increased dramatically, while legal questions about it have receded further from discussion. In recent decades a few prominent legal scholars have addressed the President’s power to threaten force, though in only brief terms.

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**Exec Power DA – 1NC [3/5]**

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Taylor Reveley noted in his volume on war powers the importance of allocating constitutional responsibility not only for the actual use of force but also “[v]erbal or written threats or assurances about the circumstances in which the United States will take military action …, whether delivered by declarations of American policy, through formal agreements with foreign entities, by the demeanor or words of American officials, or by some other sign of national intent.”68 Beyond recognizing the critical importance of threats and other non-military actions in affecting war and peace, however, Reveley made little effort to address the issue in any detail. Among the few legal scholars attempting to define the limiting doctrinal contours of presidentially threatened force, Louis Henkin wrote in his monumental Foreign Affairs and the Constitution that: Unfortunately, the line between war and lesser uses of force is often elusive, sometimes illusory, and the use of force for foreign policy purposes can almost imperceptibly become a national commitment to war. Even when he does not use military force, the President can incite other nations or otherwise plunge or stumble this country into war, or force the hand of Congress to declare or to acquiesce and cooperate in war. As a matter of constitutional doctrine, however, one can declare with confidence that a President begins to exceed his authority if he willfully or recklessly moves the nation towards war…69 The implication seems to be that the President may not unilaterally threaten force in ways that are dramatically escalatory and could likely lead to war, or perhaps that the President may not unilaterally threaten the use of force that he does not have the authority to initiate unilaterally.70 Jefferson Powell, who generally takes a more expansive view than Henkin of the President’s war powers, argues by contrast that “[t]he ability to warn of, or threaten, the use of military force is an ordinary and essential element in the toolbox of that branch of government empowered to formulate and implement foreign policy.”71 For Powell, the President is constantly taking actions as part of everyday international relations that carry a risk of military escalation, and these are well-accepted as part of the President’s broader authority to manage, if not set, foreign policy. Such brief mentions are in recent times among the rare exceptions to otherwise barren constitutional discussion of presidential powers to threaten force. That the President’s authority to threaten force is so well-accepted these days as to seem self-evident is not just an academic phenomenon. It is also reflected in the legal debates among and inside all three branches of government. In 1989, Michael Reisman observed: Military maneuvers designed to convey commitment to allies or contingent threats to adversaries … are matters of presidential competence. Congress does not appear to view as within its bailiwick many low-profile contemporaneous expressions of gunboat diplomacy, i.e., the physical interposition of some U.S. war-making capacity as communication to an adversary of United States’ intentions and capacities to oppose it.72 This was and remains a correct description but understates the pattern of practice, insofar as even major and high-profile expressions of coercive diplomacy are regarded among all three branches of government as within presidential competence. In Dellums v. Bush – perhaps the most assertive judicial scrutiny of presidential power to use large-scale force abroad since the end of the Cold War – the district court dismissed on ripeness grounds congressmembers’ suit challenging President George H. W. Bush’s intended military operations against Iraq in 1991 and seeking to prevent him from initiating an offensive attack against Iraq without first securing explicit congressional authorization for such action.73 That at the time of the suit the President had openly threatened war – through ultimatums and deployment of several hundred thousand U.S. troops – but had not yet “committed to a definitive course of action” to carry out the threat meant there was no justiciable legal issue, held the court.74 The President’s threat of war did not seem to give the district court legal pause at all; quite the contrary, the mere threat of war was treated by the court as a non-issue entirely.75 There are several reasons why constitutional questions about threatened force have dropped out of legal discussions. First, the more politically salient debate about the President’s unilateral power to use force has probably swallowed up this seemingly secondary issue. As explained below, it is a mistake to view threats as secondary in importance to uses of force, but they do not command the same political attention and their impacts are harder to measure.76 Second, the expansion of American power after World War II, combined with the growth of peacetime military forces and a set of defense alliance commitments (developments that are elaborated below) make at least some threat of force much more common – in the case of defensive alliances and some deterrent policies, virtually constant – and difficult to distinguish from other forms of everyday diplomacy and security policy.77 Besides, for political and diplomatic reasons, presidents rarely threaten war or intervention without at least a little deliberate ambiguity. As historian Marc Trachtenberg puts it: “It often makes sense … to muddy the waters a bit and avoid direct threats.”78 Any legal lines one might try to draw (recall early attempts to restrict the President’s unilateral authority to alter the state of affairs along the peacetime-wartime continuum) have become blurrier and blurrier. In sum, if the constitutional power to threaten war ever posed a serious legal controversy, it does so no more. As the following section explains, however, threats of war and armed force have during most of our history become a greater and greater part of American grand strategy, defined here as long-term policies for using the country’s military and non-military power to achieve national goals. The prominent role of threatened force in U.S. strategy has become the focus of political scientists and other students of security strategy, crises, and responses – but constitutional study has not adjusted accordingly.79 C. Threats of Force and U.S. Grand Strategy While the Korean and Vietnam Wars were generating intense study among lawyers and legal scholars about constitutional authority to wage military actions abroad, during that same period many political scientists and strategists – economists, historians, statesmen, and others who studied international conflict – turned their focus to the role of threatened force as an instrument of foreign policy. The United States was building and sustaining a massive war-fighting apparatus, but its security policy was not oriented primarily around waging or winning wars but around deterring them and using the threat of war – including demonstrative military actions – to advance U.S. security interests. It was the potential of U.S. military might, not its direct application or engagement with the enemy, that would do much of the heavy lifting. U.S. military power would be used to deter the Soviet Union and other hostile states from taking aggressive action. It would be unsheathed to prompt them to back down over disputes. It would reassure allies that they could depend on U.S. help in defending themselves. All this required that U.S. willingness to go to war be credible in the eyes of adversaries and allies alike. Much of the early Cold War study of threatened force concerned nuclear strategy, and especially deterrence or escalation of nuclear war. Works by Albert Wohlstetter, Herman Kahn, and others not only studied but shaped the strategy of nuclear threats, as well as how to use limited applications of force or threats of force to pursue strategic interests in remote parts of the globe without sparking massive conflagrations.80 As the strategic analyst Bernard Brodie wrote in 1946, “Thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them.”81 Toward that end, U.S. government security and defense planners during this time focused heavily on preserving and improving the credibility of U.S. military threats – while the Soviet Union was doing likewise.82 The Truman administration developed a militarized version of containment strategy against the Soviet empire, emphasizing that stronger military capabilities were necessary to prevent the Soviets from seizing the initiative and to resist its aggressive probes: “it is clear,” according to NSC-68, the government document which encapsulated that strategy, “that a substantial and rapid building up of strength in the free world is necessary to support a firm policy intended to check and to roll back the Kremlin's drive for world domination.”83 The Eisenhower administration’s “New Look” policy and doctrine of “massive retaliation” emphasized making Western collective security both more effective and less costly by placing greater reliance on deterrent threats – including threatened escalation to general or nuclear war. As his Secretary of State John Foster Dulles explained, “[t]here is no local defense which alone will contain the mighty landpower of the Communist world. Local defenses must be reinforced by the further deterrent of massive retaliatory power.”84 As described in Evan Thomas’s recent book, Ike’s Bluff, Eisenhower managed to convince Soviet leaders that he was ready to use nuclear weapons to check their advance in Europe and elsewhere. In part due to concerns that threats of massive retaliation might be insufficiently credible in Soviet eyes (especially with respect to U.S. interests perceived as peripheral), the Kennedy administration in 1961 shifted toward a strategy of “flexible response,” which relied on the development of a wider spectrum of military options that could quickly and efficiently deliver varying degrees of force in response to foreign aggression.85 Throughout these periods, the President often resorted to discrete, limited uses of force to demonstrate U.S. willingness to escalate. For example, in 1961 the Kennedy administration (mostly successfully in the short-run) deployed intervention-ready military force immediately off the coast of the Dominican Republic to compel its government's ouster,86 and that same year it used military exercises and shows of force in ending the Berlin crisis;87 in 1964, the Johnson administration unsuccessfully used air strikes on North Vietnamese targets following the Tonkin Gulf incidents, failing to deter what it viewed as further North Vietnamese aggression.88 The point here is not the shifting details of U.S. strategy after World War II – during this era of dramatic expansion in asserted presidential war powers – but the central role of credible threats of war in it, as well as the interrelationship of plans for using force and credible threats to do so. Also during this period, the United States abandoned its long-standing aversion to “entangling alliances,”89 and committed to a network of mutual defense treaties with dependent allies. Besides the global collective security arrangement enshrined in the UN Charter, the United States committed soon after World War II to mutual defense pacts with, for example, groups of states in Western Europe (the North Atlantic Treaty Organization)90 and Asia (the Southeast Asia Treaty Organization,91 as well as a bilateral defense agreement with the Republic of Korea,92 Japan,93 and the Republic of China,94 among others). These alliance commitments were part of a U.S. effort to “extend” deterrence of Communist bloc aggression far beyond its own borders.95 “Extended deterrence” was also critical to reassuring these U.S. allies that their security needs would be met, in some instances to head off their own dangerous rearmament.96 Among the leading academic works on strategy of the 1960s and 70s were those of Thomas Schelling, who developed the theoretical structure of coercion theory, arguing that rational states routinely use the threat of military force – the manipulation of an adversary’s perceptions of future risks and costs with military threats – as a significant component of their diplomacy.97 Schelling distinguished between deterrence (the use of threats to dissuade an adversary from taking undesired action) and compellence (the use of threats to persuade an adversary to behave a certain way), and he distinguished both forms of coercion from brute force: “[B]rute force succeeds when it is used, whereas the power to hurt is most successful when held in reserve. It is the threat of damage to come that can make someone yield of comply. It is latent violence that can influence someone’s choice.”98 Alexander George, David Hall, and William Simons then led the way in taking a more empirical approach, reviewing case studies to draw insights about the success and failure of U.S. coercive threats, analyzing contextual variables and their effects on parties’ reactions to threats during crises. Among their goals was to generate lessons informed by history for successful strategies that combine diplomatic efforts with threats or demonstrations of force, recognizing that the United States was relying heavily on threatened force in addressing security crises. Coercive diplomacy – if successful – offered ways to do so with minimal actual application of military force.99 One of the most influential studies that followed was Force Without War: U.S. Armed Forces as a Political Instrument, a Brookings Institution study led by Barry Blechman and Stephen Kaplan and published in 1977.100 They studied “political uses of force”, defined as actions by U.S. military forces “as part of a deliberate attempt by the national authorities to influence, or to be prepared to influence, specific behavior of individuals in another nation without engaging in a continued contest of violence.”101 Blechman and Kaplan’s work, including their large data set and collected case studies, was important for showing the many ways that threatened force could support U.S. security policy. Besides deterrence and compellence, threats of force were used to assure allies (thereby, for example, avoiding their own drive toward militarization of policies or crises) and to induce third parties to behave certain ways (such as contributing to diplomatic resolution of crises). The record of success in relying on threatened force has been quite mixed, they showed. Blechman and Kaplan’s work, and that of others who built upon it through the end of the Cold War and the period that has followed,102 helped understand the factors that correlated with successful threats or demonstrations of force without resort or escalation to war, especially the importance of credible signals.103 After the Cold War, the United States continued to rely on coercive force – threatened force to deter or compel behavior by other actors – as a central pillar of its grand strategy. During the 1990s, the United States wielded coercive power with varied results against rogue actors in many cases that, without the overlay of superpower enmities, were considered secondary or peripheral, not vital, interests: Iraq, Somalia, Haiti, Bosnia, and elsewhere. For analysts of U.S. national security policy, a major puzzle was reconciling the fact that the United States possessed overwhelming military superiority in raw terms over any rivals with its difficult time during this era in compelling changes in their behavior.104 As Daniel Byman and I wrote about that decade in our study of threats of force and American foreign policy: U.S. conventional and nuclear forces dwarf those of any adversaries, and the U.S. economy remains the largest and most robust in the world. Because of these overwhelming advantages, the United States can threaten any conceivable adversary with little danger of a major defeat or even significant retaliation. Yet coercion remains difficult. Despite the United States’ lopsided edge in raw strength, regional foes persist in defying the threats and ultimatums brought by the United States and its allies. In confrontations with Somali militants, Serb nationalists, and an Iraqi dictator, the U.S. and allied record or coercion has been mixed over recent years…. Despite its mixed record of success, however, coercion will remain a critical element of U.S. foreign policy.105 One important factor that seemed to undermine the effectiveness of U.S. coercive threats during this period was that many adversaries perceived the United States as still afflicted with “Vietnam Syndrome,” unwilling to make good on its military threats and see military operations through.106 Since the turn of the 21st Century, major U.S. security challenges have included non-state terrorist threats, the proliferation of nuclear and other weapons of mass destruction (WMD), and rapidly changing power balances in East Asia, and the United States has accordingly been reorienting but retaining its strategic reliance on threatened force. The Bush Administration’s “preemption doctrine” was premised on the idea that some dangerous actors – including terrorist organizations and some states seeking WMD arsenals – are undeterrable, so the United States might have to strike them first rather than waiting to be struck.107 On one hand, this was a move away from reliance on threatened force: “[t]he inability to deter a potential attacker, the immediacy of today’s threats, and the magnitude of potential harm that could be caused by our adversaries’ choice of weapons, do not permit” a reactive posture.108 Yet the very enunciation of such a policy – that “[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively”109 – was intended to persuade those adversaries to alter their policies that the United States regarded as destabilizing and threatening. Although the Obama administration pulled back from this rhetoric and placed greater emphasis on international institutions, it has continued to rely on threatened force as a key pillar of its strategy with regard to deterring threats (such as aggressive Iranian moves), intervening in humanitarian crises (as in Libya), and reassuring allies.110 With regard to East Asia, for example, the credible threat of U.S. military force is a significant element of U.S. strategy for deterring Chinese and North Korean aggression as well as reassuring other Asian powers of U.S. protection, to avert a destabilizing arms race.111 D. The Disconnect Between Constitutional Discourse and Strategy There is a major disconnect between the decades of work by strategists and many political scientists on American security policy and practice since the Second World War and legal analysis and scholarship of constitutional war powers during that period. Lawyers and strategists have been relying on not only distinct languages but distinct logics of military force – in short, when it comes to using U.S. military power, lawyers think in terms of “going to war” while strategists focus on potential war and processes leading to it. These framings manifest in differing theoretical starting points for considering how exercises of U.S. military might affect war and peace, and they skew the empirical insights and normative prescriptions about Presidential power often drawn from their analyses. 1. Lawyers’ Misframing Lawyers’ focus on actual uses of force – especially engagements with enemy military forces – as constitutionally salient, rather than including threats of force in their understanding of modern presidential powers tilts analysis toward a one-dimensional strategic logic, rather than a more complex and multi-dimensional and dynamic logic in which the credible will to use force is as important as the capacity to do so. As discussed above, early American constitutional thinkers and practitioners generally wanted to slow down with institutional checks decisions to go to war, because they thought that would make war less likely. “To invoke a more contemporary image,” wrote John Hart Ely of their vision, “it takes more than one key to launch a missile: It should take quite a number to start a war.”112 They also viewed the exercise of military power as generally a ratchet of hostilities, whereby as the intensity of authorized or deployed force increased, so generally did the state of hostilities between the United States and other parties move along a continuum from peace to war.113 Echoes of this logic still reverberate in modern congressionalist legal scholarship: the more flexibly the President can use military force, the more likely it is that the United States will find itself in wars; better, therefore, to clog decisions to make war with legislative checks.114 Modern presidentialist legal scholars usually respond that rapid action is a virtue, not a vice, in exercising military force.115 Especially as a superpower with global interests and facing global threats, presidential discretion to take rapid military action – endowed with what Alexander Hamilton called “[d]ecision, activity, secrecy, and dispatch”116 – best protects American interests. In either case the emphasis tends overwhelmingly to be placed on actual military engagements with adversaries. Strategists and many political scientists, by contrast, view some of the most significant use of military power as starting well before armed forces clash – and including important cases in which they never actually do. Coercive diplomacy and strategies of threatened force, they recognize, often involve a set of moves and countermoves by opposing sides and third parties before or even without the violent engagement of opposing forces. It is often the parties’ perceptions of anticipated actions and costs, not the actual carrying through of violence, that have the greatest impact on the course of events and resolution or escalation of crises. Instead of a ratchet of escalating hostilities, the flexing of military muscle can increase as well as decrease actual hostilities, inflame as well as stabilize relations with rivals or enemies. Moreover, those effects are determined not just by U.S. moves but by the responses of other parties to them – or even to anticipated U.S. moves and countermoves.117 Indeed, as Schelling observed, strategies of brinkmanship sometimes operate by “the deliberate creation of a recognizable risk of war, a risk that one does not completely control.”118 This insight – that effective strategies of threatened force involve not only great uncertainty about the adversary’s responses but also sometimes involve intentionally creating risk of inadvertent escalation119 – poses a difficult challenge for any effort to cabin legally the President’s power to threaten force in terms of likelihood of war or some due standard of care.120 2. Lawyers’ Selection Problems Methodologically, a lawyerly focus on actual uses of force – a list of which would then commonly be used to consider which ones were or were not authorized by Congress – vastly undercounts the instances in which presidents wield U.S. military might. It is already recognized by some legal scholars that studying actual uses of force risks ignoring instances in which President contemplated force but refrained from using it, whether because of political, congressional, or other constraints.121 The point here is a different one: that some of the most significant (and, in many instances, successful) presidential decisions to threaten force do not show up in legal studies of presidential war powers that consider actual deployment or engagement of U.S. military forces as the relevant data set. Moreover, some actual uses of force, whether authorized by Congress or not, were preceded by threats of force; in some cases these threats may have failed on their own to resolve the crisis, and in other cases they may have precipitated escalation. To the extent that lawyers are interested in understanding from historical practice what war powers the political branches thought they had and how well that understanding worked, they are excluding important cases. Consider, as an illustration of this difference in methodological starting point, that for the period of 1946-1975 (during which the exercise of unilateral Presidential war powers had its most rapid expansion), the Congressional Research Service compilation of instances in which the United States has utilized military forces abroad in situations of military conflict or potential conflict to protect U.S. citizens or promote U.S. interests – which is often relied upon by legal scholars studying war powers – lists only about two dozen incidents.122 For the same time period, the Blechman and Kaplan study of political uses of force (usually threats) – which is often relied upon by political scientists studying U.S. security strategy – includes dozens more data-point incidents, because they divide up many military crises into several discrete policy decisions, because many crises were resolved with threat-backed diplomacy, and because many uses of force were preceded by overt or implicit threats of force.123 Among the most significant incidents studied by Blechman and Kaplan but not included in the Congressional Research Service compilation at all are the 1958-59 and 1961 crises over Berlin and the 1973 Middle East War, during which U.S. Presidents signaled threats of superpower war, and in the latter case signaled particularly a willingness to resort to nuclear weapons.124 Because the presidents did not in the end carry out these threats, these cases lack the sort of authoritative legal justifications or reactions that accompany actual uses of force. It is therefore difficult to assess how the executive branch and congress understood the scope of the President’s war powers in these cases, but historical inquiry would probably show the executive branch’s interpretation to be very broad, even to include full-scale war and even where the main U.S. interest at stake was the very credibility of U.S. defense commitments undergirding its grand strategy, not simply the interests specific to divided Germany and the Middle East region.

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Of course, one might argue that because the threatened military actions were never carried out in these cases, it is impossible to know if the President would have sought congressional authorization or how Congress would have reacted to the use of force; nonetheless, it is easy to see that in crises like these a threat by the President to use force, having put U.S. credibility on the line in addition to whatever other foreign policy stakes were at issues, would have put Congress in a bind. 3. Lawyers’ Mis-Assessment Empirically, analysis of and insights gleaned from any particular incident – which might then be used to evaluate the functional merits of presidential powers – looks very different if one focuses predominantly on the actual use of force instead of considering also the role of threatened force. Take for example, the Cuban Missile Crisis – perhaps the Cold War’s most dangerous event. To the rare extent that they consider domestic legal issues of this crisis at all, lawyers interested in the constitutionality of President Kennedy’s actions generally ask only whether he was empowered to initiate the naval quarantine of Cuba, because that is the concrete military action Kennedy took that was readily observable and that resulted in actual engagement with Soviet forces or vessels – as it happens, very minimal engagement.125 To strategists who study the crisis, however, the naval quarantine is not in itself the key presidential action; after all, as Kennedy and his advisers realized, a quarantine alone could not remove the missiles that were already in Cuba. The most consequential presidential actions were threats of military or even nuclear escalation, signaled through various means including putting U.S. strategic bombers on highest alert.126 The quarantine itself was significant not for its direct military effects but because of its communicative impact in showing U.S. resolve. If one is focused, as lawyers often are, on presidential military action that actually engaged the enemy in combat or nearly did, it is easy to dismiss this case as not very constitutionally significant. If one focuses on it, as strategists and political scientists often do, on nuclear brinkmanship, it is arguably the most significant historical exercise of unilateral presidential powers to affect war and peace.127 Considering again the 1991 Gulf War, most legal scholars would dismiss this instance as constitutionally a pretty uninteresting military conflict: the President claimed unilateral authority to use force, but he eventually sought and obtained congressional authorization for what was ultimately – at least in the short-run – a quite successful war. For the most part this case is therefore neither celebrated nor decried much by either side of legal war powers debates,128 though some congressionalist scholars highlight the correlation of congressional authorization for this war and a successful outcome.129 Political scientists look at the case differently, though. They often study this event not as a successful war but as failed coercive diplomacy, in that the United States first threatened war through a set of dramatically escalating steps that ultimately failed to persuade Saddam Hussein to withdraw from Kuwait.130 Some political scientists even see U.S. legal debate about military actions as an important part of this story, assessing that adversaries pay attention to congressional arguments and moves in evaluating U.S. resolve (an issue taken up in greater detail below) and that congressional opposition to Bush’s initial unilateralism in this case undermined the credibility of U.S. threats.131 Whether one sees the Gulf War as a case of (successful) war, as lawyers usually do, or (unsuccessful) threatened war, as political scientists usually do, colors how one evaluates the outcome and the credit one might attach to some factors such as vocal congressional opposition to initially-unilateral presidential moves. Notice also that legal analysis of Presidential authority to use force is sometimes thought to turn partly on the U.S. security interests at stake, as though those interests are purely contextual and exogenous to U.S. decision-making and grand strategy. In justifying President Obama’s 2011 use of force against the Libyan government, for example, the Justice Department’s Office of Legal Counsel concluded that the President had such legal authority “because he could reasonably determine that such use of force was in the national interest,” and it then went on to detail the U.S. security and foreign policy interests.132 The interests at stake in crises like these, however, are altered dramatically if the President threatens force: doing so puts the credibility of U.S. threats at stake, which is important not only with respect to resolving the crisis at hand but with respect to other potential adversaries watching U.S. actions.133 The President’s power to threaten force means that he may unilaterally alter the costs and benefits of actually using force through his prior actions.134 The U.S. security interests in carrying through on threats are partly endogenous to the strategy embarked upon to address crises (consider, for example, that once President George H.W. Bush placed hundred of thousands of U.S. troops in the Persian Gulf region and issued an ultimatum to Saddam Hussein in 1990, the credibility of U.S. threats and assurances to regional allies were put on the line).135 Moreover, interests at stake in any one crisis cannot simply be disaggregated from broader U.S. grand strategy: if the United States generally relies heavily on threats of force to shape the behavior of other actors, then its demonstrated willingness or unwillingness to carry out a threat and the outcomes of that action affect its credibility in the eyes of other adversaries and allies, too.136 It is remarkable, though in the end not surprising, that the executive branch does not generally cite these credibility interests in justifying its unilateral uses of force. It does cite when relevant the U.S. interest in sustaining the credibility of its formal alliance commitments or U.N. Security Council resolutions, as reasons supporting the President’s constitutional authority to use force.137 The executive branch generally refrains from citing the similar interests in sustaining the credibility of the President’s own threats of force, however, probably in part because doing so would so nakedly expose the degree to which the President’s prior unilateral strategic decisions would tie Congress’s hands on the matter. \* \* \* In sum, lawyers’ focus on actual uses of force – usually in terms of armed clashes with an enemy or the placement of troops into hostile environments – does not account for much vaster ways that President’s wield U.S. military power and it skews the claims legal scholars make about the allocation of war powers between the political branches. A more complete account of constitutional war powers should recognize the significant role of threatened force in American foreign policy. II. Democratic Checks on Threatened Force The previous Parts of this Article showed that, especially since the end of World War II, the United States has relied heavily on strategies of threatened force in wielding its military might – for which credible signals are a necessary element – and that the President is not very constrained legally in any formal sense in threatening war. Drawing on recent political science scholarship, this Part takes some of the major questions often asked by students of constitutional war powers with respect to the actual use of force and reframes them in terms of threatened force. First, as a descriptive matter, in the absence of formal legal checks on the President’s power to threaten war, is the President nevertheless informally but significantly constrained by democratic institutions and processes, and what role does Congress play in that constraint? Second, as a normative matter, what are the strategic merits and drawbacks of this arrangement of democratic institutions and constraints with regard to strategies of threatened force? Third, as a prescriptive matter, although it is not really plausible that Congress or courts would ever erect direct legal barriers to the President’s power to threaten war, how might legal reform proposals to more strongly and formally constrain the President’s power to use force indirectly impact his power to threaten it effectively? For reasons discussed below, I do not consider whether Congress could legislatively restrict directly the President’s power to threaten force or war; in short, I set that issue aside because assuming that were constitutionally permissible, even ardent congressionalists have exhibited no interest in doing so, and instead have focused on legally controlling the actual use of force. Political science insights that bear on these questions emerge from several directions. One is from studies of Congress’ influence on use of force decisions, which usually assume that Congress’s formal legislative powers play only a limited role in this area, and the effects of this influence on presidential decision-making about threatened force. Another is international relations literature on international bargaining138 as well as literature on the theory of democratic peace, the notion that democracies rarely, if ever, go to war with one another.139 In attempting to explain the near-absence of military conflicts between democracies, political scientists have examined how particular features of democratic governments – electoral accountability, the institutionalized mobilization of political opponents, and the diffusion of decision-making authority regarding the use of force among executive and legislative branches – affect decision-making about war.140 These and other studies, in turn, have led some political scientists (especially those with a rational choice theory orientation) to focus on how those features affect the credibility of signals about force that governments send to adversaries in crises.141 My purpose in addressing these questions is to begin painting a more complete and detailed picture of the way war powers operate, or could operate, than one sees when looking only at actual wars and use of force. This is not intended to be a comprehensive account but an effort to synthesize some strands of scholarship from other fields regarding threatened force to inform legal discourse about how war powers function in practice and the strategic implications of reform. The answers to these questions also bear on raging debates among legal scholars on the nature of American executive power and its constraint by law. Initially they seem to support the views of those legal scholars who have long believed that in practice law no longer seriously binds the President with respect to war-making.142 That view has been taken even further recently by Eric Posner and Adrian Vermeule, who argue that “[l]aw does little constraint the modern executive” at all, but also observe that “politics and public opinion” operate effectively to cabin executive powers.143 The arguments offered here, however, do more to support the position of those legal scholars who describe a more complex relationship between law and politics, including that law is constitutive of the processes of political struggle.144 That law helps constitute the processes of political struggles is true of any area of public policy, though, and what is special here is the added importance of foreign audiences – including adversaries and allies, alike – observing and reacting to those politics, too. Democratic Constraints on the Power to the Threaten Force Whereas most lawyers usually begin their analysis of the President’s and Congress’s war powers by focusing on their formal legal authorities, political scientists usually take for granted these days that the President is – in practice – the dominant branch with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. A major school of thought, however, is that congressional members nevertheless wield significant influence over decisions about force, and that this influence extends to threatened force, so that Presidents generally refrain from threats that would provoke strong congressional opposition. Even without any serious prospect for legislatively blocking the President’s threatened actions, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; even when it cannot, congressional members can oblige the President expend lots of political capital. As Jon Pevehouse and William Howell explain: When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests. 145 This statement also highlights the important point, alluded to earlier, that force and threatened force are not neatly separable categories. Often limited uses of force are intended as signals of resolve to escalate, and most conflicts involve bargaining in which the threat of future violence – rather than what Schelling calls “brute force”146 – is used to try to extract concessions. The formal participation of political opponents in legislative bodies provides them with a forum for registering dissent to presidential policies of force through such mechanisms floor statements, committee oversight hearings, resolution votes, and funding decisions.147 These official actions prevent the President “from monopolizing the nation’s political discourse” on decisions regarding military actions can thereby make it difficult for the President to depart too far from congressional preferences.148 Members of the political opposition in Congress also have access to resources for gathering policy relevant information from the government that informs their policy preferences. Their active participation in specialized legislative committees similarly gives opponent party members access to fact-finding resources and forums for registering informed dissent from decisions within the committee’s purview.149 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on executive’s decisions regarding force than can opponents among the general public. Moreover, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements.150 In short, these findings among political scientists suggest that, even without having to pass legislation or formally approve of actions, Congress often operates as an important check on threatened force by providing the president’s political opponents with a forum for registering dissent from the executive’s decisions regarding force in ways that attach domestic political costs to contemplated military actions or even the threats to use force. Under this logic, Presidents, anticipating dissent, will be more selective in issuing¶ threats in the first place, making only those commitments that would not incite¶ widespread political opposition should the threat be carried through.151 Political¶ opponents within a legislature also have few electoral incentives to collude in an¶ executive’s bluff, and they are capable of expressing opposition to a threatened use of¶ force in ways that could expose the bluff to a threatened adversary.152 This again narrows¶ the President’s range of viable policy options for brandishing military force. Counter-intuitively, given the President’s seemingly unlimited and unchallenged¶ constitutional power to threaten war, it may in some cases be easier for members of¶ Congress to influence presidential decisions to threaten military action than presidential¶ war decisions once U.S. forces are already engaged in hostilities. It is widely believed¶ that once U.S. armed forces are fighting, congress members’ hands are often tied: policy¶ opposition at that stage risks being portrayed as undermining our troops in the field.153¶ Perhaps, it could be argued, the President takes this phenomenon into account and¶ therefore discounts political opposition to threatened force; he can assume that such¶ opposition will dissipate if he carries it through. Even if that is true, before that point¶ occurs, however, members of Congress may have communicated messages domestically¶ and communicated signals abroad that the President will find difficult to counter.154 The bottom line is that a body of recent political science, while confirming the¶ President’s dominant position in setting policy in this area, also reveals that policymaking¶ with respect to threats of force is significantly shaped by domestic politics and¶ that Congress is institutionally positioned to play a powerful role in influencing those¶ politics, even without exercising its formal legislative powers. Given the centrality of¶ threatened force to U.S. foreign policy strategy and security crises, this suggests that the¶ practical war powers situation is not so imbalanced toward the President as many assume. B. Democratic Institutions and the Credibility of Threats A central question among constitutional war powers scholars is whether robust¶ checks – especially congressional ones – on presidential use of force lead to “sound”¶ policy decision-making. Congressionalists typically argue that legislative control over¶ war decisions promotes more thorough deliberation, including more accurate weighing of¶ consequences and gauging of political support of military action.155 Presidentialists¶ usually counter that the executive branch has better information and therefore better¶ ability to discern the dangers of action or inaction, and that quick and decisive military¶ moves are often required to deal with security crises.156 If we are interested in these sorts of functional arguments, then reframing the¶ inquiry to include threatened force prompts critical questions whether such checks also¶ contribute to or detract from effective deterrence and coercive diplomacy and therefore¶ positively or negatively affect the likelihood of achieving aims without resort to war.¶ Here, recent political science provides some reason for optimism, though the scholarship¶ in this area is neither yet well developed nor conclusive. To be sure, “soundness” of policy with respect to force is heavily laden with¶ normative assumptions about war and the appropriate role for the United States in the¶ broader international security system, so it is difficult to assess the merits and¶ disadvantages of constitutional allocations in the abstract. That said, whatever their¶ specific assumptions about appropriate uses of force in mind, constitutional war powers¶ scholars usually evaluate the policy advantages and dangers of decision-making¶ allocations narrowly in terms of the costs and outcomes of actual military engagements¶ with adversaries. The importance of credibility to strategies of threatened force adds important new¶ dimensions to this debate. On the one hand, one might intuitively expect that robust democratic checks would generally be ill-suited for coercive threats and negotiations –¶ that institutional centralization and secrecy of decision-making might better equip nondemocracies¶ to wield threats of force. As Quincy Wright speculated in 1944, autocracies¶ “can use war efficiently and threats of war even more efficiently” than democracies,157¶ especially the American democracy in which vocal public and congressional opposition¶ may undermine threats.158 Moreover, proponents of democratic checks on war powers¶ usually assume that careful deliberation is a virtue in preventing unnecessary wars, but¶ strategists of deterrence and coercion observe that perceived irrationality is sometimes¶ important in conveying threats: “don’t test me, because I might just be crazy enough to¶ do it!”159 On the other hand, some political scientists have recently called into question this¶ view and concluded that the institutionalization of political contestation and some¶ diffusion of decision-making power in democracies of the kind described in the previous¶ section make threats to use force rare but especially credible and effective in resolving¶ international crises without actual resort to armed conflict. In other words, recent¶ arguments in effect turn some old claims about the strategic disabilities of democracies¶ on their heads: whereas it used to be generally thought that democracies were ineffective¶ in wielding threats because they are poor at keeping secrets and their decision-making is¶ constrained by internal political pressures, a current wave of political science accepts this¶ basic description but argues that these democratic features are really strategic virtues.160 Rationalist models of crisis bargaining between states assume that because war is¶ risky and costly, states will be better off if they can resolve their disputes through¶ bargaining rather than by enduring the costs and uncertainties of armed conflict.161¶ Effective bargaining during such disputes – that which resolves the crisis without a resort¶ to force – depends largely on states’ perceptions of their adversary’s capacity to wage an¶ effective military campaign and its willingness to resort to force to obtain a favorable¶ outcome. A state targeted with a threat of force, for example, will be less willing to resist¶ the adversary’s demands if it believes that the adversary intends to wage and is capable of¶ waging an effective military campaign to achieve its ends. In other words, if a state¶ perceives that the threat from the adversary is credible, that state has less incentive to¶ resist such demands if doing so will escalate into armed conflict. The accuracy of such perceptions, however, is often compromised by¶ informational asymmetries that arise from private information about an adversary’s¶ relative military capabilities and resolve that prevents other states from correctly¶ assessing another states’ intentions, as well as by the incentives states have to¶ misrepresent their willingness to fight – that is, to bluff.162 Informational asymmetries¶ increase the potential for misperception and thereby make war more likely; war,¶ consequentially, can be thought of in these cases as a “bargaining failure.”163 Some political scientists have argued in recent decades – contrary to previously common wisdom – that features and constraints of democracies make them better suited than non-democracies to credibly signal their resolve when they threaten force. To bolster their bargaining position, states will seek to generate credible signals of their resolve by taking actions that can enhance the credibility of such threats, such as mobilizing military forces or making “hand-tying” commitments from which leaders cannot back down without suffering considerable political costs domestically.164 These domestic audience costs, according to some political scientists, are especially high for leaders in democratic states, where they may bear these costs at the polls.165 Given the potentially high domestic political and electoral repercussions democratic leaders face from backing down from a public threat, they have considerable incentives to refrain from bluffing. An adversary that understands these political vulnerabilities is thereby more likely to perceive the threats a democratic leader does issue as highly credible, in turn making it more likely that the adversary will yield.166 Other scholars have recently pointed to the special role of legislative bodies in signaling with regard to threatened force. This is especially interesting from the perspective of constitutional powers debates, because it posits a distinct role for Congress – and, again, one that does not necessarily rely on Congress’s ability to pass binding legislation that formally confines the President. Kenneth Schultz, for instance, argues that the open nature of competition within democratic societies ensures that the interplay of opposing parties in legislative bodies over the use of force is observable not just to their domestic publics but to foreign actors; this inherent transparency within democracies – magnified by legislative processes – provides more information to adversaries regarding the unity of domestic opponents around a government’s military and foreign policy decisions.167 Political opposition parties can undermine the credibility of some threats by the President to use force if they publicly voice their opposition in committee hearings, public statements, or through other institutional mechanisms. Furthermore, legislative processes – such as debates and hearings – make it difficult to conceal or misrepresent preferences about war and peace. Faced with such institutional constraints, Presidents will incline to be more selective about making such threats and avoid being undermined in that way.168 This restraining effect on the ability of governments to issue threats simultaneously makes those threats that the government issues more credible, if an observer assumes that the President would not be issuing it if he anticipated strong political opposition. Especially when members of the opposition party publicly support an executive’s threat to use force during a crisis, their visible support lends additional credibility to the government’s threat by demonstrating that political conditions domestically favor the use of force should it be necessary.169 In some cases, Congress may communicate greater willingness than the president to use force, for instance through non-binding resolutions.170 Such powerful signals of resolve should in theory make adversaries more likely to back down. The credibility-enhancing effects of legislative constraints on threats are subject to dispute. Some studies question the assumptions underpinning theories of audience costs – specifically the idea that democratic leaders suffer domestic political costs to failing to make good on their threats, and therefore that their threats are especially credible171 – and others question whether the empirical data supports claims that democracies have credibility advantages in making threats.172 Other scholars dispute the likelihood that leaders will really be punished politically for backing down, especially if the threat was not explicit and unambiguous or if they have good policy reasons for doing so.173 Additionally, even if transparency in democratic institutions allows domestic dissent from threats of force to be visible to foreign audiences, it is not clear that adversaries would interpret these mechanisms as political scientists expect in their models of strategic interaction, in light of various common problems of misperception in international relations.174 These disputes are not just between competing theoretical models but also over the links between any of the models and real-world political behavior by states. At this point there remains a dearth of good historical evidence as to how foreign leaders interpret political maneuvers within Congress regarding threatened force. Nevertheless, at the very least, strands of recent political science scholarship cast significant doubt on the intuition that democratic checks are inherently disadvantageous to strategies of threatened force. Quite the contrary, they suggest that legislative checks – or, indeed, even the signaling functions that Congress is institutionally situated to play with respect to foreign audiences interpreting U.S. government moves – can be harnessed in some circumstances to support such strategies. C. Legal Reform and Strategies of Threatened Force Among legal scholars of war powers, the ultimate prescriptive question is whether the President should be constrained more formally and strongly than he currently is by legislative checks, especially a more robust and effective mandatory requirement of congressional authorization to use force. Calls for reform usually take the form of narrowing and better enforcement (by all three branches of government) of purported constitutional requirements for congressional authorization of presidential uses of force or revising and enforcing the War Powers Resolutions or other framework legislation requiring express congressional authorization for such actions.175

[CONTINUED]

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As applied to strategies of threatened force, generally under these proposals the President would lack authority to make good on them unilaterally (except in whatever narrow circumstances for which he retains his own unilateral authority, such as deterring imminent attacks on the United States). Whereas legal scholars are consumed with the internal effects of war powers law, such as whether and when it constrains U.S. government decision-making, the analysis contained in the previous section shifts attention externally to whether and when U.S. law might influence decision-making by adversaries, allies, and other international actors. In prescriptive terms, if the President’s power to use force is linked to his ability to threaten it effectively, then any consideration of war powers reform on policy outcomes and longterm interests should include the important secondary effects on deterrent and coercive strategies – and how U.S. legal doctrine is perceived and understood abroad.176 Would stronger requirements for congressional authorization to use force reduce a president’s opportunities for bluffing, and if so would this improve U.S. coercive diplomacy by making ensuing threats more credible? Or would it undermine diplomacy by taking some threats off the table as viable policy options? Would stronger formal legislative powers with respect to force have significant marginal effects on the signaling effects of dissent within Congress, beyond those effects already resulting from open political discourse? These are difficult questions, but the analysis and evidence above helps generate some initial hypotheses and avenues for further research and analysis. One might ask at this point why, though, having exposed as a hole in war powers legal discourse the tendency to overlook threatened force, this Article does not take up whether Congress should assert some direct legislative control of threats – perhaps statutorily limiting the President’s authority to make them or establishing procedural conditions like presidential reporting requirements to Congress. This Article puts such a notion aside for several reasons. First, for reasons alluded to briefly above, such limits would be very constitutionally suspect and difficult to enforce.177 Second, even the most ardent war-power congressionalists do not contemplate such direct limits on the President’s power to threaten; they are not a realistic option for reform. Instead, this Article focuses on the more plausible – and much more discussed – possibility of strengthening Congress’s power over the ultimate decision whether to use force, but augments the usual debate over that question with appreciation for the importance of credible threats. A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued: In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the *most* important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179 In his veto statement on the War Powers Resolution, President Nixon echoed these concerns, arguing that the law would undermine the credibility of U.S. deterrent and coercive threats in the eyes of both adversaries and allies – they would know that presidential authority to use force would expire after 60 days, so absent strong congressional support they could assume U.S. withdrawal at that point.180 In short, those who oppose tying the president’s hands with mandatory congressional authorization requirements to use force sometimes argue that doing so incidentally and dangerously ties his hands in threatening it. A critical assumption here is that presidential flexibility, preserved in legal doctrine, enhances the credibility of presidential threats to escalate.

#### Korean war goes nuclear

STRATFOR ‘10 (International Think Tank, “North Korea, South Korea: The Military Balance on the Peninsula,” http://www.stratfor.com/analysis/20100526\_north\_korea\_south\_korea\_military\_balance\_peninsula, May 26, 2010)

So the real issue is the potential for escalation — or an accident that could precipitate escalation — that would be beyond the control of Pyongyang or Seoul. With both sides on high alert, both adhering to their own national (and contradictory) definitions of where disputed boundaries lie and with rules of engagement loosened, the potential for sudden and rapid escalation is quite real. Indeed, North Korea’s navy, though sizable on paper, is largely a hollow shell of old, laid-up vessels. What remains are small fast attack craft and submarines — mostly Sang-O “Shark” class boats and midget submersibles. These vessels are best employed in the cluttered littoral environment to bring asymmetric tactics to bear — not unlike those Iran has prepared for use in the Strait of Hormuz. These kinds of vessels and tactics — including, especially, the deployment of naval mines — are poorly controlled when dispersed in a crisis and are often impossible to recall. For nearly 40 years, tensions on the Korean Peninsula were managed within the context of the wider Cold War. During that time it was feared that a second Korean War could all too easily escalate into and a thermonuclear World War III, so both Pyongyang and Seoul were being heavily managed from their respective corners. In fact, USFK was long designed to ensure that South Korea could not independently provoke that war and drag the Americans into it, which for much of the Cold War period was of far greater concern to Washington than North Korea attacking southward. Today, those constraints no longer exist. There are certainly still constraints — neither the United States nor China wants war on the peninsula. But current tensions are quickly escalating to a level unprecedented in the post-Cold War period, and the constraints that do exist have never been tested in the way they might be if the situation escalates much further.

### 1nc

#### Unemployment will pass pass – will get the votes

**Mimms 2/7** <Sarah, staff correspondent for National Journal Daily, covering Congress. Previously at National Journal, she served as senior analyst for the Hotline, where she covered federal and gubernatorial campaigns in the South. She joined National Journal in August 2010 and went on to cover the intersection of politics and the media during the 2012 elections for the Hotline, while writing a daily tipsheet on national politics and campaigns. Mimms attended Georgetown University, where she spent a year interning for the Washington Post, covering local issues and contributing to the Express magazine, “Why Democrats Will Win on Unemployment Insurance” February 7, 2014. <http://www.nationaljournal.com/congress/why-democrats-will-win-on-unemployment-insurance-20140207>>

For the fifth time this year, Senate Majority Leader Harry Reid brought an unemployment-insurance extension to the floor on Thursday, even though several members of his party admitted that they didn't have the votes to pass it.¶ They came close. But more important for Democratic campaign operatives across the country, they once again got Republicans on the record opposing assistance for the long-term unemployed.¶ Although Democrats have been crowing about the importance of passing an extension since the benefits expired on Dec. 28, the party has been hesitant to make concessions to Republicans to acquire more of their votes.¶ That is not to say that Democrats hope the legislation fails. Passing an unemployment-insurance extension would be great news for their party—and the 1.6 million Americans now living without support. Think of it as a win-win situation.¶ The party is facing little pressure to cave to Republicans, who are asking Democrats to pay for the extension for only the second time in the program's history. Instead, as each week passes, Democrats seem to be getting closer to the 60 votes they'll need to pass the extension—they reached 59 (not counting Reid's procedural switch) for the first time during a vote on Thursday—and Democrats are hopeful that if they hold out a little longer, they'll get the votes.¶ But more significant, as they prepare for an election in which they plan to run on income inequality and improving the middle class, the more times Republicans vote against an extension of popular benefits for unemployed individuals, or the House refuses to take up the issue, the better.¶ The Democratic Congressional Campaign Committee on Wednesday blasted out a CBS News polls showing that 65 percent of Americans—and, importantly, an equal number of independents—support extending unemployment insurance benefits.¶ With Republicans voting against the issue or avoiding it altogether, while simultaneously "spending a full day debating new restrictions to women's health," one national Democratic operative said, that fits in well with the party's broader electoral message.¶ National Democratic strategists are already messaging on the unemployment issue in key races across the country, setting up an even larger fight over what the operative termed "middle-class security"—that will include raising the minimum wage and other issues—in the fall.¶ Reid offered a preview of the Democratic messaging on the issue Thursday, telling the story of a 57-year-old woman from Nevada who has been forced to couch-surf while she looks for a job.¶ "[She has] worked from the time she was 18 years old. She's lost her job; she can't find a job. She's a long-term unemployed [person].… She sold everything she has except her clunker of a car, all her personal things. She did that so, madam president, she could buy gas in case she gets an interview. People are just like this in every state. Our job is to do right by them. All we need is one more Republican vote to step up, do the right thing, and cross the aisle," Reid said on the Senate floor.¶ He told that same story three separate times on Thursday, an indication of just how heavily Democrats plan to push that personal messaging this year.¶ Republicans argue that they don't oppose unemployment insurance in general and are trying to find a path forward. They blame Reid for refusing to compromise. Their objections are twofold. First, it must be paid for. But, second, Senate Republicans want to have a chance at an open amendment process.

#### Obama’s capital is key to votes

The Hill 2/3/14 (Justin Sink Amie arnes and Mike Lillis, "High Anxiety for Obama and Democrats")

A House Democratic leadership aide said in their meeting with the president, lawmakers will emphasize how they can coordinate their policy agendas.¶ “It’s not a political meeting,” the aide said.¶ Still, the aide acknowledged that the Democrats will need to apply intense public pressure on Speaker John Boehner (R-Ohio) and other GOP leaders if they want the Republicans to move on the minimum wage, unemployment benefits, immigration reform and other Democratic priorities this year. Leaders hope those issues won’t just motivate their base to come out during an off-year, but could woo independent voters, too. ¶ Part of that push will come from Obama using the bully pulpit — “The president’s doing a good job of that already,” the aide said — and Senate Democrats will also play a role by staging votes on unemployment insurance, the minimum wage and likely taking the lead on legislation to raise the debt ceiling this month.¶ House Democrats were pleased with the tone and content of Obama’s speech, the aide added, and will be looking for a continuation of the same themes Tuesday during their meeting.

#### **Plan destroys Obama**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Unemployment legislation key to economic recovery

**Harkin 2/5** <Tim, Senate HELP Committee & the Appropriations Subcommittee on Health, Education, Labor, “Extending unemployment benefits will help many” January 5, 2014. <http://www.press-citizen.com/article/D5/20140206/OPINION02/302060012/Extending-unemployment-benefits-will-help-many>>

For too many workers, that is the reality in our country today. The economy is improving, yet long-term unemployment continues to threaten that recovery. For every available job, there are currently three job seekers. About 4 million workers have been looking for a new job for at least six months.¶ Unemployment insurance helps struggling families and provides a major, immediate boost to the economy. Unemployed households spend these dollars on immediate needs such as paying the rent, buying groceries and school supplies, or repairing the family car — all economic activities that quickly inject dollars into our communities, helping businesses to keep up sales as the economy continues to recover.

#### nuclear war

Merlini 11

[Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? DOI: 10.1080/00396338.2011.571015 Article Requests: Order Reprints : Request Permissions Published in: journal Survival, Volume 53, Issue 2 April 2011 , pages 117 - 130 Publication Frequency: 6 issues per year Download PDF Download PDF (357 KB) View Related Articles To cite this Article: Merlini, Cesare 'A Post-Secular World?', Survival, 53:2, 117 – 130]

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

## case

### 1NC – Solvency

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

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

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

#### Doesn’t solve accountability -

VLADECK 2013 Prof of Law and Associate Dean for Scholarship, American U (Stephen, "Drones and the WAr on Terror: When can the US Target Alleged American Terrorists Overseas")

Of course, damages actions aren’t a perfect solution here. It’s obvious, but should be said anyway, that in a case in which the government does act unlawfully, no amount of damages will make the victim (or his heirs) whole. It’s also inevitable that, like much of the Guantánamo litigation, most of these suits would be resolved under extraordinary secrecy, and so there would be far less public accountability for targeted killings than, ideally, we might want. Some might also object to this proposal as being unnecessary—that, given existing criminal laws and executive orders, there is already a sufficiently clear prohibition on unlawful strikes to render any such damages regime unnecessarily superfluous.

At least as to this last objection, it bears emphasizing that the existing laws depend entirely upon the beneficence of the Executive Branch, since they assume ¶ both that the government will (1) willfully disclose details rather than cover them up; and (2) prosecute its own in cases in which they cross the line. Given both prior practice and unconfirmed contemporary reports of targeted killing operations that appear to raise serious legality issues, such as “signature strikes,” it doesn’t seem too much of a stretch to doubt that these remedies will prove sufficient.

#### That causes rubber-stamping

FOUST 2013 - Fellow at the American Security Project, senior intelligence analyst for the U.S. military, a civilian adviser to the U.S. military in Afghanistan, a political analyst for the Defense Intelligence Agency in Yemen, and the in-house futurist for the U.S. Army’s Intelligence and Security Command, contributor to The Atlantic, and has written for the New York Times, Salon, Reuters, the Christian Science Monitor, World Politics Review and the Columbia Journalism Review (Joshua, "Dim Prospects for Drone Accountability")

The only feasible effectiveness of this court would be for its review of strike already struck, therefore judging their merits latterly. As American University law professor [Steve Vladeck](http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/) explained in a recent post on [Lawfare,](http://www.lawfareblog.com/) a workable system for reviewing potential strikes is legally and practically impossible.¶ Judging strikes after the fact, like a tribunal, poses serious problems, as well. Because the government’s case for targeted killings is based on an imminent threat, the court would potentially be predisposed to side with the government. Vladeck says such a system “would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons.”

#### It doesn’t get around intelligence problems

Foust 2/14/13 (Joshua, Analyst Who Writes About International Security and Intelligence, "Dim Prospects for Drone Accountability")

Still, the idea of a new structure to manage accountability is the most appealing. From what the public has seen, the government’s legal justifications for targeted killings — including the assumption that they will continue indefinitely — is certainly unique. Maybe that warrants some new structure for holding the program accountable: an independent investigator or a new type of court.¶ Of course, all the questions surrounding the accountability of drone strikes rest on the assumption the program will be declassified to a degree sufficient for outside review. Unfortunately, drone strikes have arisen out of an intelligence community that is unbalanced and struggling to cope with the complex challenges of the world today. Maybe by reforming that community first, the answer of how to hold it accountable will become more clear.

### Norms

#### Drone prolif doesn’t escalate or cause terrorism

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

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.¶ Non-state actors, on the other hand, have even more **reasons to steer clear** of drones:¶ – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue.¶ – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose.¶ – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face.¶ – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts.¶ In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### (blue) Chinese can effectively use soft power now, which is uniquely effective- US model fails

**Hölkemeyer 12-6**-13 [Patricia Rodríguez Hölkemeyer, research professor and deputy director of the School of Political Science at the University of Costa Rica, Honorary Member of the Academy Research Center of Central Private, “China's forthcoming soft power as a natural result of international events,” <http://www.china.org.cn/china/Chinese_dream_dialogue/2013-12/06/content_30822607.htm>]

On the other side, Deng'saphorism that China should never strive to attain global hegemony has been widely respected by its leaders and reformers. Nevertheless, today circumstances have changed. China's ancient thinkers rejected the idea of searching for hegemony through stratagems, and favored instead the accomplishment of what Mencius and Xuzi called humane authority. Nevertheless, at the present moment China does not need to strive for the attainment of a leading role because the present world circumstances are catapulting her to become a world superpower. What are the present world circumstances that have put China in the position to have a say in international affairs without having to strive for hegemony? Why is the Western 'presumptive paradigm' (Rodrik)for development failing contrastingly to the pragmatic and experimental learning paradigm of the Chinese reformers that Joshua Cooper Ramo dubbed the Beijing Consensus? The ex-ante presumption of knowledge, a characteristic of the Western countries and global institutions, very probably will be ceding its place to a Deweyian pragmatic change of paradigm, according to which, even the mere conception of what is the best form of democracy is fallible and contextual. ¶ Very probably, the paradigm of 'arrogance' will be giving place to a paradigm based on what the political scientist, Karl Deutsch, once called 'humility'. Deutsch defined its opposite "arrogance" as the posture of permitting oneself the luxury of not to learn (because it is supposed that one has already learned everything), while he defines 'humility' as the attitude of the political leader who is always open to learning from others. The West has forgotten that the concept of feedback (learning form the other) is the biggest bite to the tree of knowledge that humanity has undertaken in the last two thousand years (Bateson). A new concept of democracy has to take into consideration this advancement as the Chinese reform process has done. Western countries' presumptive frame of mind has been slowly losing momentum. The present circumstances provide a clear indication that one of the most cared institutions, the Western multiparty democracy system, has been losing its ability to learn, and thus, its capacity to offer creative solutions to its own and the world's problems. As a former US Ambassador to China said two years ago, the willingness of Chinese leaders to learn from their errors and adapt to new circumstances "differs sharply from what one encounters in Washington, where there's such concern over our inability to correct the problems that are making our political system — in the eyes of many Americans — increasingly dysfunctional."¶ The US has to enhance its learning capacity if it wants to lead in world affairs in cooperation with the newly emerging superpower. The West has to acknowledge that the so called American values are not universal, that harmony implies unity in diversity, that the concept of democracy is fallible and mutable, and that hegemony has to cede to a well gained humane authority, not only abroad but domestically.¶ Since W. W. II, the US attained the soft power that China lacked. Nevertheless, the US insistence in the maintenance of an hegemonic international order applying the smart power (a new concept of Joseph Nye) stratagems, has culminated in the observed failure of the misnamed Arab Spring, even if the application of smart power (instigation through political activism, and the posterior use of military power if necessary) was partially successful in the so called Color Revolutions (Rodríguez-Hölkemeyer, 2013).¶ Given the present circumstances (as the effects of 9/11, the global financial crisis, the formation of the G20, the global rejection of US espionage stratagems, the failure of the Pivot to the East policy due to the attention the US had to devote to the failed Arab Spring, to an ailing Europe, and to its own domestic financial and political problems) China's possibilities to acquire soft power and to exert its positive influence way the international governing institutions and in international relations, are now real. The world needs a new international relations paradigm, other than the Western style democracy promotion policy through political activism (see the book of the present US Ambassador to Russia, Michael McFaul, Advancing Democracy Abroad)orchestrated by organized minorities (NGOs) who want to impose the so called 'American values' in countries with different historical paths, culture and aspirations. The new paradigm will have to be founded in ethics, wisdom, cooperation, confidence-building, and on the recognition that knowledge is fallible and hypothetical, and that with globalization world circumstances and interactions are prone to change. This new paradigm has already been successfully tested in the 35 years of China's own economic and institutional reform process and diplomatic practice. This adaptive and learning-prone attitude of the Chinese leaders, even to the point of adapting (not adopting) western suggestions and institutions when necessary, is the underlying cause of the success of the admirable and unique Chinese development path. As Mencius and Xuzi's observations suggest that a country cannot exert international influence if its own house is not in order.¶ In sum, the present article states that now China possesses a substantive experiential wisdom to start a very productive dialogue with the World. Especially in a moment when it is beginning to be clear to many in the World, that to strive for maintaining a hegemonic world order (Mearsheimer) by means of dubious stratagemsis --according to Lao Tzu thought—the kind of response when intentions are going against the natural course of events.

#### US influence trades off with China’s- competing narratives

**Dynon ’13** [Nicholas, PhD candidate at Macquarie University and is coordinator of the Line 21 project, an online resource on Chinese public diplomacy, has served diplomatic postings in Shanghai, Beijing and the Fiji Islands, worked in Australia’s Parliament House as a departmental liaison officer to the Immigration Minister, holds postgraduate degrees from the ANU and the University of Sydney, “Soft Power: A U.S.-China Battleground?” June 19, <http://thediplomat.com/2013/06/soft-power-a-u-s-china-battleground/>]

Strip away the ostensibly benign surface of public diplomacy, cultural exchanges and language instruction, and it becomes clear that the U.S. and China are engaged in a soft power conflagration – a protracted cultural cold war. On one side bristles incumbent Western values hegemon, the U.S. On the other is China, one of the non-Western civilizations that Samuel Huntington noted back in 1993 “increasingly have the desire, the will and the resources to shape the world in non-Western ways.”¶ But to shape the world in non-Western ways means engaging in a soft power battlespace against an incumbent who already holds the high ground. Liu comments that in regions deeply influenced by Western cultures, political systems and values, the “latecomer” China is considered a “dissident force." Under such circumstances, “it is rather difficult for China to attract Western countries with its own political and cultural charisma, let alone to replace their positions.”¶ According to this and similar viewpoints, China’s difficulty in projecting soft power across the world is in part due to the way the U.S. leverages its own soft power. Wu Jianmin, the former president of China’s Foreign Affairs University, puts the point well when explaining that U.S. soft power is driven by the imperative of “maintaining US hegemony in changing the world, of letting the world listen to the United States.”¶ Thus, the state of global post-colonial, post-communist ideational hegemony is such that large swathes of the earth’s population see the world through lenses supplied by the West. Through these lenses, perceptions of China are dominated by such concepts as the “China threat theory,” which portrays China as a malevolent superpower upstart.¶ But it’s actually inside China’s borders where the soft power struggle between China and the U.S. is most prominent.¶ Official pronouncements from Chinese leaders have long played up the notion that Western culture is an aggressive threat to China’s own cultural sovereignty. It has thus taken myriad internal measures to ensure the country’s post-Mao reforms remain an exercise in modernization without “westernization.” Since the 1990s, for example, ideological doctrine has been increasingly infused with a new cultural nationalism, and the Party’s previously archaic propaganda system has been massively overhauled and working harder than ever.¶ Especially after the June 4th crackdown and the collapse of the Soviet Union, China’s leaders under Jiang Zemin began addressing the cultural battlespace with renewed vigor. Resolutions launched in 1996 called for the Party to “carry forward the cream of our traditional culture, prevent and eliminate the spread of cultural garbage, [and] resist the conspiracy by hostile forces to ‘Westernize’ and ‘split’ our country….” Hu Jintao trumpeted the same theme in early 2012 when he warned that international hostile forces are intensifying the strategic plot of Westernising and dividing China … Ideological and cultural fields are the focal areas of their long-term infiltration.”

#### Chinese soft power restrains aggression- solves regional stability

**Huang ’13** [Chin-Hao Huang, Ph.D. Candidate and a Russell Endowed Fellow in the Political Science and International Relations (POIR) Program at the University of Southern California (USC). Until 2009, he was a researcher at the Stockholm International Peace Research Institute (SIPRI) in Sweden. He specializes in international security and comparative politics, especially with regard to China and Asia, and he has testified before the Congressional U.S.-China Economic and Security Review Commission on Chinese foreign and security policy, “China’s Soft Power in East Asia,” <http://dornsife.usc.edu/assets/sites/451/docs/Huang_FINAL_China_Soft_Power_and_Status.pdf>]

China’s authoritarian regime is thus the biggest obstacle to its efforts to construct and project soft ¶ power. At the same time, if the government decides to take a different tack—a more constructive ¶ approach that embraces multilateralism—**Chinese soft power could be a positive force multiplier that contributes to peace and stability in the region**. A widely read and cited article published in ¶ Liaowang, a leading CCP publication on foreign affairs, reveals that there are prospects for China being socialized into a less disruptive power that complies with regional and global norms: ¶ Compared with past practices, China’s diplomacy has indeed displayed a new face. If China’s diplomacy before the 1980s stressed safeguarding of national ¶ security, and its emphasis from the 1980s to early this century is on the creation ¶ of an excellent environment for economic development, then the focus at ¶ present is to take a more active part in international affairs and play the role that a responsible power should on the basis of satisfying the security and ¶ development interests.47 The newly minted leadership in Beijing provides China with an opportunity to reset its soft-power approach and the direction of its foreign policy more generally. If the new leadership pursues a ¶ different course, Washington should seize on this opportunity to craft an effective response to ¶ better manage U.S.-China relations and provide for greater stability in the Asia-Pacific region. For example, strengthening regional alliances and existing security and economic architectures could help restrain China’s more bellicose tendencies. At the same time, Washington should be cognizant of the frustrations that are bound to occur in bilateral relations if Beijing continues to define national interest in narrow, self-interested terms. The U.S. should engage more deeply with regional partners to persuade and incentivize China to take on a responsible great-power role commensurate with regional expectations.¶ • The U.S. pivot to the region could be further complemented with an increase in soft-power promotion, including increasing the level of support for Fulbright and other educational exchanges that forge closer professional and interpersonal ties between the U.S. and the Asia-Pacific. Washington should also encourage philanthropy, development assistance, and intellectual engagement by think tanks and civil society organizations that address issues such as public health and facilitate capacity-building projects. China’s rising economic, political, and military power is the most geopolitically significant¶ development of this century. Yet while the breadth of China’s growing power is widely¶ understood, a fulsome understanding of the dynamics of this rise requires a more¶ systematic assessment of the depth of China’s power. Specifically, the strategic, economic,¶ and political implications of China’s soft-power efforts in the region require in-depth analysis.¶ The concept of “soft power” was originally developed by Harvard University professor Joseph Nye¶ to describe the ability of a state to attract and co-opt rather than to coerce, use force, or give money¶ as a means of persuasion.1 The term is now widely used by analysts and statesmen. As originally¶ defined by Nye, soft power involves the ability of an actor to set agendas and attract support on the¶ basis of its values, culture, policies, and institutions. In this sense, he considers soft power to often¶ be beyond the control of the state, and generally includes nonmilitary tools of national power—such¶ as diplomacy and state-led economic development programs—as examples of hard power.¶ Partially due to the obvious pull of China’s economic might, several analysts have broadened Nye’s¶ original definition of soft power to include, as Joshua Kurlantzick observes, “anything outside the¶ military and security realm, including not only popular culture and public diplomacy but also more¶ coercive economic and diplomatic levers like aid and investment and participation in multilateral¶ organizations.”2 This broader definition of soft power has been exhaustively discussed in China¶ as an element of a nation’s “comprehensive national power” (zonghe guoli), and some Chinese¶ commentators argue that it is an area where the People’s Republic of China (PRC) may enjoy some¶ advantages vis-à-vis the United States. These strategists advocate spreading appreciation of Chinese¶ culture and values through educational and exchange programs such as the Confucius Institutes.¶ This approach would draw on the attractiveness of China’s developmental model and assistance¶ programs (including economic aid and investment) in order to assuage neighboring countries’¶ concerns about China’s growing hard power.3 China’s soft-power efforts in East Asia—enabled by its active use of coercive economic and social¶ levers such as aid, investment, and public diplomacy—have already accrued numerous benefits for the PRC. Some view the failure of the United States to provide immediate assistance to East and¶ Southeast Asian states during the 1997 Asian financial crisis and China’s widely publicized refusal¶ to devalue its currency at the time (which would have forced other Asian states to follow suit) as a turning point, causing some in Asia to question which great power was more reliable.4 China also uses economic aid, and the withdrawal thereof, as a tool of national power, as seen in China’s considerable aid efforts in Southeast Asia, as well as in its suspension of $200 million in aid to¶ Vietnam in 2006 after Hanoi invited Taiwan to attend that year’s Asia-Pacific Economic Cooperation¶ (APEC) summit.5

#### This is an external nuclear war impact from the 1AC- draws in the US

**Eland 12-10**-13 [Ivan Eland,PhD in Public Policy from George Washington University, Senior Fellow and Director of the Center on Peace & Liberty at The Independent Institute, has been Director of Defense Policy Studies at the Cato Institute, and he spent 15 years working for Congress on national security issues, including Principal Defense Analyst at the Congressional Budget Office, has served as Evaluator-in-Charge for the U.S. General Accounting Office, “Stay Out of Petty Island Disputes in East Asia,” <http://www.huffingtonpost.com/ivan-eland/stay-out-of-petty-island-_b_4414811.html>]

One of the most dangerous international disputes that the United States could get dragged into has little importance to U.S. security -- the disputes nations have over small islands (some really rocks rising out of the sea) in East Asia. Although any war over these islands would rank right up there with the absurd Falkland Islands war of 1982 between Britain and Argentina over remote, windswept sheep pastures near Antarctica, any conflict in East Asia always has the potential to escalate to nuclear war. And unlike the Falklands war, the United States might be right in the atomic crosshairs.¶ Of the two antagonists in the Falklands War, only Britain had nuclear weapons, thus limiting the possibility of nuclear escalation. And although it is true that of the more numerous East Asian contenders, only China has such weapons, the United States has formal alliance commitments to defend three of the countries in competition with China over the islands -- the Philippines, Japan, and South Korea -- and an informal alliance with Taiwan. Unbeknownst to most Americans, those outdated alliances left over from the Cold War implicitly still commit the United States to sacrifice Seattle or Los Angeles to save Manila, Tokyo, Seoul, or Taipei, should one of these countries get into a shooting war with China. Though a questionable tradeoff even during the Cold War, it is even less so today. The "security" for America in this implicit pledge has always rested on avoiding a faraway war in the first place using a tenuous nuclear deterrent against China or any other potentially aggressive power. The deterrent is tenuous, because friends and foes alike might wonder what rational set of U.S. leaders would make this ridiculously bad tradeoff if all else failed. ¶ Of course these East Asian nations are not quarreling because the islands or stone outcroppings are intrinsically valuable, but because primarily they, depending on the particular dispute involved, are in waters that have natural riches -- fisheries or oil or gas resources. ¶ In one dispute, the Senkaku or Diaoyu dispute -- depending on whether the Japanese or Chinese are describing it, respectively -- the United States just interjected itself, in response to the Chinese expansion of its air defense zone over the islands, by flying B-52 bombers through this air space to support its ally Japan. The United States is now taking the nonsensical position that it is neutral in the island kerfuffle, even though it took this bold action and pledged to defend Japan if a war ensues. Predictably and understandably, China believes that the United States has chosen sides in the quarrel.¶ Then to match China, South Korea extended its own air defense zone -- so that it now overlaps that of both China and Japan. But that said, as a legacy of World War II, South Korea seems to get along better with China, its largest trading partner, than it does with Japan. Also, South Korea and Japan have a dispute over the Dokdo or Takeshima Islands, depending on who is describing them, in the Sea of Japan. Because the United States has a formal defense alliance with each of those nations and stations forces in both, which would it support if Japan and South Korea went to war over the dispute? It's anyone's guess.

#### Strong Chinese soft power solves failed states

**Hsiung ’13** [James C. Hsiung, Ph.D. from Columbia University, is Professor of Politics at New York University, where he teaches comparative politics of China and Japan, international relations of Asia, international law, and international governance, “Soft Power, Geoeconomics, & Empathy In China’s New Diplomacy,” <http://aacs.ccny.cuny.edu/2013conference/Papers/Hsiung%20James%20Chieh%202.pdf>]

Most U.S. observers, including the media, usually gloat over the strategic rivalry between the ¶ two countries in the developing world. But, Mitchell maintains that U.S. and Chinese interests ¶ “overlap substantially.” Both countries share a realization that poverty and poor governance ¶ breed instability, crime, and terrorism in the developing countries. Both have an interest in ¶ “empowering developing nations to meet their domestic challenges and in forestalling the ¶ emergence of failed or failing states,” which could be the breeding grounds for terrorism, ¶ infectious diseases, and international crime.57 In full agreement with Mitchell’s assessment, I ¶ would add two comments of my own. One, I know for a fact that China, as Mitchell suggests, ¶ does show a keen awareness of the danger posed by failed states to international peace and security, and, moreover, to human rights. A case in point is in regard to Somalia, where for two ¶ decades there has been no central government. Under conditions of this domestic anarchy, ¶ warlords have taken over; and the ceaseless in-fights have created chaos, misery, and ¶ massacres of helpless civilians. In U.N. discussions of the right of the world community to ¶ intervene in failed states like Somalia, China is known generally in support of the right of ¶ humanitarian intervention, known as the R2P (for “right to protect”), but at the same time it ¶ has urged that the state’s capability of protecting the people (and human rights) be ¶ strengthened, by installing, in the Somalia case, an effective central government.58 Conceivably, ¶ China could have done more to help the developing nations, especially in failing states, if its ¶ attention were not distracted by what it perceives as a soft-power denial problem that it must ¶ contend with.

#### Failed states cause extinction- triggers every impact

**Brown ‘09** [Lester R, President of the Earth Policy Institute, MA in agricultural economics from the University of Maryland, founder of the Worldwatch Institute, former international analyst at the USDA Foreign Agricultural Service, was appointed Administrator of the department's International Agricultural Development Service, “Could Food Shortages Bring Down Civilization?” May, http://biomass.age.uiuc.edu/images/c/cd/FoodShortageBrown.pdf]

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 [Purchase the digital edition to see related sidebar]. Many of their problems 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.¶ A New Kind of Food Shortage¶ The surge in world grain prices in 2007 and 2008 - and the threat they pose to food security - has a different, more troubling quality than the increases of the past. During the second half of the 20th century, grain prices rose dramatically several times. In 1972, for instance, the Soviets, recognizing their poor harvest early, quietly cornered the world wheat market. As a result, wheat prices elsewhere more than doubled, pulling rice and corn prices up with them. But this and other price shocks were event-driven - drought in the Soviet Union, a monsoon failure in India, crop-shrinking heat in the U.S. Corn Belt. And the rises were short-lived: prices typically returned to normal with the next harvest.¶ In contrast, the recent surge in world grain prices is trend-driven, making it unlikely to reverse without a reversal in the trends themselves. On the demand side, those trends include the ongoing addition of more than 70 million people a year; a growing number of people wanting to move up the food chain to consume highly grain-intensive livestock products [see "The Greenhouse Hamburger," by Nathan Fiala; Scientific American, February 2009]; and the massive diversion of U.S. grain to ethanol-fuel distilleries.

### Accountability

#### US-Saudi relations are high now – counter terrorism cooperation is critical to the alliance

Riedel 8/21/13 (Bruce, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, Brookings Institution, "US and Saudis Share Needs If Not Values")

America's alliance with Saudi Arabia began with F.D.R. in 1945, and for almost 70 years the kingdom has been our most reliable ally in the Muslim world. It has fought the Soviets, Saddam, Khomeini and Bin Laden with us while providing critical backing to the Arab-Israeli peace process.¶ With its vast oil resources and command of Mecca, the House of Saud is a formidable ally. But the alliance has always been based on shared threat assessments, not shared values. The King is the world's last absolute monarchy. There is no pretense of democracy or pluralism in the Kingdom.¶ The Saudis have led the counter revolution to the Arab Awakening, occupying Bahrain, controlling change in Yemen and backing the army coup d'etat in Egypt with money and royal approval. The king personally has embraced General Sisi and the crackdown on the Brotherhood. Even in Syria, where Riyadh backs the rebels, they want a Sunni strong man to replace Assad not a democracy.¶ Washington and Riyadh still need each other. Many of our interests still over lap. Saudi assistance helps our allies like Jordan and Morocco.Saudi intelligence was key to foiling the last two al Qaeda plots to attack the American homeland and is critical to the battle in Yemen against the terrorists. Saudi Arabia is also central to keeping pressure on Iran through sanctions by replacing Iranian oil on the market.¶ America has much to lose and little to gain if the Arab revolutions spread to the kingdom itself. So we face the challenge of being the Saudis' ally while we disagree on core values.

#### The plan would crush US-Saudi relations – a hardline stance against AQAP is critical to Saudi legitimacy

Eakin 12 (Hugh, IRP Gatekeeper Editor, May 21 2012 The New York Review, "Saudi Arabia and the New US War in Yemen"

What seems clear is that Saudi Arabia has become a key backer—and at times coordinator—of the accelerating US drone war and special operations offensive in Yemen, partly for its own security interests. Interior Ministry officials in Riyadh speak enthusiastically about the US drone program, and on May 12, drone strikes allegedly killed some eleven AQAP suspects, [two of them Saudi nationals](http://www.voanews.com/content/drones_in_yemen_kill_11_militants/566327.html). (It is worth noting, following the controversial killing of US citizen Anwar al-Awlaki, that Saudi Arabia does not appear to have many qualms about killing its own citizens in Yemen.)¶ Perhaps most important for the Saudi government, a successful counterterrorism policy carries enormous political value amid the upheavals of the Arab Spring. Even more than democratization or regime change in the region, the Saudi rulers seem to fear instability and unpredictability: though they have reluctantly supported the transition of power in Yemen, they are particularly nervous about the kind of extremism that has emerged in neighboring countries like Iraq, Yemen, and now Syria, when uprisings turn into violent conflict or authority breaks down entirely—places where Saudi jihadists have often found new causes. “Syria will be tempting to al-Qaeda,” Abdulrahman Alhadaq, a Saudi counter terrorism official, said in a briefing in Riyadh. “We need to avoid another Iraq.”¶ But Saudi counterterrorism efforts are also an important element in achieving consensus and legitimacy for the Saudi regime itself. Many young Saudis are growing increasingly impatient with their government’s oppressive status quo, and not a little of their ire is directed against the Interior Ministry, which has been blamed for arbitrary arrests of activists and human rights lawyers. Yet many I spoke to also seem to fear the chaos and violence that has engulfed so many of the country’s neighbors. In the early 2000s, when the Saudi government sponsored national dialogues to bring together activists, reformers, conservatives, and Islamists from across the ideological spectrum to suggest avenues of change, the country’s counterterrorism approach was one issue on which there was near universal agreement. (Participants in one of these dialogues explicitly endorsed a strategy of repentence and reconciliation for extremists.)¶ Turning Saudi Arabia into the US’s indispensable ally in Yemen—while making Yemen the central conflict in the US-led war against terrorism—has considerable strategic value for Crown Prince Nayef, who was named the heir apparent to King Abdullah last fall. As US-Saudi collaboration on security and counterterrorism has increased, the regime has largely avoided US pressure on human rights and domestic reforms. And while it keeps the terror threat at bay, at least within its own borders, the Interior Ministry can hold up Yemen as the example of what might happen at home if its broad powers were curbed. Whether that argument will continue to assuage the country’s youth remains an open question.

#### That causes Saudi nuclearization

Rozen ‘11 [Laura, the chief foreign policy reporter for Politico, quoting Patrick Clawson, a Persian Gulf expert at the Washington Institute for Near East Policy and Marc Lynch, a Middle East expert at George Washington University, Arab spring setbacks in the shadow of complicated U.S.-Saudi alliance, 4/18/11, <http://news.yahoo.com/s/yblog_theenvoy/20110418/ts_yblog_theenvoy/optimism-for-arab-spring-fades-in-face-of-complicated-u-s-saudi-alliance>]

**Riyadh, alarmed by** the **Obama** administration's failure to prop up its ally of three decades Egyptian President Hosni Mubarak, **is sending signs of its displeasure and interest in exploring alternative security arrangements**. Last month, former Saudi envoy to Washington now Saudi national security chief Prince **Bandar** **went to Pakistan, ostensibly to discuss the possibility of recruiting Pakistani troops** to help Sunni Gulf allies suppress Bahraini unrest. But some Washington **Middle East analysts interpreted the visit as a signal of possible Saudi interest in exploring being protected by a Pakistani nuclear security umbrella, or acquiring Pakistani nuclear weapons, if Washington doesn't sufficiently assure Riyadh that it will protect it from a nuclear Iran**. "The big problem we face is that at the very least the **Saudis** and [United Arab Emirates] **wonder to what extent we are committed to their most vital interests**," said Patrick Clawson, a Persian Gulf expert at the Washington Institute for Near East Policy. "Prince Bandar's visit to Pakistan is a shot across our bow of what the Saudis may feel is necessary if the U.S. is not providing an effective security guarantee.... The rumors in the region have long been that the Saudis paid a fair chunk of the bill" for Pakistan's nuclear program. "The momentum of the Arab revolutions has stalled, and the old Middle East is reasserting itself," said Marc Lynch, a Middle East expert at George Washington University who frequently consults with the Obama administration. In the current strategic malaise, Lynch said, "the Israelis and Palestinians are saying, 'what about us?' **The 'contain Iran' crowd is saying, 'don't forget about Iran.'" And the Saudis are playing up rising Sunni-Shiite tensions in the region, which "gives them an excuse," he added, to push their contain-Iran agenda, as well as to "equate Iranian subversion for use against their own Shia population**. Any time Saudi Shia make demands for political rights, they are accused of being Iranian agents."

#### Causes nuclear war and turns terrorism

Edelman ‘11 [Fellow at the Center for Strategic and Budgetary Assessments. Former Undersecretary for Defense—AND—Andrew Krepinevich—President of the Center for Strategic and Budgetary Assessments—AND—Evan Montgomery—Research Fellow at the Center for Strategic and Budgetary Assessments (Eric, The dangers of a nuclear Iran, FA 90;1, <http://www.csbaonline.org/wp-content/uploads/2010/12/2010.12.27-The-Dangers-of-a-Nuclear-Iran.pdf>]

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen CSS-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the CSS-2S, which are not accurate enough to deliver conventional warheads effectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the NPT since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT. N-PLAYER COMPETITION Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.-Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multi-polar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarine-based nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to "launch on warning" of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war. Most existing nuclear powers have taken steps to protect their nuclear weapons from unauthorized use: from closely screening key personnel to developing technical safety measures, such as permissive action links, which require special codes before the weapons can be armed. Yet there is no guarantee that emerging nuclear powers would be willing or able to implement these measures, creating a significant risk that their governments might lose control over the weapons or nuclear material and that nonstate actors could gain access to these items. Some states might seek to mitigate threats to their nuclear arsenals; for instance, they might hide their weapons. In that case, however, a single intelligence compromise could leave their weapons vulnerable to attack or theft.

#### Judicial review would result in all targeted killings being ruled unconstitutional---courts would conclude they don’t satisfy the requirement of imminence for use of force in self-defense

Benjamin McKelvey 11, J.D., Vanderbilt University Law School, November 2011, “NOTE: Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, 44 Vand. J. Transnat'l L. 1353

In the alternative, and far more broadly, the DOJ argued that executive authority to conduct targeted killings is constitutionally committed power. n101 Under this interpretation, the President has the authority to defend the nation against imminent threats of attack. n102 This argument is not limited by statutory parameters or congressional authorization, such as that under the AUMF. n103 Rather, the duty to defend the nation is inherent in the President's constitutional powers and is not subject to judicial interference or review. n104

The DOJ is correct in arguing that the President is constitutionally empowered to use military force to protect the nation from imminent attack. n105 As the DOJ noted in its brief in response, the Supreme Court has held that the president has the authority to protect the nation from "imminent attack" and to decide the level of necessary force. n106 The same is true in the international context. Even though Yemen is not a warzone and al-Qaeda is not a state actor, international law accepts the position that countries may respond to specific, imminent threats of harm with lethal force. n107 [\*1367] Under these doctrines of domestic and international law, the use of lethal force against Aulaqi was valid if he presented a concrete, specific, and imminent threat of harm to the United States. n108

Therefore, the President was justified in using lethal force to protect the nation against Aulaqi, or any other American, if that individual presented a concrete threat that satisfied the "imminence" standard. n109 However, the judiciary may, as a matter of law, review the use of military force to ensure that it conforms with the limitations and conditions of statutory and constitional grants of authority. n110 In the context of targeted killing, a federal court could evaluate the targeted killing program to determine whether it satisfies the constitutional standard for the use of defensive force by the Executive Branch. Targeted killing, by its very name, suggests an entirely premeditated and offensive form of military force. n111 Moreover, the overview of the CIA's targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval. n112 While the President has exclusive authority over determining whether a specific situation or individual presents an imminent threat to the nation, the judiciary has the authority to define "imminence" as a legal standard. n113 These [\*1368] are general concepts of law, not political questions, and they are subject to judicial review. n114

Under judicial review, a court would likely determine that targeted killing does not satisfy the imminence standard for the president's authority to use force in defense of the nation. Targeted killing is a premeditated assassination and the culmination of months of intelligence gathering, planning, and coordination. n115 "Imminence" would have no meaning as a standard if it were stretched to encompass such an elaborate and exhaustive process. n116 Similarly, the concept of "defensive" force is eviscerated and useless if it includes entirely premeditated and offensive forms of military action against a perceived threat. n117 Under judicial review, a court could easily and properly determine that targeted killing does not satisfy the imminence standard for the constitutional use of defensive force. n118

#### Aggressive CT to disrupt senior AQ leadership is the key internal link to nuclear terror attacks – need to stop the planning process.

**Montgomery 09** – (2009, Evan Braden, Research Fellow, has published on a range of issues, including alliance politics, nuclear terrorism, military doctrine, and political revolutions, Center for Strategic and Budgetary Assessments, MA in Foreign Affairs, PhD Candidate at UVA, “Nuclear Terrorism: Assessing the Threat, Developing a Response,” http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA506768)

The second major implication addresses the demand side of the threat. Speciﬁcally, a critical component of a broader strategy to prevent a nuclear terrorist attack will involve measures **directed at weakening al Qaeda’s leaders and eliminating** — or at the very least restricting — **their sanctuary in the FATA**. Because obtaining or building a nuclear device and delivering it to a target would be a difﬁcult and expensive operation,89 it is highly likely that any credible plot will originate with al Qaeda’s central leadership, whether its operatives attempt to carry out such an attack on their own or instead ﬁnance, organize, and coordinate the efforts of one or more afﬁliates. By themselves, al Qaeda’s various franchises and especially local extremists would likely ﬁnd an attack of this scale beyond their abilities. In fact, the group’s franchises might not even be tasked to help with such a large and important operation, beyond providing limited logistical support. According to Bruce Hoffman, “high value, ‘spectacular’ attacks are entrusted only to al Qaeda’s professional cadre: the most dedicated, committed, and absolutely reliable elements of the movement.”90 Therefore, **to the extent that its sanctuary in the FATA has allowed al Qaeda’s leadership to regain its strength and plan future operations,** the probability that the group might be able to conduct a catastrophic attack at some point in the future has correspondingly increased.

#### Nuclear terror causes accidental US-Russia nuclear war.

**Barrett et al. 2013** – (6/28, Anthony, PhD, Engineering and Public Policy from Carnegie Mellon University, Director of Research, Global Catastrophic Risk Institute, Fellow in the RAND Stanton Nuclear Security Fellows Program, Seth Baum, PhD, Geography, Pennsylvania State University, Executive Director, GCRI, Research Scientist at the Blue Marble Space Institute of Science, former Visiting Scholar position at the Center for Research on Environmental Decisions at Columbia University, and Kelly Hostetler, Research Assistant, GCRI, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science and Global Security 21(2): 106-133, pre-print, available online)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, **could have globally catastrophic effects** such as severely reducing food production for years,1 potentially leading to collapse of modern civilization worldwide and even the **extinction of humanity**.2 Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.3 (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches.4 )

Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counterattack. However, concerns about the extreme disruptions that a first attack would cause in the other side’s forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack.5

Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced.6 However, it has also been argued that **inadvertent nuclear war between the United States and Russia has continue**d **to present a substantial risk**.7 While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack.8

False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time.9 Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb,10 especially if such an event occurs during a crisis between the United States and Russia.11 A variety of nuclear terrorism scenarios are possible.12 Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States.13 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security.14

It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.-Russian crisis conditions,15 with the Cuban Missile Crisis being a prime historical example. **It is possible that U.S.-Russian relations will significantly deteriorate in the future, increasing nuclear tensions**. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.16

#### AQAP dead- drone strikes effective

Berger & Rowland ’13 (Peter Bergen and Jennifer Rowland, Peter Bergen is CNN's national security analyst, a director at the New America Foundation and the author of "Manhunt: The Ten-Year Search for bin Laden -- From 9/11 to Abbottabad." Jennifer Rowland is a program associate at the New America Foundation, “Al Qaeda in Yemen: On the ropes”, <http://www.cnn.com/2013/07/18/opinion/bergen-al-qaeda-yemen/index.html?hpt=op_t1>, July 18, 2013)

(CNN) -- On Wednesday, al Qaeda's virulent Yemeni affiliate which is known as al Qaeda in the Arabian Peninsula (AQAP) confirmed the death of the group's deputy leader and co-founder, Saeed al-Shihri, in a video message posted to jihadist websites. It was a confirmation of what was long suspected: that Shihri was killed in a U.S. drone strike several months ago. And it also amounted to a concession that the al Qaeda affiliate is under an enormous amount of pressure. In the past three years more than 30 al Qaeda leaders and other senior operatives in Yemen have been killed by U.S. drone strikes, according to a count by the New America Foundation. The militants killed by those drone strikes included Anwar al-Awlaki, the fiery Yemeni-American preacher who served as a key ideologue for the group and has been an inspiration for a wide range of militants living in the West, including the Tsarnaev brothers who are accused of bombing the Boston Marathon in April. Not all of the drone strikes in Yemen have found their targets. New America Foundation's review of reliable media reporting of those strikes found that somewhere between 38 and 71 of the casualties were civilians, which included Awlaki's 16-year-old son. A Yemeni tribal leader close to AQAP says the drone strikes have sown mistrust within the group, where there is "a feeling that the Americans have infiltrated its ranks, especially with the killing of several of its leaders." A Yemeni's story from the drone war Al-Shihri, a Saudi who spent six years at the Guantanamo Bay detention facility, was first reported killed in January. The Yemeni government quickly confirmed Shihri's death, but until now AQAP had denied it. AQAP's video message confirming Shihri's death was delivered by Ibrahim al-Rubaish, another Saudi who was also formerly held at Guantanamo Bay. In the 11½-minute video, which we have reviewed, Rubaish gushes about Shihri's devotion to al Qaeda's cause. Rubaish says Shihri was "searching for martyrdom," trumpeting his combat against U.S. forces in Afghanistan where he suffered serious injuries to his hands and legs, and lost an eye. Shihri was released from Guantanamo in November 2007, and entered a Saudi rehabilitation program and was then released. Rubaish says Shihri subsequently planned an attack on the U.S. Embassy in the Yemeni capital, Sanaa, which killed 10 Yemeni policemen and civilians. But Shihri grew complacent. "Lax security measures during his telephone calls enabled the enemy to identify and kill him," Rubaish declared in his eulogy. Shihri's death in the U.S. drone strike is part of larger story of AQAP decline over the past two years. In 2011, AQAP had gained significant territory in Yemen as it exploited the popular uprising against longtime Yemeni president Ali Abdullah Saleh. Its core membership grew from approximately 300 members in 2009 to around 1,000 three years later, according to Gregory Johnsen, the author of the authoritative book "The Last Refuge: Yemen, al-Qaeda, and America's War in Arabia". But the jihadist group lost all of these gains within about a year. An offensive by the Yemeni army that was supported by U.S. intelligence last year pushed AQAP out of the central Yemeni province of Abyan, forcing AQAP's fighters to flee to the remote desert province of Hadramaut. The group has since been reduced to carrying out much smaller attacks; nothing compared to the massive suicide bombing it was able to conduct in the heart of the Yemeni capital in May 2012, which killed upwards of 100 soldiers as they rehearsed for a military parade. And despite its focus on attacking U.S. targets, AQAP has not tried to attack one since its October 2010 attempt to plant bombs hidden in printer cartridges on cargo planes destined for the United States. (Last year AQAP plotted to send an operative with explosives in his underwear aboard a plane bound for the United States, but that operative was actually secretly working for the British and Saudi intelligence services, so the plot was never a real threat.) Despite all the losses AQAP has suffered its capable chief bomb maker, Ibrahim al-Asiri, remains at large. Al-Asiri was the brains behind AQAP's failed "underwear bomb" attempt to bring down a Detroit-bound U.S. airliner on Christmas Day 2009. AQAP's overall leader, Nasser al-Wuhayshi also remains at large, Wuhayshi is AQAP's founder and his continued survival is surely important for the organization. AQAP could regenerate, particularly if Yemen sees more upheaval, but for now, the group is on the run from the Yemeni army and U.S. drone strikes, fearful of spies in its midst, is unable to launch large-scale attacks, and boasts a dwindling cadre of leaders. AQAP, in short, is struggling to survive.

#### Drones solve Pakistani instability.

**Curtis 13** – (7/16, Lisa, Senior Researcher, Heritage Foundation, “Pakistan Makes Drones Necessary,” http://www.heritage.org/research/commentary/2013/7/pakistan-makes-drones-necessary)

Drones Help Pakistan

**It is no secret that the drone strikes often benefit the Pakistani state**. On May 29, for example, a drone missile strike killed the number two leader of the Pakistani Taliban (also referred to as the Tehrik-e-Taliban Pakistan or TTP), Waliur Rehman. The TTP has killed hundreds of Pakistani security forces and civilians in terrorist attacks throughout the country since its formation in 2007. Furthermore, the group conducted a string of suicide attacks and targeted assassinations against Pakistani election workers, candidates, and party activists in the run-up to the May elections, declaring a goal of killing democracy.

Complicating the picture even further is the fact that Pakistan’s support for the Haqqani network indirectly benefits the Pakistani Taliban. The Haqqanis play a pivotal role in the region by simultaneously maintaining ties with Al Qaeda, Pakistani intelligence and anti-Pakistan groups like the TTP. With such a confused and self-defeating Pakistani strategy, Washington has no choice but to rely on the judicious use of drone strikes.

Complicated Relationship

The U.S. will need to keep a close eye on the tribal border areas, where **there is a nexus of terrorist groups that threaten not only U.S. interests but also the stability of the Pakistani state**. Given that Pakistan is home to more international terrorists than almost any other country and, at the same time, has one of the fastest growing nuclear arsenals, the country will remain of vital strategic interest for Washington for many years to come.

Though the drone issue will continue to be a source of tension in the relationship, **it is doubtful that it alone would derail ties**. The extent to which the United States will continue to rely on drone strikes ultimately depends on Islamabad’s willingness to develop more decisive and comprehensive counterterrorism policies that include targeting groups like the Haqqani Network.

#### No Pakistan impact- they’ve gone through worse

Stolar ‘7 (Alex Jr., Peace Fellow in the South Asia Program – Stimson Center, “The Implications of Unrest in Pakistan for Nuclear Security”,

http://www.stimson.org/southasia/?SN=SA200705181263, May 18, 2007)

It has been a very painful week in Pakistan. On May 12th, over forty died when violence broke out in Karachi between political factions supporting and opposing President Musharraf. Three days later, a suicide bomber entered a hotel restaurant in Peshawar and detonated the explosives strapped to his body, killing at least twenty persons. Recent turbulence has renewed fears that Pakistan’s nuclear weapons and materials may be vulnerable to breakdowns in command and control or theft. The good news is that these nightmare scenarios are unlikely to occur during the current political unrest. The bad news is that Pakistan’s domestic unrest will continue and grow worse without the restoration of a representative government, and that extremists have many ways to further destabilize Pakistan. Are Pakistan’s bombs safe? In theory, Pakistan’s nuclear weapons could be vulnerable to theft, illicit transfer, or unintentional use if the army’s discipline and command and control structure faltered. Concerns about the security of Pakistan’s weapons are greatest in the West when Pakistani politics enter a rough patch and during leadership changes. Fortunately, these worst case scenarios are highly unlikely. Pakistan has been through worse passages of political unrest. Intimidation, politically-driven violence, and sectarian strife are all too common in Pakistani politics. If past experience is any guide, the current unrest will not lead to anarchy or chaos in Pakistan. The vast majority of Pakistanis desire a moderate and stable state, and the army has an institutional interest to prevent the breakdown of national authority and cohesion. Pakistan’s weapons were secure during previous periods of political instability, and they are likely to remain the most protected national assets during the current unrest. There are no signs of a breakdown in command and control in the Pakistan Army.

#### No nuclear Pakistan impact

Tepperman ‘9 (Jonathan, Deputy Editor at Newsweek, Former Deputy Managing Editor, Foreign Affairs, LLM, i-law, NYU, MA, jurisprudence, Oxford, “Why Obama Should Learn to Love the Bomb”, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf, 2009)

Note – Michael Desch = prof, polsci, Notre Dame

As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country’s chaos, installing complicated firing mechanisms to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they’re not infiltrated by extremists. Even if the Pakistani state did collapse entirely—the nightmare scenario— the chance of a Taliban bomb would still be remote. Desch argues that the idea that terrorists “could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things need constant maintenance and they’re very easy to disable. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous.”

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#### Contextual definitions bad – intent to define outweighs

Eric Kupferbreg 87, University of Kentucky, Senior Assistant Dean, Academic & Faculty Affairs at Northeastern University, College of Professional Studies Associate Director, Trust Initiative at Harvard School of Public Health 1987 “Limits - The Essence of Topicality” http://groups.wfu.edu/debate/MiscSites/DRGArticles/Kupferberg1987LatAmer.htm

Often, field contextual definitions are too broad or too narrow for debate purposes. Definitions derived from the agricultural sector necessarily incorporated financial and bureaucratic factors which are less relevant in considering a 'should' proposition. Often subject experts' definitions reflected administrative or political motives to expand or limit the relevant jurisdiction of certain actors. Moreover, field context is an insufficient criteria for choosing between competing definitions. A particularly broad field might have several subsets that invite restrictive and even exclusive definitions. (e.g., What is considered 'long-term' for the swine farmer might be significantly different than for the grain farmer.) Why would debaters accept definitions that are inappropriate for debate? If we admit that debate is a unique context, then additional considerations enter into our definitional analysis.

#### Authority is the exercise of power over others

OED 13 (http://www.oed.com/viewdictionaryentry/Entry/13349)

authority, n.

I. Power to enforce obedience.

a. Power or right to enforce obedience; moral or legal supremacy; the right to command, or give an ultimate decision.

b. in authority: in a position of power; in possession of power over others.

#### And, substantial requires an objective, absolute measurement--- there's no way to quantify the impact oversight has on War Powers which means that their interpretation has no coherent way to account for an entire word in the topic

Words & Phrases 64, 40 W&P 759

The words "outward, open, actual, risible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not bidden; exposed to view; free from concealment dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 111. App. 308, 31R

#### Increase means from a baseline – that’s an independent voter because you can’t make nothing from something

Rogers 5 Judge, STATE OF NEW YORK, ET AL., PETITIONERS v. U.S. ENVIRONMENTAL PROTECTION AGENCY, RESPONDENT, NSR MANUFACTURERS ROUNDTABLE, ET AL., INTERVENORS, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, lexis

 [\*\*48]  Statutory Interpretation. [HN16](http://www.lexis.com/research/retrieve?_m=1fe428155fdfc9074f3623f0dae9d78a&docnum=14&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=0ebd338d6a7793de8561db53b915effd&focBudTerms=term%20increase&focBudSel=all#clscc16)While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. [42 U.S.C. § 7411(a)(4)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=103&_butInline=1&_butinfo=42%20U.S.C.%207411&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=1f89a0e47b1996a5400e8d865d8da08a). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See [Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=104&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b541%20U.S.%20246%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=48f016ea3eabfdb898b67b348b11662c); [Bluewater Network, 370 F.3d at 13](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=105&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b370%20F.3d%201%2cat%2013%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=78fdfe9d48c7b91d7659b90c0198707e); [Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23]  (D.C. Cir. 2000)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=106&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b342%20U.S.%20App.%20D.C.%207%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=fb18ff0b92931ac00621d88dae997e67). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly,  [\*\*49]  in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

## Cp

### Solvo advocate

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

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

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

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

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

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

### Exec CP – War Power NB

#### The squo and CP lock in a middle-ground approach to war powers that solves the case and avoids the disad

LEDERMAN 2012 – Marty Lederman, Professor at Georgetown Law School and former Deputy Assistant Attorney General in the Department of Justice's Office of Legal Counsel from 2009 to 2010, and an Attorney Advisor in OLC from 1994-2002, 9/1/13, Syria Insta-Symposium: Marty Lederman Part I–The Constitution, the Charter, and Their Intersection, opiniojuris.org/2013/09/01/syria-insta-symposium-marty-lederman-part-constitution-charter-intersection/

According to Peter, President Obama’s decision to seek congressional authorization for the use of force is a “watershed”—indeed, a “surrender” of constitutional authority—because “[a]t no point in the last half century at least has a president requested advance congressional authorization for anything less than the full-scale use of force.” Peter thus agrees with David Rothkopf’s accusation that “Obama has reversed decades of precedent regarding the nature of presidential war powers.” **I don’t think that’s a fair characterization**. Or, to be more specific, although Peter is correct that the President’s turn to Congress is in one respect without recent precedent, a unilateral use of force by the President in Syria also would have been unprecedented in important respects, and probably more corrosive to the modern balance of war powers between the political branches. To understand why this is so, some background is in order. What follows is a very simplified account of a very complex dynamic: In the past two generations, there have been three principal schools of thought on the question of the President’s power to initiate the use of force unilaterally, i.e., without congressional authorization: a. The traditional view, perhaps best articulated in Chapter One of John Hart Ely’s War and Responsibility, is that except in a small category of cases where the President does not have time to wait for Congress before acting to interdict an attack on the United States, the President must always obtain ex ante congressional authorization, for any use of military force abroad. That view has numerous adherents, and a rich historical pedigree. But whatever its merits, it has not carried the day for many decades in terms of U.S. practice. b. At the other extreme is the view articulated at pages 7-9 of the October 2003 OLC opinion on war in Iraq, signed by Jay Bybee (which was based upon earlier memos written by his Deputy, John Yoo). The Bybee/Yoo position is that there are virtually no limits whatsoever: The President can take the Nation into full-fledged, extended war without congressional approval, as President Truman did in Korea, as long as he does so in order to advance the “national security interests of the United States.” With the possible exception of Korea itself, this theory has never reflected U.S. practice. (Indeed, even before that OLC opinion was issued, President Bush sought and obtained congressional authorization for the war in Iraq.) Notably, it was even rejected by William Rehnquist when he was head of OLC in 1970 (see the opinion beginning at page 321 here). c. Between these two categorical views is what I like to call the Clinton/Obama “third way”—a theory that has in effect governed, or at least described, U.S. practice for the past several decades. It is best articulated in Walter Dellinger’s OLC opinions on Haiti and Bosnia, and in Caroline Krass’s 2011 OLC opinion on Libya. The gist of this middle-ground view (this is my characterization of it) is that the President can act unilaterally if two conditions are met: (i) the use of force must serve significant national interests that have historically supported such unilateral actions—of which self-defense and protection of U.S. nationals have been the most commonly invoked; and (ii) the operation cannot be anticipated to be “sufficiently extensive in ‘nature, scope, and duration’ to constitute a ‘war’ requiring prior specific congressional approval under the Declaration of War Clause,” a standard that generally will be satisfied “only by prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period” (quoting from the Libya opinion). Largely for reasons explained by my colleague and Dean, Bill Treanor, I am partial to this “third way,” at least in contrast to the two more categorical views described above. (I do not subscribe to every detail of the Dellinger and Krass opinions—in particular, I’m wary of resort to the interest in “regional stability,” which has never been used as a stand-alone justification for unilateral executive action—but I concur in the broad outlines sketched out above.) Regardless of whether Dean Treanor and I—and Presidents Clinton and Obama—are right or wrong about that, however, **what’s important for present purposes is that U.S. practice after World War II** (with the possible exception of Korea and Kosovo) **reflects, and is consistent with, this “third way” view:** When a prolonged campaign has been anticipated, with great risk to U.S. blood and treasure, congressional authorization has been necessary—and has, in fact been secured (think Vietnam, both Gulf Wars, and the conflict with al Qaeda). Otherwise, the President has considered himself free to act unilaterally, in support of important interests that have historically justified such unilateral action—subject, however, to any statutory limitations, including the time limits imposed by the War Powers Resolution. See, e.g., Libya (twice, 1986 and 2011), Panama (1989), Somalia (1992), Haiti (twice, 1994 and 2004), and Bosnia (1995). Assuming this “third way” view is correct—or, in any event, that it establishes the relevant historical baseline against which to measure the case of Syria—Peter Spiro makes a valid point about the second of the two criteria. As he puts it, “[a]t no point in the last half century . . . has a president requested advance congressional authorization for anything less than the full-scale use of force.” But that does not mean that the President’s turn to Congress yesterday is a “watershed,” for Peter overlooks the important first condition. All of the examples of unilateral presidential use of force since 1986 that he implicitly invokes (with the possible exception of Kosovo, discussed below) have been in the service of significant national interests that have historically supported such unilateral actions—such as self-defense, protection of U.S. nationals, and/or support of U.N. peacekeeping or other Security Council-approved endeavors and mandates (e.g., Bosnia and Libya). **The Syria operation**, however, **would have had no significant precedent in unilateral executive practice**; it would not have been been supported by one of those historically sufficient national interests. That’s not to say that that operation would not be in the service of a very important national interest. For almost a century the U.S. has worked assiduously, with many other nations, to eliminate the scourge of chemical weapons. If Syria’s use of such weapons were to remain unaddressed, that might seriously compromise the international community’s hard-won success in establishing the norm that such weapons are categorically forbidden, and should not even be contemplated as instruments of war. As Max Fisher has written, “it’s about every war that comes after, about what kind of warfare the world is willing to allow, about preserving the small but crucial gains we’ve made over the last century in constraining warfare in its most terrible forms.” Preventing that degradation of the strong international norm against use of chemical weapons is, indeed, an important national (and international) interest of the first order. (To be clear: I am not remotely qualified to opine on whether and to what extent the contemplated action would advance that interest—my point is only that the interest is undoubtedly an important one.) And perhaps that should be enough to justify discrete, unilateral presidential action short of “war in the constitutional sense.” But if so, it would nevertheless be an unprecedented basis for unilateral executive action, and it would open up a whole new category of uses of force that Presidents might order without congressional approval, even where such actions could have profound, longstanding consequences: Most obviously, think, for example, of possible strikes on Iran in order to degrade its nuclear capabilities. Is Peter so sure that that’s the sort of thing that a President should be able to do without obtaining congressional approval? At a minimum, it’s a profound, and heretofore unresolved, question, one that any President should be wary of raising. But there’s yet another reason why unilateral action in Syria would have been especially troubling—a reason that hasn’t received the attention it warrants in recent days. As I discuss in my next post, I agree with the majority of OJ commentators that the Syrian operation would violate Article 2(4) of the U.N. Charter. Indeed, it’s not really a close question. But this is not merely a point about international law. The Charter is a treaty of the United States. It is therefore the “supreme Law” of the land under Article VI of the Constitution, and the President has a constitutional obligation (under Article II) to take care that it is faithfully executed. Unless and until Congress passes a “later in time” statute, under what authority can the President deliberately put the U.S. in breach of the Charter? That is to say: Whatever one’s views might be on the scope of the President’s authority to unilaterally use force abroad—whether you subscribe to the traditional view, the Bybee/Yoo view, or the Clinton/Obama “third way” (or any variant in between)—what is the possible justification for a unilateral presidential decision to violate a treaty that is binding as a matter of domestic law? This is, I think, the most troubling thing about the 1999 Kosovo precedent. The Clinton Administration virtually conceded that the operation was in breach of the Charter. Of course, as a matter of domestic law, Congress can pass a statute authorizing violation of the Nation’s treaty obligation. And OLC concluded that Congress effectively authorized the Kosovo operation eight weeks after it began. But why did President Clinton have the authority, without congressional authorization, to order the operation, and to breach Article 2(4), during those first eight weeks? The notion that the President may unilaterally cause the U.S. to breach a treaty raises deep and unresolved questions of constitutional law: Just as Presidents Obama and Clinton were correct to assume that their unilateral uses of force (in Kosovo and Libya, respectively) were subject to the constraints of the War Powers Resolution, so, too, should the President act within the constraints of binding treaty obligations. The Clinton Administration never did address this problem in connection with Kosovo. (I should note that in 1989, OLC reasoned that because Article 2(4) of the Charter is non-self-executing, in the sense that it does not establish a rule for court adjudication, it is “not legally binding on the political branches,” and thus “as a matter of domestic law, the Executive has the power to authorize actions inconsistent with Article 2(4) of the U.N. Charter.” 13 Op. O.L.C. 163, 179. In my view, this understanding of the effect of a “non-self-executing” treaty is importantly mistaken—but that’s a much broader topic, for another day. I am not aware of any indication that the Clinton Administration adopted this position.) For these reasons, I think that President Obama’s decision to ask Congress for authorization for the use of force in Syria is to be commended, and welcomed. **Moreover**, I agree with Jack Goldsmith that this decision will not result in any “surrender” of existing executive authority: When in the future the two “third way” criteria for unilateral action articulated in the Haiti, Bosnia and Libya OLC opinions are satisfied, and where the use of force does not violate the Charter, Presidents will certainly continue to assert the power to act unilaterally, subject to statutory and international law constraints. But if and when a President wishes to act for a reason that has not previously been the basis for unilateral action (such as to degrade another nation’s ability to use certain weapons), and/or in a manner that violates a U.S. treaty obligation, past practice will support obtaining congressional authorization, even as the question of the President’s unilateral authority in such circumstances remains untested and unresolved.

### 1AC Boyle

#### Says Obama is key to solve those advantages

**Boyle, 13** [“The costs and consequences of drone warfare”, MICHAEL J. BOYLE, International Affairs 89: 1 (2013) 1–29, assistant professor of political science at LaSalle University]

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 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them. Conclusion Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, growing anti-Americanism and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack. In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156 A final, and crucial, step towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. The genie is out of the bottle: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, regulated and consistent with internationally recognized human rights standards. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157 The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an opportunity to show leadership in developing an international legal architecture which might avert some of the worst consequences of their use.

### 1ac Roberts

#### Actually says the administration should self-restrain

**Roberts, 13** [Kristin, News Editor for National Journal, Master’s in Security Studies from Georgetown University, Master’s in Journalism from Columbia University, “When the Whole World Has Drones,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321?print=true>, ALB]

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned (SIC) aerial vehicles. Not toys or models, but real flying machines.¶ It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.¶ America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts.¶ To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.¶ “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things.”—Dennis Blair, former director of national intelligence¶ Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan.¶ This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.¶

### 1ac Kaplan

#### Doesn’t assume obama actually stopping himself –

**Kaplan, 13** [Fred, Slate’s “War Stories” columnist, “Obama’s Post-9/11 World,” <http://www.slate.com/articles/news_and_politics/war_stories/2013/05/barack_obama_national_defense_university_speech_nothing_new_about_drones.single.html>, ALB]

President Obama’s speech today on U.S. counterterrorism policy was actually two speeches in one. The first outlined a supposedly new, restrictive policy on drone strikes that was neither new nor restrictive. The second called for shutting down the Guantánamo detention center—not a new position for the president but the revival of a long-dormant one, unfurled in blazing colors along with a vision of a genuinely new way of approaching global terrorism.¶ In the days leading up to the speech, drones were assumed to be the main topic—specifically, whether and how to change the practice of using drones to kill terrorist suspects in countries outside formal war zones, namely, Pakistan, Yemen, and Somalia. These strikes have aroused intense bitterness abroad and growing controversy at home.¶ Early on in his speech, Obama defended the use of drones, noting that they are often the only way to kill people who are planning attacks on the United States and that, while these weapons sometimes kill innocent civilians, they kill far fewer civilians than other forms of military power, such as conventional airstrikes or troop incursions on the ground.¶ But then, Obama conceded that these weapons had to be subjected to restrictions, lest they be used too casually. Specifically, it had to be determined that the person killed poses a “continuing, imminent threat” against the United States; that capturing the person alive was infeasible; and that there was “near certainty” that the strike would kill or injure no civilians.¶ This sounds reasonable, except that these same standards were outlined—with much of the exact same language—in an unclassified 16-page “white paper” that the Justice Department released back in February. And the way that the paper defined those terms rendered the restrictions meaningless.¶ Key to this loophole was—and presumably still is—the definition of “imminent threat.” As the white paper put it, “The condition that an operational leader [of al-Qaida or an affiliated organization] presents an ‘imminent’ threat of violent attack against the United States does not require the United States to have clear evidence that a specific attack … will take place in the immediate future.”¶ So, “imminent” doesn’t really mean imminent.¶ The paper’s logic was this. Al-Qaida is “continually planning strikes” against the United States. “By its nature, therefore,” an assessment of its threats “demands a broad concept of imminence.” In other words, the threat of an attack is always imminent; it’s a condition, not a restriction.¶ Similarly, because the threat is always imminent, the Justice Department paper went on, “the United States is likely to have only a limited window of opportunity” to mobilize a raid to capture the terrorist. Therefore, it is always “infeasible” to capture rather than kill.¶ Obama’s (and the white paper’s) third condition for launching a drone strike—a near certainty that no innocents are killed in the attack—is a real restriction, and the Obama administration does seem to be at least trying to abide by it. According to data gathered from open sources by three private research organizations—the New America Foundation, the Bureau of Investigative Journalism, and Long War Journal—the number of civilians killed by drone strikes in Pakistan has declined dramatically in the past few years. So far this year, the estimates of civilian deaths range from zero to 11. In part, this is due to the fact that there have been only 12 drone strikes in Pakistan in 2013—which means, by the way, that there might have been, on average, as many as one civilian killed in nearly every strike.¶ It is hard to gauge these estimates because the administration does not release figures about drone strikes in Pakistan or how many people they’ve killed—because all drone strikes outside war zones (that is, outside Afghanistan) are covert operations conducted not by the military but by the CIA. Everything about them, therefore, is classified.¶ This is another way in which Obama’s speech was disappointing. At a background press briefing held just two hours in advance of the speech, “senior administration officials” said that the president would “express preference” for putting the U.S. military, not the CIA, in charge of these sorts of strikes. The officials did not specify which part of the military—the regional combatant commands (which might be less likely to launch attacks across borders) or the Joint Special Operations Command (which has authority to wage secret strikes against al-Qaida worldwide). But still, this would be a change that would probably widen oversight.¶ However, President Obama’s speech said nothing about this issue. (An official told me afterward that there’s still an internal debate on the subject.) Nor did it say anything about banning or restricting “signature strikes”—the phrase used for strikes aimed not at specific individuals but rather at people whose behavior bears the “signature” of terrorists, even if their names or precise roles in the terrorist network are unknown.¶ In short, the speech heralded nothing new when it comes to drone strikes.

### Exec Power DA – Impact Overview 2NC [1/\_\_]

#### DA outweighs and turns case: (A)

DUNN 2007 – PhD, former Assistant Director of the U.S. Arms Control and Disarmament Agency and Ambassador to the 1985 Nuclear Non- Proliferation Treaty Review Conference (Lewis Dunn, Proliferation Papers, “Deterrence Today: Roles, Challenges, and Responses.”)

On the one hand, among many U.S. defense experts and officials it has become almost a cliché to state that an alleged *asymmetry of stakes* between the United States (and/or other outsiders) and a regional nuclear power would make it much more difficult to provide credible nuclear security assurances along the lines suggested above. That purported asymmetry of stakes also is widely seen by those same experts and officials as putting the United States (or other outsiders) at a fundamental disadvantage in any crisis with a regional power and shifting the deterrence balance in its favor. Emphasis on the impact of a perceived asymmetry of stakes partly reflects a view that the intensity of the stakes in any given crisis or confrontation is dependent most on what has been called “the proximity effect”: stakes’ intensity is a function of geography. Concern about an asymmetry of stakes also gains support from the fact that a desire to deter the United States or other outsiders probably is one incentive motivating some new or aspiring nuclear . This line of argument should not be accepted at face value. To the contrary, in two different ways, the stakes for the United States (and other outsiders) in a crisis or confrontation with a regional nuclear adversary would be extremely high. To start, what is at stake is the likelihood of cascades of proliferation in Asia and the Middle East. Such proliferation cascades almost certainly would bring greater regional instability, global political and economic disruption, a heightened risk of nuclear conflict, and a jump in the risk of terrorist access to nuclear weapons. Equally important, nuclear blackmail let alone **nuclear use against U.S.** and other outsiders’ forces, those of U.S. regional allies and friends, or any of their homelands would greatly heighten the stakes for the United States and other outsiders. **Perceptions of** American **resolve** and credibility **around the globe**, the likelihood that an initial nuclear use would be followed by a virtual **collapse of a** six-decades’ plus **nuclear taboo**, and the danger of runaway proliferation all would be at issue. So viewed, **how** the United States and others respond is likely to have a far-reaching impact on their own security as well as longer term global security and stability.

### Courts

#### The aff spills over and guts broader executive war powers.

Green ‘9

Craig, Associate Professor, Temple Law School; University Fellowship, Princeton History Department; J.D., Yale Law School, “Ending the Korematsu Era: A Modern Approach ,” http://works.bepress.com/cgi/viewcontent.cgi?article=1002&context=roger\_craig\_green

Another lesson from sixty years of wartime cases concerns the role of precedent itself in guiding presidential action. Two viewpoints merit special notice, with each having roots in opinions by Justice Jackson. On one hand is his explanation in Korematsu that courts must not approve illegal executive action: A military order, however unconstitutional, is not apt to last longer than the military emergency. . . . But once a judicial opinion . . . show[s] that the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes. . . . A military commander may overstep the bounds of constitutionality, and it is an incident. But if we review and approve, that passing incident becomes the doctrine of the Constitution. There it has a generative power of its own, and all that it creates will be in its own image.270 **This “loaded weapon” idea is orthodox in analysis of Korematsu as a racist morality play**. The passage is cited as evidence that Supreme Court precedents really matter, and that tragically racist errors retain their menacing power throughout the decades.271 Students are reminded that Korematsu has never been directly overruled, thereby inviting imagination that Korematsu itself is a loaded weapon just waiting for a President to grasp and fire.272 This conventional approach is incomplete. As we have seen, the first and decisive precedent supporting World War II’s racist policies was not Korematsu but Hirabayashi; thus, Jackson himself helped to “load” the doctrinal “weapon” over which he worried just a year later.273 Jackson’s willingness to eviscerate Hirabayashi in Korematsu only exemplifies (as if anyone could doubt it) that no Supreme Court decision can fiat a legal principle “for all time.”274 Past cases can be overruled, disfavored, ignored, or reinterpreted if the Court finds reason to do so, and this is effectively what has happened to Korematsu and Hirabayashi themselves in the wake of Brown, the civil rights era, and other modern history.275 Korematsu was a direct “repetition” of Hirabayshi’s racism for “expand[ed]” purposes, yet it only launched these two cases farther toward their current pariah status.276 A second perspective on war-power precedents is Jackson’s Youngstown concurrence, which rejected President Truman’s effort to seize steel mills and maintain output for the Korean War.277 Jackson’s opinion ends with selfreferential pessimism about judicial authority itself: I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. . . . If not good law, there was worldly wisdom in the maxim attributed to Napoleon that “The tools belong to the man who can use them.” We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.278 This “no illusion” realism about presidential authority views judicial limitations on the President as contingent on Congress’s political wisdom and responsiveness — without any bold talk about precedents as “loaded weapons” or stalwart shields. On the contrary, if taken seriously, Jackson’s opinion almost suggests that judicial decisions about presidential wartime activities are epiphenomenal: When Congress asserts its institutional prerogatives and uses them wisely, the executive might be restrained, but the Court cannot do much to swing that political balance of power. Jackson’s hardnosed analysis may seem intellectually bracing, but it understates the real-world power **of judicial precedent to shape what is politically possible**.279 Although Presidents occasionally assert their willingness to disobey Supreme Court rulings, actual disobedience of this sort is vanishingly rare and would carry grave political consequences.280 Even President Bush’s repeated losses in the GWOT did not spur serious consideration of noncompliance, despite strong and obvious support from a Republican Congress.281 Likewise, from the perspective of strengthening presidential power, Korematsu-era precedents clearly emboldened President Bush in his twenty-first-century choices about Guantanamo and military commissions.282 The modern historical record thus shows that judicial precedent can both expand and limit the operative sphere of presidential action. Indeed, the influence of judicial precedent is stronger than a court-focused record might suggest. The past sixty years have witnessed a massive bureaucratization and legalization of all levels of executive government.283 From the White House Counsel, to the Pentagon, to other entities addressing intelligence and national security issues, lawyers have risen to such high levels of governmental administration that almost no significant policy is determined without multiple layers of internal legal review.284 And these executive lawyers are predominantly trained to think — whatever else they may believe — that Supreme Court precedent is authoritative and binding.285 Some middle ground seems therefore necessary between the “loaded weapon” and “no illusion” theories of precedent. Although Supreme Court decisions almost certainly influence the scope of presidential war powers, such practical influence is neither inexorable nor timeless. A more accurate theory of war-power precedents will help explain why it matters that American case law includes a reservoir of Korematsu-era decisions supporting excessive executive war power, and will also suggest how lawyers, judges, and scholars might eviscerate such rulings’ force. Korematsu is the kind of iconic negative precedent that few modern lawyers would cite for its legal holding. Yet even as Korematsu’s negative valence is beyond cavil, the breadth and scope of that negativity are not clear. Everyone knows that Korematsu is wrong, yet like other legal icons — Marbury, Dred Scott, Lochner, Erie, and Brown — its operative meaning is debatable. Just as Korematsu was once an authoritative precedent and is now discredited, this Article has sought to revise Korematsu’s cultural meaning even further, transforming it from an isolated and irrelevant precedent about racial oppression to a broadly illuminating case about how courts supervise presidential war powers.

## Solvency

#### Obama ignores restrictions- tons of loopholes

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

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

## Accountability

### A2 Farley – Neg

#### The

Benjamin R. Farley 12, JD from Emory University School of Law, former Editor-in-Chief of the Emory International Law Review, “Drones and Democracy: Missing Out on Accountability?” Winter 2012, 54 S. Tex. L. Rev. 385, lexis

Finally, Congress should insist that force used under the covert action legal regime actually be covert. That is, force used under covert action’s permissive accountability regime should demonstrate an objective intent to avoid the apparent or publicly acknowledged role of the U.S. government. Where a use of force is extensive and U.S. involvement is apparent, that use of force should be subject to the more rigorous WPR regime. The U.S. drone campaign over Pakistan may present just such a case—those strikes ceased being covert in any meaningful way years ago. Thus, the current regime reduces the barriers to a more permissive accountability scheme to a mere labeling exercise. Of course, there are other methods by which accountability for the use-of-force decisions—particularly, use-of-force decisions employing drones—might be increased. Some have suggested the establishment of a “drone court,” modeled on the Foreign Intelligence Surveillance Court, to provide ex ante judicial review of targeted strikes, at least. 215 Others have suggested the creation of a new cause of action for the families of drone strike targets who argue their family members were wrongly targeted, and the imposition of ex post accountability. 216 Each suggestion has merit; however, neither suggestion will impose substantially greater accountability on the President as long as the judiciary maintains its historical deference to the President in matters implicating use of force. Regardless, these new judicially-focused schemes require Congressional action, too. Thus, even these schemes require Congress to do what it has so far been unwilling to do: legislate mechanisms that enhance accountability for policymakers charged with deciding when and how force is used.

## Norms

### 2NC- No impact

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

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

Despite the proliferation of drones, particularly by the United States, at best it can be argued that the proliferation of unmanned aerial systems (UASs) is changing tactics, particularly with respect to operations on land. The predominant mission of drones today is to collect information, primarily electro-optical data in the form of pictures and full motion video. The overwhelming majority of drone flying hours are conducted by systems such as Aerovironment’s Wasp, Puma, and Raven; Insitu’s ScanEagle; and Textron’s Shadow for the purpose of providing overwatch for maneuvering Army and Marine Corps units. Even the vaunted Predator, a variant of which, the MQ-9 Reaper, is the platform employed for armed strikes, is predominantly employed for intelligence, surveillance, and reconnaissance missions. The larger systems such as Northrop Grumman’s Global Hawk and Lockheed Martin’s stealthy RQ-170 Sentinel are intended solely to gather intelligence.¶ Armed drones serve a niche function. They are useful in situations where real-time tactical intelligence is required in order to launch a weapon and the operating environment is extremely benign. Because they can loiter in the area of a suspected target, waiting for positive identification and the proper time to strike with the least possibility of inflicting collateral damage, they are far less lethal than any other aerial weapons system.¶ Attempts to connect an increased tendency to use force are supported neither by the evidence nor by logic. The frequency and intensity of conflicts has declined even as the ability to conduct remote combat has increased exponentially. There were only a handful of drones available to the U.S. military when Operations Enduring Freedom and Iraqi Freedom began. The lack of unmanned systems appears to have posed no obstacle to the decision to initiate either operation.¶ It is difficult to accord any serious influence over the conduct of air operations in past or current conflicts to the presence of armed drones.

In the era before drones, the U.S. imposed ten year long no-fly zones over northern and southern Iraq. In addition, the number of drone sorties in total is but a tiny fraction of all aerial sorties. Armed drone sorties constitute only a small fraction of total drone missions. Cortright notes that since 2009 there have been 239 drone strikes into Pakistan. However, for the month of January 2011, Coalition forces in Afghanistan flew 387 sorties in which guns were fired or munitions expended.[2] These statistics suggest a clear preference on the part of the military for manned aerial systems and not drones in the conduct of tactical air operations. Cortright also reports that 145 drone strikes were conducted during Operation Odyssey Dawn—the liberation of Libya. Actually this is an incorrect statement. While drones were used over Libya, these were not armed flights, hence they were sorties and not strikes. But this is good example of the breathless quality of much of the analysis today of the implications of drones for warfare. Look at the numbers. The U.S. alone conducted some 3,500 sorties during Operation Odyssey Dawn. So drones amounted to 4% of the total. By the way, the United States and United Kingdom also launched 228 Tomahawk cruise missiles during this operation, 112 on the first night of the conflict. If we are to accord to weapon systems influence over the decision to use force, then in the case of Libya, precedence must be given based simply on the number of sorties conducted to cruise missiles, aerial refueling tankers, tactical fighters, and even cargo planes before we come to the little-used drone.¶ The availability of unmanned aerial systems in no way makes conflict more likely or more brutal. Quite the opposite, in fact, seems to be the case. The presumption that were it not for the availability of drones, the U.S. would refrain from conducting military operations against terrorists based in Pakistan is highly dubious. We have an example of an alternative military option: Operation Enduring Freedom. As Joshua Goldstein pointed out in a recent article, the use of armed drones in Pakistan may have prevented the use of far bloodier means. “Armed drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way.”[3] According to Robert Woodward’s reporting on President Obama’s decision to deploy additional forces to Afghanistan in 2009, a number of senior advisors proposed a lower-cost, smaller deployment based on increased use of special operations forces and unmanned aerial vehicles.

## China

#### Goes nuclear and CBMs don’t check

**Wittmeyere ‘13** [Alicia P.Q. Wittmeyere, Assistant Editor at Foreign Policy, degree from London School of Economics and Political Science, “Why Japan and China Could Accidentally End Up at War,” <http://www.chinausfocus.com/peace-security/why-japan-and-china-could-accidentally-end-up-at-war/>]

Great. At a time when Chinese authorities seem to be making efforts to dial down tensions with Japan over disputed islands, could a war between East Asian superpowers be sparked by accident -- by some frigate commander gone rogue? That nuclear war could come about in just such a scenario was, of course, a major concern during the Cold War. But decades of tension, as well as apocalyptic visions of global annihilation as a result of the U.S. and U.S.S.R. locking horns, produced carefully designed systems to minimize the damage any one rogue actor could inflict (only the president can access the nuclear codes), and to minimize misunderstandings from more minor incidents (the Kremlin-White House hotline). But East Asia -- relatively free of military buildup until recently -- doesn't have these same systems in place. A soon-to-be-released report from the International Institute for Strategic Studies highlights the danger that emerges when a region's military systems develop faster than its communication mechanisms, and finds that accidental war in East Asia is a real possibility: "Across East Asia, advanced military systems such as anti-ship missiles, new submarines, advanced combat aircraft are proliferating in a region lacking security mechanisms that could defuse crises. Bilateral military-to-military ties are often only embryonic. There is a tangible risk of accidental conflict and escalation, particularly in the absence of a strong tradition of military confidence-building measures." The Senkaku-Diaoyu Islands dispute has been marked by an increasing number of deliberate provocations on both sides: surveillance vessels entering nearby waters, patrol planes making passes by the islands, scrambled fighter jets. These are planned actions, designed to incrementally heighten tensions. But the more fighter jets that get scrambled without good communications systems in place, the higher the chances that these deliberate moves escalate beyond what either Japan or China is anticipating.

#### Probability- East Asia is a unique escalation risk- academic consensus

**Jimin ’13** [Chen Jimin, Ph.D, is an Assistant Research Fellow for the Institute for International and Strategic Studies at the Party School of Central Committee of C.P.C., “Solving the Northeast Asia Security Dilemma,” May 10, <http://thediplomat.com/2013/05/solving-the-northeast-asia-security-dilemma/>]

**Northeast Asia is one of the most complex, fragile regions in the global security landscape**. The regional security dilemma is concentrated and intensive, and is generated by a complex and tangled mix of historical issues, ideological factors and disputes over real interests. Consider the region’s recent history, which features more than its share of turmoil and strife. The ruptures have left Northeast Asia with lingering issues such as territorial disputes between China and Japan and South Korea and Japan, and division on the Korean Peninsula. Japanese attitudes towards history are among the core variables that influence its relations with China and South Korea. Recently, members of Japan’s Cabinet paid a visit to the Yasukuni Shrine, arousing strong protests from China, South Korea and other Asian countries. Clearly, historical factors have important and obvious impacts on the current political landscape in Northeast Asia. As do ideological factors. The Cold War was in part the struggle of competing ideologies between the United States and the Soviet Union. But this struggle has outlived the Cold War. The current security tensions in Northeast Asia are still exacerbated by a Cold War mentality and its manifestation in the U.S. alliance system in Asia. To some degree, the strong U.S. presence in the region contributes to the increased security dilemma. Take the North Korean nuclear crisis, which Pyongyang claims is driven by the absence of a guarantee of its national security. For North Korea, a reliable nuclear deterrent is an effective means of safeguarding its own national security. Essentially, the key to the North Korean nuclear issue is still the lack of safety and security.¶ Third, there are disputes involving real interests among major Northeast Asia countries. Most entail core interests of territorial sovereignty, which narrows the scope for coordination among the nations involved. Nationalist sentiment in these countries runs high, especially on issues of sovereignty. As modern nations, these states see serving the interests and aspirations of their peoples as an important source of legitimacy. For this reason, decision makers tend to be heavily influenced by public emotions, which may lead to irrational policies. Meanwhile, a number of countries in Northeast Asia have faced economic difficulties in the wake of the global financial crisis. In some cases, political parties have resorted to inciting nationalist sentiment against neighboring countries, to the detriment of relations within the region.¶ Given these factors, a multifacted approach is needed to resolve the security dilemma in Northeast Asia. First, the countries involved should squarely confront their histories, even as they look to the future. All countries should of course calmly rethink the lessons of the past, but this is particularly important for a country that has caused immense suffering among the people of Asia within its modern history.¶ Building on this, the region should then turn its attention to the future, go forward and work together to build a long-term, stable security mechanism. To a larger extent, dealing with the historical issues that exist between Northeast Asian countries, including factual disputes and issues of mentalities, is the first step toward a new security relationship among Northeast Asian countries.¶ Second, we must dispense with a Cold War mentality and seek mutual assured security (MAS). Whether in theory or in practice, the zero-sum approach of the Cold War has been proven to be obsolete. The policies of power against power are not conducive to regional stability and prosperity; rather, common, cooperative, and collective security based on a commitment to MAS are the most useful means for keeping the peace within the region. Any actor wanting to bolster its own security at the expense of another's, pursuing so-called absolute security, is bound to find it counterproductive.¶ Third, we must strengthen multi-level exchanges, reducing the risk of miscalculation. At present, the academic community has formed a basic consensus, namely on the lack of a Northeast Asia security mechanism, which is largely reflected in the absence of any effective, comprehensive, institutional exchange mechanism among Northeast Asian countries. As a result, the risk of strategic misjudgment increases, especially at times of crisis. Therefore, to build a Northeast Asia security mechanism, we first need to create institutionalized channels of communication, at both non-governmental and government levels. Mutual understanding and trust between peoples is the most reliable guarantee of harmonious relations between nations.

#### Chinese soft power is key to stabilize Afghanistan post-drawdown- the US won’t

**Konsky 12-15**-13 [James, Brown Political Review, focus on International Relations in East Asia, “Exit America, Enter China: The Promise of Chinese Development in Afghanistan,” <http://www.brownpoliticalreview.org/2013/12/exit-america-enter-china-the-promise-of-chinese-development-in-afghanistan/>]

As U.S. troops withdraw from Afghanistan in 2014, China is poised to act as a stabilizing force in the region, reaping the benefits of American military efforts. Though the Chinese are not significantly or directly contributing to Afghan security by means of military involvement or aid, economic potential in the country is too attractive to ignore, resulting in quite substantial investment. A number of state-owned enterprises (SEO’s) are pursuing resource development projects in Afghanistan. The Afghan government views Chinese development of their abundant natural resources and construction of infrastructure as integral to future peace and prosperity in the country. The Chinese are eager to play a more influential role in Afghanistan, which could prove immensely profitable and enhance their security interests. Someone must fill the vacuum created in Afghanistan when American forces pull out lest the government collapses due to civil conflict. The best candidate for this job is China. China has long recognized the importance of a stable Central Asia to its own stability and security. The Shanghai Cooperation Organization (SCO), founded in 1996 as the Shanghai Five, was created as a regional organization focused on Central Asian security. Since 2001, the group has been paying close attention to the conflict in Afghanistan. For China, the lead party to the SCO, instability in Afghanistan threatens the fragile peace in its western regions. Xinjiang, a province in the far northwest of China and home to a Muslim minority group (Uighurs), has seen unrest of late. The East Turkestan Islamic Movement (ETIM), the most prominent dissenting political group active in the province, calls for an Islamic state in Xinjiang and has direct ties to terrorist activities. Following the September 11 attacks, China’s mission to the UN authored a document outlining ETIM terrorist activities and the inner workings of the organization. Uighur terrorists have attempted multiple hijackings in the past and are responsible for other acts of violence in the region, including a recent attack on a police station that left eleven dead. The Afghan Taliban has noted ties to these Muslim terrorist and separatist groups. The 2001 document concluded that “Osama bin Laden and the Taliban in Afghanistan have provided the Eastern Turkistan terrorist organizations with equipment and financial resources and trained their personnel.” The connection between the Taliban and terrorist groups within China is cause for alarm. If the Taliban regain control over Afghanistan, it is China’s fear that they will facilitate a sanctuary for such groups. The SCO is an institution created for the purpose of collective security, but with its policy of non-intervention, this is a difficult task. Beyond military cooperation and intelligence sharing, the scope of SCO capabilities is limited. SCO policies mirror those of China: in it’s ancient history, foreign military intervention is essentially nonexistent. China’s leaders prefer to utilize soft power to influence regional politics. Economic means have proved most successful to these ends.¶ The preferred Chinese strategy pursuant to state security is economic development. This policy has been enacted in Xinjiang and is being extended to Afghanistan. Afghanistan is a country with vast natural resources, including oil, silver, copper, gold and other precious metals. A U.S. task force headed by the Pentagon described the country as the “Saudi Arabia of lithium.” Valuations of Afghan mineral reserves estimate a figure of $1 trillion. Add oil and natural gas to the collection of resources and the figure becomes much higher. The Chinese government, through state-owned enterprises (SEO’s), has set in motion plans to develop these resources. China Metallurgical Group Corp. along with two other Chinese firms won a $3.5 billion bid to develop the Aynak copper fields, the largest undeveloped copper reserves in the world. It is estimated that these fields contain up to $88 billion worth of copper ore. This is just one of multiple enormous development projects driven by Chinese investment. Although these projects have seen setbacks recently due to security threats, Aynak alone was attacked 17 times in 2012, the long-term prospect of Chinese interests in Afghanistan remain encouraging. When Chinese-driven development comes to fruition in Afghanistan, it will bolster the Afghan government’s ability to train, equip, and sustain domestic security forces while putting ease to civil unrest due to increased prosperity.¶ Afghanistan and China are natural partners in strengthening the post-conflict Afghan economy. Within President Hamid Karzai’s cabinet are numerous Maoists, remnants of the Cold War communist encroachment on Afghanistan. The cooperation between Beijing and Kabul is grounded in much sturdier foundation than that between Kabul and Washington. In addition, the benefits of Chinese investment in Afghanistan are mutual. Both states will see progress in their security interests. For Afghanistan, economic development will promote internal stability. As NATO forces begin to leave and foreign aid becomes less robust, developing domestic mineral deposits will act as the impetus for post-war reconstruction of the Afghan economy. A stable economy is paramount for the government to gain legitimacy and fend off a resurgence of the Taliban. Economic security is an effective protection against civil unrest. ¶ Beyond profitability, Chinese investment in Afghanistan provides both economic and territorial security. With the economic downturn impacting China’s two largest trading partners — America and Europe — diversifying into new markets is necessary. Afghanistan will act as a hedge against diminished growth in the West. China’s real security concern is domestic, though. The government has and will continue to be hyper vigilant in snuffing out civil unrest. Its far western regions have historically been a hotbed for resistance to the state, particularly in the province of Xinjiang. Foreign parties, especially the Taliban, aid disruptive activities in the region. A strengthened Afghanistan with the ability to manage internal affairs and combat insurgencies is intertwined with Chinese security interests.¶ After a decade-long war in Afghanistan, the United States is resigned to the ambiguous results of the conflict and ready to relinquish primary responsibility of the country, as a post-2014 Afghanistan without U.S. military presence is a legitimate possibility. China’s increasing influence in the country is becoming an uneasy reality for U.S. policymakers, but Washington should have no qualms about China’s interest in Afghanistan. First, America seems both unwilling and unable to finance Afghan reconstruction and maintenance of domestic security. With China offering to foot the bill, the U.S. should accept Chinese influence in Afghanistan. Both China and the U.S. share a mutual interest in enabling Afghanistan to police its own territory and effectively combat terrorist organizations. The manner in which China is going about attaining these goals should ease the concerns of expansionist ambitions. A concern of the U.S. is that Afghanistan will once again be a satellite state of a communist power. Historically, China has shown essentially no ambition to create an empire. Even the semi-autonomous regions of Tibet and Xinjiang have been part of the Chinese umbrella of power since the thirteenth century at the latest. The prevailing Chinese identity throughout time has been that China is the “Middle Kingdom” and those outside of its realm are barbaric, not worthy of being drawn into its territory. This is why Chinese policymakers have become so adept at utilizing soft power to exert their influence beyond their borders. China’s investment in Afghanistan most definitely influences Afghan political decisions and actions while maintaining its sovereignty. In addition, China’s presence in Afghanistan will positively impact other regional powers. China is well positioned to pressure Pakistan to stop turning a blind eye to terrorist organizations within their borders. The long history of cooperation and friendship between Beijing and Islamabad will cause Pakistan to take seriously China’s calls to eradicate these groups. Also, China will act as a more legitimate counterbalance to Russia in Central Asia.¶ The future of Afghanistan is uncertain at best. America and NATO are scheduled to withdraw most or quite possibly all of their troops in 2014. Without foreign military presence and dramatically reduced foreign aid, post-2014 Afghanistan is desperate to ensure that the past twelve years will not be for naught. Chinese investment will develop the Afghan economy, allowing Afghanistan to avoid becoming the world’s next failed state. Economic growth and prosperity will allow the government to support its own security forces and discourage civil unrest. The benefits of Chinese interest in Afghanistan are twofold. The Afghan economy has great potential and the country’s vast natural resources offer an opportunity for tremendous profits. Also, a stable Afghanistan would contribute to a more secure China. Terrorist groups in Afghanistan threaten the peace in China’s western territories. While Chinese influence in the region intensifies, it should not be cause for concern to policymakers in Washington. Anti-terrorist security concerns run parallel between the two countries and the burden of Afghan reconstruction will not rely as heavily on U.S. support. Chinese activity in Afghanistan may seem surprising at first, but is actually wholly logical. Central Asia has long been underdeveloped and underprivileged, time and again consumed in a superpower’s expansion of control. Chinese exertion of power in the region is refreshing and encouraging as it does not aim to remove autonomy, but rather pursue congruent economic and security interests. At the hands of western military intervention, the past twelve years have devastated the region, especially Afghanistan. Now that the war is ending, China is stepping in to rebuild not only a country, but also the lives of millions.

#### Impact is nuclear war

**Cronin ’13** [Audrey Kurth Cronin, Professor of Public Policy at George Mason University, “Thinking Long on Afghanistan: Could it be Neutralized?” Winter, The Washington Quarterly 36:1, <http://csis.org/files/publication/TWQ_13Winter_Cronin.pdf>]

Well into preparations for post-/ISAF Afghanistan, Pakistan poses the greatest¶ obstacle to neutralization, and yet would benefit most from it. Afghanistan would severely undermine Pakistan’s government if it again became a safe haven for the ISI’s Islamist¶ project. ISI-/trained or ISI-/supported Taliban who¶ currently attack American troops might turn¶ their attention toward assassinating Pakistani¶ government officials, security personnel, and¶ moderate reformers, or worse, toward triggering a large-scale, potentially nuclear war with India over Kashmir. Pakistan needs a stable government in Kabul that is not antagonistic to Pakistan and does not allow Afghan territory to be used against it; Pakistan also wants a settlement that does not spread Pashtun nationalism and¶ instability in Pakistan. On the first point, the Pakistanis fear that India will gain¶ strategic access and force them into a two-/front war. The best way to reassure Pakistan is to neutralize Afghanistan in such a way that no military assistance or¶ alliance with India is possible. On the second, Pakistan’s government worries¶ about the future of the Pashtuns, especially considering pressure for the secession¶ of ‘‘Pashtunistan’’ on both sides of the Durand line between Afghanistan and¶ Pakistan. A guarantee of territorial integrity would mean that any efforts to¶ break up Afghanistan would be met with a multilateral response. For Pakistan,¶ the best buffer is a territorially secure, independent state that is proxy to no one.¶ With the present condition of U.S.—/Iranian relations, it is hard to remember¶ that Tehran helped Washington to overthrow the Taliban after the 9/11 attacks.¶ Tehran wants a stable, moderate, and secure state along its eastern border, as well¶ as the protection of Afghan tribes of Persian origin, especially the Hazaras. It does not want another radical Sunni regime on its borders, particularly one with¶ close ties to Saudi Arabia. Iran has also engaged in an ambitious campaign¶ against drug smuggling, including building a large concrete barrier across the¶ border with Nimruz, the southwestern-/most province Afghanistan.15 But the¶ relationship with the United States is a serious problem, prompting¶ troublemaking in Afghanistan and sanctuary for members of al-/Qaeda in Iran.¶ Nevertheless, the best outcome for Iran would be an independent, stable,¶ non-/radicalized neighbor, which is what a neutralization agreement could encourage/especially as Tehran claims it opposes additional military measures¶ and wants the region to solve its own problems.¶ Broadening the geographical circle, China and India, as well as the Central¶ Asian states (Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, and Kazakhstan),¶ all have interests that neutralization could meet. While the Chinese have been¶ wary of the large Western military presence on their border, they also worry¶ about instability and the threat to Chinese economic interests after withdrawal.¶ Beijing has a great deal to lose if the Uighur population of China’s Xinxiang¶ region radicalizes further. In July 2009, for example, major unrest broke out in¶ the Xinxiang capital Urumqi, killing 200 people. More recently, Islamist radicals¶ in Kashgar, who were apparently trained in Pakistan, knifed a dozen Han¶ Chinese. The tight friendship between China and Pakistan has been strained as¶ a result, with the Chinese government more willing to press for a regional deal¶ that calms tensions in its Western province. Vigorous efforts to negotiate through the Shanghai Cooperation Organization (SCO) demonstrate that China understands its long-/term interests in Afghanistan.16¶ India is probably least happy about the imminent troop withdrawals, because¶ it may bear the brunt of any Islamist violence emanating from post-/ISAF¶ Afghanistan. It is keenly interested in regional economic cooperation which¶ might help bring energy from Central Asia to the subcontinent. New Delhi¶ strongly favors a regional political solution and continued involvement of other¶ major powers, particularly since the most likely alternative is a Pakistan-/¶ controlled proxy state in Afghanistan.¶ The Central Asian states should be observers, not signatories, to a¶ neutralization agreement, as its purpose is to balance the interests of¶ competing major powers against each other. All five Central Asian states¶ suffer from drug trafficking and fear resurgent Islamist radicalism in a post-/ISAF¶ Afghanistan. All are strongly interested in the kinds of regionally-/based¶ economic initiatives, especially gas and electricity projects, that a neutralized¶ Afghanistan could support. A stable, independent Afghanistan that is focused¶ on policing its own borders would serve all of their interests.¶ Finally, in the largest sphere, a well-/crafted agreement could also serve Russia,¶ Saudi Arabia, and the United States. Although Russia has drawn satisfaction in¶ seeing Americans suffer at the hands of the insurgency, resurgent Islamist¶ radicalism would be deeply against their interests, in the Caucasus as well as¶ Central Asia. Like Beijing, Moscow is already using its role within the Shanghai¶ Cooperation Organization to reach out to Afghanistan and Pakistan. Of all the¶ major powers, Russia, with a long history of bilateral neutrality agreements¶ beginning in 1931 as well as a well-/established preference for Afghanistan as a¶ buffer state, should be the most interested in Afghanistan’s neutralization now¶ that ISAF drawdown is inevitable. Saudi Arabia might be tempted to resurrect its close ties to Sunni insurgent¶ movements in Afghanistan to offset Iranian influence, but the blowback of its¶ mujahideen project toward Saudi targets has convinced the Royal family that¶ the experiment of the 1990s must not be repeated.17 Government and private¶ financiers send a great deal of money to Afghanistan and Pakistan, so Saudi¶ involvement is essential. Riyadh has been deeply involved in efforts to achieve¶ internal reconciliation among Taliban factions and the Afghan government, and¶ would like to see a more conservative unified government in Kabul. Giving the¶ Afghans the space to find their own way should appeal to the Saudis, particularly¶ if the United States supports it.¶ As for the United States, Afghanistan has little strategic value except in¶ negative terms. Afghanistan must not destabilize the region or become a haven¶ for radical non-/state actors that would attack the United States. This undesirable¶ outcome is more likely if Afghanistan becomes aligned with Pakistan, especially¶ as it would set Afghanistan back toward the medieval brutality that the United¶ States and NATO have been working hard to forestall. The United States does¶ not need a strong central government in Kabul. It needs a stable, autonomous¶ state that will not project power externally or become a proxy to another power,¶ as it maintains autonomy and pursues its own path.¶ How it Might Work¶ To achieve the best possible long-/term outcome in the Afghanistan campaign,¶ the seven key militarily-/capable states that would be threatened by a destabilized¶ Afghanistan (Pakistan, China, Iran, India, Saudi Arabia, Russia, and the United¶ States) might enter into a common agreement to neutralize the state. The¶ chances for neutralization of Afghanistan today are better than they were during¶ the Cold War, when the relationship between the¶ United States and the Soviet Union was zero-/sum.¶ The interests of relevant powers are now¶ adequately aligned to remove Afghanistan as a¶ catalyst of instability among them.¶ The mechanics of neutralization/verification¶ and enforcement/are important, however,¶ because precipitous action could itself destabilize¶ the state. In August 2010, Selig Harrison put¶ forward one proposal: a UN diplomatic initiative¶ to achieve military neutralization of Afghanistan,¶ including a three-/year timetable for complete¶ withdrawal of U.S. and NATO forces, with¶ termination of U.S. access to bases.18 Afghanistan could not achieve full¶ neutrality with foreign forces on its soil, so their complete removal must happen eventually. But such a short timetable is counterproductive. Regional neighbors¶ are not uniformly against a U.S./ISAF presence in Afghanistan; indeed, some¶ (such as China, India, Russia, all the Central Asian republics) see benefit in it,¶ and Kabul likewise appreciates having the United States train Afghan forces for¶ a while. In the May 1, 2012, U.S.—/Afghan Strategic Partnership agreement,¶ which sets the broad outline of the relationship between those two countries¶ from 2012—/2024, the U.S. commits to support the ‘‘training, equipping, advising¶ and sustaining of the Afghan National Security Forces (ANSF), so that¶ Afghanistan can independently secure and defend itself against internal and¶ external threats’’ beyond 2014. While Afghanistan is designated a Major Non-/¶ Nato Ally, the partnership framework also commits the United States to ‘‘the¶ sovereignty, independence, territorial integrity and national unity of¶ Afghanistan’’ with no permanent U.S. military bases in Afghanistan.19¶ It would not be a great leap from this partnership arrangement to restoring¶ Afghanistan’s neutrality; but the transition should occur in phases. With the¶ Afghan government gradually taking on the internal stabilization role, the¶ mission of U.S. and NATO forces could shift to helping protect Afghanistan’s¶ frontiers. No control machinery aided the neutralizations of Belgium,¶ Luxembourg, or Switzerland, but today a range of proven technical means¶ could be employed to secure the borders of Afghanistan, including infrared¶ sensors and cameras.20 These would differ depending on the local situation, but¶ even more important would be complementary measures put in place by¶ countries on the other side. Iran, Uzbekistan, and China already protect their¶ borders reasonably well; Turkmenistan and Tajikistan do not. Pakistan and¶ Afghanistan cannot even agree on what their border is, but Afghanistan would¶ be more likely to recognize the Durand line if a neutralization agreement¶ guaranteed its territorial integrity and lessened the likelihood that Pakistan¶ would try to control its future.¶ To address the more difficult frontiers, the United States should sponsor a¶ multilateral program of verification through the use of unmanned aerial vehicles¶ (UAVs) and radar. The purpose would be to involve the neighbors in efforts to¶ track and prevent the movement of arms or troops. Violations would be reported¶ in real time to a UN monitoring commission and also shared with the Afghan¶ National Security Forces (ANSF). According to the commander of Iran’s¶ National Border Police, Iran already employs UAVs along its borders.¶ International investment in border control management should gradually¶ increase as ISAF draws down. Community policing in remote border areas¶ would also be essential, with the central priority being to prevent foreign fighters¶ or arms from entering Afghanistan. Obviously, a border patrol in Afghanistan¶ would be far from perfect, but even partial success would deter outsiders,¶ strengthen Afghan national identity, and have beneficial effects for the region. ¶ The Logic of Neutralizing Afghanistan¶ With ISAF withdrawal inevitable, a sea change is already underway: the¶ question is whether the United States will be ahead of the curve or behind it.¶ Under current circumstances, key actions within Afghanistan by any one state¶ are perceived to have a deleterious effect on the interests of other competing states, so the only feasible solution is to discourage all of them from interfering in¶ a neutralized state. As the United States draws down over the next two years,¶ yielding to regional anarchy would be irresponsible. Allowing neighbors to rely¶ on bilateral measures, jockey for relative position, and pursue conflicting national interests without regard for dangerous regional dynamics will result in a repeat of the pattern that has played out in Afghanistan for the past thirty¶ years/except this time the outcome could be not just terrorism but nuclear war.

### ME

#### Chinese influence uniquely solves Middle East conflict- US can’t

**Chiu 9-18**-13 [Joanna, MA in Journalism from Columbia, award-winning journalist for the South China Morning Post, won Foreign Correspondents’ Club and Amnesty International's “Best Human Rights Reporting” (Asia) 2012 Certificate of Special Merit, Leo Hindery Fellowship 2011 (Columbia University, Journalism), “Beijing can 'help bring stability' in Middle East,” <http://www.scmp.com/news/china/article/1311879/beijing-can-help-bring-stability-middle-east>]

China stands a good chance of becoming an effective mediator in Middle East conflicts but its increasing importance in the region threatens America's interests , a leading Middle East scholar and former adviser to US president Barack Obama has told the South China Morning Post.¶ "China has played a constructive role in East Asia. It has used its relations with North Korea to manage tensions," said Dr Vali Nasr, who is dean of Johns Hopkins University's school of advanced international studies and a member of the US State Department's foreign affairs policy board. "China could similarly help bring stability to the Middle East through its relationships, such as with Iran, that the US does not have."¶ The Middle East has not traditionally been in China's sphere of influence. But since the US began a strategy in 2011 to disengage from the Middle East and "pivot towards the Asia-Pacific region", Nasr said this had given China an opportunity to fill the void. "China's [diplomatic] style is different and might prove effective, but the absence of the US does not serve America's own interests," Nasr said.¶ While the US says it doesn't regard China's rising power in Asia as a threat, and has found it difficult to distance itself from conflicts such as the one in Syria, China has shown an ability to build relationships with nations that are rivals, such as Israel and Palestine, outside of East Asia.¶ In July, Beijing saw rare back-to-back visits from the Pakistani prime minister and Indian defence minister. China discussed building trade links with Pakistan, and agreed to boost military exchanges with India.¶ In May, Beijing simultaneously hosted visits by Palestinian president Mahmoud Abbas and Israeli Prime Minister Benjamin Netanyahu, although the two didn't meet. "The Middle East is turning to Asia, too," Nasr told the Asia Society yesterday.

### Central Asia

#### Central Asian stability is on the brink- only Chinese influence can solve

**Giasy 12-9**-13 [Richard Ghiasy is a fellow at the Afghan Institute for Strategic Studies (AISS) in Kabul, and a former analyst at the Embassy of the Islamic Republic of Afghanistan to the PRC, “Central Asian Fortune in Chinese Hands?” <http://thediplomat.com/2013/12/central-asian-fortune-in-chinese-hands/>]

While China’s reemergence is the front-page story of this century, the majority of its Central Asian neighbors are socioeconomically troubled. Undoubtedly developmental challenges have to be met from within, but how important is China to Central Asian stability and economic growth?¶ Economically, China is already the largest trading partner of four out of the five former Soviet Republics (the exception is Uzbekistan), and a main source of foreign investment. China has increasingly brought landlocked Central Asia into its economic orbit: between 2000 and 2012 bilateral trade (Afghanistan excluded) grew a whopping 46-fold, from about $1 billion to $46 billion. China is also a strategic partner of five of the six Central Asian states, and President Xi Jinping accentuated that status by inking large deals in energy and construction during his visit to the region this September.¶ All of this is the culmination of China’s diplomacy paradigm in Central Asia, in place since the mid 1990s. The paradigm been characterized by resource extraction and trade; securing land energy supply by importing gas from Turkmenistan and both gas and oil from Kazakhstan; and protecting China’s western territories from possible insurgency spillovers. While currently these threats seem relatively marginal, domestic and regional stability is key to China’s steady progress, an idea frequently expressed in China by the government and scholars.¶ Correspondingly, China has pushed for regional security cooperation under the auspices of the Shanghai Cooperation Organization (SCO), which Beijing founded in 2001. With observer states included, the SCO accounts for half of the world’s population. Even if in different capacities, it is the only security organization in the world to embrace four major civilizations – a historic feat.¶ Through the SCO political and economic ties have fortified, and member states have developed greater mutual trust in military affairs as cooperation between defense ministries progressively deepens. In practice, so far, this has mainly resulted in collective drug trafficking mitigation, fighting organized crime, and border security enhancement. The SCO still excludes hard security – actual defensive military capacity.¶ While Beijing primarily sees raising living standards in this region as the antidote for instability, Chinese foreign minister Wang Yi has recently stressed that there is opportunity to build the SCO “into a community of interest” by expanding the scope of collaboration and to “build up a security shield” to detect and handle various security threats. Interestingly, this path could deviate from Beijing’s policy of non-interference.¶ The question is whether current economic engagement and soft security provision can prevent and handle potential mayhem in Central Asia. Challenges and threats confront the region – waiting for havoc to justify hard security capacity building is passive. While Kazakhstan is performing impressively as the product of pragmatic economic governance and an impressive natural resources endowment, other Central Asian states are still struggling in their transition to modernity. Leadership succession is not too far down a bumpy road. The four most troubled Central Asian states – Afghanistan, Kyrgyzstan, Tajikistan and Uzbekistan – face grave developmental insecurities: inadequate public services, porous borders, feeble security forces and fledgling economies. Running an indigenous economic growth mechanism in these states without solid foreign partnerships is a major challenge.¶ At the same time, the regional security climate will change after U.S.-led international forces depart Afghanistan in 2014. Afghanistan’s position at the crossroads of Central and South Asia could possibly see insurgency spillover in vulnerable neighboring countries.¶ Moreover, Central Asian states feel little allegiance to one another. As rivalries persist, regional institution building from a Eurasian stakeholder would be most welcome. Given its comprehensive resources and economic prowess, China is the most qualified candidate. While Russia obviously has historic, lingual and cultural ties and still considers Central Asia its “sphere of influence,” it is not the resources-hungry manufacturing powerhouse that China is. Emerging India has too many domestic challenges that need to be addressed first, and the EU is mired in introspection.¶ Understandably, some would state that first and foremost China is responsible for its own developmental challenges. Meeting the needs of its population, one-fifth of all people on earth, is its most important contribution to humanity. Yet while that is irrefutable, instability in Central Asia could stall China’s geostrategic progress in securing land access to the energy riches of the region and the Greater Middle East; jeopardize a shortcut to the Indian Ocean through Pakistan; and threaten Beijing’s ambitions to connect with the major European economies overland.¶ Moreover, look east and China is surrounded on all sides by states friendly with the United States. Japan, South Korea, the Philippines, and Myanmar are a few examples of neighbors that find China’s growing influence disconcerting. That underlines the necessity for Beijing of a regional defensive body that embraces China’s west and north.¶ It would be prudent, then, for Beijing to have the SCO begin a dialogue on clear blueprints for conflict prevention, crisis management, defense cooperation and post-conflict rehabilitation. While this is no easy task given the security calculations of regional powers and the existing overlapping security structures initiated by Moscow, the cost of inaction is higher. The good news is that China and Russia have started to recognize each other as their most important strategic partners in Eurasia, and their relations have never been as sound as they are now. This unique situation affords an excellent opportunity to expedite the common development of SCO members and observers.¶ Nonetheless, there are a few bottlenecks that need to be addressed first. The first is the name Shanghai Cooperation Organization. No regional security body should bear the name of single country or city – it is simply bad diplomacy.¶ The second is the delay in granting current observers – particularly Afghanistan, India and Pakistan – member status. Current members could catalyze the political, legal and technical preparation of these nations for SCO membership through stronger support. India’s member status could (or rather should) dampen any concerns Moscow and Delhi have about Beijing’s geopolitical intentions in Central and South Asia. China should also mitigate the hazard that Russia might lean more westward, as advocated by Zbigniew Brzezinski, through fortified security and economic cooperation. This latter is materializing particularly fast; forecasts have Sino-Russian bilateral trade at $200 billion by 2020.¶ The SCO should also expedite discourse with all Central Asian stakeholders on collective hard-security provision under agreed scenarios of turmoil in the Central Asian states. Defining the threshold for interference is no easy task. To make sure Afghanistan is not forgotten again, an “Afghanistan Mission” under SCO auspices for this economically troubled country could be created once the U.S.-Afghanistan Bilateral Security Agreement is signed – most likely in the next few weeks.¶ While more opportunities than challenges await the SCO, the suggestions made here will not be easy to achieve. It will be difficult for China not to step on toes, as the weight and interests of all stakeholders need to be incorporated. But if China can indirectly support Central Asia in eliminating the conditions that breed social unrest by improving living standards and molding a more prepared and more muscular SCO, good fortune will have befallen Central Asia – and China.

#### Causes nuclear war

**Blank ’00** [Stephen, MacArthur Professor of Research at the Strategic Studies Institute, “AMERICAN GRAND STRATEGY AND THE TRANSCASPIAN REGION,” World Affairs, Fall, Vol. 163, Issue 2 Database: Academic Search Elite, EBSCO]

Thus many structural conditions for conventional war or protracted ethnic conflict where third parties intervene now exist in the Transcaucasus and Central Asia. The outbreak of violence by disaffected Islamic elements, the drug trade, the Chechen wars, and the unresolved ethnopolitical conflicts that dot the region, not to mention the undemocratic and unbalanced distribution of income across corrupt governments, provide plenty of tinder for future fires. Many Third World conflicts generated by local structural factors also have great potential for unintended escalation. Big powers often feel obliged to rescue their proxies and proteges. One or another big power may fail to grasp the stakes for the other side since interests here are not as clear as in Europe. Hence commitments involving the use of nuclear weapons or perhaps even conventional war to prevent defeat of a client are not well established or clear as in Europe. For instance, in 1993 Turkish noises about intervening on behalf of Azerbaijan induced Russian leaders to threaten a nuclear war in that case. Precisely because Turkey is a NATO ally but probably could not prevail in a long war against Russia, or if it could, would conceivably trigger a potential nuclear blow (not a small possibility given the erratic nature of Russia's declared nuclear strategies), the danger of major war is higher here than almost everywhere else in the CIS or the "arc of crisis" from the Balkans to China. As Richard Betts has observed, The greatest danger lies in areas where (1) the potential for serious instability is high; (2) both superpowers perceive vital interests; (3) neither recognizes that the other's perceived interest or commitment is as great as its own; (4) both have the capability to inject conventional forces; and (5) neither has willing proxies capable of settling the situation.(n77)

### Links

#### Drones key

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.

#### Lack of US influence directly boosts Chinese soft power

**Efthymiou ’12** [Pavlos Efthymiou is reading for a PhD in Politics and International Studies at the University of Cambridge, holds an MPhil in International Relations from the University of Cambridge and a BSc in Politics with Economics from the University of Bath, “Chinese Soft Power: Sources And Implications For The US,” December 21, <http://theriskyshift.com/2012/12/chinese-soft-power-sources-andimplications-for-the-us/>]

Important external factors for the rise of Beijing’s soft power include the failure of the Washington Consensus, the erosion of US soft power and the global economic crisis. In the years following 9/11 America went through its ‘unipolar moment’, which claimed it political capital, weakened alliances and distanced friends. Human rights violations in Guantanamo and Abu Ghraib further weakened America’s attractiveness and traumatized its moral example. This paper deems that there was a power vacuum in the realm of ideas that China’s concepts in part came to fill. In parallel, the BJC comes as a bright contrast to the ominously failed Washington Consensus. Even more importantly perhaps,China has managed to maintain robust, double-digit economic growth at the most difficult perhaps time for Western economies since the Great Recession (Halper, 2010:33-37).

#### Plan hurts Chinese confidence, and norm-setting is key- causes SCS war

**Jain ’13** [Shresht Jain, researcher at the Institute of Peace and Conflict Studies (IPCS), a South Asian think tank which conducts independent research on and provides an in depth analysis of conventional and non-conventional issues related to national and South Asian security, “South China Sea: Beijing Likely to Employ Soft Power?” July 18, <http://www.ipcs.org/article/china/south-china-sea-beijing-likely-to-employ-soft-power-4043.html>]

Hitherto, the real challenge for China in the South China Sea has been to safeguard its sovereignty. However, for Beijing to cater to its energy demands and domestic economy, it is expected to lessen its dependency upon hard power and rely more on the soft power it possesses. ¶ Why it is important for China to embrace soft power in the SCS? What could be the major components of soft power measures? And lastly, to what extent, this approach will restore confidence among the claimants of the South China Sea? ¶ South China Sea and Beijing's Soft Power¶ In Beijing’s perspective the effectiveness of soft power vis-à-vis the SCS dispute will depend on, firstly its ability to shape the preferences of other claimants; Secondly, its ability to legitimate Chinese values, culture and policies; and lastly, its capacity to construct rules and norms which limits other’s activities(majorly the United States).¶ In contrast to China’s reliance upon its military in the region, the PRC possesses advantages of abundant soft power resources. Cultural exchange between China and Africa can be a representative example of how China has been spreading its soft power. The commitment ranges from health and financial assistance to academic and cultural exchanges. China's expanding soft power might be demonstrated by taking a look at China's economic growth and economic engagement with numerous African nations. China's development of trade and infrastructural investment on the African mainland and the spread of Chinese-led Confucius centres could give a positive impression about China towards individuals in Africa.¶ In context of Southeast Asia, both China and its neighbours enunciate a broader idea of soft power. China appears to be using soft power to incrementally push Japan, Taiwan and the United states. For instance, China’s aid to Philippines in 2003 and to Indonesia in 2002 was roughly greater than the United States. Beijing has also rebuilt relations with South Asian’s ethnic Chinese organisations, and in nations like Cambodia, a feeder system has been created in which Cambodian student attend Chinese-language school funded from the sources in mainland China. ¶ ¶ Similarly, China does not want to take the risk of sacrificing its domestic economy by taking coercive measures. China’s leverage over Southeast Asia includes major economic interest. As late as the 1990s, the US and Japan were major economic partners of Southeast Asia. No longer- China has displaced both to become the major trading partner to the region. With ASEAN-China Free Trade Agreement as a centrepiece, China has negotiated a plethora of economic agreements with the region including an array of infrastructure projects linking Southeast with southern interior China. In addition to free trade agreements with Southeast Asia, Beijing is negotiating closely with individual Southeast Asian states. In order for China to dangle budgetary carrots before the members of the ASEAN it is important to take some steps closer to its peaceful rise.¶ The Rationale: Quest for Energy Security¶ China’s demand for oil and gas resources and its drive for energy security are a political challenge of global dimension. The failure to persuade ASEAN states to cooperate on energy security may lead to disastrous consequences. It can only do so by placing mechanisms which allows Sino-ASEAN joint exploration. ¶ As a country increasingly dependent on oil, China believes the U.S and the major western oil companies wield influence over the world oil market and oil industries. China has earned limited rate of investment (ROI) on its investment in the energy sector in the South China Sea as it has already made headway in the same in the Persian Gulf, Central Asia, Russia, Africa and Latin America. One of the reasons for low ROI is due to the opaqueness in the quantum of resources that the Islands and reefs in the South China Sea has. Secondly, China is squandering time and money by expanding its naval fleet well beyond what is required to protect its coast and sea line of communications. It is wary of foreign oil companies conducting joint explorations with ASEAN countries.¶ Will Chinese Soft Power Work?¶ The improvement at the ARF is acknowledged as a huge step towards the peaceful resolution of the dispute. The reception of the guidelines lessened pressures and promoted Confidence Building Measures (CBM’s). Also given the economic leverage that China has on the South East Asian nations, it certainly would not want to lose its place to the US or Japan in playing the role of major funder or technology provider in the joint development to explore oil and gas reserves.¶ Moreover, economic interests are not a fundamental guarantee of stable bilateral relations in the long term, though deep-rooted economic and trade exchanges would make each nation more cautious when considering strategic issues. However with the rise of national sentiment and intensification of conflict, economic and trade ties may be obliged to give way to political and strategic considerations. Therefore, if the China-ASEAN relations are to maintain long-term stability, their relationship cannot be limited merely to the level of economic interests. In the future, when the time is ripe, both China and ASEAN jointly need to introduce a new bilateral exchange mechanism.

#### The plan results in US-backed pressure against the PRC

Whibley, 13 [“The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent”, <http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/>]

In a recent article, David Wood expresses concern over the start of a drone arms race, with China’s People’s Liberation Army beginning to adopt drone technology and Iran possibly supplying drones to Hezbollah in Lebanon. Other reports show that Pakistan has also developed its own set of drones, with offers of assistance from China to help improve their technological sophistication. The proliferation of drone technology is in many ways unsurprising, as technology always spreads across the globe. Yet, the economic and organizational peculiarities of drones may mean their adoption is more likely than other high-tech weapons. Michael C. Horowitz, in his widely praised book The Diffusion of Military Power, notes that states and non-state actors face a number of possible strategic choices when considering military innovations, with the adoption of innovative technology not a foregone conclusion. States will consider both the financial cost of adopting new technology and the organizational capacity required to adopt new technologies — that is, the need to make large-scale changes to recruitment, training, or strategic doctrine. From a financial perspective, drones are an attractive option for state and non-state actors alike, as they are vastly cheaper to build and operate than other forms of aerial technology, with the high level of commercial applications for drone technology helping drive down their cost. Organizationally, drones still require a significant level of training to operate in a combat setting, inhibiting their immediate adoption. Yet, as strategic doctrine in nearly every state prioritizes combating terrorism, drone programs will be easier to integrate into military structures as Horowitz notes that how a military organization defines its critical tasks determines the ease of adopting innovations. Even if the level of organizational capacity needed to operate drones eludes most terrorist organizations, the apparent willingness of states such as Iran to supply militant groups with drones raises the possibility of terrorist groups acquiring tacit knowledge about operating them by networking with sympathising states. If drones are destined to proliferate, the more important issue may become whether American drone doctrine is setting a precedent for other states over how drones are used, and if so, is American drone use weakening the long-standing international norm against assassination? Current US practices include the use of drones in countries without a declaration of war, the routine targeting of rescuers at the scene of drone attacks and the funerals of victims, and the killing of US citizens. The existence of such practices lends legitimacy to illiberal actions and significantly diminishes the moral authority of the US to condemn similar tactics used by other states, whether against rebellious populations in their own territory or enemies abroad. While drone advocates such as Max Boot argue that other countries are unlikely to follow any precedents about drone use established by America, power has an undeniable effect in establishing which norms are respected or enforced. America used its power in the international system after World War 2 to embed norms about human rights and liberal political organization, not only in allies, but in former adversaries and the international system as a whole. Likewise, the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when using weapons of mass destruction and the practices of colonialism and human intervention. Therefore, drones advocates must consider the possible unintended consequences of lending legitimacy to the unrestricted use of drones. However, with the Obama administration only now beginning to formulate rules about using drones and seemingly uninterested in restraining its current practices, the US may miss an opportunity to entrench international norms about drone operations. If countries begin to follow the precedent set by the US, there is also the risk of weakening pre-existing international norms about the use of violence. In the summer 2000 issue of International Security, Ward Thomas warned that, while the long-standing norm against assassination has always been less applicable to terrorist groups, the targeting of terrorists is, “likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.” Such an occurrence would represent a deleterious unintended consequence to an already inhumane international system, justifying greater scrutiny of the drone program. Realism cautions scholars not to expect ethical behaviour in international politics. Yet, the widespread use of drones by recent administrations with little accountability and the lack of any normative framework about their deployment on the battlefield could come to be seen as a serious strategic error and moral failing. If the Obama administration was nervous about leaving an amorphous drone policy to a possible Romney Presidency, then surely China or Russia possessing such a program would be terrifying.

#### Influence is zero-sum

**Shengjun 12-1**-13 [Zhang, professor at the School of Government, Beijing Normal University, “Zero-sum thinking an inevitable aspect of modern diplomacy,” <http://www.globaltimes.cn/content/828984.shtml#.UrUAqtJDuMU>]

China has been reiterating its resolution to adhere to the path of peaceful development and win-win, open diplomacy in recent years, pushing back against groundless claims of a "China threat." However, the framework of peaceful development is not omnipotent and win-win strategies cannot solve all international issues. Refusing to consider zero-sum issues, or dealing with international affairs by using one fixed mindset, cannot lead to balanced diplomacy.¶ In fact, zero-sum thinking is closer to the true nature of modern diplomacy. Modern diplomacy is derived from the political strife between the secular power and the Pope's theocracy in medieval Europe. Without zero-sum conflicts, there wouldn't be progress. ¶ In other words, it is hard to understand the birth and evolution of modern diplomacy without thinking in zero-sum terms, and it is also impossible to grasp the essence of modern diplomacy, such as the policy of "an eye for an eye."¶ Although globalization is a reality of the modern world, **zero-sum games** are not declining; on the contrary, they **are gaining momentum** along with more international exchanges taking place. Zero-sum thinking is becoming even more applicable than before. **China is no exception** from this tendency. Thus, even if a nation is carrying forward a peaceful development philosophy, this does not mean it can ignore or even abandon zero-sum thinking.¶ However, it should be noted that zero-sum thinking is different from the Cold War mentality. That outdated philosophy, bred by the tit-for-tat ideological confrontation between the US and former Soviet Union, goes against the trend of the times and needs to be abandoned. ¶ The Cold War mentality, the "flower of evil," is the extreme result of zero-sum thinking, but rejecting the Cold War mentality does not mean abandoning zero-sum thinking.¶ Putting an emphasis on zero-sum thinking actually complies with the objective law of international affairs, which can be categorized into three aspects. First, there are non-zero-sum games, such as international trade and economic cooperation, on the basis of economic structural complementarities. Second, there are zero-sum games, such as those involving resources and territorial disputes. Third is the combination of non-zero-sum games and zero-sum games, such as international negotiations over climate change. Thus, zero-sum games are showing their regular presence in international affairs. Competition and confrontation are basic forms of international relations, so adopting zero-sum thinking to deal with these issues is a logical step.¶ Zero-sum thinking will be conducive to China projecting a distinctive image on the international community and enhancing its influence and leadership in regional and global affairs. ¶ This philosophy can enable a nation to keep pace as a proactive stakeholder in international issues, and also maintain its decisiveness in making important strategic choices. ¶ If China wants to take more international responsibilities and play a role of leadership, zero-sum thinking will surely make a difference. Although not as typical, going for more soft power and a bigger say is also a kind of zero-sum game.¶ Zero-sum thinking is not an outdated philosophy, but a normal way of thinking which has taken root in international relations. ¶ Chinese diplomacy should be fully aware that only by integrating win-win strategies with zero-sum thinking, can China meet the challenges imposed by the complicated international environment in a calm manner, especially when the relationship between China and the US is inclining toward being more competitive than cooperative. The world cannot be thought of as a utopia, and ignorance of zero-sum games will cost China significantly. Using necessary zero-sum thinking will give China more confidence in dealing with international issues.

#### Cred is key to soft power- hurts other countries’ influence

**Nye ’13** [Joseph S. Nye Jr. is University Distinguished Service Professor at Harvard University and former Dean of the Kennedy School of Government. He served as U.S. Assistant Secretary of Defense for International Security Affairs from 1994 to 1995, “Hard, Soft, and Smart Power,” March, <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199588862.001.0001/oxfordhb-9780199588862-e-31>]

Soft power depends upon credibility and when governments are perceived as manipulative and information is seen as propaganda, credibility is destroyed. One critic argues that if governments eschew imposition or manipulation they are not really exercising soft power, but mere dialogue.25 While governments face a difficult task in maintaining credibility, this criticism underestimates the importance of pull rather than push in soft power interactions.¶ Of course, it is important not to exaggerate the impact of soft (or any other form of) power. There are some situations where soft power provides very little leverage. It is difficult, for example, to see how soft power would solve the dispute over North Korea's nuclear weapons. Some critics make the mistake of assuming that because soft power is often insufficient, it is not a form of power. But that problem is true of all forms of power. On the other hand, when a government is concerned about structural milieu goals or general value objectives, such as promotion of democracy, human rights, and freedom, it is often the case that soft power turns out to be superior to hard power.¶ Soft power is difficult for governments to wield. Sustained attraction—being a ‘city on a hill’—requires consistency of practice with values. Going further to project attraction, frame agendas, and persuade others is even more difficult. The causal paths are often indirect, the effects often take time to ripen, some of the general goals to which it is directed are diffuse, and governments are rarely in full control of all the instruments. To be credible, efforts to project soft power will have to avoid the dangers of an over-militarized and state-centric approach. Power becomes less hierarchical in an information age and social networks become more important. To succeed in a networked world requires leaders to think in terms of attraction and co-option rather than command. Leaders need to think of themselves as being in a circle rather than atop a mountain. That means that two-way communications are more effective than commands. As a young Czech participant at a Salzberg Seminar observed ‘this is the best propaganda because it's not propaganda’.26 Interactive discourse fits with empowering choices. It involves recognition that the sharing of values can be interactive and binding on the home state as well as others.¶ One of the major ways that governments attempt to wield soft power is through public diplomacy. Classical diplomacy, sometimes called cabinet diplomacy, involved messages sent from one ruler to another, often in confidential communications. But governments also found it useful to communicate with the publics of other countries in an effort to influence other governments indirectly. That indirect form of diplomacy became known as public diplomacy. The diffusion of power away from states has made public diplomacy more complex. The lines of communication are no longer a straight bar between two governments, but more like a star that includes lines between governments, publics, society to society, and non-governmental organizations (NGOs).¶ In such a world, actors other than governments are well placed to use soft power. Government A will try to influence the public in society B, but transnational organizations in society B will also wage information campaigns to influence government A as well as government B. They use campaigns of naming and shaming to influence other governments as well as to put pressure on other non-governmental actors such as large corporations. Sometimes they will also work through intergovernmental organizations. The result is a new set of mixed coalitions of governmental, intergovernmental, and non-governmental actors, each using public diplomacy for its own goals. For example, the International Campaign to Ban Landmines allied smaller governments like Canada and Norway, along with networks created by an activist in Vermont, and the public fame of Princes Diana to defeat the strongest bureaucracy (the Pentagon) in the world's only superpower.¶ Governments trying to utilize public diplomacy to wield soft power face new problems in the cyber age. Promoting attractive images of one's country is not new, but the conditions for trying to create soft power have changed dramatically in recent years. For one thing, nearly half the countries in the world are now democracies. In such circumstances, diplomacy aimed at public opinion can become as important to outcomes as the traditional classified diplomatic communications among leaders. Information creates power and today a much larger part of the world's population has access to that power. Technological advances have led to dramatic reduction in the cost of processing and transmitting information. The result is an explosion of information, and that has produced a ‘paradox of plenty’.27 Plentiful information leads to scarcity of attention. When people are overwhelmed with the volume of information confronting them, it is hard to know what to focus on. Attention rather than information becomes the scarce resource and those who can distinguish valuable information from background clutter gain power. Cue-givers become more in demand, and this is a source of power for those who can tell us where to focus our attention.¶ Among editors and cue-givers, credibility is the crucial resource and an important source of soft power. Reputation becomes even more important than in the past and political struggles occur over the creation and destruction of credibility. Governments compete for credibility not only with other governments, but with a broad range of alternatives including news media, corporations, NGOs, intergovernmental organizations, and networks of scientific communities. Politics has become a contest of competitive credibility. The world of traditional power politics is typically about whose military or economy wins. As we noted earlier, politics in an information age ‘may ultimately be about whose story wins’. 28 Narratives become the currency of soft power. Governments compete with each other and with other organizations to enhance their own credibility and weaken that of their opponents. Witness the struggle between Serbia and NATO to frame the interpretation of events in 1999 in which broadcasts and the Internet played a key role, or the contest between the government and protesters after the Iranian elections in 2009 in which the Internet and Twitter played important roles in transnational communication. Sceptics who treat the term ‘public diplomacy’ as a mere euphemism for propaganda miss this point. Simple propaganda is counterproductive as public diplomacy. Nor is public diplomacy merely public relations campaigns. Conveying information and selling a positive image is part of it, but public diplomacy also involves building long-term relationships that create an enabling environment for government policies.29