## 1NC

### T – Not Ex Post

#### Restriction on authority must limit presidential discretion

Lobel, 8 - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>)

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### They don’t – president still gets to decide, the plan’s an after-the-fact correction.

#### Voting issue –

#### 1) Ground – all DAs and CPs like ESR, flexibility, and politics compete based off restrictions on the presidential decision-making process – skews the topic in favor of the aff.

#### 2) Limits – the plan amounts to deterrence of prez powers, not statutory limitations – that’s opens a floodgate of affs that just dissuade presidential expansion of power

### Politics

***GOP will capitulate to demands for a clean debt ceiling bill and it will pass – Obamacare and other issues will not appear in the final bill.***

Greg **Giroux 9/19, 2013**, I See No Deals on Debt Ceiling, Republicans Will Capitulate – Senator Murray, Wall Stree Pit, <http://wallstreetpit.com/101182-i-see-no-deals-on-debt-ceiling-republicans-will-capitulate-senator-murray/>, KEL

**Republicans seeking to curb** President Barack **Obama’s health-care law** probably **will capitulate to demands from Democrats to enact a “clean” bill** raising the nation’s debt ceiling, the Senate’s top Democratic budget writer said. “I see no deals on the debt ceiling,” Senator Patty Murray of Washington state, who leads the Budget Committee, said in an interview on Bloomberg Television’s “Political Capital with Al Hunt” airing this weekend. “The downside of not paying our bills is our credit-rating tanks,” Murray said. “That affects every family, every business, every community. It affects Main Street. It affects Wall Street.” **Murray** said she also **expects Republicans to relent on their demands for stripping spending from Obama’s health plan** as part of action on a spending bill needed to keep the government running after Sept. 30. Republicans led by House Speaker John Boehner of Ohio have clashed with Obama over the debt ceiling, with the lawmakers demanding changes to spending programs as a condition of raising the $16.7 trillion federal borrowing limit. **Republicans “will come together with some mishmash policy of everything in the bag they’ve ever promised” to anti-tax Tea Party activists, though “they haven’t been able to get the votes for anything yet,**” said Murray, 62, fourth-ranking Democrat in the Senate’s leadership.

***Restrictions on authority are a loss that spills over to the debt ceiling***

Parsons, 9/12/13(Christi, Los Angeles Times, “Obama's team calls a timeout”

<http://www.latimes.com/nation/la-na-obama-congress-20130913,0,2959396.story>)

After a week in which President Obama ***narrowly averted a bruising defeat*** on Capitol Hill over a military strike on Syria, the decision had the feeling of a much-needed timeout. The messy debate over a resolution to authorize military force put a harsh light on the president's already rocky relationship with Congress. Despite a charm offensive earlier this year, complete with intimate dinners and phone calls, Obama faced contrary lawmakers in both parties, a climate that is certain to persist through the next round of legislative fights, if not to the end of his second term. In deciding to seek approval for military action, Obama banked on the long-standing deference to the commander in chief on matters of national defense. But by the time he pressed "pause" on the intense White House lobbying effort, he was finding as much defiance as deference. Although the White House cast the issue as a matter of national security and a crucial test of U.S. power, dozens of lawmakers from both parties were set to deliver a rare rebuke to a president on foreign policy. Even Democratic loyalists seemed unswayed by appeals to preserve the prestige of the presidency — and this president. Hawkish Republicans offering to reach across the aisle to support the president said they found the White House distant and uninterested. The canceled picnic punctuated a week of aggravated feelings. "We obviously have divided government. We have sometimes contentious, sometimes very effective relations with Congress. But we keep at it," said White House spokesman Jay Carney, who denied the picnic cancellation had anything to do with the state of relations between the two branches of government. On Capitol Hill, the week's episode strained Obama's traditional alliance with his fellow Democrats, many of whom were wary of another military involvement, unclear about the president's plans for a missile strike and surprised by his decision to ask them to vote on it. "Not only was it a hard ask, but it was not a well-prepared ask," said Sen. Sheldon Whitehouse (D-R.I.). "His willingness to back away from the ultimatum and pursue the disarmament proposal was extremely welcome, and I think that helped all of us in our relationship with him." Obama's relationship with his Republican critics was not helped. As lawmakers look ahead to the rest of the fall agenda, including the coming budget battles, the administration's performance this week will not be easy to forget, some said. "It's just more lack of confidence that they know what they're doing," said Sen. Tom Coburn (R-Okla.). "***There's only so much political capital***," said Sen. Rob Portman (R-Ohio). Democrats defended the president, blaming Republicans for a "knee-jerk" opposition to any initiative tied to this White House, a phenomenon that Obama aides regularly cite but that the president appears to have disregarded in his decision to put a use-of-force resolution before Congress. "Historically, when it comes to military force, Republicans and conservatives have led that. Now they're opposed to it," said Sen. Richard J. Durbin (D-Ill.). In a private meeting this week, Durbin said, Obama himself joked that "a lot of Republicans on Capitol Hill are discovering their inner doves on Syria." The next set of negotiations will be far more predictable and on familiar territory. By the end of the month, the president and Congress must agree on a plan to continue funding the government, or it will shut down. And by mid-October, they will have to agree to raise the debt limit, or risk a default. The White House has said it won't negotiate on the debt limit, as it did twice before, counting on the public and business groups to pressure Republicans. Democrats were hopeful the budget issues would put the White House back on more solid political footing. "I think the public has a heck of a lot more confidence in the president on economics and budget than [in] the House Republicans," said Sen. Carl Levin (D-Mich.). That may be wishful thinking, said Ross Baker, a political science professor at Rutgers University, who studies the Senate. "These things carry over. ***There's no firewall between issues***," he said. "***Failure in one area leads to problems in other areas***." The debate over the war in Syria may be on an extended pause, although prospects of Obama returning to Congress to ask for a use-of-force authorization seem slim. A bipartisan group of senators is drafting an amended authorization, but the group is not expected to fully air its proposal until diplomatic talks conclude. There were some signs that the debate may have ***won the president some empathy***, if not support. At a private lunch with Republican senators this week, Obama asked them ***not to undermine him*** on the world stage. Sen. Ron Johnson of Wisconsin, who is part of a group of GOP senators working with the White House on fiscal issues, said the appeal resonated.

***Loss of PC forces Obama to negotiate over debt ceiling preconditions – causes extended battle***

**Chait, 13**

Jonathan Chait, commentator and writer for New York magazine. He was previously a senior editor at The New Republic and a former assistant editor of The American Prospect. He also writes a periodic column in the Los Angeles Times, New York Magazine, 4/26/13, <http://nymag.com/daily/intelligencer/2013/04/democrats-lost-sequestration-two-years-ago.html>

**"Obama's mistake** wasn't the design of sequestration. It **was *finding himself in that negotiation to begin with*. Earlier this year, Obama refused to negotiate over the debt ceiling, and Republicans *caved* and raised it. If he had done that in 2011, they would probably have done the same thing. Instead, Obama took their demand to reduce the deficit at face value and thought**, Hey, I want to reduce the deficit, too — **why don't we use this opportunity to strike a deal?** As it happened, Republicans care way, way, way more about low taxes for the rich than low deficits, which made a morally acceptable deal, or even something within hailing distance of a morally acceptable deal, completely impossible. "By the point at which Obama figured this out in 2011, the debt ceiling loomed and it was too late to credibly insist he wouldn't negotiate over it. Sequestration was a pretty good way to escape fiscal calamity**. The mistake was *getting jacked up* over the debt ceiling in the first place."** http://nymag.com/daily/intelligencer/2013/04/democrats-lost-sequestration-two-years-ago.html[17] **In 2011 though, the GOP had a little *more political capital and the President considerably less so he may have had to negotiate*. Overall, though the point is well taken: Obama was right not to negotiate this year and it's hard to argue that he-or the Democrats- should have agreed to this**. However, time will tell and I'd like to be proved wrong. And even if they made a mistake, as Chait points out maybe they'll realize their blunder and do better next time.

***Even if a deal is eventually reached to prevent hitting the ceiling a protracted fight is economic sabotage – collapse growth, markets and confidence.***

Dave **Johnson**, Campaign for America's Future | Op-Ed Fresh Hell When Congress Returns

**September 4** 2013 11:25

<http://truth-out.org/opinion/item/18597-fresh-hell-when-congress-returns>

**There are two different levels of economic damage from a debt-ceiling fight. First there is the cost of the fight itself, as the world worries over whether Republicans would actually pull the trigger. The fact that they would talk about this at all causes considerable damage to growth and confidence.**¶ But **the other level of damage** – far more serious – **comes if they actually do it. If the U.S. defaulted, the consequences to the country’s and world’s economic system are literally unimaginable**.¶ In January, The Washington Post looked at reports of **the economic damage caused by the last debt-ceiling fight** – the one that led to the economic damage of the “sequester.” The Post report summarized:¶ The protracted, unsettling nature of the negotiations between the White House and Republicans dramatically **slowed the recovery**, economists conclude, looking back at the episode**. Consumer confidence collapsed, reaching its worst level since the depths of the financial crisis**. Hiring stalled, with the private sector creating jobs at its slowest pace since the economy exited the recession. The stock market plunged, sending the Standard & Poor’s 500-stock index down more than 10 percent.¶ **In the last debt-ceiling hostage battle, the government spent an extra $1.3 billion to borrow because of lender uncertainty over whether they would be paid back**, according to the Government Accounting Office (GAO). Following the battle the Standard & Poor’s credit agency “downgraded” the U.S. credit rating, saying that any country that would even discuss default does not deserve the top rating.¶ On top of that, the 10-year cost of higher interest rates from that fight is $18.9 billion. The unemployment rate increased as job growth was cut in half by the fight. Consumer confidence plunged “more than it did following the collapse of Lehman Brothers Holdings Inc. in 2008.”¶ **The consequences of actually letting the country default would begin with a panic in the stock market. And there would likely be a “run” on money markets**, because the safety of the U.S. dollar is the foundation of the entire financial system.¶ Next, many of the things the U.S. government must pay for would not be paid for. Because raising the debt ceiling is about allowing the government to get the money to pay for the things Congress has already spent money on, existing invoices would not be paid. So the government would default on paying for contracts, hospitals and doctors who had already performed services, fuel purchases, everything right up to payments to Social Security recipients and people trying to redeem their government bonds. The government would have to prioritize who to pay based on what is coming in from tax receipts, fees and market transactions, which would all drop dramatically as the world’s economy exploded. In any event, the government doesn’t have the computer systems in place to prioritize payments, and wouldn’t have the time or funds to get those running.¶ **There would be a dramatic rise in interest rates for borrowing. The United States would no longer be a “safe” borrower, so the price of loans** – the interest rate – **would go up. That would ripple out to the price of a loan to a business, a mortgage, a car loan and everything else that Americans finance**.¶ **No matter how fast a default of the country was resolved, the shock to the confidence of the entire economic system would not go away**. If the United States was no longer a “safe haven,” then a restructuring of the world’s core understanding of debt and repayment would follow.¶ With the effect of the last fight now understood, **any new fight has to be seen for what it is: “economic sabotage.”**

***Nuclear war***

**Khalilzad ’11** Zalmay was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, “ The Economy and National Security”, 2-8-11, <http://www.nationalreview.com/articles/print/259024>, MCR

Today, **economic** and fiscal **trends pose the *most severe*** long-term ***threat* to the U**nited **S**tates’ **position as global leader**. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The **continuation of** these two **trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased *geopolitical rivalry* and** even ***war* *among*** the ***great powers***. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, **the U**nited **S**tates **would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would *almost certainly* compel a *radical retrenchment* of the U**nited **S**tates **internationally**. **Such scenarios would *reshape the international order***. It was the **economic devastation** of Britain and France **during World War II**, as well as the rise of other powers, that **led** both **countries to relinquish their empires**. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, **the U**nited **S**tates **would be compelled to retrench, reducing its military spending and shed**ding **international commitments**. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though **countries** such as China, India, and Brazil have profound political, social, demographic, and economic problems, their **economies are growing faster than ours, and this could alter the global distribution of power.** **These trends could** in the long term **produce a multi-polar world**. ***If U.S. policymakers fail to act*** and other powers continue to grow, ***it is not a question of whether but when* a new international order will emerge**. **The closing of the gap** between the United States and its rivals **could *intensify geopolitical competition among major powers*, increase incentives for local powers to play major powers against one another, and undercut our will to *preclude* or respond to *international crises* because of the *higher risk of escalation*.** **The stakes are high**. In modern history, ***the longest period of peace among the great powers has been the era of U.S. leadership***. By contrast**, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers**. **Failures of multi-polar international systems produced *both world wars***. **American retrenchment could have *devastating consequences*.** **Without an American security blanket, regional powers could *rearm* in an attempt to balance against emerging threats**. Under this scenario, **there would be a heightened possibility of *arms races*, *miscalc***ulation, **or *other crises spiraling into all-out conflict*.** Alternatively, **in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the U**nited **S**tates. Either way, **hostile states would be emboldened to make *aggressive moves* in their regions**.

### 1NC – Transparency CP – vs. Drones

#### The President of the United States should:

#### Regularly report to congressional intelligence committees the number of targeted killing operations the Central Intelligence Agency and Department of Defense conduct within a given time period, along with any civilian casualties that happened as a result of these operations

#### Publish the criteria by which the government determines what individuals are subject to targeting by this program

#### Publish the financial cost of the targeted killing program

#### Clarify the legal justifications of the targeted killing program

#### Establish an independent congressional review board composed of individuals selected by the minority and majority leadership of the House and Senate responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing

#### This specific transparency strategy solves

McNeal 4-23-’13, Gregory McNeal is a professor at Pepperdine University. He is a national security specialist focusing on the institutions and challenges associated with global security, with substantive expertise in national security law and policy, criminal law, and international law. He previously served as Assistant Director of the Institute for Global Security, co-directed a transnational counterterrorism grant program for the U.S. Department of Justice, and served as a legal consultant to the Chief Prosecutor of the Department of Defense Office of Military Commissions on matters related to the prosecution of suspected terrorists held in the detention facility in Guantanamo Bay, Cuba. 4-23-’13, Lawfare Blog, Five Ways to Reform the Targeted Killing Program, <http://www.lawfareblog.com/2013/04/five-ways-to-reform-the-targeted-killing-program/>, jj

My focus in this final post will be on transparency related reforms that Congress and the administration can likely come to agreement on (thus no recommendation for judicial review).

Reform 1: Defend the Process

At first blush this sounds like a silly reform recommendation, after all, the administration has given enough speeches on national security to fill a book. But that doesn’t mean they’ve fully described or defended the targeted killing process. In fact, in publishing these posts and the article I’ve been struck by how many people in government have emailed me to say things like: “I know my part of this, but I never knew the steps that came before and after me” or similar statements. The fact that leading human rights groups —many of whom are ideologically inclined to support this administration— have written a 9 page letter mostly calling for greater transparency also suggests that the message has not been received about the strategy, tactics, criteria, or procedure associated with America’s use of targeted killings. Sadly this isn’t a new phenomenon, in the article I cite a passage from Judge James E. Baker, Deputy Legal Adviser to the NSC under President Clinton, Baker wrote:

“In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…”

Of course it is understandable why an administration may not want to reveal information to defend the process, as doing so may subject them to political controls or even legal scrutiny, thus their caution is understandable (albeit self-serving). Nevertheless, publicly defending the process can strengthen executive power. It bolsters political support by providing information to voters and other external actors. It also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). The administration should defend the process in at least as much detail as these blog posts have.

Reform 2: Use Performance Reporting to Encourage Good Behavior

Another transparency related reform that could engender greater accountability would be to report performance data. Specifically, the government could report the number of strikes the CIA and the Department of Defense conducted in a given time period. A possible performance metric might ask: 1) Was there collateral damage resulting from the military action? 2) If so, was the collateral damage excessive in relation to the military advantage anticipated? Variable 1 lends itself to tracking and reporting (subject to the difficulties of BDA), Variable 2 only arises if collateral damage occurred, and the questions that should flow from it are A) Was the collateral damage expected? If it was, then the commander must have engaged in some analysis as to whether the anticipated harm was excessive in relation to the military advantage anticipated and that assessment could be documented, and B) If the collateral damage was not expected, why not? Some causes of potentially unexpected collateral harm may be an intelligence failure, a failure to follow procedures, changes in the operational circumstances, inadequate procedures, among others. Each of these variables can be tracked as part of an accountability and performance metric. If tracked and aggregated over time, the causes of errors or a record of success could be publicly communicated in a way that does not jeopardize operational security. Moreover, such tracking and reporting could contribute to mission accomplishment by identifying the circumstances under which strikes did not go as planned.

As an example, in the paper I describe how CENTCOM data indicates that less than 1% of targeted killing operations resulted in harm to civilians, whereas outside observers estimate that 8%-47% of CIA strikes in Pakistan inflicted harm to civilians. Let’s make a big leap and just imagine for a moment that these data were official numbers, tracking the same thing, and were published by the Department of Defense and CIA respectively. In a hypothetical world where those numbers are accurate, it’s safe to assume that such reports showing that the CIA was inflicting civilian harm at a rate far exceeding that of DoD would force a serious reexamination of CIA bureaucratic practices, extensive political oversight, professional embarrassment and perhaps even the prospect of judicial intervention. The publication of such data may even have the salutary effect of causing bureaucratic competition between the Department of Defense and CIA over which agency could be better at protecting civilians, while still accomplishing their mission. Of course there are costs associated with such reporting. The tracking requirements would be extensive and may impose an operational burden on attacking forces — however, an administrative burden is not a sufficient reason to not reform the process, especially when innocent lives are on the line. Another cost may be the cost to security of revealing information that even has the slightest possibility of aiding the enemy in developing countermeasures against American operations.

Reform 3: Publish Targeting Criteria

Related to defending the process is the possibility that the U.S. government could publish the targeting criteria it follows. That criteria need not be comprehensive, but it could be sufficiently detailed as to give outside observers an idea about who the individuals singled out for killing are and what they are alleged to have done to merit their killing. As Bobby has noted, “Congress could specify a statutory standard which the executive branch could then bring to bear in light of the latest intelligence, with frequent reporting to Congress as to the results of its determinations.” What might the published standards entail? First, Congress could clarify the meaning of associated forces. In the alternative, again as Bobby has noted, it could do away with the associated forces criteria altogether, and instead name each organization against which force is being authorized. Such an approach would be similar to the one followed by the Office of Foreign Assets Control in their Specially Designated Nationals process.

The challenge with such a reporting and designation strategy is that it doesn’t fit neatly into the network based targeting strategy the U.S. government follows (as outlined in prior posts and in the article). If the U.S. is seeking to disrupt networks, then how can there be reporting that explains the networked based targeting techniques without revealing all of the links and nodes that have been identified by analysts? Furthermore, for ally targets, the diplomatic secrecy challenges remain. For example, at the time of the strike, the U.S. government could not disclose the fact that it was responsible for killing Nek Mohammed. There simply may be no way the U.S. can publicly reveal that it is targeting networks or persons that are attacking allied governments. These problems are less apparent when identifying the broad networks the U.S. believes are directly attacking American interests, however publication of actual names of targets will be nearly impossible (at least ex ante) under the current network based targeting practices.

While publishing targeting criteria has its challenges it may still be worth it as it may clear up potential misconceptions grounded in the use of different definitions. For example, the U.S. government and outside observers may simply be using different benchmarks to measure success. Some observers are looking to short term gains from a killing while others look to the long term consequences of the targeted killing policy. Some may be counting members of enemy groups as direct participants in hostilities, while others may be only counting those with a continuous combat function as direct participants. These definitions matter and the U.S. should be more transparent about what definitions it feels bound by.

While definitions should be transparent, all of the metrics and criteria associated with how the U.S. measures short term and long term success need not be revealed. However, the U.S. should articulate what strategic level goals it is hoping to achieve through its targeted killing program. Those goals certainly include disrupting specified networks. But what other goals is America seeking to achieve? Articulating those goals, and the specific networks the U.S. is targeting may place the U.S. on better diplomatic footing, and would certainly engender a sense that there is greater accountability domestically. It won’t please all of the critics, but pleasing all of them shouldn’t be the goal, the goal should be to firmly ground the program by providing sufficient details to ensure that mistakes are being tracked and that agencies aren’t running amok.

Reform 4: Publish costs (in dollars)

Some Americans may not care about innocent children in far away lands, but they care about their taxes. That fact suggests that targeted killings may be a worthwhile case for proving that publishing the financial costs of strikes can impose a degree of accountability on the process. This is the case because unlike a traditional war where the American people understand victories like the storming of the beaches at Normandy, the expulsion of Iraqi troops from Kuwait, or even (in a non-hot war context) the fall of the Berlin wall – this conflict against non-state actors is much harder to assess. As such, the American people may understand the targeted killing of a key al Qaeda leader like Anwar al Aulaqi, and they may be willing to pay any price to eliminate him. But what about less well known targets such as Taliban leaders? Take the example of Abdul Qayam, a Taliban commander in Afghanistan’s Zabul Province who was killed in an airstrike in October of 2011. Do the American people even know who he is, let alone the money spent to kill him? According to a report, the Navy spends $20,000 per hour on strikes like the one that killed Qayam, and each sortie generally lasts eight hours. While the American people may be generally supportive of targeted killings, they are likely unaware of the financial costs associated with the killings. Publishing the aggregate cost of strikes, along with the number of strikes would not reveal any classified information, but would go a long way towards ensuring political accountability for the targeted killing program. Such an accountability reform might also appeal to individuals across the ideological spectrum, from progressives who are opposed to strikes on moral grounds to fiscal conservatives who may oppose the strikes on the basis of financial cost. In fact, according to the 9/11 Commission Report, during the 1990’s one of the most effective critiques of the cruise missile strikes against al Qaeda training camps was cost. Specifically, some officials questioned whether “hitting inexpensive and rudimentary training camps with costly missiles would not do much good and might even help al Qaeda if the strikes failed to kill Bin Ladin.”

Reform 5: Establish an Independent Review Board

The transparency related accountability reforms specified above have the ability to expose wrongdoing; however that’s not the only goal of accountability. Accountability is also designed to deter wrongdoing. By exposing governmental activity, transparency oriented reforms can influence the behavior of all future public officials—to convince them to live up to public expectations. The challenge associated with the reforms articulated above is a bias towards the status quo. Very few incentives exist for elected officials to exercise greater oversight over targeted killings and interest group advocacy is not as strong in matters of national security and foreign affairs as it is in domestic politics. To overcome the bias towards the status quo, Congress should consider creating an independent review board composed of individuals selected by the minority and majority leadership of the House and Senate, thus ensuring bi-partisan representation. The individuals on the review board should be drawn from the ranks of former intelligence and military officers, lending their report enhanced credibility. These individuals should be responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing. The goal would be a strategic assessment of costs and benefits, including the fiscal costs, potential blowback, collateral damage and other details that are currently held deep within the files of the targeting bureaucracy.

This board, like many prior commissions can be successful because they signal the executive’s interest in maintaining credibility and winning the support of the public. It also shows his willingness to give up control of information that allows others to subject the executive branch to critiques. Similarly, Congress may prefer this solution because it allows them to claim they are holding the executive branch accountable while at the same time shifting the blame for poor accountability decisions to others. The board could review the program in its entirety, or could conduct audits on specified areas of the program.

The challenge associated with such an approach is similar to the oversight challenges we see today. Will the agencies provide information to the board members? Maybe not. However, the dynamic here is a bit different, and it suggests that that agencies may cooperate. First, for the board to be successful it will require the president to publicly support it from the outset. A failure on his part to do so may impose political costs on him by suggesting he has something to hide. That cost may be more than he wants to bear. Second, once the president publicly binds himself to the commission, he will need to ensure it is successful or he will again suffer political costs. Those costs may turn into an ongoing political drama, drawing attention away from his other public policy objectives. Third, the board members themselves, once appointed, may operate as independent investigators who will have an interest in ensuring that they are not stonewalled. Fourth, because these members will be appointed by partisan leaders in Congress, the individuals chosen are likely to have impressive credentials, lending them a platform for lodging their critiques.

#### 1AC authors agree

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Much like policies governing the use of nuclear weapons, offensive¶ cyber capabilities, and space, developing rules and frameworks for¶ innovative weapons systems, much less reaching a consensus within the¶ U.S. government, is a long and arduous process. In its second term, the¶ Obama administration has a narrow policy window of opportunity to¶ pursue reforms of the targeted killings program. The Obama administration¶ can proactively shape U.S. and international use of armed¶ drones in nonbattlefield settings through transparency, self-restraint,¶ and engagement, or it can continue with its current policies and risk¶ the consequences. To better secure the ability to conduct drone strikes,¶ and potentially influence how others will use armed drones in the¶ future, the United States should undertake the following specific policy¶ recommendations.

### DA - def

#### Uniqueness --- Courts are deferring to the executive on matters of national security now

Jacob Gershman, 8-30-’13, The Wall Street Journal, Can Obama be Sued for Ordering Military Action in Syria?, <http://blogs.wsj.com/law/2013/08/30/can-obama-be-sued-for-ordering-military-action-in-syria/>, jj

Members of Congress also have run into another brick wall called the “political question” doctrine, which involves deference to the president’s discretionary authority.¶ “Courts will not decide cases that risk embarrassment to an equal branch of government or involve courts in policy decisions that aren’t appropriate for judicial resolution,” Michael J. Glennon, a professor of International Law at the Fletcher School of Law and Diplomacy at Tufts University, told Law Blog.

#### Plan’s violation of deference to the executive spills over

Bloomberg ’13, 2-18, Why a ‘Drone Court’ Won’t Work, <http://www.bloomberg.com/news/2013-02-18/why-a-drone-court-won-t-work.html>, jj

As for the balance of powers, that is where we dive into constitutional hot water. Constitutional scholars agree that the president is sworn to use his “defensive power” to protect the U.S. and its citizens from any serious threat, and nothing in the Constitution gives Congress or the judiciary a right to stay his hand. It also presents a slippery slope: If a judge can call off a drone strike, can he also nix a raid such as the one that killed Osama bin Laden? If the other branches want to scrutinize the president’s national security decisions in this way, they can only do so retrospectively.

#### Deference good --- secrecy, speed, and flexibility

Posner & Vermeule ’07, Eric Posner is Kirkland & Ellis Distinguished Service Professor of Law and Aaron Director Research Scholar at the University of Chicago. Adrian Vermeule - John H. Watson, Jr. Professor of Law – Harvard Law School, “Terror in the Balance : Security, Liberty, and the Courts”.¶ Cary, NC, USA: Oxford University Press, 2007. p 4-6.¶ http://site.ebrary.com/lib/wayne/Doc?id=10180654&ppg=13¶ Copyright © 2007. Oxford University Press. All rights reserved. , jj

A different view, however, is that the history is largely one of political and constitutional success. The essential feature of the emergency is that national security is threatened; because the executive is the only organ of government with the resources, power, and flexibility to respond to threats to national security, it is natural, inevitable, and desirable for power to flow to this branch of government. Congress rationally acquiesces; courts rationally defer. Civil liberties are compromised because civil liberties interfere with effective response to the threat; but civil liberties are never eliminated because they remain important for the well-being of citizens and the effective operation of the government. People might panic, and the government must choose policies that enhance morale as well as respond to the threat, but there is nothing wrong with this. The executive implements bad policies as well as good ones, but error is inevitable, just as error is inevitable in humdrum policymaking during normal times. Policy during emergencies can never be mistake-free; it is enough if policymaking is not systematically biased in any direction, so that errors are essentially random and wash out over many decisions or over time. Both Congress and the judiciary realize that they do not have the expertise or the resources to correct the executive during an emergency. Only when the emergency wanes do these institutions reassert themselves, but this just shows that the basic constitutional structure remains unaffected by the emergency. In the United States, unlike in many other countries, the constitutional system has never collapsed during an emergency.¶ The two views of history have opposite normative implications. Those who hold the first view devote their energies to persuading Congress and judges to scrutinize executive actions during emergencies. The simplest view, which we label the civil libertarian view, holds that courts should be willing to strike down emergency measures that threaten civil liberties to the same extent that they strike down security measures during normal times; perhaps courts should be even less deferential during emergencies, given that emergencies create new opportunities for taking advantage of the public. Some scholars who are sympathetic to the civil libertarian view, but who do not go so far, think that courts should be more deferential during emergencies than during normal times; but these scholars also think that the judges should assert themselves more than they have historically and that the judges should wield constitutional doctrines that require the executive to work in tandem with Congress. Except when the context requires greater precision, we will refer to both types of scholars as civil libertarians. The second view of history suggests that the traditional practice of judicial and legislative deference has served Americans well, and there is no reason to change it. This view reflects the collective wisdom of the judges themselves, and although no one doubts that injustices occur during emergencies, the type of judicial scrutiny that would be needed to prevent the injustices that have occurred during American history would cause more harm than good by interfering with justified executive actions. Those who hold this view usually have little confidence in congressional leadership and argue that Congress should defer to the executive as well. This book argues for the latter view. We maintain that the civil libertarian view, in any version, rests on implausible premises and is too weak to overcome the presumptive validity of executive action during emergencies. Our argument has two components. First, the tradeoff thesis holds that governments should, and do, balance civil liberties and security at all times. During emergencies, when new threats appear, the balance shifts; government should and will reduce civil liberties in order to enhance security in those domains where the two must be traded off. Governments will err, but those errors will not be systematically skewed in any direction and will not be more likely during emergencies than during normal times, in which governments also make mistakes about quotidian matters of policy. Second, the deference thesis holds that the executive branch, not Congress or the judicial branch, should make the tradeoff between security and liberty. During emergencies, the institutional advantages of the executive are enhanced. Because of the importance of secrecy, speed, and flexibility, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times. The deference thesis does not hold that courts and legislators have no role at all. The view is that courts and legislators should be more deferential than they are during normal times; how much more deferential is always a hard question and depends on the scale and type of the emergency.¶ To that extent, we agree with the subset of civil libertarians who concede that courts and legislators should defer somewhat more during emergencies than during normal times. Nonetheless, even these civil libertarians criticize the courts and Congress for their excessive deference during emergencies. We agree with the descriptive premise, but not the normative one. Courts and legislators are far more deferential during emergencies than any civil libertarians would have them be, but we think this is good and, for the most part, inevitable. Accordingly, we will argue for a much higher degree of deference than any version of the civil libertarian view permits. In our view, the historical baseline of great deference during emergencies is also the right level of deference. To be clear, we do not argue that government always acts rationally, or with public-regarding motivations, nor that it always strikes the correct balance between security and liberty. Our two theses are just two halves of our central claim, which is about the comparison of institutional performance during normal times, on the one hand, and during emergencies, on the other. Our central claim is that government is better than courts or legislators at striking the correct balance between security and liberty during emergencies. Against the baseline of normal times, government does no worse during emergencies, or at least its performance suffers less than that of courts and legislators. By contrast, the institutional structures that work to the advantage of courts and Congress during normal times greatly hamper their effectiveness during emergencies; and the decline in their performance during emergencies is much greater than the decline in governmental performance. Therefore, deference to government should increase during emergencies.

#### Executive flexibility solves nuclear war

Yoo 12

(John Yoo, American attorney, law professor, and author. He served as a political appointee, the Deputy Assistant US Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration. “War Powers Belong to the President”¶ Posted Feb 1, 2012,¶ <http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president>)

A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶ The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

### 1NC Presumption

#### The aff has zero solvency – plan text says “the federal judiciary should review targeted killings” – but they don’t fiat Congress gives them jurisdiction by passing a statute

Epps ’13, Garrett Epps, a former reporter for The Washington Post, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore and lives in Washington, D.C. His new book is Wrong and Dangerous: Ten Right Wing Myths About Our Constitution. 2-16-13, The Atlantic, Why a Secret Court Won't Solve the Drone-Strike Problem, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, jj

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; the evidence would not be shown to the plaintiffs themselves, or to the public. After review of the evidence, the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally. It's an elegant plan, and the only one I've seen that would permit us to involve the Article III courts in adjudicating drone attacks. Executive-power hawks would object that courts have no business looking into the president's use of the war power. But Vladeck points out that such after-the-fact review has taken place since at least the Adams administration. "I don't think there's any case that says that how the president uses military force--especially against a U.S. citizen--is not subject to judicial review," he said in an interview. "He may be entitled to some deference and discretion, but not complete immunity."

#### Vote neg on presumption – this plan flaw means they’ve failed to meet an aff burden because targeted killing victims and families have no standing to sue the USFG

### Solvency

#### Ex post review fails to solve legitimacy or set up a legal framework

Crandall 12 (Carla, Law Clerk – Supreme Court of Missouri, “Ready…Fire…Aim! A Case for Applying American Due Process Principles Before Engaging in Drone Strikes,” Florida Journal of International Law, April, 24 Fla. J. Int'l L. 55, Lexis)

Despite the expanded use of drones, however, the legitimacy of these attacks remains unclear. Most commentators who have addressed the legitimacy of more general targeted killings have examined the issue within the framework of either international humanitarian law (IHL) or international human rights law (IHRL). n6 Those limited few who have [\*57] analyzed the subject through the lens of American due process have limited their scrutiny to the absence of post-deprivation rights. n7 They suggest, for instance, that the United States should implement some sort of Bivens-type action as a remedy for the survivors of erroneous drone strikes. n8

As this Article explains, however, none of these approaches yield wholly satisfactory answers as to which framework should govern the use of drones within the context of the war on terror. And though the idea that American due process principles ought to be applied **ex post** represents a significant contribution to the debate, it too ultimately falls flat. Indeed, such an approach unduly narrows the obligation of U.S. officials to the standard of readying, firing, and then aiming- requiring them to perform a detailed review of the strikes only after the fact. Instead, this Article argues that the United States ought to be held to a higher, ex ante standard-that of "aiming" before firing-and posits that such a standard is practically attainable.

In doing so, the Article proceeds as follows. Part II describes the capabilities and current employment of drones and explains why **resolving the legitimacy of their use is so critical**. Specifically, it highlights that, despite the unsettled nature of the law in this area, targeted killings by drone strikes have increased exponentially in recent years-in some instances against arguably questionable targets. Part III examines current attempts to address the legitimacy of drone assaults and explains why they fail to adequately govern the use of these weapons. While this Part explores the applicability of IHRL and IHL, it does not undertake to resolve the debate as to which regime does or ought to apply to these operations. To the contrary, it argues that limitations within each framework have prevented consensus from forming around the applicability of either. Accordingly, U.S. officials [\*58] must arguably look to other sources to find guiding principles to legitimize targeted killings via drones. Though it is admittedly not entirely clear whether constitutional guarantees apply in the foreign locales where these strikes occur-or to the foreign nationals who are often their target-this Part proposes that American due process principles nevertheless ought to be invoked before such strikes occur, because failing to do so allows the executive to act with impunity in a legal void. Part IV argues that, in Hamdi v. Rumsfeld n9 and Boumediene v. Bush, n10 the Supreme Court signaled the process that may be due before drones are used to eliminate known terrorist targets. In extending the Hamdi and Boumediene analysis to targeted killings by drones, this Part also begins the inquiry into the procedural protections that due process may demand before U.S. officials engage in such actions. Part V concludes.

#### They will LOSE THE CASES—turns the aff

Murphy and Radsan –– 9 (Richard, AT&T Professor of Law – Texas Tech University School of Law, and Afsheen John, Professor – William Mitchell College of Law; Assistant General Counsel – Central Intelligence Agency, “Due Process and Targeted Killing of Terrorists,” Cardozo Law Review, November, 32 Cardozo L. Rev. 405, Lexis)

In addition, the doctrine of qualified immunity requires dismissal of actions against officials if a court determines they reasonably believed they were acting within the scope of their legal authority.220 Defendants would satisfy this requirement so long as they reasonably claimed they had authority under the laws of war (assuming their applicability). These standards are hazy, and a court applying them would tend to defer to the executive on matters of military judgment.221

In view of so many practical and legal hurdles, some courts and commentators might be inclined to categorically reject all Bivens-style challenges to targeted killings. In essence, they might view lawsuits related to targeted killing as a political question left to the executive.222 This view parallels Justice Thomas‘s that courts should not second-guess executive judgments as to who is an enemy combatant.223 Contrary to Justice Thomas‘s view, the potency of the government‘s threshold defenses means that targeted-killing cases that make it to the merits would likely involve the most egregious conduct—for example, killing an unarmed Jose Padilla at O‘Hare Airport on a shoot-to-kill order. For these egregious cases, a judicial check on executive authority is most necessary.

#### Courts are biased against foreigners—state secrets is a barrier

Murphy and Radsan –– 9 (Richard, AT&T Professor of Law – Texas Tech University School of Law, and Afsheen John, Professor – William Mitchell College of Law; Assistant General Counsel – Central Intelligence Agency, “Due Process and Targeted Killing of Terrorists,” Cardozo Law Review, November, 32 Cardozo L. Rev. 405, Lexis)

As to legal hurdles, Boumediene itself poses a **high one to lawsuits** by non-U.S. citizens for overseas attacks. Here we may seem to contradict our earlier insistence that Boumediene presupposes some form of constitutional protection worldwide for everyone.212 Yet Boumediene shows that the requirement of judicial process depends on a pragmatic analysis.213 As part of its balancing, Boumediene made clear that courts should favor the interests of American citizens and of others with strong connections to the United States.214 Although the Boumediene petitioners lacked the preference in favor of citizens, they persuaded a slim majority of the Court to extend constitutional habeas to non-resident aliens detained at Guantanamo. This result, however, took place under exceptional circumstances: among them, Guantanamo is de facto United States territory;215 the executive had held detainees there for years and claimed authority to do so indefinitely; and the Supreme Court doubted the fairness and accuracy of the CSRTs.216 Absent such circumstances, Boumediene leaves courts to follow their habit of deferring to the executive on national security. For targeted killing, that may mean cutting off non-citizens from American courts.

The state-secrets privilege poses another barrier to Bivens-style actions. This privilege allows the government to block the disclosure of information in court that would damage national security.217 It could prevent a case from proceeding in any number of ways. For instance, the government could block plaintiffs from accessing or using information needed to determine whether a Predator attack had a sound basis through human or technical sources of intelligence.218 By this trump card, the government could prevent litigation from seriously compromising intelligence sources and methods.219

#### Plans a rubber stamp

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian,Terror in the Balance: Security, Liberty, and the Courts p. 56)

Finally, to the extent that the critics of executive power envision judicial review as the solution, they are whistling in the wind, especially during times of emergency. The critics envision an imperial executive, who is either backed by a sustained national majority or else has slipped the political leash, and who enjoys so much agency slack as to be heedless of the public’s preferences. In either case, it is not obvious what the critics suppose the judges will or can do about it. As we will recount in more detail in later chapters, the judges proved largely powerless to stem the tide of the New Deal, in conditions of economic emergency, or to stop Japanese internment during World War II, or to block aggressive punishment and harassment of communists during the cold war. What is more, many of the judges had no desire to block these programs. Judges are people too and share in national political sentiments; they are also part of the political elite and will rally ’round the flag in times of emergency just as much as others do.83

### Heg

#### The drone program is legitimate now --- no risk of shutdown or backlash --- the public opposes the plan, not targeted killing

LaFranchi 6-3-’13, Howard LaFranchi, Staff writer / June 3, 2013, Christian Science Monitor, American public has few qualms with drone strikes, poll finds, <http://www.csmonitor.com/USA/Military/2013/0603/American-public-has-few-qualms-with-drone-strikes-poll-finds>, jj

When a US drone strike last week killed a top Taliban leader in Pakistan, critics of the strikes that have become a staple of President Obama’s counterterrorism policy were quick to condemn it.¶ The killing of Waliur Rehman in the North Waziristan region on May 29 would only make reconciliation talks between the Taliban and the Afghan government – a US priority – more difficult to convene, some critics said. Others said such strikes infuriate local populations and are a recruiting tool for Al Qaeda and other Islamist extremists.¶ But the American public appears to be unmoved by such arguments. A new Monitor/TIPP poll finds that a firm majority of Americans – 57 percent – support the current level of drone strikes targeting “Al Qaeda targets and other terrorists in foreign countries.” Another 23 percent said the use of drones for such purposes should increase. Only 11 percent said the use of drones should decrease.¶ The poll, conducted from May 28-31, followed a major speech in which Mr. Obama suggested the use of drone strikes would decline. In the May 26 address, he also hinted at his own ambivalence about the controversial tactic, weighing the program’s efficacy against the moral questions and long-term impact.¶ Obama acknowledged that the pluses of drone strikes – no need to put boots on the ground and the accuracy and secrecy they offer – can “lead a president and his team to view drone strikes as a cure-all for terrorism.”¶ He balanced that against words of caution: “To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance.”¶ The drone strikes, which under Obama have mostly been carried out in secrecy by the CIA, are credited with killing as many as 3,000 terrorists and Islamist militants – at least four of whom were American citizens. Obama is planning to shift most drone operations to the military as part of an effort to make the program more transparent.¶ Americans are by and large comfortable with drone strikes being ordered by the president, the CIA, or by the military, according to the Monitor poll. Less popular is the idea of creating a separate “drone court” – a panel that would presumably increase the accountability of the program.¶ Almost two-thirds of Americans (62 percent) say they approve of drone-strike authorization coming from the president, the Pentagon, or the CIA. About a quarter (26 percent) favor setting up a drone court to sign off on strikes.¶ The question of who should retain responsibility for authorizing drone strikes reveals something of a political divide: While 67 percent of Democrats approve of the president, the CIA, or the Pentagon deciding on the strikes, a lower percentage of Republicans (55 percent) approve of entrusting the decisionmaking to those three.¶ On the other hand, self-described “conservatives” were more likely than the general population to favor increasing drone strikes, with 28 percent supporting more strikes, compared with 11 percent of all Americans.¶ The Monitor poll also revealed what could be interpreted as little enthusiasm for Obama’s efforts to move away from the post-9/11 concept of a “war on terrorism.”¶ More than half of Americans – 56 percent – say the US continues to be in a “war on terror,” while 58 percent say “fundamentalist Islam” remains a “major threat” to the US.¶ As for the military detention facility in Guantánamo Bay, Cuba, which Obama continues to seek to close, nearly two-thirds of Americans (61 percent) favor keeping it open.

#### Even liberals strongly support the program, despite controversy

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

The final and arguably most fundamental check on the president's targeted killing program is public disclosure and debate. Public congressional hearings have revealed a lot about the factual and legal basis for the government's program. At the same time, human rights NGOs, led by Romero's ACLU, have filed lawsuits and made Freedom of Information Act requests about the practice, and issued many hard-hitting reports. These efforts have pressured the executive branch -- in speeches, document disclosures, and leaks -- to make public more and more factual and legal details about its targeted killing program over time. The U.S. and global press have also disclosed many details of supposedly secret or covert targeted killing operations against White House wishes. In general, technological innovation in the last decade has made the press and public more adept than ever at scrutinizing the wartime presidency's secret operations, including its targeting decisions.¶ These disclosures have fostered a robust public debate about targeting killing in the United States and abroad, and the American public broadly approves of what it sees. According to a recent Washington Post/ABC News poll, 83 percent of respondents (including 77 percent of liberal Democrats) say they approve of the Obama administration's use of drones against terror suspects overseas, while only 11 percent disapprove. The approval/disapproval numbers drop to 65/26 percent when respondents are told that the targets are American citizens. As the Washington Post's Greg Sargent noted, "65 percent is still a very big number." Sargent added that "Democrats approve of the drone strikes on American citizens by 58-33, and even liberals approve of them, 55-35."

***Heg high and sustainable now – overwhelming power***

**Tufts Daily 2-23-11** (Prashanth Parameswaran, master's candidate at the Fletcher School of Law and Diplomacy, writer for the New Strait Times, Strait Times and China Post, and former CSIS intern, “America is not in decline” <http://www.tuftsdaily.com/op-ed/prashanth-parameswaran-the-asianist-1.2478466>, jj)

I don't. **Very little about "American decline" is real or new. Similar predictions of U.S. decline have surfaced every decade or so** since Washington rebuilt the international system after World War II, from the aftermath of Sputnik in the 1960s to the economic distress of the 1980s. Foreign Policy is also hardly the only peddler of the latest declinism fetish. Everyone from [Newsweek's](http://newsweek.com) Fareed Zakaria to former Singaporean diplomat Kishore Mahbubani to American intelligence agencies themselves has parroted a version of it. But every myth has a grain of truth. In this case it's the fact that — God forbid — other powers are rising. Goldman Sachs says China will overtake the U.S. economy by 2027 and that the BRIC nations (**Brazil, Russia, India and China) will emerge as major world players**. But **so what? Other powers have been rising for decades**. **Yet,** to take one statistic**, the American economy in 2004 was the same size relative to the world's total GDP as it was in 1975 — 20 percent.** The real and more useful questions about decline are therefore not who is growing and by how much, but whether emerging powers can dent American power sufficiently and whether the United States will lose the key advantages that have sustained it as the world's sole superpower. **For all the fretting, the United States,** as Mr. Rachman himself admits, **remains the leader across the board. U.S. military power is still unmatched and vastly technologically superior to any other nation. Military spending is almost as much as the rest of the world combined. The American economy dominates futuristic industries like biotechnology and nanotechnology with a potent combination of technological prowess and entrepreneurial flair.** According to China's own Jiao Tong University's rankings, **17 of the world's top 20 universities are American. Millions still flock here to pursue the American Dream, while America's melting pot of cultures bodes well for its exceptional innovative capacity**. Provided the United States continues to encourage immigration and starts controlling its debt, **there is little reason to believe that such a** resilient colossus **will see its vast advantages perish**. **There are also few signs of a "global multipolar system" emerging anytime soon.** Despite doomsday realist predictions, **no country has attempted to balance Washington's hegemony since 1991**. And while the future rise of Asian powers may boost the case for eventual American decline, the truth is that **each of the United States' potential balancers also faces significant challenges going forward. For China, it is the growing disparity between its coastal and inland areas, its physical isolation and the risk that it will get old before it gets rich. For India and the European Union, the challenge will be to painfully negotiate the divergent interests of states in a noisy democratic system. As for Iran, Russia and Venezuela, they are flexing their muscles as proud spoilers, not global powers. It is also quite unlikely that these states will soon form a coalition to confront the United States, given their own divergent interests.** Even China and Russia compete ferociously in Central Asia today. Don't get me wrong. I don't believe we've reached Francis Fukuyama's "end of history," particularly with the slowing of democracy's progress during the last decade. Nor do I think the United States will be able to dominate and dictate terms to others all the time in the future. Still, **I just don't see the irreversible decline in U.S. power and the rise of a new world order that many seem to reflexively accept.**

### Terror

#### Obama’s drone campaign is effective now --- but new restrictions that shift oversight and control away from the executive crush the program

Chicago Tribune 5-24-13, “Editorial: Obama won't ground aerial strikes that kill terrorists. Good.” <http://articles.chicagotribune.com/2013-05-24/opinion/ct-edit-drone-0524-jm-20130524_1_drone-program-drone-campaign-president-barack-obama>, jj

President Barack Obama has taken a lot of heat over America's targeting of terrorists overseas with lethal drone strikes. Critics argue that the secret CIA-run program provokes political backlash in Pakistan, Yemen and Somalia, outweighing the value of the terrorists killed. That the attacks too often go awry and inadvertently kill innocents. That there's no effective oversight. And that Obama hasn't given Congress sufficient legal rationale for the aerial strikes.¶ Those complaints include kernels of validity but often have been exaggerated. Drone attacks also have exterminated many sworn enemies of this country without risking U.S. lives on the ground or in the air.¶ Obama on Thursday answered his critics with a full-throated defense of drones:¶ "To do nothing in the face of terrorist networks would invite far more civilian casualties — not just in our cities at home and facilities abroad, but also in the very places — like Sanaa and Kabul and Mogadishu — where terrorists seek a foothold," Obama said in a speech at the National Defense University in Washington. "Let us remember that the terrorists we are after target civilians and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from (U.S.) drone strikes."¶ He's right. The drone campaign has been extremely and surgically effective, targeting militants across Pakistan, Afghanistan, Yemen and parts of Africa. It has killed wide swaths of al-Qaida leadership.¶ But the president also has suggested that he thinks the program has shortcomings. That's why Obama administration officials have indicated that the drone strike program will be narrowed and subjected to greater scrutiny: A new classified policy directive signed by Obama reportedly curtails when the unmanned aircraft can be used to attack in places that are not declared war zones. The president also is shifting more responsibility to the military from the CIA, an effort to provide more rigid accountability for the strikes.¶ Bottom line: This speech wasn't some dramatic new statement of policy. And none of these refinements means America's drone program will be significantly weakened. These adjustments mostly reflect changing reality on the ground in those countries where the U.S. targets terrorists: The number of reported U.S. drone attacks already has fallen sharply since 2010. One likely reason is the absence of high-value targets, those al-Qaida kingpins of yore. Many are dead or on the run.¶ Obama also promised more transparency for the drone program, something critics have long sought. One day before his speech, the administration acknowledged for the first time that it has killed four U.S. citizens in strikes in Yemen and Pakistan.¶ The president also mentioned the possibility of a secret court that would sign off on future strikes. That's an idea floated by Democratic Sen. Dianne Feinstein of California and others. We've said before that we'd like to hear a debate on that. However:¶ The United States risks losing the advantage of surprise if individual drone strikes become entangled in slow-motion bureaucracy back home. We fear U.S. warriors shrinking from what in effect are battlefield decisions because they have one eye on Congress, or judges, or some other overseer who is not their commander in chief. We don't want drone operators hoping their targeted terrorist will stay put in Pakistan while judges in Washington debate whether it's appropriate to fire the missile. Nor, we imagine, would the president.¶ Obama has said he envisions a day when the nation will no longer be on the war footing forced on this country by terrorists on Sept. 11, 2001. All Americans hope to see that day.¶ But we're not there yet. The president alluded Thursday to many other attacks — before and after 9/11 — on Americans and their interests. Those assaults ebb and flow and change form. But all of them have something in common: the evil architects who plot and execute them.¶ That's why the U.S. needs to keep those drones flying.

#### External checks on pres war powers cause executive over-caution – undermines war-fighting

Pevehouse & Howell ’08, Jon C. Pevehouse, Professor – Poli Sci – UW-Madison, William G. Howell, Sydney Stein Professor in American Politics in the Harris School, a professor in the Department of Political Science and the College, and a co-director of the Program on Political Institutions. While Dangers Gather : Congressional Checks on Presidential War Powers. Princeton, NJ, USA: Princeton University Press, 2008. p 18. <http://site.ebrary.com/lib/wayne/Doc?id=10478247&ppg=12>, jj

We are not suggesting that the absence of congressional action is appropriately interpreted as evidence of the institution’s prepotency. Instead, we mean only to raise a cautionary point: the observed behaviors of either branch of government do not necessarily reveal who was in charge, or whose interests were best represented, when the military was deployed. As John Ferejohn and Frances Rosenbluth point out, “Depending on the distribution of costs and benefits associated with the use of power, heterogeneous interests might be inclined to exercise veto points built into American political institutions; and even if their use is not often observed to block military aggression, their influence is likely to be incorporated in anticipation of their use.” 51 When trying to gauge congressional influence over presidential war powers, it simply will not do to count the number of times that the War Powers Resolution has, or has not, been invoked. For as Ferejohn and Rosenbluth aptly note, one branch of government may wield considerable influence over another even when the historical record is quite sparse. Knowing that members of Congress will rail against what they perceive to be a seriously misguided military venture, presidents may scale back, or even abandon, their plans. In such instances, however, the proof of congressional influence is not to be found in the corpus of law that members enact. Rather, it is to be located in the silence accompanying a president who would like to respond militarily to some foreign conflagration, but who prudently abstains.

#### Status quo solves --- Al Qaeda is weak and doesn’t threaten the U.S.

Roth 8-2-’13, Kenneth Roth is executive director of Human Rights Watch, 8-2-’13, Washington Post, The war against al-Qaeda is over, <http://www.washingtonpost.com/opinions/the-war-against-al-qaeda-is-over/2013/08/02/3887af74-f975-11e2-b018-5b8251f0c56e_story.html>, jj

The al-Qaeda threat to the United States, while still real, no longer meets those standards. At most, al-Qaeda these days can mount sporadic, isolated attacks, carried out by autonomous or loosely affiliated cells. Some attacks may cause considerable loss of life, but they are nothing like the military operations that define an armed conflict under international law.¶ Obama himself has said that the core of al-Qaeda — the original enterprise now based, if anywhere, in the tribal areas of northwestern Pakistan — has been “decimated.” Its affiliates, such as al-Qaeda in the Arabian Peninsula and al-Qaeda in the Islamic Maghreb, are more robust armed groups but have limited capacity to pro­ject their violence beyond their regions.¶ These affiliates are significant actors in Yemen and northern Africa, but it is far from clear that they pose a threat to the United States greater than, for example, Mexican drug cartels or international ­organized-crime networks — organizations for which few would characterize U.S. containment efforts as “war.” That the United States continues to deploy military force against al-Qaeda is not enough to qualify that effort as an armed conflict, because if it were, a government could justify the summary killing of “combatants” simply by using its armed forces to do so.

#### No risk of nuclear or WMD terror

John Mueller and Mark G. Stewart 12, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute AND Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, "The Terrorism Delusion," Summer, International Security, Vol. 37, No. 1, politicalscience.osu.edu/faculty/jmueller//absisfin.pdf, jj

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized in a great many ways. For example, an extrapolation of delusionary proportions is evident in the common observation that, because terrorists were able, mostly by thuggish means, to crash airplanes into buildings, they might therefore be able to construct a nuclear bomb. Brian Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002.47

By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.” 48

Few of the sleepless, it seems, found much solace in the fact that an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was $2,000 to $4,000.49

In the wake of the killing of Osama bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggest that the group had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb. This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders.50

If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that none of them were very close to creating, or having anything to do with, nuclear weapons—or for that matter biological, radiological, or chemical ones. In fact, with perhaps one exception, none seems to have even dreamed of the prospect; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a pail and then to make himself into a human centrifuge by swinging the pail around in great arcs.51 Even if a weapon were made abroad and then brought into the United States, its detonation would require individuals in-country with the capacity to receive and handle the complicated weapons and then to set them off. Thus far, the talent pool appears, to put mildly, very thin. There is delusion, as well, in the legal expansion of the concept of “weapons of mass destruction.” The concept had once been taken as a synonym for nuclear weapons or was meant to include nuclear weapons as well as weapons yet to be developed that might have similar destructive capacity. After the Cold War, it was expanded to embrace chemical, biological, and radiological weapons even though those weapons for the most part are incapable of committing destruction that could reasonably be considered “massive,” particularly in comparison with nuclear ones. 52

And as explicitly rendered into U.S. law, the term was extended even further to include bombs of any kind, grenades, and mines; rockets having a propellant charge of more than four ounces; missiles having an explosive or incendiary charge of more than onequarter ounce; and projectile-spewing weapons that have a barrel with a bore more than a half inch in diameter.53

It turns out then that the “shot heard round the world” by revolutionary war muskets was the firing of a WMD, that Francis Scott Key was exultantly, if innocently, witnessing a WMD attack in

1814; and that Iraq was full of WMD when the United States invaded in 2003—and still is, just like virtually every other country in the world.

After September 11, the delusional—or at least preposterous—expanded definition of WMD has been routinely applied in the United States. Many of those arrested for terrorism have been charged with planning to use “weapons of mass destruction” even though they were working, at most, on small explosives or contemplating planting a hand grenade in a trash bin.

#### No nuclear retaliation

Neely 3/21/13 Meggaen Neely is a research intern for the Project on Nuclear Issues, Center for Strategic & International Studies, 3/21/13, Doubting Deterrence of Nuclear Terrorism, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>, jj

Because of the difficulty of deterring transnational actors, many deterrence advocates shift the focus to deterring state sponsors of nuclear terrorism. The argument applies whether or not the state intended to assist nuclear terrorists. If terrorists obtain a nuclear weapon or fissile materials from a state, the theory goes, then the United States will track the weapon’s country of origin using nuclear forensics, and retaliate against that country. If this is U.S. policy, advocates predict that states will be deterred from assisting terrorists with their nuclear ambitions.¶ ¶ Yet, let’s think about the series of events that would play out if a terrorist organization detonated a weapon in the United States. Let’s assume forensics confirmed the weapon’s origin, and let’s assume, for argument’s sake, that country was Pakistan. Would the United States then retaliate with a nuclear strike? If a nuclear attack occurs within the next four years (a reasonable length of time for such predictions concerning current international and domestic politics), it seems unlikely.¶ ¶ Why? First, there’s the problem of time. Though nuclear forensics is useful, it takes time to analyze the data and determine the country of origin. Any justified response upon a state sponsor would not be swift. Second, even if the United States proved the country of origin, it would then be difficult to determine that Pakistan willingly and intentionally sponsored nuclear terrorism. If Pakistan did, then nuclear retaliation might be justified. However, if Pakistan did not, nuclear retaliation over unsecured nuclear materials would be a disproportionate response and potentially further detrimental. Should the United States launch a nuclear strike at Pakistan, Islamabad could see this as an initial hostility by the United States, and respond adversely. An obvious choice, given current tensions in South Asia, is for Pakistan to retaliate against a U.S. nuclear launch on its territory by initiating conflict with India, which could turn nuclear and increase the exchanges of nuclear weapons.¶ ¶ Hence, it seems more likely that, after the international outrage at a terrorist group’s nuclear detonation, the United States would attempt to stop the bleeding without a nuclear strike. Instead, some choices might include deploying forces to track down those that supported the suicide terrorists that detonated the weapon, pressuring Pakistan to exert its sovereignty over fringe regions such as the Federally Administered Tribal Areas, and increasing the number of drone strikes in Waziristan. Given the initial attack, such measures might understandably seem more of a concession than the retaliation called for by deterrence models, even more so by the American public.¶ ¶ This is not an argument against those technologies associated with nuclear forensics. The United States and International Atomic Energy Agency (IAEA) should continue their development and distribution.¶ ¶ Instead, I question the presumed American response that is promulgated by deterrence advocates. By looking at possibilities for a U.S. response to nuclear terrorism, a situation in which we assume that deterrence has failed, we cast doubt on the likelihood of a U.S. retaliatory nuclear strike and hence cast doubt on the credibility of a U.S. retaliatory nuclear strike as a deterrent. Would the United States launch a nuclear weapon now unless it was sure of another state’s intentional sponsorship of nuclear terrorism? Any reasonable doubt of sponsorship might stay the United States’ nuclear hand. Given the opaqueness of countries’ intentions, reasonable doubt over sponsorship is inevitable to some degree. Other countries are probably aware of U.S. hesitance in response to terrorists’ use of nuclear weapons. If this thought experiment is true, then the communication required for credible retaliatory strikes under deterrence of nuclear terrorism is missing.

#### Terrorists can’t get bioweapons

**The Economist** 1-8-**11** (“A bug’s life; Bioterror; Africa and security,” lexis, jj)

Sceptics say Mr **Lugar is scaremongering abroad for political gain** at home. **He may be right**, as he complained in Kenya, **that pathogens are easier to package than nuclear materials. But "weaponising" them is still difficult. Many organisms mooted as terror agents are tricky to handle and hard to make into weapons. It is** **unlikely that Somalia's al-Shabab, the most threatening terrorist group in east Africa, or organised criminals, have the technical ability to do that**.

#### The worst case scenario happened – no extinction

Dove 12 [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶ Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people. In that case, a Soviet-built biological weapons lab accidentally released a large plume of weaponized Bacillus anthracis (anthrax) over a major city. Soviet authorities tried to blame the resulting fatalities on “bad meat,” but in the 1990s Western investigators were finally able to piece together the real story. The second fatal incident also involved anthrax from a government-run lab: the 2001 “Amerithrax” attacks. That time, a rogue employee (or perhaps employees) of the government’s main bioweapons lab sent weaponized, powdered anthrax through the US postal service. Five people died.¶ That gives us a grand total of around 105 deaths, entirely from agents that were grown and weaponized in officially-sanctioned and funded bioweapons research labs. Remember that.¶ Terrorist groups have also deployed biological weapons twice, and these cases are very instructive. The first was the 1984 Rajneeshee bioterror attack, in which members of a cult in Oregon inoculated restaurant salad bars with Salmonella bacteria (an agent that’s not on the “select” list). 751 people got sick, but nobody died. Public health authorities handled it as a conventional foodborne Salmonella outbreak, identified the sources and contained them. Nobody even would have known it was a deliberate attack if a member of the cult hadn’t come forward afterward with a confession. Lesson: our existing public health infrastructure was entirely adequate to respond to a major bioterrorist attack.¶ The second genuine bioterrorist attack took place in 1993. Members of the Aum Shinrikyo cult successfully isolated and grew a large stock of anthrax bacteria, then sprayed it as an aerosol from the roof of a building in downtown Tokyo. The cult was well-financed, and had many highly educated members, so this release over the world’s largest city really represented a worst-case scenario.¶ Nobody got sick or died. From the cult’s perspective, it was a complete and utter failure. Again, the only reason we even found out about it was a post-hoc confession. Aum members later demonstrated their lab skills by producing Sarin nerve gas, with far deadlier results. Lesson: one of the top “select agents” is extremely hard to grow and deploy even for relatively skilled non-state groups. It’s a really crappy bioterrorist weapon.¶ Taken together, these events point to an uncomfortable but inevitable conclusion: our biodefense industry is a far greater threat to us than any actual bioterrorists.

#### Alt cause – Gitmo

Kummer, 8/28/13 (Luke Jerod, “Will Congress Put Obama’s Push To Shutter Gitmo on Lockdown?” http://www.washdiplomat.com/index.php?option=com\_content&view=article&id=9528:will-congress-put-obamas-push-to-shutter-gitmo-on-lockdown&catid=1506&Itemid=428, bgm)

Obama's address at the National Defense University in May was meant to signal that he remains committed to reining in what he called a "boundless global war on terror." At the end of the wide-ranging counterterrorism speech that covered military tactics abroad and civil liberties at home, Obama listed the steps he'd take to end the Gitmo era once and for all, while continuing to blame the prison's stubborn endurance on intransigence in Washington.

"[The detention center] has become a symbol around the world for an America that flouts the rule of law. Our allies won't cooperate with us if they think a terrorist will end up at Gitmo," he said. "During a time of budget cuts, we spend $150 million each year to imprison 166 people — almost $1 million per prisoner. And the Department of Defense estimates that we must spend another $200 million to keep Gitmo open at a time when we're cutting investments in education and research here at home, and when the Pentagon is struggling with sequester and budget cuts."

### 1NC – Drone Prolif Adv

#### Countries won’t model US drone restrictions

Etzioni ’13, Amitai Etzioni is a professor of international relations at George ¶ Washington University and author ¶ of Hot Spots: American Foreign Policy in a Post-Human-Rigid World. March-April 2013  MILITARY REVIEW, The Great Drone Debate, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, jj

Other critics contend that by the United States ¶ using drones, it leads other countries into making and ¶ using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK ¶ and author of a book about drones argues that, “The ¶ proliferation of drones should evoke reﬂection on the ¶ precedent that the United States is setting by killing ¶ anyone it wants, anywhere it wants, on the basis of ¶ secret information. Other nations and non-state entities are watching—and are bound to start acting in ¶ a similar fashion.”60 Indeed scores of countries are ¶ now manufacturing or purchasing drones. There can ¶ be little doubt that the fact that drones have served ¶ the United States well has helped to popularize them. ¶ However, it does not follow that United States ¶ should not have employed drones in the hope that such a show of restraint would deter others. First ¶ of all, this would have meant that either the United ¶ States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either ¶ roam and rest freely—or it would have had to use ¶ bombs that would have caused much greater collateral damage. ¶ Further, the record shows that even when the ¶ United States did not develop a particular weapon, ¶ others did. Thus, China has taken the lead in the ¶ development of anti-ship missiles and seemingly ¶ cyber weapons as well. One must keep in mind ¶ that the international environment is a hostile ¶ one. Countries—and especially non-state actors—¶ most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ ¶ whatever weapons they can obtain that will further ¶ their interests. The United States correctly does ¶ not assume that it can rely on some non-existent ¶ implicit gentleman’s agreements that call for the ¶ avoidance of new military technology by nation X ¶ or terrorist group Y—if the United States refrains ¶ from employing that technology. ¶ I am not arguing that there are no natural norms ¶ that restrain behavior. There are certainly some ¶ that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of ¶ diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of ¶ mass destruction). However drones are but one ¶ step—following bombers and missiles—in the ¶ development of distant battleﬁeld technologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). In such circumstances, the role ¶ of norms is much more limited.

#### No global drone aggression

Singh ’12, Joseph Singh is a researcher at the Center for a New American Security. Aug. 13, 2012, Time, Betting Against a Drone Arms Race, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>, jj

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.

#### Turkish soft power fails ---

Domestic instability in Turkey undermines its soft power and the credibility of its model

**ALTUNIŞIK, 8** --- Professor, Department. of International Relations, Middle East Technical University, Ankara (MELİHA BENLİ ALTUNIŞIK, Insight Turkey, “The Possibilities and Limits of Turkey’s Soft Power in the Middle East,” vol.10,, no. 2,, <http://www.insightturkey.com/Insight_Turkey_10_2_Meliha_Benli_Altunisik.pdf>

Still, however, **the emergence of Turkey as a soft power in the Arab world is an evolving process, and there are several obstacles to its sustainability: First, to some extent, Turkey’s soft power is a factor of Turkey’s ability to solve its own internal problems. The current political instability in Turkey, including that related to the Kurdish issue, undermines Turkey’s soft power capabilities**. **Similarly, the prospects for the future of the AKP experience will have repercussion for Turkey’s soft power status, as the coming to power of this party contributed in an important way to the perception and the relevance of the Turkish experience in the eyes of the region. D**uring the first term of the AKP government, the traditional establishment to a large extent tolerated its rule, and indeed the AKP has continued to work within the confines of democracy. Yet recently **this experience seems to have come under duress as polarization began to reemerge between the secularists and the AKP government. The political crisis in the system would undermine the image of Turkey in the Arab world as a successful example of political modernization**.

#### No strikes or Iran prolif- Rohani’s election changes motivation

Kambiz Foroohar 6/17/13 journalist for Bloomberg, 6/17/13, "Rohani Victory May Curb Support for Israeli Attack on Iran," Bloomberg, <http://www.bloomberg.com/news/2013-06-16/rohani-victory-may-undermine-support-for-israeli-attack-on-iran.html>

¶ Iranian President-Elect Hassan Rohani’s vow to improve ties with the world carried him to a surprise first-round win. It also may have rewound the clock on a potential military strike against his country over its nuclear program.¶ “Those advocating an attack on Iran have been dealt a setback,” said Suzanne Maloney, a senior fellow at the Brookings Institution’s Saban Center for Middle East Policy in Washington. “The chances of an attack on Iran are even more remote than they have been in many years.”¶ While Supreme Leader Ali Khamenei, 73, retains the power over national security, especially the nuclear program, past presidents have been able to influence the tone of foreign policy. The departure of President Mahmoud Ahmadinejad, whose anti-Israel rhetoric and questioning of the Holocaust made Iran a pariah and helped prompt more sanctions, removes a lightning rod for global scorn.¶ Western countries signaled an interest in engaging with Rohani. The British Foreign Office urged him to set a new course for Iran, and the European Union’s foreign policy chief Catherine Ashton said she hoped his victory will lead to a “swift diplomatic solution” to the standoff over the nuclear program.¶ The question is whether Rohani will have influence beyond changing the image Iran presents to the world.¶ “Ahmadinejad was a figure everyone loves to hate,” said Gerald Steinberg, professor of political science at Bar Ilan University in Ramat Gan, Israel. “Rohani is more sophisticated and a softer face of the same Iranian leadership.”¶

***1. No impact---Iran prolif won’t cause a chain reaction and nuclear Iran would be rational---deterrence solves***

**Zakaria ’10** (Fareed, editor of Newsweek, 3-1, Newsweek, Vol. 155, Iss. 9, “Don’t Scramble the Jets; Why Iran’s dictators can be deterred” proquest, jj)

**An Iran with nuclear weapons** would be dangerous and destabilizing, though **I am not as convinced as some that it would automatically force Saudi Arabia, Egypt, and Turkey to go nuclear as well. If Israel's large nuclear arsenal has not made Egypt seek its own nukes-despite the fact that the country has fought and lost three wars with Israel-it is unclear to me why an Iranian bomb would.** The United States should use the latest IAEA report to bolster a robust containment strategy against Iran, bringing together the moderate Arab states and Israel in a tacit alliance, asking European states to go further in their actions, and pushing Russia and China to endorse sanctions. Former secretary of state James Baker suggested to me on CNN that the United States could extend its nuclear umbrella to Israel, Egypt, and the Gulf states-something that current Secretary of State Hillary Clinton has hinted at as well. At the same time, Washington should back the Green Movement, which ultimately holds out the greatest hope for a change in the basic orientation of Iran's foreign policy. It remains unclear how broad or well organized this movement is, but as a matter of long-term strategy, we should support groups that want a more modern and open Iran. **Can we live with a nuclear Iran? Well, we're living with a nuclear North Korea** (boxed in and contained by its neighbors). **And we lived with a nuclear Soviet Union and communist China. Iran, we're told, is different. § Marked 15:59 § The country cannot be deterred by America's vast arsenal of nukes because it is run by a bunch of mystic mullahs who aren't rational, embrace death, and have millenarian fantasies. This was never an accurate description of Iran's canny (and ruthlessly pragmatic) clerical elite. But it's even less so now**. **The most significant development in Iran has been the displacement of the clerical elite by the Revolutionary Guards, a military organization that is now the center of power.** Clinton confirmed what many of us have been pointing out over the last year and warned of an emerging "military dictatorship" there. I'm not sure which is worse for the Iranian people: rule by nasty mullahs or by thuggish soldiers. But **one thing we know about military regimes is that they are calculating. They act in ways that keep themselves alive and in power. That instinct for self-preservation is what will make a containment strategy work.**

***2. Nuclear Iran won’t cause conflict***

**Crist & Ward ’09** Chairman of the Joint Chiefs of Staff and senior CIA intelligence analyst [David& Steven “Deterring Iran: Lessons from History” (<http://www.washingtoninstitute.org/templateC05.php?CID=3078>) 6/24]

Although it will be challenging, **Iran can be deterred**. The Iranians have proven to be incredibly opportunistic -- primarily through the use of asymmetric threats and proxies -- in exploiting U.S. weaknesses in the region. Nevertheless, **Iran is capable of rationally balancing its interests and determining when it is necessary to back off in order to avoid a full-blown conflict. Iranian leaders are primarily concerned with survival, and their decisions rest on remaining in power for the long term.**

# 2NC

## T

### A2: We Meet

#### MKelvey evidence bad – doesn’t use restriction – just says executive lawyers argued it infringed on war power – not the same thing

#### Same with Al-Aulaqi - uses phrase “judicial check”

#### “war powers authority” is the president’s discretion to launch an attack – ex post doesn’t do that because the president maintains the decision power – only ex ante is topical

Vladeck 13 (Steve, Professor of Law and the Associate Dean for Scholarship – American University Washington College of Law, JD – Yale Law School, Senior Editor – Journal of National Security Law & Policy, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…,” Lawfare Blog, 2-10, http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/)

II. Drone Courts and the Separation of Powers

In my view, the adversity issue is the deepest legal flaw in “drone court” proposals. But the idea of an ex ante judicial process for signing off on targeted killing operations may also raise some **serious separation of powers concerns** insofar as such review **could** directly interfere **with the** Executive’s ability **to carry out ongoing military operations**… First, and most significantly, even though I am not a particularly strong defender of unilateral (and indefeasible) presidential war powers, I do think that, if the Constitution protects any such authority on the part of the President (another big “if”), it includes at least some discretion when it comes to the “defensive” war power, i.e., the President’s power to use military force to defend U.S. persons and territory, whether as part of an ongoing international or non-international armed conflict or not. And although the Constitution certainly constrains how the President may use that power, it’s a different issue altogether to suggest that the Constitution might forbid him for acting at all without prior judicial approval–especially in cases where the President otherwise would have the power to use lethal force. This ties together with the related point of just how difficult it would be to actually have meaningful ex ante review in a context in which time is so often of the essence. If, as I have to think is true, many of the opportunities for these kinds of operations are fleeting–and often open and close within a short window–then a requirement of judicial review in all cases might actually prevent **the government from otherwise** carrying out authority **that most would agree it has** (at least in the appropriate circumstances). This possibility is exactly why FISA itself was enacted with a pair of emergency provisions (one for specific emergencies; one for the beginning of a declared war), and comparable emergency exceptions in this context would almost necessarily swallow the rule. Indeed, the narrower a definition of imminence that we accept, the more this becomes a problem, since the time frame in which the government could simultaneously demonstrate that a target (1) poses such a threat to the United States; and (2) cannot be captured through less lethal measures will necessarily be a vanishing one. Even if judicial review were possible in that context, it’s hard to imagine that it would produce wise, just, or remotely reliable decisions.

#### This distinction is important – “targeted killing authority” is the decision to determine what is imminent – ex post doesn’t challenge that authority, but is just after-the-fact supervision on if the president used the right definition – only ex ante is topical

McKelvey 11 (Benjamin, JD Candidate, Senior Editorial Board – Vanderbilt Journal of Transnational Law, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, November, 44 VAND. J. TRANSNAT'L L. 1353, <http://www.vanderbilt.edu/jotl/2012/06/due-process-rights-and-the-targeted-killing-of-suspected-terrorists-the-unconstitutional-scope-of-executive-killing-power/>)

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.109 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.110 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.111 Moreover, the overview of the CIA’s targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval.112 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.113 These are general concepts of law, not political questions, and they are **subject to judicial review**.114

[Continues to Footnote]

114. Al-Aulaqi Response, supra note 2, at 24–25 (acknowledging its authority to define “imminence” yet declining to do so because it would require the court to determine “ex ante the permissible scope of particular tactical decisions”); Dehn & Heller, supra note 16, at 179 (referring to the government’s motion to dismiss on the basis that it “involv[es] an executive-branch decision to target an individual in the context of a congressionally authorized, armed conflict”); id. at 187 (noting Aulaqi’s request for the court to make a legal determination of the correct standard for the targeted killing of a U.S. citizen).

#### Supervision isn’t a restriction – prefer comparative ev

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.

### C/ I - Authority

#### Authority is the legal basis for something – they have to affect Obama’s ability to conduct an activity

Words and Phrases, 2004 (Volume 4a, Cumulative Supplement Pamphlet, p. 275)

U.S.N.Y. 1867. Under the federal judiciary act, giving the Supreme Court jurisdiction to review a final judgement or decree of a state court of last resort in any suit where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, it is held that the term “authority exercised under the United States” must be something more than a bare assertion of such authority, and must be an authority having a real existence derived from competent governmental power, and in this respect the word “authority” stands on the same footing with “treaty” or “statute.” Hence, where a party claimed authority under an order of a federal court which, when rightfully viewed, did not purport to confer any authority upon him, a writ of error to the Supreme Court has dismissed.—Milligar v. Hartupee, 73 U.S. 258, 6 Wall. 258, 18 L.Ed. 829

#### Executive still has jurisdiction over targeted killing program under the aff – the plan means the executive just has to show up in court

#### Links to all our offense – they don’t have to affect WP

**A2: Reasonability/T Debates = Race To Bottom---2NC**

***The point of our T arg is to determine what a reasonable interpretation of the topic is---our violation’s that they’re outside the scope of that***

Reasonability is a function the quality of their counter-interpretation—standards prove they are unreasonable.

***A competing interpretations framework is critical – the resolution contains no words that provide an inherent limit, so we need to craft the best possible interpretation or else all predictability is lost***

Competing interpretations creates a race to the top—creates a competitive incentive to find the most defensible definitions, creates a stable topic.

***Reasonability’s bad***

***---Neutrality – competing interpretations is the only objective way to determine topicality – you should err on the side of objectivity because topicality is a rule of the game***

***---Silly – the aff doesn’t win if they almost outweigh a disad, they shouldn’t win if they’re almost topical***

***It’s arbitrary and undermines research***

**Resnick 1**Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

In matters of national security, establishing **a clear definition of terms is a precondition** for effective policymaking. **Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk** alienating their constituencies. They also risk **exacerbating misperceptions** and hostility among those the policies target. **Scholars who commit the same error undercut their ability to conduct valuable empirical research**. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

### A2: overlimits/aff ground

#### Tons of drone affs – drone court, congress

#### Err neg – topic is doubled right out of the gate by courts and congress

## CP

### A2: No Solve

#### Plan solves credibility – includes congress and resolves confusion.

#### Judicial role not key – we bring congress into the fold.

#### We stop collateral damage – lead to better executive practices via Congressional review.

#### Counterplan solves backlash against drones

Washington Post 3-7-’13, More oversight and disclosure on drones, <http://articles.washingtonpost.com/2013-03-07/opinions/37532493_1_drone-strikes-al-qaeda-targets-conduct-strikes>, jj

But enough about Mr. Paul: The fact that his paranoid fantasies gained some traction is testimony to the administration’s real failures in managing its counterterrorism campaigns. Mr. Obama has chosen to carry out hundreds of drone strikes against al-Qaeda targets in Pakistan, Yemen and Somalia, including one against a U.S. citizen, without any public accounting. Justice Department memos authorizing the attacks have not been disclosed; only this week were senators on the intelligence committee allowed to read them. The White House has devised a process for adding names to a target list for drone strikes but has never revealed even its outlines. Instead, it insists on its righteousness and invites Americans to trust that its decisions are justified.¶ That is not how a democracy should operate. As we have previously argued, there is no cause for most of the secrecy in which the drone operations are shrouded. The political backlash against them, both at home and abroad, could be diminished if the administration were to conduct strikes with regular military forces, rather than the CIA, and report on them as it does all other military operations. More important, the administration could greatly increase the legitimacy and sustainability of the strikes by openly laying out the criteria under which they can be carried out and by seeking congressional authorization. That framework could include special measures for the targeting of U.S. citizens, such as review by a secret court when practicable. It could also give Mr. Obama the explicit authority to expand the use of drones to countries where al-Qaeda is establishing itself, such as Mali and Syria.¶ Mr. Holder acknowledged to a Senate committee before Mr. Paul spoke that “there is a greater need for transparency” about the drone war and that he expects Mr. Obama to speak about it. A presidential speech would certainly be welcome. But only disclosure and congressional authorization will solve this problem.

#### The CP’s the best middle ground---preserves the vital counter-terror role of targeted killings while resolving all their downsides

Daniel Byman 13, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, July/August 2013, “Why Drones Work,” Foreign Affairs, Vol. 92, No. 4

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.

Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage.

So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

#### Disclosing the legal rationale for targeted killings triggers robust, informed public debate---it’s the real mechanism to enforce accountability

Jack Goldsmith 11, the Henry L. Shattuck Professor at Harvard Law School, 10/3/11, “Release the al-Aulaqi OLC opinion, Or Its Reasoning,” http://www.lawfareblog.com/2011/10/release-the-al-aulaqi-olc-opinion-or-its-reasoning/

I have no doubt that Obama administration lawyers did a thorough and careful job of analyzing the legal issues surrounding the al-Aulaqi killing. The case for disclosing the analysis is easy. The killing of a U.S. citizen in this context is unusual and in some quarters controversial. A thorough public explanation of the legal basis for the killing (and for targeted killings generally) would allow experts in the press, the academy, and Congress to scrutinize and criticize it, and would, as Harman says, permit a much more informed public debate. Such public scrutiny is especially appropriate since, as Judge Bates’s ruling last year shows, courts are unlikely to review executive action in this context. In a real sense, legal accountability for the practice of targeted killings depends on a thorough public legal explanation by the administration.

The best argument against disclosure is that it would reveal classified information or, relatedly, acknowledge a covert action. This concern is often a legitimate bar to publishing secret executive branch legal opinions. But the administration has (in unattributed statements) acknowledged and touted the U.S. role in the al-Aulaqi killing, and even President Obama said that the killing was in part “a tribute to our intelligence community.” I understand the reasons the government needs to preserve official deniability for a covert action, but I think that a legal analysis of the U.S. ability to target and kill enemy combatants (including U.S. citizens) outside Afghanistan can be disclosed without revealing means or methods of intelligence-gathering or jeopardizing technical covertness. The public legal explanation need not say anything about the means of fire (e.g. drones or something else), or particular countries, or which agencies of the U.S. government are involved, or the intelligence basis for the attacks. (Whether the administration should release more information about the intelligence supporting al-Aulaqi’s operational role is a separate issue that raises separate classified information concerns.) We know the government can provide a public legal analysis of this sort because presidential counterterrorism advisor John Brennan and State Department Legal Advisor Harold Koh have given such legal explanations in speeches, albeit in limited and conclusory terms. These speeches show that there is no bar in principle to a public disclosure of a more robust legal analysis of targeted killings like al-Aulaqi’s. So too do the administration’s many leaks of legal conclusions (and operational details) about the al-Aulaqi killing.

A full legal analysis, as opposed to conclusory explanations in government speeches and leaks, would permit a robust debate about targeted killings – especially of U.S. citizens – that is troubling to many people. Such an analysis could explain, for example, whether the government believed that al-Aulaqi possessed constitutional rights under the First, Fourth, Fifth or other amendments, and (assuming the government concluded that he possessed some such rights) why the rights were not implicated by the strike. It could also describe the limits of presidential power in this context.

The Obama administration frequently trumpets its commitment to transparency and the rule of law. The President and many of his subordinates were critical of what they deemed to be unnecessarily secretive Bush administration legal opinions, and they disclosed an unprecedented number of them, including many classified ones. Now is the time for the administration to apply to itself a principle that it applied to its predecessor. It will be uncomfortable to disclose the legal analysis behind the al-Aulaqi killing, because the analysis — no matter how sound — will be second-guessed to death in some quarters. But that cannot be not a reason not to do it. Moreover, it is likely that releasing the opinion (or its reasoning) will show the Obama administration in a very good light to most American audiences.

### A2: Executive No Solve Signal / Perception

#### Roach ev is terrible – not contextual to courts – just says secrecy bad – CP solves

#### The president solves modeling, signal, and international perception --- Obama weighing in on the merits of a policy outweighs the process which it is passed

* Foreign countries don’t care about the nitty-gritty of inter-agency process, they want to see Obama has taken a stand on the issue --- which the CP solves
* President obviously perceived. The CP lays the groundwork for an intl coalition

Singer 5-23-’13, Peter W. Singer, Director, Center for 21st Century Security and Intelligence, Brookings Institution, Finally, Obama Breaks His Silence on Drones, <http://www.brookings.edu/research/opinions/2013/05/23-drones-obama-singer>, jj

As this played out, the president's absence from the debate became more and more telling. Yes, there were a couple of speeches by presidential aides finally acknowledging the use of such technology, quick mentions on late-night talk shows and even presidential jokes about drone strikes. But the administration's case in the public debate remained disjointed, tentative and, as the controversy surrounding John Brennan's confirmation hearings as CIA director illustrated, far from strategic or satisfactory. The time was long overdue for the true stamp of presidential voice and authority on the topic to be heard.¶ That is what makes the president's speech Thursday at National Defense University so important, and simultaneously so challenging for him. He has to try to strike a balance between arguing that terrorism threats will remain with us for the long term, as recent events in Boston and London would illustrate, but that the structures we gradually built up in response, from the prison at Guantanamo Bay, Cuba, to the drone campaign, cannot remain with us in their ad hoc manner for the long term.¶ Beyond all the internal policy questions — such as what the CIA should control versus what the Pentagon controls — he has a broader task. He must lay out the overdue case for regularizing, so to speak, our counter-terrorism strategy itself, from the means to the ends. This will require touching on thorny issues such as how to bring more transparency to the ugly task of a targeted killings campaign, how to create more interaction with Congress — which both wants and avoids oversight — and, finally, how to find a path out of the Gitmo conundrum.¶ Beginning this kind of discussion has been described by some as just a way to change the topic in the midst of other would-be scandals dominating the news cycle. But let's be crystal clear: The president is making a big bet by speaking out on issues on which he still enjoys fairly broad public support.¶ The reason to take this bet is that the speech offers enormous advantages over the alternative of remaining silent. Though it may or may not assuage the genuine concerns at home about the drone campaign, the very act is hugely important inside government. Only the president can operate above the interagency disputes, and his vision will set the terms of internal policy development across multiple agencies (why those staff speeches and confirmation hearings never could substitute for his voice).¶ In turn, the public side of the speech matters in a manner beyond any blip in domestic poll numbers. Here again, only the president can truly stake out America's vision in a way the world notices. If well played, the speech might even be the foundation for future international norms that need to be set in the post-9/11, post-Osama bin Laden world. This is all the more important as our technologies proliferate and other nations, such as Russia, China and Iran, may seek to follow (or misuse) our precedents in drone strikes and targeted killings.¶ The issues at play are not just about which agency gets to do what and when to tell whom on Capitol Hill, but also how the United States might build a global coalition of the like-minded on the future of counter-terrorism.¶ In short, sometimes a speech is more than just a speech. By finally speaking out on some of the key issues that have grown to define his place in foreign policy history, Obama has his chance, finally, to set the terms of the debate and steer it toward more positive ends.

#### Executive standards are perceived and modeled

Economist ’13, 6-1, Killer drones, Out of the shadows, <http://www.economist.com/news/united-states/21578689-barack-obamas-rules-drones-could-shape-new-global-laws-war-out-shadows>, jj

In the long run, Mr Obama’s speech may be remembered for effects far from Washington. At its core lay (still classified) guidelines codifying standards for lethal drone strikes. In his description, America now only acts “against terrorists who pose a continuing and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat. And before any strike is taken, there must be near-certainty that no civilians will be killed or injured—the highest standard we can set.”¶ Officials added a further gloss in briefings. In a shift backed by such Obama aides as John Brennan, a former White House counter-terrorism chief recently appointed to run the CIA, the government would prefer to move away from CIA strikes (which are secret and deniable) towards drone attacks controlled by the armed forces (which would be more transparent). In addition to oversight by Congress, Mr Obama suggested new controls: perhaps a special court with powers to authorise killings, or an independent overseer within the executive branch.¶ Mr Obama left himself wriggle-room, for example over how an imminent threat should be defined. Much damage has already been done to America’s diplomatic standing worldwide and to its image among Muslims. But if, by binding America unilaterally to higher standards, Mr Obama helps set norms for other countries as they acquire drones, that would be something. Such example-setting is a slow process, says Mr Bellinger, but “this is how customary international law is made”.

#### President more perceived than Congress or Courts

Marshall, 8 --- Professor of Law at the University of North Carolina

(April 2008, William P., Boston University Law Review, “THE ROLE OF THE PRESIDENT IN THE TWENTY-FIRST CENTURY: ARTICLE: ELEVEN REASONS WHY PRESIDENTIAL POWER INEVITABLY EXPANDS AND WHY IT MATTERS,” 88 B.U.L. Rev. 505))

7. The Media and the Presidency

As Justice Jackson recognized in Youngstown, the power of the Presidency has also been magnified by the nature of media coverage. This coverage, which focuses on the President as the center of national power, n66 has only increased since Jackson's day as the dominance of television has increasingly identified the image of the nation with the image of the particular President holding office. n67 The effects of this image are substantial. Because the President is seen as speaking for the nation, the Presidency is imbued with a unique credibility. The President thereby holds an immediate and substantial advantage in any political confrontation. n68 Additionally, unlike the Congress or the Court, the President is uniquely able to demand the attention of the media and, in that way, can influence the Nation's political agenda to an extent that no other individual, or institution, can even approximate.

### garbus

#### terrible – its about blue ribbon commissions

### A2: Links to Drones DA / Deference

#### Transparency doesn’t hurt the effectiveness of targeted killings --- Israel proves

Llenza ’11, Michael Steven Llenza, Diplomacy Department, Norwich University, Global Security Studies, Spring, 2011, Volume 2, Issue 2, Targeted Killings in Pakistan: A Defense, <http://globalsecuritystudies.com/Targeted%20Killings.pdf>, jj

We might also look to Israel’s experience with targeted killings as a possible window into ¶ the future success of this policy. Israel’s repeated killing of Hamas leaders and operatives drove ¶ the organization underground, placing a heavy burden on its leaders and members (Byman, ¶ p.103). They are no longer able to travel freely or visit their families and face the difficulty of ¶ motivating their personnel or recruit new followers (ibid., p.104). In 2005, Hamas called for a ¶ “period of calm” due to the heavy losses it was experiencing among its leadership (ibid., p.105). ¶ Israel however, has had time to refine their tactics as well as their policies. Their program is ¶ surprisingly transparent and their security services regularly work with the media to educate their ¶ citizens on the means by which they choose their targets (ibid., p.110). Rather than weaken their ¶ program this has apparently strengthened it by highlighting the policy’s risks and difficulties as ¶ well as educating the public about its practical and moral tradeoffs (ibid.).

### 2NC – Politics NB – Internal Checks

#### Congressional action causes fierce ideological debates that bog down the agenda --- internal checks avoid this

Metzger ’09, Gillian E. Metzger, Professor of Law, Columbia Law School, October 7, 2009, Emory Law Journal, THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1061&context=columbia_pllt>, jj

A separate question to raise about internal separation of powers mechanisms concerns¶ their effectiveness, particularly as measures aimed at constraining executive branch¶ aggrandizement. Are they actually able to constrain excessive presidential assertions of authority¶ and other abuses? Or are they, in the end, little more than “parchment barriers” that are largely 61¶ ineffective or worse may obscure the extent of accumulated presidential power?¶ The case in favor of internal mechanisms is in part comparative. Real limitations exist on¶ the ability of traditional external constraints, specifically Congress and the courts, to check the¶ executive branch. The fundamental impediments for Congress are internal ones, in particular its¶ need to proceed via the arduous process of bicameralism and presentment and the additional¶ obstacles created by congressional committees and rules. The ordinary burdens of the 62¶ legislative process are intensified in contexts involving efforts to check presidential authority,¶ given the frequent need to overcome a presidential veto. Congress does wield important 63¶ investigatory and oversight powers, and has other tools that may give it leverage over the¶ president, such as control over spending or the ability to add contentious measures to must-pass¶ legislation. But the political reality of party allegiance dominating over institutional interests,¶ 64¶ along with greater ideological cohesion in congressional parties, undermines these techniques ¶ and makes rigorous congressional constraints on presidential actions unlikely except in contexts¶ of divided government. Moreover, even if Congress is willing to undertake oversight, its ability 65¶ to do so may be significantly hampered by executive branch non-cooperation or intransigence,¶ often in the form of assertions of executive privilege and failure to inform Congress of¶ contentious activities.66¶ Courts, in turn, face jurisdictional barriers that limit their ability to review executive¶ branch actions. Such barriers have recently surfaced in litigation challenging the government’s 67¶ expansion of domestic wiretapping without complying with FISA requirements, with the Sixth¶ Circuit holding that plaintiffs’ claims of injury from the program were too speculative to provide¶ a basis for standing to challenge the program. Even when actions are justiciable, the courts’ 68¶ effectiveness as a check can be significantly curtailed by their deference to reasonable executive¶ branch policy determinations, particularly in the area of national security. Courts are also reluctant to intervene to correct general failures in administration or prompt executive branch¶ action. An additional major impediment is delay; courts must wait for cases to come to them, 70¶ and challenges to presidential action or policy are likely to be appealed. This is not to say that 71¶ deference and inaction necessarily undermine judicial checks; the Supreme Court’s rejection of¶ the Bush Administration’s refusal to regulate greenhouse gases in Massachusetts v. EPA and 72¶ recent decisions rebuffing broad presidential assertions of power regarding the Guantanamo Bay¶ detainees are important testaments to the contrary. Yet even in these contexts the limits of 73¶ judicial constraints are evident. Although the EPA proposed regulating greenhouse gases under¶ the Clean Air Act in response to the decision in Massachusetts, the White House refused to act¶ on the proposal and no formal action towards regulating greenhouse gases had yet been taken¶ when President Obama assumed office over a year and a half later. The seven-year-and- 74¶ ongoing saga of habeas challenges involving the Guantanamo Bay detention center demonstrates¶ even more vividly that it can be years before judicial review forces a change in executive branch¶ behavior on the ground.75¶ Several bases exist for thinking that internal separation of powers mechanisms may have¶ a comparative advantage. Internal mechanisms operate ex ante, at the time when the executive¶ branch is formulating and implementing policy, rather than ex post; they are therefore able to avoid the delay in application that can hamper both judicial and congressional oversight.76¶ Internal mechanisms often operate continuously, rather than being limited to issues that generate¶ congressional attention or arise in the form of a justiciable challenge. Internal mechanisms 77¶ operate not just at the points at which policy proposals originate and are implemented but also at¶ higher managerial levels, and thus can address policy and administration in both a granular and a¶ systemic fashion. In addition, policy recommendations generated through internal checks may¶ face less resistance than those offered externally, because the latter frequently arise after¶ executive officials have already decided upon a policy course and are more likely to take an¶ adversarial form. Internal mechanisms may also gain credibility with executive branch officials 78¶ to the extent they are perceived as contributing to more fully informed and expertise-based¶ decisionmaking.79

#### Obama spends PC to fight the plan’s implementation --- but he will support internal mechanisms

Metzger ’09, Gillian E. Metzger, Professor of Law, Columbia Law School, October 7, 2009, Emory Law Journal, THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1061&context=columbia_pllt>, jj

It is also important not to lose sight of a centrally important fact: Presidents frequently¶ support imposition of internal mechanisms that substantially constrain the executive branch, even¶ sometimes adopting such measures voluntarily on their own or at agency initiative. Part of the 43¶ explanation for this is politics, but part is also that presidents are judged on their ability to govern¶ effectively. Terry Moe has argued that such presidential performance accountability leads to 44¶ core dynamics of executive branch centralization and politicization, as a president wants “an¶ institutional system responsive to his needs as a political leader. He values organizational¶ competence, to be sure, but what he seeks is “responsive competence,” not neutral¶ competence.” Yet presidents’ political accountability may also lead them to support administrative structures that are more independent. As David Barron has recently noted,¶ sometimes “[a] system for making regulatory policy that is administrative in orientation may¶ itself serve a given President’s agenda,” a situation Barron contends existed under President¶ Franklin Roosevelt, who sought to “bulk[] up the regulatory state.” Presidents may also find 46¶ that responsiveness and competence conflict; in a recent study David Lewis concluded that¶ programs run by expert professional administrators perform better on the whole than those run by¶ political appointees. Presidents may well be willing to forego politicization or centralization at 47¶ times and opt for a form of administration they can less easily control, if they believe that doing¶ so will yield more effective performance. Finally, presidents may also conclude that internal¶ constraints are in fact essential to ensure their ability to control administration, by providing a¶ mechanism that can limit on the ground discretion of agency officials.48

### 2NC – Politics NB – Generic

#### And the CP preserves Obama’s horse trading and compromise abilities – plan doesn’t

Sovocool and Sovocool, ‘09 - Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization. He is also an Assistant Professor at the Lee Kuan Yew School of Public Policy at the National University of Singapore AND Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of Singapore (Benjamin and Kelly, 34 Colum. J. Envtl. L. 333, “Preventing National Electricity-Water Crisis Areas in the United States,” lexis)

Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horse-trading and compromise such legislative activity entails. n292

## Heg

### 1NC

#### The drone program is legitimate now --- no risk of shutdown or backlash --- the public opposes the plan, not targeted killing

LaFranchi 6-3-’13, Howard LaFranchi, Staff writer / June 3, 2013, Christian Science Monitor, American public has few qualms with drone strikes, poll finds, <http://www.csmonitor.com/USA/Military/2013/0603/American-public-has-few-qualms-with-drone-strikes-poll-finds>, jj

When a US drone strike last week killed a top Taliban leader in Pakistan, critics of the strikes that have become a staple of President Obama’s counterterrorism policy were quick to condemn it.¶ The killing of Waliur Rehman in the North Waziristan region on May 29 would only make reconciliation talks between the Taliban and the Afghan government – a US priority – more difficult to convene, some critics said. Others said such strikes infuriate local populations and are a recruiting tool for Al Qaeda and other Islamist extremists.¶ But the American public appears to be unmoved by such arguments. A new Monitor/TIPP poll finds that a firm majority of Americans – 57 percent – support the current level of drone strikes targeting “Al Qaeda targets and other terrorists in foreign countries.” Another 23 percent said the use of drones for such purposes should increase. Only 11 percent said the use of drones should decrease.¶ The poll, conducted from May 28-31, followed a major speech in which Mr. Obama suggested the use of drone strikes would decline. In the May 26 address, he also hinted at his own ambivalence about the controversial tactic, weighing the program’s efficacy against the moral questions and long-term impact.¶ Obama acknowledged that the pluses of drone strikes – no need to put boots on the ground and the accuracy and secrecy they offer – can “lead a president and his team to view drone strikes as a cure-all for terrorism.”¶ He balanced that against words of caution: “To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance.”¶ The drone strikes, which under Obama have mostly been carried out in secrecy by the CIA, are credited with killing as many as 3,000 terrorists and Islamist militants – at least four of whom were American citizens. Obama is planning to shift most drone operations to the military as part of an effort to make the program more transparent.¶ Americans are by and large comfortable with drone strikes being ordered by the president, the CIA, or by the military, according to the Monitor poll. Less popular is the idea of creating a separate “drone court” – a panel that would presumably increase the accountability of the program.¶ Almost two-thirds of Americans (62 percent) say they approve of drone-strike authorization coming from the president, the Pentagon, or the CIA. About a quarter (26 percent) favor setting up a drone court to sign off on strikes.¶ The question of who should retain responsibility for authorizing drone strikes reveals something of a political divide: While 67 percent of Democrats approve of the president, the CIA, or the Pentagon deciding on the strikes, a lower percentage of Republicans (55 percent) approve of entrusting the decisionmaking to those three.¶ On the other hand, self-described “conservatives” were more likely than the general population to favor increasing drone strikes, with 28 percent supporting more strikes, compared with 11 percent of all Americans.¶ The Monitor poll also revealed what could be interpreted as little enthusiasm for Obama’s efforts to move away from the post-9/11 concept of a “war on terrorism.”¶ More than half of Americans – 56 percent – say the US continues to be in a “war on terror,” while 58 percent say “fundamentalist Islam” remains a “major threat” to the US.¶ As for the military detention facility in Guantánamo Bay, Cuba, which Obama continues to seek to close, nearly two-thirds of Americans (61 percent) favor keeping it open.

#### Even liberals strongly support the program, despite controversy

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

The final and arguably most fundamental check on the president's targeted killing program is public disclosure and debate. Public congressional hearings have revealed a lot about the factual and legal basis for the government's program. At the same time, human rights NGOs, led by Romero's ACLU, have filed lawsuits and made Freedom of Information Act requests about the practice, and issued many hard-hitting reports. These efforts have pressured the executive branch -- in speeches, document disclosures, and leaks -- to make public more and more factual and legal details about its targeted killing program over time. The U.S. and global press have also disclosed many details of supposedly secret or covert targeted killing operations against White House wishes. In general, technological innovation in the last decade has made the press and public more adept than ever at scrutinizing the wartime presidency's secret operations, including its targeting decisions.¶ These disclosures have fostered a robust public debate about targeting killing in the United States and abroad, and the American public broadly approves of what it sees. According to a recent Washington Post/ABC News poll, 83 percent of respondents (including 77 percent of liberal Democrats) say they approve of the Obama administration's use of drones against terror suspects overseas, while only 11 percent disapprove. The approval/disapproval numbers drop to 65/26 percent when respondents are told that the targets are American citizens. As the Washington Post's Greg Sargent noted, "65 percent is still a very big number." Sargent added that "Democrats approve of the drone strikes on American citizens by 58-33, and even liberals approve of them, 55-35."

#### No impact on relations --- both Pakistan and Yemeni officials secretly love drones

Byman ’13, DANIEL BYMAN is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution. Foreign Affairs, July/August 2013, Why Drones Work: The Case for Washington’s Weapon of Choice, online

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.”¶ As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.”¶ Still, Pakistan is reluctant to make its approval public. First of all, the country’s inability to fight terrorists on its own soil is a humiliation for Pakistan’s politically powerful armed forces and intelligence service. In addition, although drones kill some of the government’s enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.¶

***Heg high and sustainable now – overwhelming power***

**Tufts Daily 2-23-11** (Prashanth Parameswaran, master's candidate at the Fletcher School of Law and Diplomacy, writer for the New Strait Times, Strait Times and China Post, and former CSIS intern, “America is not in decline” <http://www.tuftsdaily.com/op-ed/prashanth-parameswaran-the-asianist-1.2478466>, jj)

I don't. **Very little about "American decline" is real or new. Similar predictions of U.S. decline have surfaced every decade or so** since Washington rebuilt the international system after World War II, from the aftermath of Sputnik in the 1960s to the economic distress of the 1980s. Foreign Policy is also hardly the only peddler of the latest declinism fetish. Everyone from [Newsweek's](http://newsweek.com) Fareed Zakaria to former Singaporean diplomat Kishore Mahbubani to American intelligence agencies themselves has parroted a version of it. But every myth has a grain of truth. In this case it's the fact that — God forbid — other powers are rising. Goldman Sachs says China will overtake the U.S. economy by 2027 and that the BRIC nations (**Brazil, Russia, India and China) will emerge as major world players**. But **so what? Other powers have been rising for decades**. **Yet,** to take one statistic**, the American economy in 2004 was the same size relative to the world's total GDP as it was in 1975 — 20 percent.** The real and more useful questions about decline are therefore not who is growing and by how much, but whether emerging powers can dent American power sufficiently and whether the United States will lose the key advantages that have sustained it as the world's sole superpower. **For all the fretting, the United States,** as Mr. Rachman himself admits, **remains the leader across the board. U.S. military power is still unmatched and vastly technologically superior to any other nation. Military spending is almost as much as the rest of the world combined. The American economy dominates futuristic industries like biotechnology and nanotechnology with a potent combination of technological prowess and entrepreneurial flair.** According to China's own Jiao Tong University's rankings, **17 of the world's top 20 universities are American. Millions still flock here to pursue the American Dream, while America's melting pot of cultures bodes well for its exceptional innovative capacity**. Provided the United States continues to encourage immigration and starts controlling its debt, **there is little reason to believe that such a** resilient colossus **will see its vast advantages perish**. **There are also few signs of a "global multipolar system" emerging anytime soon.** Despite doomsday realist predictions, **no country has attempted to balance Washington's hegemony since 1991**. And while the future rise of Asian powers may boost the case for eventual American decline, the truth is that **each of the United States' potential balancers also faces significant challenges going forward. For China, it is the growing disparity between its coastal and inland areas, its physical isolation and the risk that it will get old before it gets rich. For India and the European Union, the challenge will be to painfully negotiate the divergent interests of states in a noisy democratic system. As for Iran, Russia and Venezuela, they are flexing their muscles as proud spoilers, not global powers. It is also quite unlikely that these states will soon form a coalition to confront the United States, given their own divergent interests.** Even China and Russia compete ferociously in Central Asia today. Don't get me wrong. I don't believe we've reached Francis Fukuyama's "end of history," particularly with the slowing of democracy's progress during the last decade. Nor do I think the United States will be able to dominate and dictate terms to others all the time in the future. Still, **I just don't see the irreversible decline in U.S. power and the rise of a new world order that many seem to reflexively accept.**

***U.S. Hegemony is high and sustainable—balancing won’t happen***

Carla **Norrlof**, Associate Professor of Political Science at the University of Toronto, 20**10**, “America’s Global Advantage: US Hegemony and International Cooperation”, p. 2-3 

In my view, **the doomsayers are mistaken**. I argue that **American hegemony is stable and sustainable**. While the United States certainly does face a number of challenges, **an analysis of the linkages between trade, money, and security shows that American power is robust.**  This book is a story about why and how **American hegemony works**, and what other states would have to do to emulate or, on other grounds, thwart, America’s power base. As I will show, the United States benefits from running persistent trade deficits as a result of its special position in the international system. I will argue that any comparably situated country would choose to pursue the same cyclical deficit policy as the one encouraged by the US government. **A series of size advantages cut across trade, money, and security: the size of the American market, the role of the dollar, and American military power interact to make a trade deficit policy rewarding and buffer the United States from the extreme consequences that a sustained deficit policy would otherwise have**. Based on new research in economics on valuation adjustments (i.e., capital and exchange rate gains), and data analysis of my own, this study draws attention to the economic advantages for the United States of having the key currency. In addition to benefits in the form of seignorage, **the United States gains substantially from valuation adjustments, reinforcing policy autonomy and the gains derived from asymmetry in the structure of borrowing and lending**. I also lean on new economic research on valuation adjustments to supplement the conventional view of why military preeminence is necessary for key currency status. Military power has been seen as important in enforcing debt repayments, but there is clearly a need to rethink the connection between reserve status and military power in the present systematic context where the reserve currency country has the world’s largest external liabilities. **We have seen erroneous predictions of American decline before. In the 1970s, the combination of high inflation, high interest rates, high unemployment, the Vietnam War, political and military challenges from China and the Soviet Union, and the economic rise of Japan led to eerily similar forecasts. Pessimists then, as today, underestimated the longevity of American power. The main reason the United States has continued to occupy a unique place in the international system is because a sufficient number of major and lesser powers have a strong interest in maintaining America at the top of the hierarchy. To bring America down would take a deliberate, coordinated strategy on the part of others and this is simply not plausible.** As much as the United States benefits from the space it has carved out for itself in the current world order, its ability to reap unequal gains will remain unless and until allies start to incur heavy losses under American dominance. **Even that, by itself, will not be sufficient to sink American hegemony. A strong alternative to American rule will have to come into view for things to fundamentally change. At present, no credible alternative is in sight. The United States is not invincible but its dominance is currently steady.**

## Terror

### 2NC General Link Overview / A2: Link Turns

#### No link turns --- even if the plan is a rubberstamp in practice, perception of new targeted killing authorization restrictions make the DoD and CIA gun-shy --- kills counter-terror operations

The link is unique because Obama hasn’t followed through on his promise yet

Carlo Munoz- 05/23/13, The Hill, Obama seeks to ramp down 9/11-era rules for war on terror, <http://thehill.com/blogs/defcon-hill/policy-and-strategy/301737-obama-seeks-to-ramp-down-911-rules-for-war-on-terror>, jj

Obama’s effort to change nearly a decade of battle-tested counterterrorism tactics could have a chilling effect on the military and intelligence community, Fleitz said.¶ The high bar being set by the White House on counterterrorism, particularly on the use of armed drones, may make military and intelligence operators gun shy in launching counterterrorism missions, he said.¶ “The intelligence [community] will be reluctant to use them,” should Obama follow through on his effort to rein in armed drone strikes, Fleitz said.

***\*note - Frederick Fleitz = a former CIA official***

#### Causes the executive to retreat

Pevehouse & Howell ’08, Jon C. Pevehouse, Professor – Poli Sci – UW-Madison, William G. Howell, Sydney Stein Professor in American Politics in the Harris School, a professor in the Department of Political Science and the College, and a co-director of the Program on Political Institutions. While Dangers Gather : Congressional Checks on Presidential War Powers. Princeton, NJ, USA: Princeton University Press, 2008. p 18. <http://site.ebrary.com/lib/wayne/Doc?id=10478247&ppg=12>, jj

We are not suggesting that the absence of congressional action is appropriately interpreted as evidence of the institution’s prepotency. Instead, we mean only to raise a cautionary point: the observed behaviors of either branch of government do not necessarily reveal who was in charge, or whose interests were best represented, when the military was deployed. As John Ferejohn and Frances Rosenbluth point out, “Depending on the distribution of costs and benefits associated with the use of power, heterogeneous interests might be inclined to exercise veto points built into American political institutions; and even if their use is not often observed to block military aggression, their influence is likely to be incorporated in anticipation of their use.” 51 When trying to gauge congressional influence over presidential war powers, it simply will not do to count the number of times that the War Powers Resolution has, or has not, been invoked. For as Ferejohn and Rosenbluth aptly note, one branch of government may wield considerable influence over another even when the historical record is quite sparse. Knowing that members of Congress will rail against what they perceive to be a seriously misguided military venture, presidents may scale back, or even abandon, their plans. In such instances, however, the proof of congressional influence is not to be found in the corpus of law that members enact. Rather, it is to be located in the silence accompanying a president who would like to respond militarily to some foreign conflagration, but who prudently abstains.

#### Statutory limitations on war powers increase the costs of presidential action ~ the plan induces executive over-caution out of fear of congressional reprisal

Pevehouse & Howell ’08, Jon C. Pevehouse, Professor – Poli Sci – UW-Madison, William G. Howell, Sydney Stein Professor in American Politics in the Harris School, a professor in the Department of Political Science and the College, and a co-director of the Program on Political Institutions. While Dangers Gather : Congressional Checks on Presidential War Powers. Princeton, NJ, USA: Princeton University Press, 2008. p 9-10. <http://site.ebrary.com/lib/wayne/Doc?id=10478247&ppg=12>, jj

Strong informational advantages coupled with the unique ability to act unilaterally in the international arena make the president, by Paul Peterson’s account, “the most potent political force in the making of foreign policy,” while Congress remains “a secondary political player.” 21 There is no escaping this fact. The primary questions that this book intends to answer are not whether congressional power effectively matches presidential power, or whether Congress has met its constitutional obligations over foreign policy making. On both of these fronts, answers obviously assume the negative. Rather, the interesting questions are uncovered when we examine those interbranch struggles that persist, when we try to determine whether Congress, in any material fashion, constrains the presidential use of force. Congress, Still Relevant Endowed with powers of unilateral action and immense informational advantages, why should the president worry about Congress? What can its members really do that has any bearing on his assessments of the potential risks and rewards of military action? A fair amount, we think. Its actions will not convince every president, every time, to change course. But through both legislative enactments and public appeals, Congress can increase the likely costs, financial and otherwise, of a planned military venture. The bills Congress introduces, the resolutions it passes, the hearings it holds, and the public declarations its members make can establish legal constraints on presidential war powers and increase the political costs of battlefield failures. In this section, we summarize past congressional efforts to influence presidential decision making through both legislative processes and public appeals: We then offer some lessons about how these activities shape the larger politics that precede military action.

#### Directly effects presidential willingness to act

Pevehouse & Howell ’08, Jon C. Pevehouse, Professor – Poli Sci – UW-Madison, William G. Howell, Sydney Stein Professor in American Politics in the Harris School, a professor in the Department of Political Science and the College, and a co-director of the Program on Political Institutions. While Dangers Gather : Congressional Checks on Presidential War Powers. Princeton, NJ, USA: Princeton University Press, 2008. p 27. <http://site.ebrary.com/lib/wayne/Doc?id=10478247&ppg=12>, jj

Because they are legally binding, legislation and appropriations passed by Congress directly impinge on a president’s discretion to wage war. Not surprisingly, then, opponents of a president’s war typically call on Congress to pass laws and cut appropriations. But the public debates that precede military actions also have important consequences for presidential power. Two stand out. By expressing dissent, members of Congress can weaken the president’s ability to credibly convey resolve to foreign allies and adversaries, and they can turn public opinion against him. 73 Here, we briefly summarize both of these avenues of congressional influence.

## Modeling

### 2NC – Drone Prolif Adv

#### Even if it happens – long timeframe

Micah Zenko, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). “Reforming U.S. Drone Strike Policies,” CPA at CFR, Council Special Report No. 65, January 2013.

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

#### Drone prolif doesn’t shift the calculus – won’t cause wars

Singh ’12, Joseph Singh is a researcher at the Center for a New American Security. Aug. 13, 2012, Time, Betting Against a Drone Arms Race, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>, jj

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.

#### Their “drone war” arg is profoundly alarmist

Ashley S. Boyle ’12, is an Adjunct Junior Fellow at the American Security Project, July 13, 2012, American Security Project, The US and its UAVs: Addressing Legality and Overblown Scenarios, <http://americansecurityproject.org/blog/2012/the-us-and-its-uavs-addressing-legality-and-overblown-scenarios/>, jj

One of the touchstones in the current US drones dialogue is the the legality of lethal drone strikes. Despite claiming the strikes are legally permissible, Administration officials have not yet cited any legal statute in justifying the use of drones in extraterritorial targeted killings. Critics argue that this failure to provide legal justification implicates the US in violating international legal frameworks on interstate force and national sovereignty. Furthermore, critics claim that US drone programs in Pakistan, Somalia, and Yemen set a dangerous precedent that could lead to any nation with strike-capable drones employing similar tactics in a “global drone war.”¶ While the international community has the right to demand that the US provide a legal foundation for drone strikes, it should be understood that the US has a strategic interest in not providing any such justification. Similarly, the argument that US drone strikes are establishing a dangerous precedent is reasonable. However, extrapolating this assertion to a scenario of global drone warfare is not only alarmist and distracting, but has no factual basis at present.¶ The matter of legal justification for US drone strikes is straightforward. Critics have long claimed that US drone strikes violate laws on interstate force and sovereignty in that strikes are conducted extraterritorially in non-combat zones.¶ While laws governing the use of interstate force bar the use of force in another nation’s territory at times of peace, under Article 51 of the United Nations Charter, a nation has “the inherent right of individual or collective self-defence [sic]” until the UN Security Council takes action. Article 51 applies if either the targeted state agrees to the use of force in its territory by another nation or the targeted state, or a group operating within its territory, was responsible for an act of aggression against the targeting state.¶ These conditions are mutually exclusive; only one must be satisfied to justify a unilateral extraterritorial use of force by a UN Member. In the cases of Pakistan, Somalia, and Yemen, both conditions are satisfied: all three countries have consented, explicitly or otherwise, to the US operating drones within their territories, and all three are “safe havens” for groups that have launched violent attacks against the US and US interests.¶ If the US is well within its right to conduct drone strikes within these nations, why, then, does it not simply invoke Article 51 as a means of justification and end the legality debate?¶ It is of strategic value for the US to refrain from providing justification because to acknowledge any legal framework is to implicitly agree to be bound by its terms. By remaining formally unaccountable to international frameworks, the US can operate unimpeded by the red tape of the international legal community. From any angle, such a strategy is in the best interest of US national security. It is also important to note that a lack of public justification does not mean the US is not acting in accordance with international legal frameworks.¶ While there is no question that the US has used drones, it is hardly alone in wielding the technology. Approximately fifty nations possess and use drones. However, Wikipedia informs us that of these nations, only twelve have lethal drones of which only three nations – China, Iran, and Russia – may be of concern.¶ Possessing the technology is only one part of the picture. Nations must also have the capabilities to maintain and operate these aircraft, as well as an intelligence network that informs their surveillance or strike activities. The supporting systems required to operate drones is greatly underestimated, and it is difficult to see China, Iran, or Russia having the resources or desire to launch expansive drone programs in the short- to mid-term. While the long-term picture always requires discussion, alarmist messages about impending drone wars are just that: alarming and unfounded.¶ The US has a legitimate reason and legal right to conduct operations using drones in Pakistan, Somalia and Yemen. While the lack of an explicit justification may not garner credibility, the US has a national security imperative to act in its best interests. Remaining disassociated from specific legal frameworks ensures a strategic flexibility that could otherwise be constrained.¶ Finally, the international community must be realistic about the threat of a global drone war. Such a scenario requires that nations possess the technology, the resources, and the motives to mire themselves in international conflict. Not only is this unlikely in the short- to mid-term and factually unsubstantiated, the argument distracts from a debate that should aim to design a more intelligent strategy for US drone programs. It is better that efforts be directed toward constructive efforts than at strangulating any hope for an informed dialogue.

### Etc

#### Turkish soft power fails ---

Domestic instability in Turkey undermines its soft power and the credibility of its model

**ALTUNIŞIK, 8** --- Professor, Department. of International Relations, Middle East Technical University, Ankara (MELİHA BENLİ ALTUNIŞIK, Insight Turkey, “The Possibilities and Limits of Turkey’s Soft Power in the Middle East,” vol.10,, no. 2,, <http://www.insightturkey.com/Insight_Turkey_10_2_Meliha_Benli_Altunisik.pdf>

Still, however, **the emergence of Turkey as a soft power in the Arab world is an evolving process, and there are several obstacles to its sustainability: First, to some extent, Turkey’s soft power is a factor of Turkey’s ability to solve its own internal problems. The current political instability in Turkey, including that related to the Kurdish issue, undermines Turkey’s soft power capabilities**. **Similarly, the prospects for the future of the AKP experience will have repercussion for Turkey’s soft power status, as the coming to power of this party contributed in an important way to the perception and the relevance of the Turkish experience in the eyes of the region. D**uring the first term of the AKP government, the traditional establishment to a large extent tolerated its rule, and indeed the AKP has continued to work within the confines of democracy. Yet recently **this experience seems to have come under duress as polarization began to reemerge between the secularists and the AKP government. The political crisis in the system would undermine the image of Turkey in the Arab world as a successful example of political modernization**.

### Israel

#### No strikes or Iran prolif- Rohani’s election changes motivation

Kambiz Foroohar 6/17/13 journalist for Bloomberg, 6/17/13, "Rohani Victory May Curb Support for Israeli Attack on Iran," Bloomberg, <http://www.bloomberg.com/news/2013-06-16/rohani-victory-may-undermine-support-for-israeli-attack-on-iran.html>

¶ Iranian President-Elect Hassan Rohani’s vow to improve ties with the world carried him to a surprise first-round win. It also may have rewound the clock on a potential military strike against his country over its nuclear program.¶ “Those advocating an attack on Iran have been dealt a setback,” said Suzanne Maloney, a senior fellow at the Brookings Institution’s Saban Center for Middle East Policy in Washington. “The chances of an attack on Iran are even more remote than they have been in many years.”¶ While Supreme Leader Ali Khamenei, 73, retains the power over national security, especially the nuclear program, past presidents have been able to influence the tone of foreign policy. The departure of President Mahmoud Ahmadinejad, whose anti-Israel rhetoric and questioning of the Holocaust made Iran a pariah and helped prompt more sanctions, removes a lightning rod for global scorn.¶ Western countries signaled an interest in engaging with Rohani. The British Foreign Office urged him to set a new course for Iran, and the European Union’s foreign policy chief Catherine Ashton said she hoped his victory will lead to a “swift diplomatic solution” to the standoff over the nuclear program.¶ The question is whether Rohani will have influence beyond changing the image Iran presents to the world.¶ “Ahmadinejad was a figure everyone loves to hate,” said Gerald Steinberg, professor of political science at Bar Ilan University in Ramat Gan, Israel. “Rohani is more sophisticated and a softer face of the same Iranian leadership.”¶

#### Even if he builds nukes --

#### No Israel strike on Iran---their evidence ignores Israel’s true motives

Zarrabi 11—conducted lectures and seminars on international affairs, particularly in relation to Iran, with focus on US/Iran issues. President, regional chapter of World Affairs Council of San Diego. Author of 2 books about Iran. (Kam, CRYING WOLF, AGAIN?, 9 June 2011, [www.payvand.com/news/11/jun/1118.html](http://www.payvand.com/news/11/jun/1118.html))

Portrayal of Iran as a marketable international threat has been serving the interests of the Israeli regimes, as well as quite arguably those of the United States, the latter worth more careful examination. Israel's agendas are quite straightforward and easy to understand:

Israel intends to remain the sole regional superpower.

Israel must enjoy the unwavering financial, diplomatic and military support of the United States for its very survival.

Israel has no intention of giving the Palestinians any level of meaningful autonomy or nationhood, or give up a square inch of territory in the occupied areas or in East Jerusalem.

Israel intends to remain a "Jewish" state at any cost.

The United States has also involvements in the region that cannot be downplayed or ignored:

With the ongoing military operations in Iraq, Afghanistan and Pakistan, and the explosive developments in Yemen, Bahrain, Syria and possibly Saudi Arabia, America's military presence in the Middle East region, particularly in the Persian Gulf, must and shall continue.

The proverbial Military Industrial Complex and its contributions to the economy of the nation cannot be exaggerated. Unlike the human costs of war, the material losses turn into gains by America's own manufacturing industries, not to mention the tens or hundreds of billions of dollars worth of mostly second hand or nearly obsolete hardware sold to the oil-rich Arab states who are "supposedly" in danger of some Iranian assault. Of course, they know full well that Iran poses no physical threat to their kingdoms, but they have no option but to accept America's offer, as their very survival against their own people depends on the American military and diplomatic support. The Saudis, the purchasers of some 100 billion dollars worth of American arms are, for example, quite vulnerable to internal uprisings by their disenfranchised citizenry.

Last but not least is the need for a strong American presence in the region to monitor and, if necessary, to prevent or buffer a potential Israeli adventurism against Iran, which would have catastrophic results all around.

Both the Israelis and the Americans realize that any attack on Iran would be ill advised, not only because it would not have the advertised desired effects or, worse yet, the fact that it would promote more aggressive militarization by the Iranians, but because it would cause major adverse ripples throughout the region with global economic repercussions. Both Israel and the Unites States also know that the mere portrayal of Iran as a regional or even a global threat plays the intended role, much more safely and effectively than would Iran as a real threat.

It has, therefore, been the policy to keep this negative portrayal convincingly alive, to which end the Iranian regime itself has been contributing significantly, albeit by default!

There have been numerous occasions, from the initial American attack against Al-Gha'eda and Taliban bases in Afghanistan and the establishment of the Karzai government, to the IAEA nuclear negotiations with Iran during the El Baradei leadership of that United Nations' agency, that the "problems" with Iran could have been resolved, leading to a rapprochement between the United States and Iran. Each time a hand was stretched from either side, some unexpected, or actually quite expected, excuse blocked the path to such an opening. Examples are far too numerous to recount here. The obvious lack of interest by the United States to negotiate the way to a rapprochement was interpreted quite correctly by the Iranian regime as a clear indication that, short of total capitulation, something that the Iranians would never be expected to submit to, there was nothing Iran could reasonably do to remedy its negative portrayal.

This, and the repeated open threats of violation of Iran's territorial integrity and regime change, as well as the admitted and undeniable acts of infiltration and sabotage fomented by the Israeli and American agencies, played into the hands of Iran's hardliners to further strengthen their position as the guardians of the nation. The result, as though well plotted in advance, has been a continuous postponement of democratic reforms toward moderation and opening, and the resulting public dissatisfaction with more restrictive sociopolitical environment. The increasing economic sanctions spearheaded by the United States, mostly on behest of the Israeli powerhouses, have been adding to the internal problems the Iranian regime has been trying to cope with.

It has been my long-term belief that the detrimental effects of America's Iran policies for America's own interests must be well known by the American policy makers. I have to, therefore, conclude that it is a lack of ability, rather than the absence of desire, in the part of the Administration, from the office of the President on down to the US Congress, that the nation's best strategic interests in the Middle East are being compromised for the dictates of America's true enemy who has been parading as a friend and as an inseparable ally.

Many Middle East analysts, among whom Professor Seyed Mohammad Marandi of the University of Tehran, who in his latest article appearing in CASMII website, blames poor intelligence and reliance on dubious sources for a misperception of Iranian affairs. I, however, am of the opinion that those in the know in the State Department, from Hillary Clinton on down to the CIA and NSC staff advising her, do understand the situation on the ground, but are forced to resort to diplomatic hypocrisy and propaganda routines to cover up the system's inability to override the influence of special interest groups and lobbies that have a stranglehold on the nation's Middle East policy apparatus.

As I look at the status quo, I do not see any prospects for change looming on a visible horizon when it comes to this one-sided parasitic relationship. The best interests of both the United States and Iran have been suffering because of the toxins injected into the system by this parasite.

As the new threats of an attack on Iran, this time supposedly between June and September this year, loom larger, I have little doubt that the goal posts will be pushed back once again. As I have said, Iran as an existing threat serves the purpose much better than a friendly or a defeated Iran. An existing regional pariah serves Israel's interests and agendas perfectly well.

The only hope for a change in this ongoing macabre theatrical scenario is for some other regional actor to replace Iran convincingly enough to satisfy the ticket holders to this drama. I believe the script is actually undergoing changes in that direction.

There are enough military and civilian brains here to realize that a change in the status quo must be initiated sooner rather than later. My prediction is that Pakistan, a real nuclear-armed state with tribal factions that are not under the control of a viable central government and who are known for their vehement anti West and anti American sentiments can take up Iran's role as a regional pariah quite convincingly. It seems to be heading that way. Give it two to three years, and a great sea changes might be taking place in the region, especially with respect to a rapprochement with Iran, with prospects of positive developments within the Islamic Republic as tensions ease.

Meanwhile, Israel can use its time-tested tactics of keeping the United States on edge by feinting its intentions of a preemptive strike against Iran, in order to blackmail and extort more military and financial support from its big benefactor and to further postpone any prospects of a compromise with regard to its Palestinian dilemmas.

#### Zero risk of an Israeli strike---

**AFP 4-10-11** (“Israel ruled out Iran strike in 2005: Wikileaks” <http://www.google.com/hostednews/afp/article/ALeqM5jDchPChm3jDRZNAs0IctBSiXX_iQ?docId=CNG.4eb79e0b90682dda27e5e8f688957945.321>, jj)

JERUSALEM — **Israeli defence officials ruled out a strike on Iran's nuclear facilities as early as 2005, US diplomatic cables leaked to whistleblower site WikiLeaks show**, an Israeli newspaper said Sunday. **The documents** given to the Haaretz newspaper by WikiLeaks **detail conversations between US diplomats and Israeli defence officials, which suggested the Jewish state did not plan to target Iran's controversial nuclear programme**. One December 2005 cable said **Israeli officials** had **indicated there was "no chance of a military attack being carried out on Iran**," Haaretz reported. Another telegram a month later, detailing talks between a US congressman and the then deputy chief of Israel's Atomic Energy Commission, Ariel Levite, offered a stronger suggestion that **Israel considered a strike on Iran's facilities unfeasible**. Levite "said that **most Israeli officials do not believe a military solution is possible**," Haaretz quoted the telegram as saying. "**They believe Iran has learned from Israel's attack on Iraq's** **Osirak reactor (in 1981) and has dispersed the components of its nuclear programme throughout Iran, with some elements in places that Israel does not know about."**

#### America would veto

**Avnery ’10** (Uri, Apr 17-Apr 30, the Arab American News, “Why Israel would never attack Iran” Vol. 26, Iss. 1262; pg. 8, proquest, jj)

It is dangerous to prophesy in such matters, especially when we are dealing with people not all of whom are wise and not all of whom are sane. Yet I am ready to maintain: **there is no possibility whatsoever that the government of Israel .will send the air force to attack Iran**. I am not going to enter into military matters. Is our air force really capable of executing such an operation? Are circumstances similar to those that prevailed 28 years ago, when the Iraqi reactor was successfully destroyed? Is it at all possible for us to eliminate the Iranian nuclear effort, whose installations are dispersed throughout the large country and buried far below the surface? I want to focus on another aspect: is it politically feasible? What would be the consequences? First of all, **a basic rule of Israeli reality: the State of Israel cannot start any large-scale military operation without American consent. Israel depends on the U. S. in almost every respect, but in no sphere is it more dependent than in the military one. The aircraft that must execute the mission were .supplied to us by the U. S. Their efficacy depends on a steady flow of American spare parts. At that range, refueling from U .S .-built tanker aircraft would be necessary. The same is true for almost all other war materiel of our army, as well as for die money needed for their acquisition. Everything comes from America**. In 1956, Israel went to war without American consent. Ben-Gurion thought that his collusion with the UK and France was enough. He was vastly mistaken. One hundred hours after telling us that the "Third Kingdom of Israel" had come into being, he announced with a broken voice that he was going to evacuate all the territories just conquered. President Dwight Eisenhower, together with his Soviet colleague, had submitted an ultimatum, and that was the end of the adventure. Since then, **Israel has not started a single war without securing the agreement of Washington. On the eve of the Six Day War, a special emissary was sent to the U.S. to make sure that there was indeed American agreement. When he returned with an affirmative answer, the order for the attack was issued**. **On the eve of Lebanon War I**, Defense Minister Ariel **Sharon rushed to Washington to obtain American consent**. He met with Secretary of State Alexander Haig, who agreed - but only on condition that there would be a clear provocation. A few days later there just happened to be an attempt on the life of the Israeli ambassador in London, and the war was on. The Israeli army's offensives against Hizbullah ("Lebanon War ?") and Hamas ("Cast Lead") were possible because they were cast as part of the American campaign against "Radical Islam." Ostensibly, that is also true for an attack on Iran. But no. Because **an Israeli attack on Iran would cause a military, political and economic disaster for the United States of America.**

### Iran

***1. No impact---Iran prolif won’t cause a chain reaction and nuclear Iran would be rational---deterrence solves***

**Zakaria ’10** (Fareed, editor of Newsweek, 3-1, Newsweek, Vol. 155, Iss. 9, “Don’t Scramble the Jets; Why Iran’s dictators can be deterred” proquest, jj)

**An Iran with nuclear weapons** would be dangerous and destabilizing, though **I am not as convinced as some that it would automatically force Saudi Arabia, Egypt, and Turkey to go nuclear as well. If Israel's large nuclear arsenal has not made Egypt seek its own nukes-despite the fact that the country has fought and lost three wars with Israel-it is unclear to me why an Iranian bomb would.** The United States should use the latest IAEA report to bolster a robust containment strategy against Iran, bringing together the moderate Arab states and Israel in a tacit alliance, asking European states to go further in their actions, and pushing Russia and China to endorse sanctions. Former secretary of state James Baker suggested to me on CNN that the United States could extend its nuclear umbrella to Israel, Egypt, and the Gulf states-something that current Secretary of State Hillary Clinton has hinted at as well. At the same time, Washington should back the Green Movement, which ultimately holds out the greatest hope for a change in the basic orientation of Iran's foreign policy. It remains unclear how broad or well organized this movement is, but as a matter of long-term strategy, we should support groups that want a more modern and open Iran. **Can we live with a nuclear Iran? Well, we're living with a nuclear North Korea** (boxed in and contained by its neighbors). **And we lived with a nuclear Soviet Union and communist China. Iran, we're told, is different. The country cannot be deterred by America's vast arsenal of nukes because it is run by a bunch of mystic mullahs who aren't rational, embrace death, and have millenarian fantasies. This was never an accurate description of Iran's canny (and ruthlessly pragmatic) clerical elite. But it's even less so now**. **The most significant development in Iran has been the displacement of the clerical elite by the Revolutionary Guards, a military organization that is now the center of power.** Clinton confirmed what many of us have been pointing out over the last year and warned of an emerging "military dictatorship" there. I'm not sure which is worse for the Iranian people: rule by nasty mullahs or by thuggish soldiers. But **one thing we know about military regimes is that they are calculating. They act in ways that keep themselves alive and in power. That instinct for self-preservation is what will make a containment strategy work.**

***2. Nuclear Iran won’t cause conflict***

**Crist & Ward ’09** Chairman of the Joint Chiefs of Staff and senior CIA intelligence analyst [David& Steven “Deterring Iran: Lessons from History” (<http://www.washingtoninstitute.org/templateC05.php?CID=3078>) 6/24]

Although it will be challenging, **Iran can be deterred**. The Iranians have proven to be incredibly opportunistic -- primarily through the use of asymmetric threats and proxies -- in exploiting U.S. weaknesses in the region. Nevertheless, **Iran is capable of rationally balancing its interests and determining when it is necessary to back off in order to avoid a full-blown conflict. Iranian leaders are primarily concerned with survival, and their decisions rest on remaining in power for the long term.**

# 1NR

### 2NC Impact Overview

#### Disad outweighs

#### a. Faster – failure to raise the debt ceiling causes quick unraveling of the U.S. and global economy – collapse before November

Sahadi 9/10

Jeanne, “Debt ceiling 'X date' could hit Oct. 18”, <http://money.cnn.com/2013/09/10/news/economy/debt-ceiling-bills-coming-due/index.html>, MCR

A new analysis by a think tank shows that **Washington's drop-dead deadline for the debt ceiling could hit as soon as Oct. 18**.¶ Estimating exactly when the Treasury Department will be unable to pay all the bills coming due if Congress fails to raise the nation's legal borrowing limit is notoriously difficult.¶ That's why, in an analysis released Tuesday, the Bipartisan Policy Center put the "X date" between Oct. 18 and Nov. 5.¶ Treasury Secretary Jack Lew has warned that **by mid-October the agency will have only $50 billion in cash on top of incoming revenue.**¶That may sound like a lot. But, as the Bipartisan Policy Center details, **it won't last very long**.¶ If the "X" date turns out to be Oct. 18, Treasury would run about $106 billion short of the money it owes between then and Nov.15. That means it wouldn't be able to pay the equivalent of a third of all the bills due during that period.¶ Here's why: Treasury handles about 80 million payments a month. Those payments are not evenly spaced out so on some days more is owed than on others. And the revenue flowing into federal coffers is unpredictable and varies from day to day.¶ Payments include IRS refunds, Social Security and veterans benefits, Medicare reimbursements for doctors and hospitals, bond interest owed investors, payments to contractors and paychecks for federal workers and military personnel.¶ If Congress fails to act in time, Treasury will have to make difficult -- and legally questionable -- decisions about who should get paid and who should be stiffed. It may decide to pay some bills in full and on time and not others.¶ Or it may decide to delay all payments due on a given day until it has sufficient revenue on hand to pay in full. in a Treasury Inspector General's report that this might be the most plausible and least harmful approach.¶ But under that scenario, **delays would grow over time from a day or two to several weeks**. For example, the payments due to seniors, veterans and active duty military personnel on Nov. 1 wouldn't go out until Nov. 13.¶ In any case, the expectation is that the agency will try to prioritize payments to bond investors over everyone else, lest the financial markets go haywire. Politically, of course, that carries risk, said Steve Bell, the senior director of the Bipartisan Policy Center's economic policy project.¶ "There's a political danger you'll be accused of paying bondholders over Social Security recipients," Bell said.¶ On both Oct. 23 and Nov. 14, $12 billion in Social Security benefits come due, while another $25 billion comes due on Nov. 1, according to the analysis.¶ Meanwhile, on Oct. 24, Treasury will have to roll over $57 billion in outstanding debt and another $115 billion on Oct. 31. Normally that's not a problem, because U.S. Treasury auctions attract a lot of buyers willing to purchase bonds at low rates.¶ But if those rollover dates come after the "X" date, and **the perception is that the United States is defaulting on some of its obligations, Treasury could have trouble finding enough buyers or investors could demand higher interest rates**.¶ The debt ceiling is currently set at $16.7 trillion. That ceiling was reached on May 19, and ever since Treasury has been using a host of special measures to keep the country's borrowing at or below that ceiling. But those measures will be exhausted by mid-October, according to Treasury.¶ If lawmakers want to raise the ceiling enough to get past the 2014 midterm elections in November, the Bipartisan Policy Center estimates they will have to raise it by $1.1 trillion to $17.8 trillion. To top of page

#### b.) SCOPE – US economic decline triggers military withdrawal across the globe—causes a power vacuum and nuclear war—hegemony deters hostile powers and controls the escalation of all conflict—solves the impact to the aff—that’s our 1NC Impact

#### c.) TURNS CASE – debt default means the plan would be delayed or under-funded – fiat only means the plan passes

#### Happens fasteer than the plan --- obv takes a really long time for turkey to fully implement models from the US and then rebuild soft power

#### We control global impact uniqueness – Interdependence checks war. Plan undermines this crucial form of restraint.

Daniel **Griswold**, director of the Center for Trade Policy Studies, 4/20/**’7**, Trade, Democracy and Peace, p. http://www.freetrade.org/node/681

A second and even more potent way that trade has **promote**d **peace is by promoting** more **economic integration.** **As national economies become more intertwined with each other**, those **nations have** more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also **ruptured trade and investment ties that impose lasting damage on the economy.** In short, **globalization** has dramatically raised the economic cost of war.

#### Turns every country

**Kemp 10**

Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

### Turns Environment

#### Economic decline obviously turns the environment --- if there is no growth, theres no way to pay for things like new tech to solve environment problems – statistical models prove

**Tierney 9** (John, science columnist for the New York Times, journalism degree from Yale U, cites Nobel Prize winning economist Simon Kuznets, Ph.D from Columbia U, Apr 20, [tierneylab.blogs.nytimes.com/2009/04/20/the-richer-is-greener-curve/])

In my Findings column, I explain how researchers have discovered that, over the long term, being richer often translates into being greener. Many environmental problems get worse as a country first industrializes, but once it reaches a certain level of income, the trend often reverses, producing a curve shaped like an upside-down U. It’s called a Kuznets curve (in honor of the economist Simon Kuznets, who detected this pattern in trends of income inequality). As promised in the column, here are some graphic examples of Kuznets curves for sulphur dioxide pollution, as measured in an assortment of rich and poor countries, and also as measured over time in the United States. Each line is an environmental Kuznets curve for a group of countries during the 1980s. The levels of sulphur dioxide pollution (the vertical axis) rise as countries becomes more affluent (the horizontal axis). But then, once countries reach an economic turning point (a gross domestic product close to $8,000 per capita), the trend reverses and air pollution declines as countries get richer. In this analysis by Xiang Dong Qin of Clemson University, the green line shows countries with strong protections for property rights; the red curve shows countries with weaker protections. I’m not trying to argue that all environmental problems fit these curves, or that these improvements happen automatically. How fast the environment improves depends not just on money but on whether a country has an effective government, educated citizens, healthy institutions and the right laws. (For discussions of the variability of these curves and the factors that affect them, see this PERC report by a group led by Bruce Yandle of Clemson University and this article in Environment, Development and Sustainability by Kuheli Dutt of Northeastern University.) But rising incomes can make it more likely that improvements will come, and these Kuznets curves give more reason for optimism than the old idea that economic growth endangered the planet. In the 1970s, rich countries were urged to “de-develop” by Paul Ehrlich and John P. Holdren, now the White House science adviser. I welcome your thoughts on what can be learned from Kuznets curves — and whether people at opposite ends of the curves can find common ground. As America got richer in the the 20th century, emissions of sulphur dioxide rose. But thanks to new technologies, new laws and new desires for cleaner air, the trend reversed, and sulphur-dioxide pollution declined even though population and wealth kept rising.

### A2: no link – courts

#### Their ev misses the boat --- Obama won’t negotiate is our UQ arg --- he has enough PC that he doesn’t have to negotiate --- the GOP will feel pressed to raise the debt ceiling --- the plan is a major loss for Obama, which causes him to look weak --- forces negotiation because republicans wont cave to a weak Obama -- that’s chait, parsons, and Giroux

#### First arg is that Obama will blame the courts --- that’s our link --- makes him look weak which erodes his PC

#### No – their court ruling makes him look weak –

**Empirically – Court war power rulings cases caused a Congressional backlash**

**Abramowitz and Weisman 6** – Washington Post Staff Writers (6/1/06, Michael and Jonathan, The Washington Post, “GOP Seeks Advantage In Ruling On Trials”, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/30/AR2006063001737.html>) AC

**Republicans** yesterday **looked to wrest a political victory from a legal defeat in the Supreme Court, serving notice to Democrats that they must back President Bush on how to try suspects at Guantanamo Bay or risk being branded as weak on terrorism.**

**In striking down the military commissions** Bush sought for trials of suspected members of al-Qaeda and other terrorist groups, **the high court Thursday invited Congress to establish new rules and put the issue prominently before the public** four months before the midterm elections. As the White House and lawmakers weighed next steps, **House GOP leaders signaled they are ready to use this week's turn of events as a political weapon**.

House Majority Leader John A. **Boehner** (R-Ohio) **criticized** House Minority Leader Nancy **Pelosi's comment Thursday that the court decision "affirms the American ideal that all are entitled to the basic guarantees of our justice system**." Th**at statement, Boehner said, amounted to** Pelosi's **advocating "special privileges for terrorists**."

Similar views ricocheted around conservative talk radio -- Rush Limbaugh called Pelosi's comments "deranged" on his show Thursday -- and **Republican strategists said they believed that the decision presented Bush a chance to put Democrats on the spot while uniting a Republican coalition** that lately has been splintered on immigration, spending and other issues.

"**It would be good politics to have a debate about this if Democrats are going to argue for additional rights for terrorists,"** said Terry Nelson, a prominent GOP political strategist who was political director for Bush's reelection campaign in 2004.

#### Shielding arguments don’t apply—1nc Parsons and Moore are on point

#### Reducing war powers will end Obama’s credibility with Congress – it causes stronger GOP pushback on the debt ceiling – and the fight alone will wreck markets

**Seeking Alpha, 9/10/13** (“Syria Could Upend Debt Ceiling Fight”, <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>)

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.

I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.

While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling.

Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.

Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.

I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.

As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.

Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.

Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.

I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.

The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.

Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### Courts link to politics

Hamilton, JD Candidate, Stanford Law School, 12

(Eric, “Politicizing the Supreme Court,” 8-30-12, http://www.stanfordlawreview.org/online/politicizing-supreme-court)

To state the obvious, Americans do not trust the federal government, and that includes the Supreme Court. Americans believe politics played “too great a role” in the recent health care cases by a greater than two-to-one margin.[1] Only thirty-seven percent of Americans express more than some confidence in the Supreme Court.[2] Academics continue to debate how much politics actually influences the Court, but Americans are excessively skeptical. They do not know that almost half of the cases this Term were decided unanimously, and the Justices’ voting pattern split by the political party of the president to whom they owe their appointment in fewer than seven percent of cases.[3] Why the mistrust? When the Court is front-page, above-the-fold news after the rare landmark decision or during infrequent U.S. Senate confirmation proceedings, political rhetoric from the President and Congress drowns out the Court. Public perceptions of the Court are shaped by politicians’ arguments “for” or “against” the ruling or the nominee, which usually fall along partisan lines and sometimes are based on misleading premises that ignore the Court’s special, nonpolitical responsibilities.

#### Court decisions are heavily politicized, will trigger a Congressional backlash

Calabresi, 2008

[Massimo, TIME, 6-26, “Obama's Supreme Move to the Center Washington” Thursday, http://www.time.com/time/politics/article/0,8599,1818334,00.html]

When the Supreme Court issues rulings on hot-button issues like gun control and the death penalty in the middle of a presidential campaign, Republicans could be excused for thinking they'll have the perfect opportunity to paint their Democratic opponent as an out-of-touch social liberal. But while Barack Obama may be ranked as one of the Senate's most liberal members, his reactions to this week's controversial court decisions showed yet again how he is carefully moving to the center ahead of the fall campaign. On Wednesday, after the Supreme Court ruled that the death penalty was unconstitutional in cases of child rape, Obama surprised some observers by siding with the hardline minority of Justices Scalia, Thomas, Roberts and Alito. At a press conference after the decision, Obama said, "I think that the rape of a small child, six or eight years old, is a heinous crime and if a state makes a decision that under narrow, limited, well-defined circumstances the death penalty is at least potentially applicable, that that does not violate our Constitution." Then Thursday, after Justice Scalia released his majority opinion knocking down the city of Washington's ban on handguns, Obama said in a statement, "I have always believed that the Second Amendment protects the right of individuals to bear arms, but I also identify with the need for crime-ravaged communities to save their children from the violence that plagues our streets through common-sense, effective safety measures. The Supreme Court has now endorsed that view." John McCain's camp wasted no time in attacking, with one surrogate, conservative Senator Sam Brownback of Kansas, calling Obama's gun control statement "incredible flip-flopping." McCain advisor Randy Scheunemann was even tougher in a conference call Thursday. "What's becoming clear in this campaign," Scheunemann said, is "that for Senator Obama the most important issue in the election is the political fortunes of Senator Obama. He has demonstrated that there really is no position he holds that isn't negotiable or isn't subject to change depending on how he calculates it will affect his political fortunes." Politicians are always happy to get a chance to accuse opponents of flip-flopping, but McCain's team may be more afraid of Obama's shift to the center than their words betray. Obama has some centrist positions to highlight in the general election campaign on foreign policy and national security, social issues and economics. His position on the child rape death penalty case, for example, is in line with his record in Illinois of supporting the death penalty. He is on less solid ground on the gun ban as his campaign said during the primary that he believed the D.C. law was constitutional. A top legal adviser to Obama says both cases are consistent with his previous positions. "I don't see him as moving in his statements on the death penalty or the gun case," says Cass Sunstein, a former colleague of Obama's at the University of Chicago. Sunstein says Obama is "not easily characterized" on social issues, and says the Senator's support for allowing government use of the Ten Commandments in public, in some cases, is another example of his unpredictability on such issues. On the issue of gun control, he says Obama has always expressed a belief that the Second Amendment guarantees a private right to bear arms, as the court found Thursday. But Obama's sudden social centrism would sound more convincing in a different context. Since he wrapped up the primary earlier this month and began to concentrate on the independent and moderate swing voters so key in a general election, Obama has consistently moved to the middle. He hired centrist economist Jason Furman, known for defending the benefits of globalization and private Social Security accounts, to the displeasure of liberal economists. On Father's Day, Obama gave a speech about the problem of absentee fathers and the negative effects it has on society, in particular scolding some fathers for failing to "realize that what makes you a man is not the ability to have a child — it's the courage to raise one." Last week, after the House passed a compromise bill on domestic spying that enraged liberals and civil libertarians, Obama announced that though he was against other eavesdropping compromises in the past, this time he was going to vote for it. Whether Obama's new centrist sheen is the result of flip-flopping or reemphasizing moderate positions, the Supreme Court decisions have focused attention again on the role of the court in the campaign season. McCain himself is vulnerable to charges of using the Supreme Court for political purposes. Earlier this month, when the court granted habeas corpus rights to accused terrorist prisoners at Guantanamo Bay, McCain attacked the opinion in particularly harsh language, though advisers say closing the prison there is high on his list of actions to rehabilitate America's image around the world. Liberals are hoping that despite Obama's moderate response to the Supreme Court decisions, the issues alone will rally supporters to him. "What both of these decisions say to me is that the Supreme Court really is an election-year issue," says Kathryn Kolbert, president of People For the American Way. "We're still only one justice away from a range of really negative decisions that would take away rights that most Americans take for granted," she says. And Obama's run to the center surely won't stop conservatives from using the specter of a Democratic-appointed Supreme Court to try to rally support. "Its pretty clear that if he's elected and Justice Scalia or Kennedy retires that he's going to appoint someone who's very likely to reverse [the gun control decision]," says Eugene Volokh, a professor at the UCLA School of Law. Given how Obama has been responding to the recent Supreme Court decisions, however, you're not likely to hear him talking about appointing liberal justices much between now and November.

### A2: link non-uq – al-alwaki

#### Doesn’t take out the link --- No ev that that is going to be a rule against the president or that it will happen before the evidence ---

### Uniqueness Wall 2NC

#### Their ev says Obama is not going to negotiate --- that’s our UQ arg --- that forces the GOP to capitulate --- they’ll pass a clean bill --- that the 1nc Giroux ev

#### Debt Ceiling bill will pass but it will be close

Rubin, 9/19/13 (Jennifer, “Steady as they go in the House,” http://www.washingtonpost.com/blogs/right-turn/wp/2013/09/19/steady-as-they-go-in-the-house/, bgm)

The reports from House Republicans who attended Wednesday’s conference meeting were cautiously optimistic about the battles over a continuing resolution, debt and Obamacare that lie ahead. The simplistic media narrative, that the leadership is losing to the crazies, simply isn’t true.

One insider told Right Turn, “The conference really was more unified than I’ve seen it in a while.” The shape of the deal is far from certain, but the mood in the room gave leadership confidence that the House would hold together. “We’ll figure something out, ” the insider said cheerfully.

In public remarks, House Speaker John Boehner (Ohio) let it be known that the real action would be on the debt ceiling. (“For decades, congresses and presidents have used the debt limit for legislation to cut spending, and even President Obama worked with us two years ago in the debt-limit negotiations to put controls on spending. This year is not going to be any different.”)

#### Debt ceiling is at the top of the agenda

Moran, 9/18/13 (Andrew, “Dollar collapse inevitable as CBO warns of unsustainable debt levels,” http://economiccollapsenews.com/2013/09/18/dollar-collapse-inevitable-as-cbo-warns-of-unsustainable-debt-levels/, bgm)

The United States national debt has taken a backseat over the past couple of months due to the potential war with Syria. Over the next few weeks, though, it is expected that the federal debt and budget deficit will capture headlines again because of the looming debt ceiling fight between President Obama and Republican lawmakers. At the present time, the U.S. faces a $17 trillion national debt and a near $1 trillion budget deficit. The Congressional Budget Office (CBO) published a report Tuesday that warned the U.S. public debt could account for more than 100 percent of the country’s economic output within the next 25 years unless action is taken.

#### GOP will cave on negotiations now

The AP 9-18-13, House Republicans push new plan to defund ‘Obamacare’ without causing default , <http://www.nydailynews.com/news/politics/house-republicans-push-new-plan-defund-obamacare-causing-default-article-1.1460191>, KEL

Republicans paid a heavy political price two decades ago as the result of twin government shutdowns, at a time then-Speaker Newt Gingrich was insisting President Bill Clinton agree to cuts in Medicare, Medicaid and other popular programs. Nor are Republicans eager to shoulder the blame for any market-shaking government default, which would probably occur if the Treasury could not continue to borrow funds to pay debts already incurred. Treasury Secretary Jack Lew has estimated that without action by Congress, that default will arrive in mid-October.

#### PC is necessary for Obama to hold off negotiating with the GOP – strong stand will force GOP to acquiesce in the SQ

Eugene Robinson, 9-19-13, “Obama must not yield on Obamacare, debt ceiling or shutdown,” Wash Post<http://www.washingtonpost.com/opinions/eugene-robinson-obama-must-not-yield-on-obamacare-debt-ceiling-or-shutdown/2013/09/19/f5b44616-2157-11e3-966c-9c4293c47ebe_story.html>, KEL

Obama has said he will not accept a budget deal that cripples Obamacare and will never negotiate on the debt ceiling. Even if the Republicans carry through with their threats — and this may happen — the president has no option but to stand his ground. You don’t deal with bullies by making a deal to keep the peace. That only rewards and encourages them. You have to push back. The thing is, this showdown is a sure political loser for the GOP — and smart Republicans know it. Boehner doesn’t want this fight and, in fact, should be grateful if Obama hangs tough and shows the crazies the limits of their power. Most Republicans in the Senate don’t want this fight. It’s doubtful that even a majority of House Republicans really, truly want this fight, no matter what they say publicly.

#### \*\*\*dem’s united behind Obama – GOP divided and failing now

JONATHAN ALLEN, 9/19/13,GOP battles boost President Obama, Politico, <http://www.politico.com/story/2013/09/republicans-budget-obama-97093.html?hp=r8>, KEL

There’s a simple reason President Barack Obama is using his bully pulpit to focus the nation’s attention on the battle over the budget: In this fight, he’s watching Republicans take swings at each other. And that GOP fight is a lifeline for an administration that had been scrambling to gain control its message after battling congressional Democrats on the potential use of military force in Syria and the possible nomination of Larry Summers to run the Federal Reserve. If House Republicans and Obama can’t cut even a short-term deal for a continuing resolution, the government’s authority to spend money will run out on Oct. 1. Within weeks, the nation will default on its debt if an agreement isn’t reached to raise the federal debt limit. For some Republicans, those deadlines represent a leverage point that can be used to force Obama to slash his health care law. For others, they’re a zero hour at which the party will implode if it doesn’t cut a deal. Meanwhile, “on the looming fiscal issues, Democrats — both liberal and conservative, executive and congressional — are virtually 100 percent united,” said Sen. Charles Schumer (D-N.Y.). Just a few days ago, all that Obama and his aides could talk about were Syria and Summers. Now, they’re bringing their party together and shining a white hot light on Republican disunity over whether to shut down the government and plunge the nation into default in a vain effort to stop Obamacare from going into effect. The squabbling among Republicans has gotten so vicious that a Twitter hashtag — #GOPvsGOPugliness — has become a thick virtual data file for tracking the intraparty insults. Moderates, and even some conservatives, are slamming Texas Sen. Ted Cruz, a tea party favorite, for ramping up grassroots expectations that the GOP will shut down the government if it can’t win concessions from the president to “defund” his signature health care law.

### A2: debt ceiling no collapse

#### Answered in the overview --- collapse happens quick

#### 1nc Johnson ev --- protracted fight is economic sabotage – it collapses growth, markets, and confidence --- the card says “the fact that they could talk about this at all causes considerable damage to frowth and consequences”

#### Delay risks economic collapse

**Puzzanghera, 9/18/13** (Jim, “Delay in raising debt limit risky, Lew says” Los Angeles Times, lexis)

As the nation fast approaches its debt limit, Treasury Secretary Jacob J. Lew issued his strongest warning yet to Congress about the economic consequences of waiting until just before the deadline to pass an increase.

"Trying to time a debt-limit increase to the last minute could be very dangerous," Lew told the Economic Club of Washington on Tuesday. "We cannot afford for Congress to gamble with the full faith and credit of the United States of America."

Republicans are balking at raising the $16.7-trillion debt limit, which Congress must do by as early as mid-October, unless the Obama administration agrees to major concessions including deep spending cuts and a delay in implementing the healthcare reform law.

During a meeting last week, House Speaker John A. Boehner (R-Ohio) gave Lew a list of times in the past when the White House and Congress used the need to raise the debt limit as a way to find bipartisan solutions on fiscal issues, Boehner's office said.

Boehner has said that any increase in the debt limit must be offset by budget cuts or spending reforms at least as large as the increase.

But Lew reiterated Tuesday that President Obama would not negotiate over raising the debt limit because it involves paying for bills already authorized by Congress and because the notion of a federal government default should not be a bargaining chip.

Lew specifically ruled out a delay in the healthcare law, the Affordable Care Act, a move being pushed by some House conservatives.

"That's just not reality, and they're going to have to start dealing in reality," he said.

But as the Treasury runs out of the accounting maneuvers it has used since the spring to continue borrowing to pay the nation's bills, Lew said lawmakers needed to act.

Since the U.S. technically reached its debt limit in the spring, the Treasury has been using so-called extraordinary measures, such as suspending investments in some federal pension funds, to juggle the nation's finances to pay bills. Those measures will be exhausted by the middle of October.

Lew noted that Washington politicians like to wait until they are up against a deadline to act, as they often do with spending bills and did last year with the so-called fiscal cliff, the combination of automatic tax increases and government spending cuts.

But the debt limit is different, Lew said, because of the complexity of identifying an exact date when the nation would run out of borrowing authority -- and because of the consequences of a first-ever federal government default.

Lew said a default would be "a self-inflicted wound that can do harm to our economy right at a moment when the recovery is strengthening."

A bitter battle over the debt limit in 2011, resolved at the last minute, raised fears of a first-ever U.S. government default. The lengthy standoff led Standard & Poor's to downgrade the nation's credit rating for the first time and triggered financial market turmoil along with a deep drop in consumer confidence.

"Some in Congress seem to think they can keep us from failing to pay our nation's bills by simply raising the debt ceiling right before the moment our cash balance is depleted," Lew said. Such a view is misguided, he said.

The Treasury Department doesn't know with precision the exact day that it won't have enough incoming cash to make all the required outgoing payments once it runs out of borrowing authority.

Lew formally told Congress last month that the Treasury would run out of borrowing authority in mid-October. At that point, the government would be able to pay bills only with cash on hand of about $50 billion on any given day.

An analysis released last week by the Bipartisan Policy Center, which also cited the difficulty of pegging an exact date, estimated that the U.S. would run out of borrowing authority between Oct. 18 and Nov. 5.

The vagaries of the debt-limit issue mean that Congress must act sooner rather than later, Lew said.

"I'm nervous about the desire to drive this to the last minute when the last minute is inherently unknowable and the risk of making a mistake could be catastrophic," he said.

### A2: plan pop

#### Their ev is terrible --- it doesn’t speak to their plan in the context of the US congress --- just says Israel did something like the plan and that might be a good idea --- no ev the US congress will respond like the Israeli parliament did ---

#### Obama would fight enactment of the plan --- it would cost him political capital

Epps ’13, Garrett Epps, a former reporter for The Washington Post, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore and lives in Washington, D.C. His new book is Wrong and Dangerous: Ten Right Wing Myths About Our Constitution. 2-16-13, The Atlantic, Why a Secret Court Won't Solve the Drone-Strike Problem, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, jj

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; the evidence would not be shown to the plaintiffs themselves, or to the public. After review of the evidence, the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally.¶ It's an elegant plan, and the only one I've seen that would permit us to involve the Article III courts in adjudicating drone attacks. Executive-power hawks would object that courts have no business looking into the president's use of the war power. But Vladeck points out that such after-the-fact review has taken place since at least the Adams administration. "I don't think there's any case that says that how the president uses military force--especially against a U.S. citizen--is not subject to judicial review," he said in an interview. "He may be entitled to some deference and discretion, but not complete immunity."¶ The real problem with Vladeck's court might be political. I expect that any president would resist such a statute as a dilution of his commander in chief power, and enactment seems unlikely. Without such a statute, then, systematic review of secret drone killings must come inside the executive branch. ¶

#### Plan costs PC – Obama and Congress will block it

Rushforth ’12, Elinor June Rushforth\*, \* J.D. candidate, University of Arizona, James E. Rogers College of Law, Class of 2013, Fall, 2012¶ Arizona Journal of International and Comparative Law¶ 29 Ariz. J. Int'l & Comp. Law 623, NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012, Lexis, jj

The next level of review should be a statutorily created court that is the last stop on the targeted killing process. Though there may be some grumbling among judges and politicians about overextended courts and full dockets, national security concerns and the risk of lethal mistakes should outweigh reluctance to introduce an important check on targeted killing. The President, and perhaps Congress, could also be reluctant to allow courts into what they deem a core executive function. n198 Attorney General Eric Holder gave the public another piece of the Obama administration's targeted killing model when he claimed that the Constitution "guarantees due process, not judicial process" and that "due process [\*653] takes into account the realities of combat." n199 This signals to the public that the Obama administration will remain wary of any encroachment and that the imposition of judicial process on targeted killing would be fought.

#### And, plan causes GOP backlash

Associated Press 2-10-’13, Lawmakers urge oversight of drone program, <http://cnsnews.com/news/article/lawmakers-urge-oversight-drone-program>, jj

The potential model that some lawmakers are considering for overseeing such drone attacks is a secret court of federal judges that now reviews requests for government surveillance in espionage and terrorism cases. In those proceedings, 11 federal judges review wiretap applications that enable the FBI and other agencies to gather evidence to build cases. Suspects have no lawyers present, as they would in other U.S. courts, and the proceedings are secret.¶ The Democratic leader of the Senate Intelligence Committee, Sen. Dianne Feinstein of California, said she intends to review proposals for "legislation to ensure that drone strikes are carried out in a manner consistent with our values."¶ Republicans seemed to oppose such an oversight proposal.¶ The Republican chairman of the House Intelligence Committee said his members review all drone strikes on a monthly basis, both from the CIA and Pentagon.¶ "There is plenty of oversight here," said Rep Mike Rogers, R-Mich. "There is not an American list somewhere overseas for targeting, that does not exist."¶ Other lawmakers seemed leery of the program's current reach even as they lined up against the oversight proposals.¶ Sen. John McCain, R-Ariz., said a Feinstein-backed oversight panel would be "an encroachment on the powers of the president of the United States."

### \*Losers lose [raed if time]

#### Plan’s a giant loss –

Howard Fineman 9/14, is editorial director of the Huffington Post Media Group. Huffington Post, Tim Kaine's Bold New War Proposal For Obama, <http://www.huffingtonpost.com/2013/09/14/tim-kaine-obama_n_3923450.html>, jj

Conventional wisdom and history hold that presidents never willingly cede an angstrom of their power to wage war, which is grounded in their role as commander in chief. The corollary is that they'll veto any efforts to limit such power -- which is what even the embattled Richard Nixon did in 1973.

***Kills the agenda – Losers Lose***

Dr. Andrew J. **Loomis** 20**07** 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

American political analystNorman **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.**

### A2: no war from decline

#### Studies prove economic collapse causes global wars

**Royal, '10** (Jedediah, Director of Cooperative Threat Reduction Program -- DOD, Economics of War & Peace: Legal and Political Perspectives, ed. Goldsmith & Brauer, p. 213-15)

Less intuitive is how **periods of economic decline may increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often-bloody transition from one pre-eminent leader to the next**. As such, **exogenous shocks such as economic crises could usher in a redistribution or relative power** (see also Gilpin. 1981) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fearon. 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as **a rising power may seek to challenge a declining power** (Werner, 1999). Separately, Pollins ( L 996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996. 2000) theory of trade expectations suggests that future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states arc likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, **if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resource**s**. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states**. Third, others have considered the link between economic decline and external armed conflict at a national level. **Blomberg and Hess** (2002) **find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn**. They write, “**The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour.** Moreover, **the presence of a recession tends lo amplify the extent to which international and external conflict self-reinforce each other**. (Blomberg & Hess 2002. p. 89) **Economic decline has also been linked with an increase in the likelihood of terrorism** (Blomberg. Hess. & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, **crises generally reduce the popularity of a sitting government**. 'Diversionary theory’ suggests that when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a rally around the flag effect. Wang (1996), DeRouen ( 1995), and Blomberg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States and thus weak Presidential popularity arc statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency or economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.