# 1AC

## 1AC

### Plan

#### Plan: The United States Federal Government should restrict targets of targeted killing operations using remotely piloted vehicles to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States

### Norms

#### Prolif is coming – reducing sig strikes sets norms – restrains global drone wars

David Knoll, doctoral candidate in International Relations at the Fletcher School of Law & Diplomacy at Tufts University, 10-23-2012, “Will America's Addiction to Drone Strikes Backfire?” The Diplomat, http://thediplomat.com/2012/10/ok-drone-the-global-proliferation-of-uavs/

The spread of UAVs has also reached America’s foes. Iran touts an indigenously developed UAV program that includes unarmed reconnaissance drones and (purportedly) kamikaze attack drones. More alarmingly, Iran has transferred UAVs to its non-state allies, such as Hezbollah. Just this month Israel shot down a Hezbollah operated drone a mere 30km from the Dimona nuclear facility. The unit was a rudimentary reconnaissance UAV, but just as armed drone development lagged behind non-armed drone development in the United States, there is no reason to believe that the proliferation of armed drones won’t soon follow. So what sort of a threat does the proliferation of armed UAVs represent? The main threat is that future operators will use them as frequently as the United States does. As the most visible user of armed UAVs, American officials already realize that the United States is “establishing precedents that other nations may follow.” As armed drones proliferate, UAV attacks could become commonplace as foreign leaders will not face the same domestic restraints as they do when employing soldiers. With fewer constraints on the use of force, decision-makers might use force more often. This is destabilizing, as more frequent employment of armed drones will increase the chances of miscalculation of what an opponent will tolerate before resorting to full-scale war. This is not to argue that the United States should halt armed UAV missions, but rather make them less frequent. Drone strikes, combined with precise intelligence and targeting, are an important tactic in the U.S. counterterrorism strategy. Yet, policymakers must not become overly reliant on UAV strikes; they are a tactic and cannot masquerade as a strategy. Drone strikes should be reserved for high-level terrorist targets. By limiting the frequency of UAV strikes, the United States will help set the precedent that drone strikes are just one more tool in the arsenal, not a new type of unrestricted warfare. Unmanned aerial vehicles are here to stay, which is largely good. Without the need to cater to the material needs of human pilots, UAVs can potentially redefine what is possible in flight, bringing new capabilities to reconnaissance, search & rescue, scientific research, and air transport. Armed UAVs are an important military instrument for the United States, which is the world leader in drone technology. The United States should maintain this technological supremacy. However, policymakers should be mindful of the dangers of the norms they are setting. The over-use of armed UAVs sets a dangerous precedent that future drone-operating countries might follow to the detriment of global security. The president should seek to strictly curtail UAV strikes to ensure that they contribute to rather than detract from U.S. and global security.

#### The plan buys us time – squo accelerates drone prolif

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles. 132 China has begun to develop UAVs for reconnais - sance and combat and has several new drones capable of long-range surveillance and attack under development. 133 China is also planning to use unmanned surveil - lance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan. 134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own.

#### That causes rapid drone deployment in Asia – multiple scenarios for conflict – building norms uniquely key

Shawn Brimley, vice president of the Technology and National Security Program for a New American Security, Ben FitzGerald, Director of Technology and National Security Program at the Center for a New American Security, and Ely Ratner, deputy director of the Asia Program at the Center for a New American Security, 9-17-2013, “The Drone War Comes to Asia,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/09/17/the\_drone\_war\_comes\_to\_asia?page=full

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

#### Aggressive Chinese drone deployment creates multiple scenarios for Asian war – draws in the US

Bill Gertz, senior editor of the Washington Free Beacon, national security reporter, 3-26-2013, “Game of Drones,” Washington Free Beacon, http://freebeacon.com/game-of-drones/

China’s military is expanding its unmanned aerial vehicle forces with a new Predator-like armed drone and a new unmanned combat aircraft amid growing tensions with neighbors in Asia, according to U.S. intelligence officials. New unarmed drone deployments include the recent stationing of reconnaissance and ocean surveillance drones in Northeast Asia near Japan and the Senkaku islands and along China’s southern coast. Drones also are planned for the South China Sea where China has been encroaching on international waters and bullying nations of that region in asserting control over international waters, said officials familiar with intelligence reports. “Unmanned aerial vehicles are emerging as critical enablers for PLA long range precision strike operations,” said Mark Stokes, a former military intelligence official now with the Project 2049 Institute. “A general operational PLA requirement appears to be persistent surveillance of fixed and moving targets out to 3,000 kilometers of Chinese shores.” Japan, meanwhile, is developing and purchasing military drone capabilities to counter what it regards as Chinese aggression and Beijing’s growing military capabilities as Tokyo’s dispute with China over the Senkaku islands intensifies, the officials said. After Chinese aircraft intruded into Japanese airspace over the Senkakus undetected late last year, Tokyo stepped up efforts to seek drone capabilities. The efforts include building an indigenous missile-tracking drone and high-altitude U.S. drones. So far, unlike Beijing, Tokyo asserts its drone will be unarmed, the officials said. “China has started deploying UAVs for reconnaissance and oceanic surveillance purposes in the vicinity of disputed maritime territories, such as the Senkaku Islands,” said one military source. Of particular concern to U.S. intelligence agencies are two new missile-equipped drones known as the CH-4 and Yi Long. The aircraft were shown off along with six other military drones at a major Chinese arms show last November in Zhuhai. Photos of the drones reveal the designs appear to be copied from the U.S. Predator armed drone that has been leading the Obama administration’s war on al Qaeda in Pakistan and elsewhere. Photos of the CH-4 show it armed with Blue Arrow-7 anti-tank missiles that appear similar in size to the U.S. Hellfire fired from Predators. Even more of a concern, according to the officials, are intelligence reports from Asia indicating that China is well along in building a large stealth unmanned combat aerial vehicle (UCAV)—an upiloted jet—that was revealed recently in an online Chinese military video. The drone combat jet is nearly identical in shape to the experimental batwing-shaped U.S. Air Force X-47B currently under development. The X-47B was tested on an aircraft carrier in December. The Chinese UCAV is expected to have enough range to reach the U.S. island of Guam, some 1,800 miles from the Chinese coast and the hub of the Pentagon’s shift to Asia, officials said. Video and photos of the Chinese UCAV were posted on Chinese military enthusiast Internet sites recently. Also, a model of the drone combat jet was on display at Zhuhai. The aircraft is being built by the China Shenyang Aerospace Institute and could be deployed on China’s new aircraft carrier, officials said. Richard Fisher, a China military analyst with the International Assessment and Strategy Center, said the first prototype flying wing UCAV was completed at China’s Hongdu Aircraft Corp in mid-December. The drone weighs 10 to 14 tons and could be carrier based. “This means that the U.S. attempt to ‘outrange’ an emergent PLA anti-access systems, like the DF-21D anti-ship ballistic missile, could soon be outflanked by a new PLA carrier-based UCAV,” Fisher said. Japan, alarmed at fierce Chinese reaction to its efforts to solve the Senkakus dispute by nationalizing several of the uninhabited but oil-rich islands last year, is bolstering its military forces with both missile-detecting and maritime surveillance with drones. Japanese Defense Ministry officials, quoted in press reports, have called the purchase of several long-range U.S. Global Hawk surveillance drones an urgent priority. Tokyo is seeking up to three Global Hawks by 2015 but could speed up purchases in response to what it regards as growing Chinese aggressiveness toward Japan over the Senkakus. The U.S. military currently has Global Hawks deployed at Guam. The Japanese do not plan to develop armed drones and plan to limit initial purchases to the Global Hawk, which fly nearly 60,000 feet for extended missions. It is able to track vessels using sensors and radar. Japan also is developing an unmanned drone aircraft that will be used to detect North Korean nuclear missile attacks and to counter the Chinese military buildup, the officials said. The anti-missile drone program is being developed over the next four years with the first drone deployed by 2020. It will use infrared sensors designed to detect missiles shortly after launch. China’s drone program is believed to have benefitted from its aggressive economic and cyber espionage operations against the United States. Those efforts have included breaking into both government and defense industry networks and stealing valuable drone technology. Officials also said China’s drone program is receiving a boost from an unlikely source: Taiwan. The largest Chinese drone production center is being built at Wuhan in Hubei province, site of a joint construction project by China’s Wuhan Visiontek Inc. and Taiwan’s Carbon-Based Technology, Inc. Officials said China launched a crash program to develop military drones beginning around 2007. Beijing is planning a range of unmanned aircraft capabilities, including high-altitude, long-endurance drones, integrated air and sea warfare drones, sea-based drones and UCAVs. More than 60 drones were on display in Beijing last June, including a drone helicopter, and a drone with simulated birds’ wings. Additionally, officials have said drone bases are being set up in the South China Sea to monitor Scarborough reef, which is claimed by Philippines and China; Macclesfield Bank; the Paracel Islands; and the Spratly Islands. China also is using drone to monitor the Socotra Reef claimed by South Korea. A report made public March 11 by the Project 2049 Institute on Chinese drones estimated that China has more than 280 military drones. “The PLA has developed one of the largest and most organizationally complex UAV programs in the world,” the report stated. For the immediate future, the Chinese drones are monitoring disputed maritime and land boundaries that are likely to “increase tensions” since other states in the region lack the same capabilities. “Like any new capability, UAVs may encourage the inexperienced to overreach and engage in risk taking,” the report said. “There could be a sense that because human pilot lives are not at stake, operators can push farther than they otherwise might.” An isolated UAV attack during a crisis also could lead to a major conflict. “In the future, PRC decision-makers might feel compelled to order ‘plausibly deniable’ UAV attacks as a means of sending a political signal only to inadvertently wind up escalating tensions,” the report said. Over the long term, Chinese drones will support the expansion of Chinese military operational areas by pushing the ability to hit targets further into the western Pacific. The report said China likely will use its UAV force for targeting and guidance of the DF-21D anti-ship ballistic missile designed to strike U.S. aircraft carriers more than a thousand miles from China’s coast. “While the potential for a large scale conflict in the region currently appears low, the lack of adequate preparation for worst case scenarios could encourage and invite adventurous adversary behavior, ultimately increasing risks to peace and stability,” the report stated. U.S. intelligence agencies reported earlier this month that China plans to build 11 drone bases along its coastline by 2015, with each base deploying at least one unmanned aircraft. The People’s Liberation Army currently has two drone bases in northeast Liaoning province. A third base was disclosed further south at Lianyungang, Jiangsu Province, also on the Bohai Sea. The bases were announced in August by the State Oceanic Administration, which has been used as a proxy by the Chinese military to lay claim to international waters and islands as part of a strategy of pushing Chinese maritime control hundreds and eventually thousands of miles from the coast through what Beijing calls its two Asian island chain strategy. The island chains stretch from Northeast Asia through Southeast Asia. The two bases in the Bohai Sea are located at Yingkou and Dalian to provide surveillance of the Bohai and Yellow Seas. China called U.S. aircraft carrier exercises held in the Yellow Sea three years ago “a threat to China” even though the carrier maneuvers were carried out in international waters. The maritime surveillance drones provide high-definition remote imagery and will be used by China to respond to emergencies in the region and also to identify what China claims are illegal resource extraction from undersea gas and oil deposits. U.S. officials regard recent highlighting of attack drones as a sign that Beijing remains intent on taking control of the Senkakus. The increased use of drones by both China and Japan is expected to increase tensions over the Senkakus, the officials said. According to Fisher, China is also exporting two of its armed drones, the Yi Long and CH-3, to the United Arab Emirates and Pakistan. The UAE government purchased the Yi Long, and a smaller CH-3 was sold to Pakistan and repackaged by Islamabad as the Shahpar. Fisher said he is concerned China will sell the new and larger CH-4 to Iran. “Because it is not connected to the Aviation Industries Corporation (AVIC) which wants to do business in the United States, the CH-4 stands a better chance of being sold to Iran,” he told the Free Beacon. “China’s willingness to sell UCAV technology to terrorist-linked states means that terrorists may soon have another deadly tool with which to attack the United States.”

#### Extinction

Lawrence Wittner, Professor Emeritus of History at SUNY Albany, 11-28-2011, “Is a Nuclear War With China Possible?” www.huntingtonnews.net/14446

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

#### Unrestricted drone prolif guarantees global retaliatory war

Eric Posner, professor at University of Chicago Law School, 5-17-2013, “The drone paradox; When robots eliminate the risk of casualties, wars are likely to become more common,” National Post, ln

Similarly, we may be comfortable with giving the president authority to use military force on his own when he must put soldiers into harm's way, knowing that he will not risk lives lightly. Presidents have learned through hard experience that the public will not tolerate even a handful of casualties if it does not believe that the mission is justified. But when drones eliminate the risk of casualties, the president is more likely to launch wars too often. The same problem arises internationally. The international laws that predate drones assume that military intervention across borders risks significant casualties. Since that check normally kept the peace, international law could give a lot of leeway for using military force to chase down terrorists. But if the risk of casualties disappears, then nations might too eagerly attack, resulting in blowback and retaliation. Ironically, the reduced threat to civilians in tactical operations could wind up destabilizing relationships between countries, including even major powers like the United States and China, making the long-term threat to human life much greater. These three scenarios illustrate the same lesson: that law and technology work in tandem. When technological barriers limit the risk of government abuse, legal restrictions on governmental action can be looser. When those technological barriers fall, legal restrictions may need to be tightened. These anxieties generate some standard meta-arguments that are now little more than incantations -that the president should consult with Congress more, or should use clearer standards when targeting enemies, or should be less secretive. The generic criticisms overlook basic practical hurdles. Secrecy is necessary to gather intelligence. Standards for targeting enemies will always be fuzzy because it's difficult to anticipate the shape of future threats. (The much-criticized DOJ rules for drones are hardly less clear than the rules governing ordinary police work.) And both of these factors mean that Congress can never play more than a formulaic role. Bans on the use of drones for domestic surveillance are premature. But U.S. courts should ready themselves to update surveillance rules to take into account drones, as well as technology like the GPS tracking devices discussed in U.S. v. Jones. Courts need to address how these technologies can be abused and whether police seem to be abusing them, and they will need to use more flexible rules than the trespass standard the Supreme Court has adopted so far. A rule against trespassing without a warrant won't stop police drones mounted with video cameras and image-identifying software from lingering outside every home as they search for suspected crooks. When it comes to presidential power, only time will tell whether the risks of blowback exceed the value of drones. Many critics seem confident that President Obama's drone war has undermined American security, but we do not know what would have happened if he had shown more restraint. Nonetheless, it is quite a paradox that we trust the president with nuclear weapons because we know that he cannot use them, while we may not trust the president with drones because we know that he can. Internationally, nations might benefit from an arms control agreement governing drones, but it is hard to imagine any such agreement in the near future, given uncertainties about how drone technologies will develop, the difficulty of monitoring drones, and the asymmetries that mean the best-equipped states will resist any constraints. But a starting point is to recognize that the laws of war currently favour drones because they limit civilian casualties, while disfavouring conventional weapons - a surefire recipe for a destabilizing arms race. It would be nice to think that future wars will be fought by robots, with no risk to civilians or even soldiers - just as in ancient times a duel between heroes could settle a dispute between armies without a battle. But the gods liked to play havoc with duels, and drone warfare is likely to be similarly unpredictable. The long-predicted science-fiction world of robotic killing machines has finally arrived. The law now has to catch up.

#### Plan cements support for drones and allows the US to shape drone norms

Micah Zenko, Douglas Dillon Fellow at the CFR, January 2013, “Reforming U.S. Drone Strike Policies,” CFR, http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736

Existing practices carry two major risks for U.S. interests that are likely to grow over time. The first comes from operational restrictions on drones due to domestic and international pressure. In the United States, the public and policymakers are increasingly uneasy with limited transparency for targeted killings.3 If the present trajectory continues, drones may share the fate of Bush-era enhanced interrogation techniques and warrantless wiretapping—the unpopularity and illegality of which eventually caused the policy’s demise. Internationally, objections from host states and other counterterrorism partners could also severely circumscribe drones’ effectiveness. Host states have grown frustrated with U.S. drone policy, while opposition by nonhost partners could impose additional restrictions on the use of drones. Reforming U.S. drone strike policies can do much to allay concerns internationally by ensuring that targeted killings are defensible under international legal regimes that the United States itself helped establish, and by allowing U.S. officials to openly address concerns and counter misinformation. The second major risk is that of proliferation. Over the next decade, the U.S. near-monopoly on drone strikes will erode as more countries develop and hone this capability. The advantages and effectiveness of drones in attacking hard-to-reach and time-sensitive targets are compelling many countries to indigenously develop or explore purchasing unmanned aerial systems. In this uncharted territory, U.S. policy provides a powerful precedent for other states and nonstate actors that will increasingly deploy drones with potentially dangerous ramifications. Reforming its practices could allow the United States to regain moral authority in dealings with other states and credibly engage with the international community to shape norms for responsible drone use. The current trajectory of U.S. drone strike policies is unsustainable. Without reform from within, drones risk becoming an unregulated, unaccountable vehicle for states to deploy lethal force with impunity. Consequently, the United States should more fully explain and reform aspects of its policies on drone strikes in nonbattlefield settings by ending the controversial practice of “signature strikes”; limiting targeted killings to leaders of transnational terrorist organizations and individuals with direct involvement in past or ongoing plots against the United States and its allies; and clarifying rules of the road for drone strikes in nonbattlefield settings. Given that the United States is currently the only country—other than the United Kingdom in the traditional battlefield of Afghanistan and perhaps Israel—to use drones to attack the sovereign territory of another country, it has a unique opportunity and responsibility to engage relevant international actors and shape development of a normative framework for acceptable use of drones. Although reforming U.S. drone strike policies will be difficult and will require sustained high-level attention to balance transparency with the need to protect sensitive intelligence sources and methods, it would serve U.S. national interests by ■■ allowing policymakers and diplomats to paint a more accurate portrayal of drones to counter the myths and misperceptions that currently remain unaddressed due to secrecy concerns; ■■ placing the use of drones as a counterterrorism tactic on a more legitimate and defensible footing with domestic and international audiences; increasing the likelihood that the United States will sustain the international tolerance and cooperation required to carry out future drone strikes, such as intelligence support and host-state basing rights; ■■ exerting a normative influence on the policies and actions of other states; and ■■ providing current and future U.S. administrations with the requisite political leverage to shape and promote responsible use of drones by other states and nonstate actors. As Obama administration officials have warned about the proliferation of drones, “If we want other nations to use these technologies responsibly, we must use them responsibly.”4

#### US policy sets norms – robust scholarship proves drones arms races result from state policy

Robert Farley, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, 10-12-2011, “U.S. Drone Use Sets Global Precedent,” World Politics Review, http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent

So which is it? Has the United States sparked a drone race, or was a race with the Chinese and Russians inevitable? While there's truth on both sides, on balance Shane is correct. Arms races don't just "happen" because of outside technological developments. Rather, they are embedded in political dynamics associated with public perception, international prestige and bureaucratic conflict. China and Russia pursued the development of drones before the United States showed the world what the Predator could do, but they are pursuing capabilities more vigorously because of the U.S. example. Understanding this is necessary to developing expectations of what lies ahead as well as a strategy for regulating drone warfare. States run arms races for a variety of reasons. The best-known reason is a sense of fear: The developing capabilities of an opponent leave a state feeling vulnerable. The Germany's build-up of battleships in the years prior to World War I made Britain feel vulnerable, necessitating the expansion of the Royal Navy, and vice versa. Similarly, the threat posed by Soviet missiles during the Cold War required an increase in U.S. nuclear capabilities, and so forth. However, states also "race" in response to public pressure, bureaucratic politics and the desire for prestige. Sometimes, for instance, states feel the need to procure the same type of weapon another state has developed in order to maintain their relative position, even if they do not feel directly threatened by the weapon. Alternatively, bureaucrats and generals might use the existence of foreign weapons to argue for their own pet systems. All of these reasons share common characteristics, however: They are both social and strategic, and they depend on the behavior of other countries. Improvements in technology do not make the procurement of any given weapon necessary; rather, geostrategic interest creates the need for a system. So while there's a degree of truth to Anderson's argument about the availability of drone technology, he ignores the degree to which dramatic precedent can affect state policy. The technologies that made HMS Dreadnought such a revolutionary warship in 1906 were available before it was built; its dramatic appearance nevertheless transformed the major naval powers' procurement plans. Similarly, the Soviet Union and the United States accelerated nuclear arms procurement following the Cuban Missile Crisis, with the USSR in particular increasing its missile forces by nearly 20 times, partially in response to perceptions of vulnerability. So while a drone "race" may have taken place even without the large-scale Predator and Reaper campaign in Pakistan, Yemen and Somalia, the extent and character of the race now on display has been driven by U.S. behavior. Other states, observing the effectiveness -- or at least the capabilities -- of U.S. drones will work to create their own counterparts with an enthusiasm that they would not have had in absence of the U.S. example. What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war. However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

### Strikes

#### Unrestricted drone strikes are destroying the US-Pakistan relationship – only restricting them creates space for cooperation

Daniel Markey, Senior Fellow at the Council on Foreign Relations, 7-16-2013, “A New Drone Deal For Pakistan,” Foreign Affairs, http://www.foreignaffairs.com/articles/139584/daniel-markey/a-new-drone-deal-for-pakistan?page=show

For all its successes, the U.S. drone program in Pakistan is unlikely to survive much longer in its current form. Less than a week after his election on May 11, Pakistan’s new prime minister, Nawaz Sharif, reportedly declared to his cabinet that “the policy of protesting against drone strikes for public consumption, while working behind the scenes to make them happen, is not on.” This fall, Pakistan’s national and provincial assemblies will elect a new president, likely a Sharif loyalist, and the prime minister will also select a new army chief. It is safe to say that these men are unlikely to follow their predecessors in offering tacit endorsements of the United States' expansive counterterrorism efforts. In other words, the United States is going to have to hammer out a new drone deal with Pakistan in the years ahead, one that is sensitive to Pakistan's own concerns and objectives. This will likely mean that Washington will face new constraints in its counterterrorism operations. But managed with care, a new agreement could put the targeted killing campaign against al Qaeda on firmer political footing without entirely eliminating its effectiveness. Ever since its inception in 2004, the U.S. drone campaign in Pakistan has been stumbling along shaky legal and strategic ground. At various points in time, Washington and Islamabad constructed different fictions to enable the drone campaign. Before launching the first drone strike that killed Taliban leader Nek Muhammad in June 2004, Washington sought personal authorization from then President and army chief Pervez Musharraf. For several years thereafter, the Pakistani army claimed responsibility for all drone strikes, publicly denying (however implausibly) American intervention. But the program’s remarkable success in killing al Qaeda and Taliban leaders, combined with the otherwise largely unaddressed problem of sanctuaries in Pakistan’s tribal areas, encouraged U.S. officials to expand their list of targets. As the program grew, and especially as Washington killed militants with suspected links to Pakistan’s own military and intelligence services, such as members of the Afghan Taliban–affiliated Haqqani Network, Pakistani officials shed the fiction that the strikes were their own. Islamabad instead bowed to what it perceived as a powerful domestic consensus against the drones and criticized the United States in increasingly shrill terms for violating Pakistan’s territorial sovereignty. Privately, however, Musharraf and his immediate successors -- including the civilian government led by the Pakistan People’s Party (PPP) and the army under General Kayani -- continued to greenlight the drone program. As the drone strikes mounted, the hypocrisy of the official Pakistani position became ever more difficult to hide. Opposition politician and former cricket star Imran Khan made the criticism of drones a centerpiece of his Tehreek-e-Insaf (PTI) party’s election campaign in 2011 and 2012. And in early 2012, the Pakistani parliament unequivocally denounced the drone strikes and called for them to end. This unmistakable sovereign act called into question oft-repeated U.S. claims that Pakistan actually provides “tacit consent” for the drone campaign. Pakistan's current and future leaders, starting with Nawaz Sharif, will have little reason to implicate themselves in the drone hypocrisy of their predecessors. Sharif is on sounder political footing than his predecessor, but -- as his top lieutenants are already signaling -- he cannot weather the political storm that is likely to result if the United States appears to blithely disregard his authority. Washington’s failure to shift its policy would lead Islamabad to escalate its diplomatic protests. One step in this escalation has already happened, with Pakistan taking its case against drones to the international community by way of the United Nations. If Pakistani frustration mounts without yielding results, one can imagine Sharif’s new army chief threatening to shoot U.S. drones from the sky, just as past Pakistani leaders have threatened to take down helicopters that cross into the nation’s airspace. At that stage, Washington would likely pull the drones from normal operation rather than play a high-stakes game of chicken. (Indeed, Washington has a habit of taking extended breaks from drone strikes at sensitive periods: for instance, there were no strikes for over six weeks after the so-called Salala incident at the Afghan border.) The question is whether Washington and Islamabad can find a deal that addresses Pakistani concerns without depriving the United States of a counterterrorism tool that has been more effective, at least in a tactical sense, than any other. Short of ending the drone program altogether, the only way that Pakistan’s leaders can credibly claim to assert their sovereign authority -- and thereby prove their nationalist credentials to political allies and adversaries alike -- is if Washington cedes to Islamabad a greater degree of control over the program, especially when it comes to target selection.

#### Forces Uzbekistan withdrawal

Azad Garibov, a foreign policy analyst at the Center for Strategic Studies (SAM) in Azerbaijan and a lecturer in the Department of Political Science and International Relations at Khazar University, 5-28-2013, “The U.S. in Central Asia: Still an important balancer?” Turkish Weekly, http://www.turkishweekly.net/news/150929/the-u-s-in-central-asia-still-an-important-balancer.html

Recently, in light of the approaching 2014 withdrawal of the majority of U.S. combat troops from Afghanistan, Washington has been intensifying contact with Central Asian countries situated on Northern Distribution Network (NDN) routes. The NDN was first established in 2008-09 after talks between the U.S., Central Asian states, and Russia as a collection of routes that allowed the U.S. and NATO to ship nonlethal supplies to Afghanistan “without going through Pakistan and the Khyber Pass – logistical arrangements exposed to Taliban attacks as well as massive delays due to Pakistani obstruction.” After Salala incident of November 2011, involving US aerial strikes that killed 24 Pakistani soldiers and injured 13 others, Pakistan closed all NATO supply lines to Afghanistan passing through its territory. Lines remained closed for more than half of a year which massively increased the NDN’s importance for the U.S. In order to guarantee the smooth functioning of the distribution network, the U.S. promised countries in the NDN part of its Afghan military equipment and more financial aid. During this time Uzbekistan has become the main Central Asian partner of Washington. Currently A large percentage of U.S. military cargo going to Afghanistan passes through Uzbekistan, and Uzbekistan has seized this opportunity to build closer military ties with the U.S. Uzbek president Islam Karimov, in negotiations with U.S. officials, stated his wish for remaking his military, replacing its Russian gear with entirely American gear. Accordingly, “in late 2011 Washington loosened restrictions on military aid to Uzbekistan that had been in place for nearly a decade due to human rights concerns.” And as the U.S. promises to leave some of its equipment behind in Central Asia after withdrawal, Karimov has reportedly expressed interest in heavy equipment, like helicopters and mine-resistant armored vehicles.

#### Arming Uzbekistan cause Central Asia conflict and draws in Russia

Joshua Kucera, Central Asia and the Caucasus specialist, 3-26-2013, “Are The U.S. And Russia Fueling Tension Between Uzbekistan And Its Neighbors?” EurasiaNet, http://eurasianhub.com/2013/03/27/are-the-u-s-and-russia-fueling-tension-between-uzbekistan-and-its-neighbors/

The U.S.’s growing military ties with Uzbekistan may be a strategic necessity, given the importance of the Central Asian country in the U.S.’s war effort in Afghanistan. But it is forcing the U.S. to confront an important, if little-discussed, complication: Uzbekistan is the least-trusted, most-feared country in the region. Tajikistan and Kyrgyzstan have well-known border and water conflicts with Uzbekistan. Kazakhstan sees Uzbekistan as a regional rival. So is the U.S.’s military aid to Uzbekistan raising regional tensions?¶ U.S. military aid, after being suspended for several years because of human rights concerns, is steadily being ramped up. That the U.S. is giving small surveillance drones to Uzbekistan is the worst-kept secret in Washington (OK, in the narrow slice of Washington that The Bug Pit inhabits). It’s also giving Uzbekistan’s armed forces night-vision goggles, body armor, and GPS systems, and there are credible rumors in Washington of heavier military equipment being considered for Uzbekistan to either buy or be given. (And it’s not just the U.S.: Uzbekistan has pledged to work more closely with NATO on training, and the U.K. is also planning to make some donations to Uzbekistan as well.) The U.S. (and NATO partners) have also signaled their intention to donate excess military equipment to Tajikistan and Kyrgyzstan, as well. And the U.S., of course, operates an air base in Kyrgyzstan. So it’s hardly like the U.S. military is exclusively cooperating with Uzbekistan. Yet, perhaps because more concrete information has come out regarding donations to Uzbekistan, and perhaps because the U.S.-Uzbekistan military relationship is growing quickly (having started from almost zero after the sanctions imposed in the early 2000s), there seems to be a perception growing that the U.S. is favoring Uzbekistan.¶ A report in Kazakhstan’s Tengrinews argues that “close relations between Uzbekistan and the U.S. can lead to conflict in Central Asia.” It quotes Russian political analyst Alexander Sobyanin saying that “Uzbekistan is ambitiously becoming the economic and military giant of the region, and that means that for Kazakhstan, Tajikistan and Kyrgyzstan, ‘peaceful life has ended.’” Kazakhstani analyst Marat Shibutov adds that “Uzbekistan’s land forces are already one and a half times greater than ours. With the receipt of arms, it’s possible that the advantage will be double.” (He noted, though, that conflict between Uzbekistan and Kazakhstan was much less likely than it would be between Uzbekistan and either Kyrgyzstan or Tajikistan.)In another piece on CentrAsia.ru, analyst Andrei Grozin says that Tashkent’s aims vis-a-vis American military aid is less about gaining means of repression against the population of Uzbekistan and more about regional hegemony,” and that “arming the regimes of Central Asia, the US is laying a landmine which could blow up the entire region.” (In a nice poetic — if not necessarily militarily relevant — touch, Grozin ends by quoting the famous Chekhov line: “If a gun is hanging on the wall in the first act, it has to be fired in the last act.”)¶ What to make of all this? It’s worth noting that while the U.S. is being fairly careful to not give Uzbekistan tools with which it can repress its population — the standard concern in the West — exacerbating regional tension has seemed less of a worry. Tactical drones, night vision, GPS and body armor would be of limited utility in putting down another Andijan-style protest. But they would be very useful in a border conflict with a neighbor.¶ It also should be noted that all of the above analysis of increasing regional tension dovetails with Russia’s perception of U.S. policy in the region. The Kremlin is alarmed at Uzbekistan’s attempts to remove itself from Russia’s sphere of influence, notably by withdrawing from Russia’s key security project in the region, the Collective Security Treaty Organization. Russian officials have framed their huge military aid packages to Kyrgyzstan and Tajikistan in terms of the need to counter the U.S-Uzbekistan axis. So it can’t be excluded that Russia may be intentionally fanning this threat of tension. Still, the mistrust of Uzbekistan by its neighbors is very real and doesn’t necessarily need any encouragement from the Kremlin. And conversely, Uzbekistan’s mistrust of Russia is a large part of why it feels that it needs closer military ties with the U.S. and NATO — a situation which certainly isn’t helped by a massive Russian rearmament of its unfriendly neighbors. So all of this is creating a vicious circle of mistrust and tension. What may result, no one knows.

#### Nuke War

Victor Baranez, military commentator, 12-27-2011, “Who and Where Russia Threatens” Komsomolskaya Pravda, <http://www.kp.ru/daily/25812/2790454> (translated from Russian)

And yet, where, in your opinion, could erupt war in which Russia will have to use not only conventional, but also nuclear weapons?¶ - For example, begins to break one of the post-Soviet states, say Ukraine. Russia can not remain on the sidelines, because in this area there are millions of our people effectively. West (read: the U.S.) intervenes to "stop Russian aggression" or "does not prevent the recurrence of the empire." Western coalition strikes against the contingent of the Armed Forces of Russia, Russia is also responsible blows, there is an uncontrolled escalation - and there is already a matter of time, as soon as the nuclear weapons will be put to use by any party. Most likely - the weakest party, that is Russian. When conventional weapons do not bring the desired result in the battle on the arena there are more powerful - nuclear.¶ - There are other scenarios?¶ - Yes, there is. And much more realistic. For example, the Western forces leave Afghanistan, and to the authorities in this country are returned by the Taliban, who are beginning to expand into Central Asia. The Central Asian states are members of the Collective Security Treaty Organization and Russia has committed itself to support them in case of need military aid. Thus, we may be involved in a conflict with an opponent of up to 30 - 40 thousand people. And the war against such an enemy will be more severe than the August 2008 conflict with Georgia.¶ In August 2008, the Russian army gave a fitting rebuff to the Georgian aggressors. But Saakashvili's army with the help of NATO again pumps up "muscles" and saber rattling.¶ LAST ARGUMENT¶ - And yet, why Makarov mentioned is nukes? That, without it, our army will not be able to do, say, there is a "non-nuclear" general-purpose forces?¶ - It's no secret that the military potential of Russia today is many times inferior to the military power of the U.S. and NATO, and China too. Suffice it to say that the total military expenditures of NATO countries in 2010 were about $ 1.1 trillion. (25 times more than Russia), and the total number of regular armed forces - about 3.6 million people (3.5 times larger than that of Russia). The military budget of China ($ 90 billion) and the number of regular armed forces (about 2.3 million) is more than double the Russian indices.¶ - But with all that we try to maintain a "nuclear parity" with the West ...¶ - For the Russian nuclear weapons advocates the "great equalizer" of its military capabilities with the United States and NATO. Therefore, the probability of use in case of a military crisis of nuclear weapons to deter or defeat a superior military power on the western enemy is far from zero. All the more so now Russian military doctrine allows for the use of nuclear weapons in such a case.¶ FIRE STARTS WITH SPARKS¶ - What do you think, armed conflict over territorial claims to Russia, our local or regional war with or without the use of nuclear weapons could turn it into the world?¶ - Any serious military conflict between Russia and the U.S. (and NATO) is inevitable in a very short time to grow into an exchange of nuclear strikes first single, followed by an escalation to full implementation of the entire nuclear capability of both sides. That is, any war between Russia and the U.S. (and NATO) will inevitably develop into a global war with a global impact. Actually, as long as the understanding by both parties and this makes any military conflict between the parties unlikely. Since the mechanism of nuclear deterrence.

#### Signature strikes destroy the Yemeni state – guarantee massive unrest

Hooria Mashhour, Yemen’s minister for human rights, 1-14-2014, “The United States’ bloody messes in Yemen,” Washington Post, http://www.washingtonpost.com/opinions/hooria-mashhour-the-united-states-bloody-messes-in-yemen/2014/01/14/c21dfcec-7653-11e3-b1c5-739e63e9c9a7\_story.html

The use of drones in Yemen might appear a simple, quick-fix option for President Obama. But as Nabeel Khoury, former U.S. deputy chief of mission to Yemen, recently wrote, “Drone strikes take out a few bad guys to be sure, but they also kill a large number of innocent civilians. Given Yemen’s tribal structure, the U.S. generates roughly forty to sixty new enemies for every AQAP [al-Qaeda in the Arabian Peninsula] operative killed by drones.” Let me be clear: I, like the vast majority of my countrymen, reject terrorism. All of us were repulsed by recent footage of a gruesome attack on a Yemeni defense ministry hospital. We agree that our fight against extremist groups cannot be won without a variety of efforts, including robust law enforcement. But more often than not, U.S. drone strikes leave families bereaved and villages terrified. Drones tear at the fabric of Yemeni society. Wronged and angry men are just the sort extreme groups like AQAP find easiest to recruit. Our president may reassure the United States of his support for drone strikes but the reality is that no leader can legitimately approve the extrajudicial killing of his own citizens. Moreover, he does so in the face of Yemeni consensus. This August, Yemen’s National Dialogue Conference — which President Obama has praised — decided by a 90 percent majority that the use of drones in Yemen should be criminalised. Yemeni legislators are aware that the drone war is deeply unpopular. Since the Dec,. 12 strike, our parliament has unanimously voted to ban drone flights in Yemeni airspace, declaring them a “grave breach” of the country’s sovereignty. For a country so often divided, this unanimity from Yemen’s most representative bodies testifies to the strength of opinion against drones. But their calls have thus far met only with more bombings from the skies. How can the people of Yemen build trust in their fledgling democracy when our collective will is ignored by democracy’s greatest exponent?

#### State collapse causes instability in the Gulf of Aden

Ginny Hill, associate fellow at Chatham House where she runs the Yemen Forum, 11-20-2008, “While watching the Somali pirates...” The Guardian, http://www.theguardian.com/commentisfree/2008/nov/20/pirates-somalia-yemen

In addition, jihadi networks in Yemen appear to be growing as operating conditions in Iraq and Saudi Arabia become more difficult. The CIA director, Michael Hayden, said last week that Yemen is a "place where al-Qaida is strengthening. We've seen an unprecedented number of attacks this year. Plots are increasing not only in number, but in sophistication, and the range of targets is broadening." Twin car bombs exploded at the gates of the US embassy in the capital, Sana'a, in September, confirming fears that Yemen is facing a resurgent terrorist movement. Smuggling crews have already ferried 40,000 refugees from Somalia to Yemen so far this year, turning over $4m. If Yemen slides towards failure in the coming decade, the links between organised criminals, people traffickers and terrorist networks on both sides of the Gulf of Aden will grow. State failure in Yemen would reduce any chance of progress towards peace in Somalia and create a lawless zone stretching from northern Kenya to Saudi Arabia – with 3.3m barrels of oil a day transported right through the middle of it, on one of the world's busiest shipping routes.

#### Instability in the Gulf of Aden collapses global trade

Lev Shel Arieh, MA in Middle Eastern Studies from Tel Aviv University, 9-28-2011, “ Yemen's Chaos - August 2011,” On the Middle East, http://yuriditsky.blogspot.com/2011/09/yemens-chaos-august-2011.html

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

#### Global nuclear war

Michael Panzner, faculty at the New York Institute of Finance, 2008, “Financial Armageddon: Protect Your Future From Economic Collapse,” Accessed via GoogleBooks, p 136-138

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

#### Strikes guarantee AQAP attacks – without civilian deaths from drones, AQAP would have disbanded years ago

Farea Al Muslimi, Yemeni security analyst focused on issues of terrorism and security, 1-9-2014, “US drone attacks in Yemen protect no one but Al-Qaeda,” Yemen Times, http://www.yementimes.com/en/1745/opinion/3332/US-drone-attacks-in-Yemen-protect-no-one-but-Al-Qaeda.htm

The spontaneous public backlash against Al-Qaeda in the Arabian Peninsula (AQAP) was more intense than anything the country has witnessed in decades. AQAP, which has long tried to cultivate an image of fighting on behalf of ordinary Yemenis against foreign aggression, was excoriated on TV, newspapers, radio and social media—all this was even before the group announced responsibility for the attack. But then, on the following night after the government began broadcasting the videos, and as rage against AQAP was reaching a fevered pitch, an unmanned American military drone flying over the Rada’a province, some 150 kilometers south-east of Sana’a, fired a missile into Yemen. It struck a vehicle in a wedding procession, killing 12 people and wounding dozens more. Almost instantly, the public discourse shifted, the anger redirected. Al-Qaeda had almost destroyed itself but America came to its rescue. In a country that has suffered almost a decade of U.S. drone strikes and watched them obliterate hundreds of innocent lives, it mattered little that the “official” target in Rada’a were several militants among the wedding goers. Rather, that drone strike reminded Yemenis, once again, that it is American terror that looms over them—constantly. As one Yemeni activist said: “If you escape AQAP, you don’t escape U.S. drones.” AQAP seized the opportunity. On Dec. 22, the group’s military leader, Qasim Al-Raimi, apologized for the hospital attack in a video statement and promised to pay compensation to survivors and victims’ families. The mistake, he claimed, was that the group had attacked the wrong building, that their actual target had been the drone control center within the ministry of defense compound, jointly run by U.S. and Yemeni military personnel. However implausible this story may be, the apology and promise of compensation are in stark contrast to America’s cold silence for the civilians it killed. American intervention did years worth of public relations on behalf of AQAP. While this is the latest and certainly the most blatant example, it is far from the only instance of the U.S. indirectly assisting Al-Qaeda’s PR machine—and even its human resources department. It was actually in the Rada’a district that a researcher, who recently visited the area, discovered a local AQAP leader who was complaining about new recruits not carrying out their regular religious prayers—they did not join Al-Qaeda for ideological reasons, but because they saw the group as a means to avenge relatives killed in U.S. drone strikes and for other reasons that have nothing to do with ideology. In many parts of Yemen, it is not AQAP that is feared, but America. Not long ago, I visited the area of Khawlan, a 30-minute drive from Sana’a, where a U.S. missile struck a vehicle full of passengers, killing everyone, including a local schoolteacher. He’d been with his cousin, the driver, who had picked up other people as a normal fare ride. How were the cousins to know that these people were on the U.S. kill list? Children were waiting in the classroom for two hours the next morning before the news came that their teacher, Ali, was dead. Now, whenever teachers are late for class, students at the school become terrified that the U.S. may have killed them.

#### Yemen terrorism causes massive oil spikes

Amy Harder, Energy Correspondent for National Journal, 5-29-2013, “Al-Qaida Retaliation Would Drive Spike in Oil Prices,” National Journal, http://www.nationaljournal.com/al-qaida-retaliation-would-drive-spike-in-oil-prices-20110502

“But Yemen now sticks out as the real country to watch because it has both,” added Parthemore, referring to the fact that al-Qaida’s most active branch, al-Qaida in the Arabian Peninsula, is based in Yemen, and that the country is experiencing political upheaval. To boot, Yemen sits at the mouth of the Gulf of Aden. About 10 percent of the world’s seaborne oil passes through that gulf, including oil from Saudi Arabia, the world’s largest producer and exporter. Parthemore said terrorists regularly try to attack petroleum infrastructure in Saudi Arabia, and noted that bin Laden’s death could trigger more efforts. “I’m particularly concerned about reprisal attacks focusing on petroleum infrastructure there [Saudi Arabia] -- probably more so than is being represented in the media now,” she said. Other experts said if terrorism occurs in Saudi Arabia or Yemen, oil prices could skyrocket. “If the al-Qaida in the Arabian Peninsula were able to stir things up a bit and do something in or near the border of Saudi Arabia … I think you would see a very sharp move upward in petroleum prices,” said Charles Ebinger, who directs the Brookings Institution’s energy-security initiative and is a senior fellow in foreign policy.

#### Oil shocks cause global economic collapse

Matthew Kroenig, assistant professor and IR field chair in dept of govt at Georgetown, and Robert McNally, president of the Rapidan Group, an energy market and policy consulting firm, and served as Special Assistant to the President at the U.S. National Economic Council and Senior Director for International Energy at the U.S. National Security Council, March-April 2013, “Iranian Nukes and Global Oil,” The Naitonal Interest, http://www.matthewkroenig.com/Kroenig\_Iranian%20Nukes%20and%20Global%20Oil.pdf

It is difficult to overstate how much modern civilization depends on continuous access to the substantial flow of fossil fuels from producers to consumers. Concentrated and abundant energy stores of coal, gas and oil power virtually all we do at the current state of technological development. Technology changes, of course, and the prospect of radically reducing dependence on fossil fuels is no pipedream; but it is a prospect that cannot materialize overnight. Transportation, which is critical to food supply chains and other core systems society needs to function, today runs almost entirely on oil. Electrical generation is more diverse in its energy sources, but much of it, too, is fossil-fuel powered. Any sudden withdrawal of oil supply and concomitant rise in prices would tip our complex, globalized and interdependent economies into a sharp downturn and, if abrupt and sustained, a systemic crisis. Not surprisingly, then, history shows that oil price spikes invariably contribute to economic downturns. James Hamilton, an economics professor at UC San Diego, has noted that all but one of eleven recessions since World War II were associated with oil price shocks that raised production costs, hurt productivity and dampened consumer spending. 3 Most postwar oil price shocks were associated with supply disruptions due to geopolitical instability in the Middle East. The Iranian Revolution in November 1978, for example, caused a collapse in Iranian production of over 6 mb/d, triggering a large supply disruption by historical standards, and a 57 percent spike in oil prices. 4 The revolution was followed quickly by the nearly eight- year-long Iran-Iraq War, which caused major and protracted oil interruptions and contributed to the sharp economic recession of the early 1980s. So if a conflict involving Iran led to an increase in oil prices and subsequent widespread economic turmoil, it would hardly be unprecedented. The difference in the case of a nuclear Iran is that future supply disruptions could be much larger and far more protracted. Since a quick transition away from fossil fuels is not possible, economic, geological and technical realities dictate that oil demand will rise sharply in the coming decades, and the Persian Gulf will remain the most critical energy supply region. The International Energy Agency projects that world energy demand will rise 20 percent by 2020 and 47 percent by 2035. Oil and gas demand, which accounted for 47 per - cent of total energy consumption in 2010, will account for 42 percent of future energy demand growth. 5 The Persian Gulf accounts for 52 per - cent of global oil reserves, 31 percent of global oil production and all spare production capacity—mainly in Saudi Arabia. 6 Because the Persian Gulf region holds the vast majority of the world’s low-cost oil reserves, its share of global oil supply will likely increase in coming decades, even if North America’s oil boom continues. At the same time, the global oil market is becoming more sensitive to even minor geopolitical disruptions. This is because OPEC producers have not invested sufficiently to meet the galloping demand for crude while maintaining an adequate spare capacity buffer to keep prices stable . When spare capacity is low, oil prices tend to swing wildly and spike on disruption risks. The U.S. Energy Information Administration recently noted that spare capacity is “quite modest by historical standards, especially when measured as a percentage of global oil production and considered in the context of cur - rent geopolitical uncertainties, including, but not limited to, the situation in Iran.” 7 This basic predicament is likely to persist; strong demand growth and lagging net oil supply growth raise odds that OPEC will not regain a sufficient spare capacity buffer sufficient to keep prices stable in the face of geopolitical disruption risk.

#### Our theoretical models trump – transitions, future expectations, and diversionary war theory all confirm econ decline causes war

Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

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 stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (20081 advances Modclski 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 of relative power (see also Gilpin. 19SJ) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fcaron. 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 (1996) 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 are 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 resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Mom berg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write. The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict lends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> Economic decline has also been linked with an increase in the likelihood of terrorism (Blombcrg. Hess. & Wee ra pan a, 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), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force arc at least indirecti) correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that Ihe 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, are statistically linked to an increase in the use of force. In summary, rcccni economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict al 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.

#### Yemen collapse causes Middle-East instability

Michael Makovsky, Foreign Policy director of the Bipartisan Policy Center, et al, January 2011, “Fragility and Extremism in Yemen,” BPC, http://bipartisanpolicy.org/sites/default/files/Yemen%20Final%20Report.pdf

Were the situation to deteriorate further, and Yemen to fail completely, the United States would likely witness a security vacuum on the southern tip of the Arabian Peninsula. At best, this would mirror Somalia across the Red Sea; at worst the two could combine to destabilize the entire region. This would permit greater freedom of maneuver for al-Qaida and pirates astride a major chokepoint for international energy flows; exacerbate ongoing internal conflicts, potentially turning them into Saudi-Iranian proxy wars and/or spilling over into neighboring countries; and could trigger major humanitarian disasters among an extremely impoverished and underserviced population. The calls for excising this latest terrorist cancer—al-Qaida in the Arabian Peninsula, or AQAP, the merger of Saudi and Yemeni al-Qaida militants—have been swift and all but unanimous. The need for action, however, ought not obscure the difficulty of the task. Instead, our response should be based on a thorough analysis of challenges facing Yemen and their underlying causes, including how state fragility and extremism are intricately interwoven. Terrorist threats continue to emanate from Yemen not because the government lacks the military strength to eradicate them, but because the regime has done little to resolve the myriad social, economic and political problems that beset the county. Extremist groups have persisted, indeed thrived, in Yemen by exploiting these weaknesses and the state’s resultant lack of legitimacy.

#### ME instability goes nuclear

James A. Russell, Senior Lecturer, National Security Affairs, Naval Postgraduate School, 2009 (Spring) “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26\_Russell\_2009.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

#### Instability spills over to the Horn of Africa

Ginny Hill, journalist specializing in the Middle East and the Horn of Africa, January 2010, “Yemen: Fear of Failure; Middle East and North Africa Programme”, Chatham House, http://reliefweb.int/sites/reliefweb.int/files/resources/22924953ECE8BBF1492576EA000E8E41-Full\_Report.pdf

Future instability in Yemen could expand a lawless zone stretching from northern Kenya, through Somalia and the Gulf of Aden, to Saudi Arabia. Piracy, smuggling and violent jihad would flourish, with implications for the security of shipping routes and the transit of oil through the Suez Canal. State failure in Yemen would reduce any chance of progress towards peace in Somalia and further endanger the security of countries throughout the Arabian Peninsula and the Horn of Africa

#### Major power wars

Caroline Glick, deputy managing editor of The Jerusalem Post, 12-10-2007, “Our World: Condi's African holiday” Jerusalem Post, http://www.jpost.com/Opinion/Columnists/Our-World-Condis-African-holiday

The Horn of Africa is a dangerous and strategically vital place. Small wars, which rage continuously, can easily escalate into big wars. Local conflicts have regional and global aspects. All of the conflicts in this tinderbox, which controls shipping lanes from the Indian Ocean into the Red Sea, can potentially give rise to regional, and indeed global conflagrations between competing regional actors and global powers. The Horn of Africa includes the states of Eritrea, Djibouti, Ethiopia, Somalia, Sudan and Kenya. Eritrea, which gained independence from Ethiopia in 1993 after a 20-year civil war, is a major source of regional conflict. Eritrea has a hot border dispute with Ethiopia which could easily ignite. The two countries fought a bloody border war from 1998-2000 over control of the town of Badme. Although a UN mandated body determined in 2002 that the disputed town belonged to Eritrea, Ethiopia has rejected the finding and so the conflict festers.

### Solvency

#### Individualized targeting solves due process, maintains operational flexibility, and ends signature strikes

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The law of international armed conflict permits the detention and killing of members of the enemy force based on a legitimate expectation that individuals who are part of a formal, hierarchical enemy state army will be called upon to fight and thereby pose an ongoing threat. By comparison, the broad definition of "functional membership" put forth by the Executive and endorsed by the courts serves as a poor proxy for assessing threat in a conflict with a non-state actor. n139 Even assuming, arguendo, that the functional membership test provides an appropriate standard for detention and targeting within a zone of active hostilities, it is too permissive a standard outside such zones, for the reasons described in Part II. Outside of a zone of active hostilities, an individualized threat finding is needed to ensure that law-of-war detention and lethal targeting are employed in those situations in which the target actually poses an ongoing threat, consistent with the underlying rationale for the permissive use of force and detention without charge. n140 Of course, there are a number of possible ways to define the threat. For lethal targeting, I suggest two such categories: (1) those involved in the active planning or operationalization of specific, imminent, and externally focused attacks, regardless of their relative hierarchical position in the organization; and (2) operational leaders who present a significant, ongoing, and externally focused threat, even if they are not implicated in the planning of a specific, imminent attack. n141 The first definition is a conduct-based test that prohibits [\*1211] the use of lethal force absent a specific, imminent, and significant threat. The second definition encompasses those who pose a continuous and significant threat given their leadership roles within an organization. n142 Whether an individual meets this threat requirement depends on the individual's role within the organization, his capacity to operationalize an attack, and the degree to which the threat is externally focused. For example, an al Shabaab operational leader, whose attacks are focused on the internal conflict between al Shabaab and Somalia's Transnational Federal Government, would not qualify as a legitimate target in the separate conflict between the United States and al Qaeda, even if he had demonstrated associations with al Qaeda. He might, however, be a legitimate target if he were involved in the planning of externally focused attacks and had demonstrated the capacity and will to operationalize the attacks. n143 Such restrictions serve the important purpose of limiting state authority to target and kill to instances in which the individual poses an active, ongoing, and significant threat. The low-level foot soldier who is found thousands of miles from the hot conflict zone could not be targeted unless involved in the planning or preparation of a specific, imminent attack. Even mid-level operatives, such as the prototypical terrorist recruiter, would be off-limits, unless they were plotting, or recruiting for, a specific, imminent attack. n144 Such recruiters could, however, be prosecuted for providing material support to a terrorist organization. n145 [\*1212] An individualized threat requirement also prohibits so-called "signature strikes," in which anonymous groups of alleged al Qaeda members are targeted based on their pattern of activities without an individualized assessment of the threat posed by each of the targets. n146

#### Establishing HVT norms solves blowback and establishes international norms – doing it publicly is key

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public. 154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified. 155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour. 156

#### HVTs matter – rigorous statistical data proves decapitation ends hostile groups

Patrick Johnston, associate political scientist at the RAND Corporation, 8-18-2012, “Drone Strikes Keep Pressure on al-Qaida,” RAND, http://www.rand.org/commentary/2012/08/18/PJ.html

My study of leadership decapitation in 90 counter-insurgencies since the 1970s shows that when militant leaders are captured or killed militant attacks decrease, terrorist campaigns end sooner, and their outcomes tend to favor the government or third-party country, not the militants. Those opposed to drone strikes often cite the June 2009 one that targeted Pakistani Taliban leader Baitullah Mehsud at a funeral in the Tribal Areas. That strike reportedly killed 60 civilians attending the funeral, but not Mehsud. He was killed later by another drone strike in August 2009. His successor, Hakimullah Mehsud, developed a relationship with the foiled Times Square bomber Faisal Shahzad, who cited drone strikes as a key motivation for his May 2010 attempted attack. Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists. Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad. What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland. Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely. Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult. As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness.

#### Drones are inevitable – establishing procedure is key

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures - along with clear, binding standards - will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.

#### Only statutory restrictions solve CIA operations – they comply with the letter of the law

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

As the CIA’s role in drone strikes has gained increasing prominence and notoriety, CIA and Obama Administration officials have repeatedly offered assurances that the agency complies with the law and seeks to avoid civilian casualties in drone strikes (see The Civilian Toll). While we cannot prove and do not necessarily believe that the CIA routinely and knowingly violates US law or disregards civilian life—to the contrary, it may have set up procedures and rules related to civilian harm— the CIA does not have an ethos or culture that promotes substantial engagement with legal questions or larger discussions of civilian protection. Moreover, while the threat of public or congressional scrutiny would traditionally provide the CIA incentive to act with caution about the law, in the context of covert drone strikes these incentives are substantially reduced or altogether absent. The most generous interpretation of the CIA’s relationship to the law is that it is formalistic: the agency may conform to the strictures of the law, but there is no indication that the CIA has developed an ethos that would independently motivate adherence to the norms and values underlying the law, including those that motivate steps to reduce civilian harm. In a series of addresses in 2011 and 2012, CIA General Counsel Stephen Preston described the agency’s relationship to the law as like that of a tightly regulated business.302 At the American Bar Association Preston explained: All intelligence activities of the Agency must be properly authorized pursuant to and conducted in accordance with the full body of national security law that has been put in place over the six plus decades since the Agency was founded. All such activities are also subject to strict internal and external scrutiny. In short, the Agency is at least as rule-bound and closely watched as businesses in the most heavily regulated industries.303 Although intended to provide assurance, the analogy to business regulation is disconcerting. It suggests that rather than seeing itself as duty-bound to the law and culturally invested in its rationales, the agency relates to the law as a constraint that may undermine the agency’s goals if not carefully managed, and perhaps, in some cases, circumvented. Even in accounts favorable to the CIA, the CIA’s relationship to the law is discussed only in terms of avoiding liability and political fall-out for actions that might, if revealed, be perceived as illegal even if technically legal. There is no allusion to a concern for whether actions, though technically legal, might offend the purposes and values of the law, or brush up too closely to their limits to be appropriate. For example, Jack Goldsmith, former lawyer in the Bush administration, writes that the CIA’s 150 or so lawyers “help operators sort through the cognitive dissonance that arises from the twin injunctions to violate some laws and norms but not others.” According to Goldsmith, these lawyers “provide comfort that whatever other fallout might occur from their CIA activities, operators needn’t worry about violating what to them often felt like bewildering US legal restrictions.” In any event, “everyone in the CIA knows that trouble follows from violating US law” and people “are watching for violations and can impose various types of legal or political punishment if they find one.”304 Likewise, former CIA lawyer Afsheen John Radsan conjectures that the CIA has sought legal approval for its drone strikes because “[t]he CIA, we know is accustomed to checking off the boxes in its paperwork” and is “[m]indful of their potential legal exposure on targeted killing.”305 To be sure, recent accounts of the CIA’s torture and secret detention programs under the Bush administration reflect that CIA personnel are deeply concerned with liability and public perception. CIA personnel aggressively sought clearance from agency lawyers and others in the Bush administration for the detention and torture programs—and, for the most part, received approval. John Rizzo, a leading CIA lawyer at the time, reportedly advised the CIA to tell as many people as possible about the programs to minimize political fall-out and maximize political support.306 In internal debates at the CIA, Rizzo notes: “I never heard— and I think I would have heard—any dissent, any moral objection,” to the programs.307

#### Explicit restrictions on the executive by congress are key – only credible norm

Sarah Harvard, commentator on international relations at the Atlantic Community think tank, editor in chief at DL Magazine and International Relations student at American University, 10-11-2013, “Transparency Key to Reformed US Drone Policy,” Atlantic Community, http://www.atlantic-community.org/-/transparency-key-to-reformed-us-drone-policy

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

#### Legislation is key to reign in endless war

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

Thanks to drones, as Miller’s question suggests, “endless war” is quite possible. In this regard, it’s worth noting that the drone war is an outgrowth of Washington’s post-9/11 campaign against terrorist organizations and regimes—a campaign authorized by the Use of Force Resolution of 18 September 2001. That measure directed the president “to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”34 That final clause referring to “future acts of international terrorism” creates a loophole larger than a Reaper ground-attack drone—with a wingspan of some 66 feet—a loophole that should be tightened through legislation focusing on threats beyond Afghanistan. After all, it would be a stretch to say that the 18 September measure authorized—11-plus years later—an autopilot war against targets in Pakistan, Yemen, Somalia, and beyond. Those targets may indeed be enemies of, and threats to, the United States. But few of the drone war’s intended targets today—not to mention the unfortunates simply in the wrong place at the wrong time—“planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.” Underscoring this point, The Washington Post recently reported that a growing number of drone strikes in Yemen have targeted “lower-level figures who are suspected of having links to terrorism operatives but are seen mainly as leaders of factions focused on gaining territory in Yemen’s internal struggle.”35 (Emphasis added.) Yet the drone war goes on, largely because there are no Americans in harm’s way—at least not directly.

#### Obama will comply --- the plan walks the fine-line --- failure to walk the constitution is worse

David J. Barron, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History,” 2008, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis)

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

#### Congress can oversee drones

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

Though hampered in many ways, the oversight committees have sufficient authority to impact the CIA’s activities. Congress controls the CIA’s budget and can thus influence programs, seek changes, or get answers to inquiries.326 One study found that every staffer surveyed recalled at least one instance when an intelligence committee member “threatened to statutorily withhold funding as a lever for sharing of information that would not otherwise have been forthcoming.”327 Congressional staffers can also visit CIA stations and other sites to get facts on the ground, though whether this is possible with regard to the drone program is unknown. Some information about CIA activities is provided only to congressional leaders who are part of the “Gang of Eight”328—leading members of the House and Senate. Many individuals, including members of Congress, have criticized this practice as preventing the intelligence committees from exercising effective oversight.329 Congressional oversight committees reportedly receive extensive briefings from the CIA. According to Senator Diane Feinstein, chair of the Senate Select Intelligence Committee: We receive notification with key details shortly after every strike, and we hold regular briefings and hearings on these operations. Committee staff has held 28 monthly in-depth oversight meetings to review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimize noncombatant casualties.330 House and Senate intelligence committee staff reportedly travel monthly to CIA headquarters in Virginia to review drone video and intelligence used to justify strikes.331 Asked about drone strikes in January 2012, Feinstein stated: “[T]here’s no issue that receives more attention and oversight from this committee...than counterterrorism operations in Afghanistan and Pakistan.”332

# 2AC

## XO

### 2AC

#### Perm: Do Both – shields the link

#### Perm: Do CP – text implies action by the executive

#### Self-restraint is perceived as discretionary and isn’t modeled – Congressional limits bolster accountability and prevents foreign governments from engaging in aggressive drone policy

Rebecca Griffen, political director of Peace Action West, expert on war and drone policy, 1-11-2013, “Will Congress take on drones in 2013?” Peace Action West, http://blog.peaceactionwest.org/2013/01/11/will-congress-take-on-drones-in-2013/

Since President Obama took office in 2009, his administration has dramatically increased the use of unmanned armed drones throughout the Middle East and Africa. The administration has overseen more than 300 drones strikes, with more than 2,500 killed by the CIA and the military. Thus far, Congress has not engaged on an in-depth level on important questions surrounding the reliance on this technology and the overarching policy governing its use.¶ The Obama administration reportedly began assembling parameters for the use of drones in the pursuit of suspected terrorists, but the proposed regulations have not yet been made public. Last year, President Obama stated, “One of the things we’ve got to do is put a legal architecture in place, and we need congressional help in order to do that, to make sure that not only am I reined in but any president’s reined in terms of some of the decisions that we’re making.”¶ The 113th Congress should heed this call and exercise greater oversight over drone policy. Issues to address include:¶ Defining the “battlefield” and authorization for the use of force¶ As Al-Qaeda’s presence continues to wane, the already tenuous interpretation of the authorization for the use of military force in 2001 will not provide strong justification for drone attacks like those that have occurred in Afghanistan, Pakistan, Somalia and Yemen. As former Defense Department General Counsel Jeh Johnson argued, the US should “be able to say … that our efforts should no longer be considered an armed conflict against al-Qaida and its affiliates,” and that responsibility for pursuing Al-Qaeda should shift to law enforcement agencies.¶ This is a critical time for Congress to assert its role in oversight over military force and standards for expanding or continuing the drone war outside of the framework of armed conflict.¶ Civilian casualties and ensuing blowback¶ It is very difficult to obtain accurate numbers of civilian casualties in drone strikes. This is exacerbated by the CIA policy of counting military-age males as militants unless they have specific evidence pointing to their innocence. US policy of using “secondary strikes,” attacking rescuers who come to the aid of victims of initial strikes, puts civilians at even greater risk.¶ An in-depth report by Stanford and NYU Law Schools disputes the characterization of drones as a precise, targeted tool with minimal impact on innocent civilians. The study notes that despite US claims downplaying civilian casualties, the best available data indicate that drone strikes in just Pakistan killed 474-881 civilians and injured 1,228-1,362. The report also highlights significant harm other than injury and death, including anxiety and psychological trauma.¶ Yemen expert Gregory Johnsen notes, “Testimonies from Qaeda fighters and interviews I and local journalists have conducted across Yemen attest to the centrality of civilian casualties in explaining Al Qaeda’s rapid growth there. The United States is killing women, children and members of key tribes. ‘Each time they kill a tribesman, they create more fighters for Al Qaeda,’ one Yemeni explained to me over tea in Sana, the capital, last month. Another told CNN, after a failed strike, ‘I would not be surprised if a hundred tribesmen joined Al Qaeda as a result of the latest drone mistake.’” Johnsen points out that Al Qaeda in the Arabian Peninsula has more than tripled in Yemen since the US started bombing the country in 2009.¶ Congress should push for greater transparency and more accurate accounting of civilian casualties, and for the end of secondary strikes. A full accounting of the impact of US drone strikes will better allow Congress and the public to weigh any potential benefits of the use of drones against their negative impacts.¶ The use of so-called “signature strikes”¶ In 2012, the Obama administration approved the use of so-called “signature strikes,” allowing the targeting of people whose identities are unknown. Targeting based on patterns of behavior rather than evidence of an imminent threat to US interests sets a dangerous precedent, increases the likelihood of blowback, and vastly increases the risk of killing innocent civilians. Congress should push for greater transparency in the use of signature strikes and ultimately to end their use.¶ Targeted assassination of US citizens¶ The Obama administration used dubious legal justification to kill a US citizen, Anwar Al-Awlaki, in Yemen. The threat Al-Awlaki posed, as well as his prominence within Al-Qaeda, has been called into question by experts on the region. The administration has resisted calls for greater transparency in this case and implications for future use of force. Other American citizens, including Awlaki’s 16-year-old son, have been killed in drone strikes in which they were not the intended targets.¶ President Obama has an unreleased list of targets for killing and capture that reportedly includes additional Americans, as well as targets as young as teenagers. Congress must demand greater transparency around targeting and rein in executive power to kill targets that could be pursued by other means, or may not pose an imminent threat to the US, including American citizens.¶ Precedent setting and future proliferation of drone technology¶ As with any technology, the United States will not maintain a monopoly on the use of armed drones. The New America Foundation cites 70 countries that currently have some kind of drone. Examining our standards for use of drones and setting specific parameters will become even more critical as we set a precedent for international drone use.¶ As Human Rights Watch points out, “Because the US treats many of the most important constraints on the use of force as matters of discretionary prudence rather than legal requirements, the US approach would not forbid the Russians to target an alleged Chechen militant in New York, or the Chinese a Uighur separatist in Washington, DC, if they said they were at war with these groups and the US didn’t apprehend them. That is a deeply troublesome precedent to set.”¶ Congress should push for clear, public standards that can contribute to an international conversation about global standards for the use of drones.

#### Captures zero of the norms advantage – Harvard indicates explicit restrictions are key to modeling

#### Doesn’t solve Pakistan – no signal and CIA circumvents everything except letter of law

#### Interpretation: The negative gets fiat of agents are not the object of the resolution

#### Violation:

#### Standards:

#### Kills topic education – fiats through core of the topic

#### Moots aff ground – forces generic advantages like SoP and contrived solvency deficits

#### Stacks the deck – answers like rollback link to the aff

#### Reject the team – key to set a precedent that saves the topic

#### XOs are perceived – previous fights prove Congress will backlash

Zachary Goldfarb, writer at the Washington Post, 2-10-2013, “Obama weighing executive actions on housing, gays and other issues” http://articles.washingtonpost.com/2013-02-10/business/37026076\_1\_actions-on-gun-violence-executive-actions-obama-administration

These and other potential actions suggest that Obama is likely to rely heavily on executive powers to set domestic policy in his second term. One White House official said that while the president does not see the actions as substitutes for more substantial legislation, he also wants to move forward on top priorities. But the approach risks angering Republican lawmakers in Congress, who say they are leery of granting the executive branch too much power and have already clashed with Obama over the issue. In a ruling last month, a federal appeals court said Obama exceeded his constitutional powers in naming several people to the National Labor Relations Board while the Senate was on a break. “It is a very dangerous road he’s going down contrary to the spirit of the Constitution,” Sen. Charles E. Grassley (R-Iowa) said in a recent interview. “Just because Congress doesn’t act doesn’t mean the president has a right to act.”

## Separation CP

### 2AC

#### Perm do both – shields the link

#### Perm do the counterplan – our interpretation is that counterplans should functionally and textually competitive

#### Perm do the plan and every part of the counterplan except the last sentence

#### Nobody complies with I-Law – empirics go neg

Eric Posner, Law Professor at the University of Chicago, 8-8-2012, “Obama’s Drone Dilemma” http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2012/10/obama\_s\_drone\_war\_is\_probably\_illegal\_will\_it\_stop\_.single.html

The Wall Street Journal recently reported on debates within the Obama administration about the legality of the drone war in Pakistan. State Department legal adviser Harold Koh, the former dean of Yale Law School and even more former darling of the left for his criticisms of the Bush administration’s aggressive theories of executive power, plays a prominent role in them. Koh apparently concluded that the drone war “veers near the edge” of illegality but does not quite tumble over it. That is a questionable judgment. The U.N. Charter permits countries to use military force abroad only with the approval of the U.N. Security Council, in self-defense, or with the permission of the country in which military force is to be used. The U.N. Security Council never authorized the drone war in Pakistan. Self-defense, traditionally defined to mean the use of force against an “imminent” armed attack by a nation-state, does not apply either, because no one thinks that Pakistan plans to invade the United States. That leaves consent as the only possible legal theory. But Pakistan has never consented to the drone war. Publicly and officially the country has opposed it. Before the raid that killed Osama bin Laden in May 2011, the CIA sent a fax every month to Pakistan’s Inter-Services Intelligence agency that would identify the airspace in which drones would be sent. The ISI would send back an acknowledgment that it had received the fax, and the U.S. government inferred consent on the basis of the acknowledgments. But after the raid, the ISI stopped sending back the acknowledgments. Now what to do? The administration argues that consent can still be inferred despite the unanswered faxes. The reason is that “the Pakistani military continues to clear airspace for drones and doesn’t interfere physically with the unpiloted aircraft in flight”—meaning that Pakistan does not shoot down the drones or permit private aircraft to collide with them. We might call this “coerced consent.” Consider it this way: You walk into a jewelry store and the proprietor announces that he will deem you to have consented to the purchase of a diamond tiara for $10,000, despite all your protests to the contrary, unless you use physical force to stop him as he removes your wallet from your pocket. Imagine further that he’s 7 feet tall and weighs 400 pounds. This is what a Pakistani official meant when he told the Wall Street Journal that shooting down a drone would be “needlessly provocative.” He meant that such an action would risk provoking retaliation from the United States, a risk that Pakistan cannot afford to take. Because Pakistan lies prostrate and endures the pummeling rather than makes a futile effort to stop it, it is deemed to consent to the bombing of its own territory. But don’t blame government lawyers like Koh for devising this theory. International law lacks the resources for constraining the U.S. government. Koh knows this now if he did not before. Since he built his academic career on the claim that international law can and should be used to control nation-states and harshly criticized the Bush administration for violating international law, this must have been a bitter pill to swallow. (Though he has swallowed so many bitter pills that perhaps he has lost his sense of taste: The man who told the Senate at the end of the Bush administration that the United States must “unambiguously reassert our historic commitments to human rights and the rule of law as a major source of our moral authority” has backed away from his earlier opposition to expansive war powers, targeted killing, military commissions, and military detention.) The weakness of international law governing the use of military force goes back to the signing of the U.N. Charter in 1945. The founders understood that a simple rule prohibiting the use of military force except in self-defense, or with the consent of another state, would not be adequate for regulating war. But they could not draft a code complex enough to anticipate all the contingencies that might justify war. Instead they set up the Security Council and reasoned that this body could determine when war might be justified for purposes other than self-defense. But the Security Council was frozen first by the Cold War rivalry between the United States and the Soviet Union, and then the cold peace rivalries between the United States, Russia, and China. It has authorized only two wars since its inception (the Korean War and the first Iraq War; it also retroactively approved the U.S. invasion of Afghanistan in 2001). Needless to say, there have been dozens of wars since 1945. Participants have included countries as diverse as China, the Soviet Union, India, Pakistan, the United Kingdom, Vietnam, Iran, Iraq, Egypt, Israel, and Argentina. Even the supposedly pacific European countries participated via NATO in several of these wars. The United States has on several occasions justified wars (for example, in Kosovo in 1999, Libya in 2011) as humanitarian interventions—a principle that can be found nowhere in the U.N. Charter but enjoys some international support. In other cases, including current drone operations in Pakistan, the United States has invoked a new idea of the “unable or unwilling” country, one that outside powers can invade because that country cannot prevent terrorists located on its territory from launching attacks across its borders. But most U.S. wars can be fit into these two categories only with difficulty. Those wars are undertaken to shut down a destabilizing or dangerous regime, one that typically has used violence to keep itself in power. One can put the second Iraq War in this category, as well as the Panama intervention in 1990, the interventions in Yugoslavia in the 1990s, and the intervention in Granada in 1983. During the Cold War, the United States also often evaded the U.N. prohibition on interstate war by funding and training a domestic insurgency. The U.N. Charter does not permit states to use military force to unilaterally address long-term threats in this way. It is too easy for states to characterize other states as long-term threats regardless of whether they are. And yet this omission rendered the charter unworkable, because all states must take long-term threats seriously, whether or not the members of the Security Council can be persuaded or bribed to agree with them. Government lawyers like Koh must scramble to revise their interpretation of international law so as to keep up with the new events that justify, in the eyes of the president, a military intervention. The “coerced consent” doctrine, the “unable and unwilling” doctrine, and the exception for humanitarian intervention all whittle away at whatever part of the law on United Nations use of force blocks U.S. goals. If the United States ever decides to invade Iran in order to prevent it from acquiring nuclear weapons, expect a new doctrine to take shape, perhaps one that emphasizes the unique dangers of nuclear weapons and Iran’s declared hostility toward a nearby country. It is curious that there is not a global outcry about the illegality of the wars in Pakistan or Libya, as there was about the illegality of the recent war in Iraq, which the Bush administration dubiously justified on the basis of Iraq’s violations of earlier U.N. resolutions that had suspended hostilities after the first Iraq War. Maybe the world doesn’t care as much about Pakistan, which has no oil. Or maybe people have finally realized that the United States, which has been almost continuously at war since the collapse of the Soviet Union, will not be swayed by legal arguments. A powerful army is too useful not to use, whether you are a Republican president or a Democratic one.

#### I law is a joke and its limitations on war powers fail – a litany of conflicts prove restrictions on the use of force

Eric Posner, Law Professor at the University of Chicago, 8-28-2013, “The U.S. Has No Legal Basis to Intervene in Syria” http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/08/the\_u\_s\_has\_no\_legal\_basis\_for\_its\_action\_in\_syria\_but\_that\_won\_t\_stop\_us.html

Inter arma enim silent leges, said the Romans—in times of war, the law falls silent. But ours is a chattier society. Rather than keep silent, our laws speak loudly about war. We just don’t follow them—as the U.S. military intervention in Syria is about to show. Press reports say that President Obama has ordered his lawyers to supply him with a legal justification for a military assault on Syria, and unnamed officials have cited the Geneva Protocol, the Chemical Weapons Convention, the Kosovo precedent, and the so-called Responsibility to Protect doctrine. They have not cited the United Nations Charter, which flatly bans military interventions without Security Council approval, which the United States cannot obtain because of Russian and Chinese opposition. The Geneva Protocol of 1925 (which Syria ratified) and the Chemical Weapons Convention of 1993 (which Syria has not ratified) ban the use of chemical weapons, but do not authorize countries to attack other countries that violate these treaties. The United States has no more authority to attack Syria for violating these treaties than it does to bomb Europe for giving import preferences to Caribbean banana producers in violation of international trade law. At one time, countries could use military force as “countermeasures” against treaty violators, but only against violators that harmed the country in question—and Syria has not used chemical weapons against the United States—but in any event, that rule has been superseded by the U.N. Charter. The Kosovo precedent refers to the 1999 military intervention in Serbia, launched to stop a campaign of ethnic cleansing against people living in that region of Serbia. Then, too, the United States failed to obtain approval from the Security Council but attacked anyway. It’s odd to claim the Kosovo attack as a precedent, as it was widely regarded as illegal at the time and afterward. But most people, or at least Westerners, believed that the Kosovo intervention was morally justified because it stopped a massacre, and efforts were made to carve out an exception to the U.N. rules, so that a “humanitarian intervention” would be lawful even without Security Council approval. That effort failed because people believed it would be too easy for countries to use humanitarian intervention as a pretext for attacking countries for other reasons. After all, humanitarian conditions are bad in nearly all countries that someone might like to invade. Instead, an international conference hammered together a compromise that all countries have a “Responsibility to Protect” their own citizens and citizens of other countries. But this idea was never sanctified in a treaty and is not law. The most honest thing to do would be to admit that the international law on the use of force is defunct, as professor Michael Glennon has argued. Virtually all major countries have broken the rules from time to time, even the saintly European countries that joined in the Kosovo intervention. The U.S. has ignored the U.N. rules on numerous occasions—Vietnam, Grenada, Panama, Kosovo, the second Iraq War, and the 2011 war in Libya, where it secured an authorization to stop massacres of civilians but violated its terms by seeking regime change. But the U.S. government does not repudiate the U.N. rules because it wants other countries to comply with them. On the domestic front, things are hardly better. The Constitution gives Congress, not the executive, the power to declare war, and at present writing, the administration seems unlikely to ask Congress for authorization lest it say no. This too would be a repeat of the Libya intervention, which lacked congressional authorization. To avoid the impression that the president can go to war whenever he wants, pretty much in clear violation of the founders’ intentions, the executive branch has invented a number of largely phony limits on executive military action. At one point the theory was that the executive may send military forces anywhere in the world in order to discharge its responsibility to protect Americans or American property, a theory that was used to justify the use of military force without congressional authorization in Somalia in 1992–1993. One might wonder whether such a theory imposes any limits; one might ask, “In what country are there no Americans or American property that could be protected?” Syria, it turns out. No one alleges that the Syrian government poses a threat to Americans or American property, so the Obama administration can’t fall back on that theory, and doesn’t seem inclined to. But the executive branch claims the authority to use military intervention to protect the “national interest,” and it is not hard to find a national interest at stake. Ironically, the Justice Department’s Libya opinion identified “maintaining the credibility of the United Nations Security Council and the effectiveness of its actions to promote international peace and security” as one of the national interests justifying military intervention without congressional approval. Don’t expect a repeat of that argument in the Syria opinion. The other national interest was that of promoting regional stability—also not a good one here either, since no one seems to think that lobbing some cruise missiles onto Syrian soil will promote regional stability. Most likely the government will argue that there is a (heretofore ignored) national interest in deterring the use of chemical weapons as well as in protecting foreign civilians from massacres. With “national interest” so capaciously understood, it is clear that the president will always be able to find a national interest justifying a military intervention, so there are no constitutional constraints on his power to initiate military intervention. Congress tried to bring the executive under control back in 1973 by enacting the War Powers Resolution, which can be read to implicitly authorize the use of military force as long as the president reports back to Congress and withdraws forces after 60 days unless Congress gives authorization in the interim. In 2011 President Obama ignored a Justice Department opinion that he must end the use of force in Libya, instead obtaining a compliant legal opinion from White House Counsel Robert Bauer and State Department Legal Adviser Harold Koh, who argued that the bombings and killings in Libya did not amount to “hostilities” and so did not trigger the withdrawal provision in the War Powers Resolution. In another indication of the administration’s respect for Congress, earlier this month the administration refused to call the coup in Egypt a coup so as to evade a statute that requires a cutoff of foreign aid to countries in which a military coup overthrows a democratically elected leader. One can be cynical or realistic. I prefer the latter. The Romans had it right: It is not realistic to put legal constraints on war powers. Law works through general prospective rules that apply to a range of factual situations. International relations and national security are too fluid and unpredictable to be governed by a set of legal propositions that command general assent secured in advance. Laws governing war make us feel more secure but they don’t actually make us more secure. So while it is satisfying to fling the charge of hypocrisy at the president and his lawyers, and we might disagree about the wisdom of an attack on Syria, let’s just hope that when they invoke the law, they don’t actually believe what they are saying.

#### Links to flex

#### Links to politics

#### Your ev says separation principle is down now – no ev saying the CP is sufficient to bring it back

#### Doesn’t solve the aff – no statute – that’s key – shah

## Flex

### 2AC

#### \*Jonathan’s new card

#### No impact to pres powers; only turns – even if ideally it would be good to have that power, empirically it’s squandered

Louis Fisher, Scholar in Residence at The Constitution Project served for four decades as senior specialist in Separation of Powers (Congressional Research Service) and Specialist in Constitutional Law (Law Library), January 2012, “Teaching the Presidency: Idealizing a Constitutional Oﬃce”, http://www.loufisher.org/docs/ci/teach.pdf

Thomas Cronin helped puncture imaginary qualities that other scholars had bestowed on the American president. In a recent book, On the Presidency (2010), he reviews the record of 14 presidents from 1920 to 2009 and concludes: “Maybe about three were successful. At least half a dozen failed in one way or another” (Cronin 2010, 2). He deleted from the list of successful presidents those who were forced from oﬃce, impeached, rejected when they sought reelection, or decided to step aside rather than face voter rebuke. Those who survived that winnowing process were three: Franklin D. Roosevelt, Dwight D. Eisenhower, and Ronald Reagan. That is one realistic measure of the real presidency. Many studies on presidential power rely on imaginary and idealistic qualities. It is unfortunate that so much scholarly guidance came from the works of Schlesinger, Commager, Rossiter, and Neustadt, who looked less to evidence than their own personal and idiosyncratic fancies. The fault is not merely in the deﬁciencies of their research but in the willingness of the academic profession to tolerate their work for such a long time and to extend repeated and undeserved praise. Some contemporary scholars continue to attribute to the presidency highly romantic qualities of integrity, honesty, and competence rarely seen in those who sit in the Oval Oﬃce.

#### Ideas of presidential power are vastly overestimated – especially for Obama

Alan Greenblatt, reporter, 3-12-2013, “Why Obama (And Any President) Fails To Meet Expectations” NPR, http://www.npr.org/blogs/itsallpolitics/2013/03/12/174104878/why-obama-and-any-president-fails-to-meet-expectations

"Expectations tend to be wildly unrealistic," says Thomas Mann, a senior fellow at the Brookings Institution. "Presidents can be important, but their scope for solving problems that are the source of substantial disagreement [is] exceedingly limited within our constitutional system."¶ Given the constraints of divided government and the current polarized landscape, not many presidents would be able to accomplish more than Obama has, says Lara Brown, a political scientist at Pennsylvania's Villanova University.¶ Still, all presidents are dealt tough cards. Obama has not always played his well, Brown argues, because he tends to promise more than he can deliver and then attempt to lay the blame elsewhere, typically on congressional Republicans.¶ "I don't imagine history will forgive him for his self-constructed victimhood to the House GOP," she says. "Successful leaders control the political definition of their actions."¶ Majesty Of The Office¶ Walk into an elementary-school classroom, and chances are still pretty good that you'll see miniportraits of all of the presidents lining the wall.¶ Schoolchildren, however, are not taught the names of Thomas B. Reed or Nelson W. Aldrich or any other bygone congressional leaders.¶ "My 6-year-old daughter, when she was asked what she would do as president, said she'd lower taxes and bring peace to the world," says Jack Pitney, a government professor at Claremont McKenna College in California. "That's the way children think of the world — that presidents actually do these things."¶ That sense of the majesty and centrality of the presidency tends to stay with Americans as adults. Books such as The Age of Reagan and The Age of Jackson argue through their very titles that presidents can dominate and define their eras.¶ "The modern presidency is in fact that notion that the president is in some sense front and center," says Bill Connelly, a political scientist at Washington and Lee University in Virginia.¶ Less Potential To Persuade¶ But in order to achieve great things, a president has to bend Congress and the country to his will.¶ "It's tough governing," says Mann, the Brookings scholar. "It's especially tough now, given the differences between the parties."¶ Mann faults congressional Republicans for being unyielding. He notes that many 1960s-era members of the GOP were willing to support Lyndon B. Johnson's civil rights agenda. Conversely, conservative Democrats backed Ronald Reagan's tax cuts in 1981, even as their party controlled the House.¶ But liberal Republicans and conservative Democrats are few and far between these days. Old-fashioned aisle-crossing seldom happens, making life difficult for a president facing a divided Congress.¶ In addition, the public has become more polarized. As with other recent presidents, Obama is disliked and distrusted by roughly half the public.¶ "If you're looking at half the population that disagrees with you already, it's not like the president can put pressure on Congress by making people agree with him," says Eshbaugh-Soha of the University of North Texas. "If a president once had real potential to influence the public through speeches, that really isn't possible anymore."

#### Plan locks in presidential power – prevents Congress or the courts from undermining the president

Robert Chesney et al, Professor at the University of Texas School of Law, nonresident senior fellow at the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, and cofounder of Lawfare, (Other authors – Jack Goldsmith, Henry L. Shattuck Professor of Law at Harvard Law School, member of the Hoover Institution’s Jean Perkins Task Force on National Security and Law, former assistant attorney general of the Office of Legal Counsel, Matthew C. Waxman, Professor of Law at Columbia Law School, adjunct senior fellow at the Council on Foreign Relations, member of the Hoover Institution’s Jean Perkins Task Force on National Security and Law, and formerly served in senior positions at the State Department, Defense Department, and National Security Council, and Benjamin Wittes, Senior Fellow in Governance Studies at the Brookings Institution, member of the Hoover Institution’s Jean Perkins Task Force on National Security and Law, and editor-in-chief of Lawfare), 2013, “A Statutory Framework for Next-Generation Terrorist Threats,” http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf

Second, presidential action based on statutory authority has more political and legal legitimacy than action based on Article II alone. Article II actions leave the president without overt political support of Congress, which can later snipe at his decisions, or take actions to undermine them. We saw this happen, for example, in response to many of the Bush administration’s unilateral assertions of authority, and also to some degree in response to President Obama’s unilateral assertion of authority in Libya. This is a problem that grows with reliance on Article II over time. Also, of course, any subsequent judicial review of the president’s use of force is more likely to be upheld if supported by Congress.

#### Makes this offense against the CP

#### Pres power decline inevitable – self-limiting and public checks the executive [gender modified]

Gregory S. McNeal, Associate Professor of law at Pepperdine University School of Law, 3-5-2013, “Targeted Killing and Accountability,” Georgetown law Journal, SSRN

However, none of the examples described answer the question of secrecy and how it can stifle political accountability. Just as secrecy has the potential to hinder accountability, it may also undermine executive power by damaging executive branch credibility. While some arguments can be made to suggest that the executive branch has too great an ability to hide relevant information from courts or the legislature, few have recognized the credibility costs associated with such decisions. 474 One scholarly attempt to describe the credibility problem is the agency approach adopted by Posner and Vermeule, they write: The president is the agent and the public is the principal. The public cares about national security but also cares about civil liberties and the well-being of potential targets of the war on terror; its optimal policy trades off these factors. However, the public cannot directly choose the policy; instead, it delegates that power to the government and, in particular, the president. The president knows the range of options available, their likely effects, their expected costs and benefits—thanks to the resources and expertise of the executive branch—and so, if he is well-motivated, he will choose the best measures available.475 Understanding the political accountability challenge in this way has a lot of explanatory purchase. It demonstrates that the president requires credibility to act, and to signal his commitment to what the public is interested in, he will need to choose the best measures available to maintain their support. Stated differently, no “president can accomplish his [or her] goals if the public does not trust him [or her]. This concern with reputation may put a far greater check on the president’s actions than do the reactions of the other branches.” 476 Therefore, choosing the best targeted killing measures is a form of self- binding,477 and exposing information about those measures may come through selective leaks about the targeted killing process,478 greater transparency through speeches,479 or demonstrated successes.480

#### Their link misses the boat – the plan makes pres powers effective – explicit congressional authorization is key to freeing the executive from second-guessing and hesitation [gender modified]

Graham Cronogue, JD from Duke University School of Law, 2012, “A New AUMF: Defining Combatants in the War on Terror,” Duke Journal of Comparative and International Law, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil

Though the President’s inherent authority to act in times of emergency and war can arguably make congressional authorization of force unnecessary, it is extremely important for the conflict against al-Qaeda and its allies. First, as seen above, the existence of a state of war or national emergency is not entirely clear and might not authorize offensive war anyway. Next, assuming that a state of war did exist, specific congressional authorization would further legitimate and guide the executive branch in the prosecution of this conflict by setting out exactly what Congress authorizes and what it does not. Finally, Congress should specifically set out what the President can and cannot do to limit his discretionary authority and prevent adding to the gloss on executive power. Even during a state of war, a congressional authorization for conflict that clearly sets out the acceptable targets and means would further legitimate the President’s actions and help guide his decision making during this new form of warfare. Under Justice Jackson’s framework from Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization.74 In this zone, the President can act quickly and decisively because s/he knows the full extent of [her or] his power.75 In contrast, the constitutionality of presidential action merely supported by a president’s inherent authority exists in the “zone of twilight.”76 Without a congressional grant of power, the President’s war actions are often of questionable constitutionality because Congress has not specifically delegated any of its own war powers to the executive.77 This problem forces the President to make complex judgments regarding the extent and scope of his inherent authority. The resulting uncertainty creates unwelcome issues of constitutionality that might hinder the President’s ability to prosecute this conflict effectively. In timesensitive and dangerous situations, where the President needs to make splitsecond decisions that could fundamentally impact American lives and safety, s/he should not have to guess at the scope of his [or her] authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. Allowing the President to understand the extent of his authority will enable him to act quickly, decisively but also constitutionally.

#### “Generic” pres power claims make no sense – depends on the person

#### Signal of Presidential weakness is already sent

Margaret Talev, White House correspondent, 5-24-2013, “Obama Sees Sunset on Sept. 11 War Powers in Drone Limits” Bloomberg, http://www.bloomberg.com/news/2013-05-24/obama-sees-sunset-on-sept-11-war-powers-in-drone-limits.html

President Barack Obama said the broad war powers Congress approved to fight al-Qaeda after the Sept. 11, 2001, attacks shouldn’t continue forever and that he’s reining in drone strikes and paving the way to close the prison at Guantanamo Bay, Cuba.¶ Enlarge image Obama Giving Military Bigger Role in Drone Program From CIA¶ Northrop Grumman personnel conduct pre-operational tests on an X-47B Unmanned Combat Air System (UCAS) demonstrator on the flight deck of the aircraft carrier USS George H.W. Bush (CVN 77) on May 13, 2013 in the Atlantic Ocean. Photographer: Kevin J. Steinberg/U.S. Navy via Getty Images¶ “In the years to come, not every collection of thugs that labels themselves al-Qaeda will pose a credible threat to the United States,” the president said in an hour-long address yesterday at National Defense University in Washington.¶ “Unless we discipline our thinking, our definitions, our actions, we may be drawn into more wars we don’t need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states,” Obama said. “This war, like all wars, must end. That’s what history advises. That’s what our democracy demands.”¶ The president’s speech was months in the works and came a day after he signed a classified document shared with key members of Congress containing details of the changes.¶ While calling the U.S. drone campaign justified and legal, Obama said he was tightening the rules governing who can be targeted in the strikes by unmanned aircraft.¶ The U.S. military, instead of the Central Intelligence Agency, will be the lead authority for drone strikes, administration officials said. Obama said he will work with Congress on how to add scrutiny to a largely secret program.¶ Guantanamo Transfers¶ The president said he’ll also ask Congress to lift restrictions on transferring Guantanamo detainees to other countries and lift a moratorium on transfers to Yemen. The Yemeni government issued a statement saying it “welcomes” Obama’s decision and will work with detainees on “their gradual rehabilitation and integration back into society.”¶ Obama sought to address years of criticism about U.S. counterterrorism policy from Congress, human rights groups and the international community. His speech came as Congress is reviewing the authorization of military force that stemmed from the Sept. 11, 2001, attacks, and amid concerns that other countries are pursuing drone technology.¶ His remarks were punctuated by an exchange with a heckler who, before she was ultimately removed, demanded the release of Guantanamo detainees and compensation for “innocent families.” Obama said that while he disagreed with much of what the woman said, she was “worth paying attention to” if only because “these are tough issues and the suggestion that we can gloss over them is wrong.”¶ ‘Different Way’¶ Harold Koh, a Yale Law professor and former State Department adviser who has defended the use of drone strikes, said it was “a very important speech in terms of saying I’m not doing this the Bush way, I’m doing this a different way.”¶ More than four years into his presidency, Obama has now “clearly opted for what I’d call exit strategy, over perpetual war, and that is a very big change from the last administration.”¶ Republican lawmakers reacted with resistance on several fronts, from winding down the authorization of military force, to sending detainees back to Yemen or releasing cleared detainees, to closing Guantanamo.¶ “We’re in a war that’s not winding down,” said Senator Lindsey Graham of South Carolina. “The enemy is morphing. It is spreading.”¶ Military’s Role¶ Retired U.S. Army General Colin Powell said Obama is right to shift greater responsibility for the drone program to the military from the CIA and define the limits on their use.¶ “The application of states’ military force should be done by the military leaders in the Department of Defense,” Powell said on Bloomberg Television’s “Political Capital with Al Hunt,” airing this weekend.¶ Powell, who served as secretary of state in President George W. Bush’s administration, said the U.S. needs a policy for the use of drone strikes that sets out the responsibilities of the president as well as the role of Congress.¶ Human rights activists who are challenging the legality of drone strikes and calling for the closing of Guantanamo reacted with qualified praise to the president’s speech. Obama should have acted sooner, they said, and too many details remain secret or have yet to be decided.¶ “President Obama’s efforts to repair his legacy in the eyes of future historians will require that he continue to double down, if he is to fully restore this nation’s standing at home and abroad,” Anthony D. Romero, executive director of the American Civil Liberties Union, said in a statement.¶ Drone Disclosure¶ On the eve of Obama’s remarks, his administration for the first time acknowledged that U.S. drone strikes overseas have killed four U.S. citizens, in Pakistan and Yemen, including al-Qaeda propagandist Anwar Al-Awlaki in Yemen in September 2011.¶ Obama said he declassified the information “to facilitate transparency and debate on this issue.” While it would be unconstitutional to kill any U.S. citizen without due process, he said, the circumstances of a citizen waging war against America changes the calculation.¶ In that case, “citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a SWAT team,” Obama said.¶ He also said no armed drones should be deployed over U.S. soil, and that drones should be used only when a target can’t be captured and when there is an imminent threat.¶ ‘Legal Review’¶ Christopher Swift, a national security professor at Georgetown University, said giving the Defense Department the lead instead of the CIA will “harmonize our U.S. drone operations with the longstanding laws and customs of war.”¶ That, along with narrowing who can be targeted, suggests Obama won’t use drones “as expansively as they’ve used it on a wide variety of targets in Pakistan,” he said.¶ “It puts these operations into a system of legal review,” Swift said, and “changes the cultural framework and institutional framework.”¶ The New America Foundation, a Washington policy group that maintains a database of reported CIA drone strikes in Pakistan and Yemen, said drone operations peaked in Pakistan in 2010, and in Yemen in 2012, and were now on the decline in both countries. The group, using news reports, estimates CIA drones have killed between 2,780 and 4,421 militants and civilians since 2004.¶ Obama made clear that the use of drones won’t end. It’s “not possible for America to simply deploy a team of special forces to capture every terrorist,” he said.¶ Guantanamo Pledge¶ The address also came weeks after Obama renewed his 2009 pledge to close the prison at Guantanamo, in the face of objections from Congress, and as a hunger strike at the facility has led to the force-feeding of 30 prisoners.¶ U.S. policy has long preferred the capture and prosecution of suspected terrorists, whether in U.S. civilian courts or by a military tribunal.¶ “The glaring exception to this time-tested approach is the detention center at Guantanamo Bay,” he said.¶ Obama said he is directing the Defense Department to designate a U.S. site where trials by military commissions can be held. He again urged lawmakers to allow the closing of the Guantanamo prison.¶ “There is no justification beyond politics for Congress to prevent us from closing a facility that should never have been opened,” he said.

#### Their card says can’t solve signal

#### Their card just says that we need targ killing not about sig strikes – Johnston says decap sufficient – still could use in case of war

#### Still retain use of troops

## Politics

### 2AC

#### Obama won’t push and Reid blocks

Kimberley A. Strassel, political columnist, 2-6-2014, “How Politics May Sink Trade Deals,” WSJ, http://online.wsj.com/news/articles/SB10001424052702303496804579367084197445494?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303496804579367084197445494.html

Picture a little boat, christened the USS T.R., trawling out to fair seas, in search of the biggest trade deals the U.S. has seen in decades. Picture its busy deckhands, netting bonanza pacts with Pacific Rim nations and with Europe to create the world's largest free-trade zones and provide a huge stimulus to the U.S. economy. Then picture the craft, as it happily motors home, getting swamped by a perfect anti-trade storm.¶ Hitting from the north is the polar vortex known as Barack Obama. The grown-ups keep telling this leader of the free world that trade is what responsible presidents do, and so Mr. Obama does his impression of responsible.¶ He sent out Michael Froman, the United States Trade Representative, to do the deals. He sent out Jay Carney to say this is a "priority." He sent himself out to call for TPA—trade promotion authority—which would allow Congress to fast-track the Europe and trans-Pacific pacts.¶ Yet the iron rule of Washington is that TPA votes only succeed via ferocious and sustained White House lobbying. President George W. Bush spent two years speechifying, mobilizing, horse-trading, and unleashing his assembled business and administrative host on Congress to get TPA. "You couldn't walk down the hall to the bathroom without bumping into a Bush cabinet member or staffer demanding to talk about trade," reminisces one current GOP staffer. "And if you didn't, they'd follow you in." With all this, the House vote in July 2002 to pass TPA was 215-212.¶ Hurricane Obama has ambitions but not about trade. He is aiming to win the midterm election, and that means keeping the left flank happy. Union heavyweights have vowed a grass-roots assault on the trade deals, with enviros in tow. Mr. Obama only wants a trade victory if he doesn't have to commit political capital and upset his base. Since he'd have to do both to win TPA, he's doing little. Congressional pro-traders report no real trade push from the White House. They say Mr. Obama has so far limited himself to working this, ahem, behind the scenes. Not to worry, he keeps telling them. He's making a few calls.¶ One call that apparently hasn't gone out is to Typhoon Harry Reid, who has already announced that Mr. Obama's call for TPA is dead. The Senate Majority leader has a priority that far outranks job-creating trade deals, and it is called staying Majority Leader. He spends 99.999989% of his time protecting his vulnerable members from tough situations, and the thought of TPA makes his few nerve endings go numb.¶ A TPA vote would put the responsibility spotlight on Senate Democrats, who would have to vote with their president and infuriate their grass roots and unions, or vote against their president and infuriate business leaders and trading partners. And that's on top of ObamaCare. Mr. Reid will not be moved to change his mind on TPA, unless absolutely forced by the White House, or pressured by some alternative source of leadership in the Democratic Senate.¶ Which brings us to the Rogue Wave Ron Wyden, the liberal senator from Oregon. The White House and GOP trade proponents had been banking on some forceful trade support from Senate Finance Chairman Max Baucus, who only last month co-wrote TPA legislation with Republican Orrin Hatch. Yet Mr. Baucus was confirmed on Thursday as ambassador to China, and his expected replacement on the Finance Committee is Mr. Wyden. Since it is Mr. Reid who makes the "expected" real, he's already been dictating to Mr. Wyden a list of Finance Committee priorities. They do include Mr. Reid's desire for a juicy bill renewing tax breaks. The list does not include TPA.¶ Not that Mr. Wyden would be inclined to follow in Mr. Baucus's footsteps. Oregon is a big export state, but Mr. Wyden covets the Finance Committee for his own priorities—Medicare reform, maybe tax overhaul—and is loath to spend initial capital on a controversial trade bill. He spent this week complaining about "secrecy" in trade deals, debuting the first of the many excuses he'll have for keeping TPA on ice.¶ The House Republicans who Mr. Obama says never want to work with him are meantime aching to work with him. House Ways and Means Chairman Dave Camp has been slowly building support for TPA within his conference. But Speaker John Boehner won't force a vote unless Mr. Obama can guarantee the Senate. And should Mr. Obama agree to lard up trade deals with union and green protections to win his liberals he'll lose GOP votes.

#### Reid blocks

Eric Bradner, and Manu Raju, political analyst, 1-29-2014, “Harry Reid rejects President Obama’s trade push,” Politico, http://www.politico.com/story/2014/01/harry-reid-barack-obama-trade-deals-102819.html

President Barack Obama’s push for the two largest free trade deals in U.S. history has hit a major roadblock: Senate Majority Leader Harry Reid.¶ The Nevada Democrat said he opposes a bill that would fast-track the Pacific Rim and European Union pacts through Congress with limited debate and no amendments – which the White House says is crucial to gaining concessions from other countries to finalize those deals.¶ Reid made it abundantly clear that he has voiced his concerns to Obama’s administration, as well as the outgoing chairman of the Senate Finance Committee, Max Baucus (D-Mont.), and his replacement, Ron Wyden (D-Ore.), who would take the lead on the issue once Baucus departs to become U.S. ambassador to China.¶ “Everyone knows how I feel about this,” Reid said just off the Senate floor. “Sen. Baucus knows. Sen. Wyden knows. The White House knows. Everyone would be well-advised to not push this right now.”¶ A White House official said Reid’s opposition to the trade bill didn’t come as a surprise.¶ “Leader Reid has always been clear on his position on this particular issue,” the official said. “As the president said last night, he will continue to work to enact bipartisan trade promotion authority to protect our workers and environment and open markets to new goods stamped ‘Made in the USA,’ and we will not cede this important opportunity for American workers and businesses to our competitors.”¶ The majority leader’s position essentially kills the president’s trade push this Congress, given that Reid controls the floor schedule and leads a caucus filled with members worried that such deals would harm labor and environmental protections and siphon away U.S. jobs.

#### PC is a myth

Norm Ornstein, PhD in political science and resident scholar at the American Enterprise Institute, 5-16-2013, “The Myth of Presidential Leadership” http://www.nationaljournal.com/columns/washington-inside-out/the-myth-of-presidential-leadership-20130508

No one defined the agenda or negotiated more brilliantly than Reagan. Did he “work his will”? On almost every major issue, he had to make major compromises with Democrats, including five straight years with significant tax increases. But he was able to do it—as he was able to achieve a breakthrough on tax reform—because he had key Democrats willing to work with him and find those compromises. For Obama, we knew from the get-go that he had no Republicans willing to work with him. As Robert Draper pointed out in his book Do Not Ask What Good We Do, key GOP leaders such as Eric Cantor and Paul Ryan determined on inauguration eve in January 2009 that they would work to keep Obama and his congressional Democratic allies from getting any Republican votes for any of his priorities or initiatives. Schmoozing was not going to change that. Nor would arm-twisting. On the gun-control vote in the Senate, the press has focused on the four apostate Democrats who voted against the Manchin-Toomey plan, and the unwillingness of the White House to play hardball with Democrat Mark Begich of Alaska. But even if Obama had bludgeoned Begich and his three colleagues to vote for the plan, the Democrats would still have fallen short of the 60 votes that are now the routine hurdle in the Senate—because 41 of 45 Republicans voted no. And as Sen. Pat Toomey, R-Pa., has said, several did so just to deny Obama a victory.

#### Obama’s done

PBS, 1-2-2014, “Examining Obama's options to push his agenda in 2014,” http://www.pbs.org/newshour/bb/white\_house/jan-june14/yearahead\_01-02.html

Mr. Obama finished 2013 with his job approval rating near an all-time low, following the botched rollout of the health care law. What are the prospects for a turnaround in 2014? ¶ We consider that question with Susan Page, Washington bureau chief for USA Today, and Jerry Seib, Washington bureau chief for The Wall Street Journal.¶ Welcome to you both. ¶ GERALD SEIB, The Wall Street Journal: Thank you. ¶ SUSAN PAGE, USA Today: Good to be with you.¶ RELATED INFORMATION¶ Shields and Gerson on the political lessons of 2013¶ JUDY WOODRUFF: So, Susan, just what shape is the president in as he begins this new year?¶ SUSAN PAGE: Well, I think he's in pretty sorry shape and it's bad news for him, because the first year of your second term is really the opportunity you have to get things launched if you are going to get new legislative proposals through. ¶ You have just got a little bit of window there before campaign politics starts to take over again. And much that time is gone. He still has got a little time left, a little time next year in the early part of the year. But this year has been quite a disappointing one for the White House and it leaves him with some real vulnerabilities.

#### Winners win

Michael Hirsh, chief correspondent for National Journal, 2-7-2013, “There’s No Such Thing as Political Capital,” National Journal, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

In terms of Obama’s second-term agenda, what all these shifting tides of momentum and political calculation mean is this: Anything goes. Obama has no more elections to win, and he needs to worry only about the support he will have in the House and Senate after 2014. But if he picks issues that the country’s mood will support—such as, perhaps, immigration reform and gun control—there is no reason to think he can’t win far more victories than any of the careful calculators of political capital now believe is possible, including battles over tax reform and deficit reduction. Amid today’s atmosphere of Republican self-doubt, a new, more mature Obama seems to be emerging, one who has his agenda clearly in mind and will ride the mood of the country more adroitly. If he can get some early wins—as he already has, apparently, on the fiscal cliff and the upper-income tax increase—that will create momentum, and one win may well lead to others. “Winning wins.”

#### No other trade deals

#### We control best il to trade

#### No impact to heg

Christopher J. Fettweis, Department of Political Science, Tulane University, 9-26-2011, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

# 1AR

# 1AR

## Grab Bag CP

### AT: I-Law Net Ben

#### B) Incentives – The affirmative should be viewed as a tax which tries to funnel the use of force into zones of armed conflict by making it less restricted there

Goodman 10, Law Prof at NYU

(Ryan, CONTROLLING THE RECOURSE TO WAR BY MODIFYING JUS IN BELLO, http://ssrn.com/abstract=1666198)

This essay explores a series of developments that threaten to erode the grand design of separating jus ad bellum and jus in bello. As explained at the outset, to gain a complete understanding of such threats it is necessary to study not only the rules concerning the legality of the use of force. It is also necessary to study relationships with the global order concerning the justness and legitimacy of resorting to force. This essay thus examines a range of cases in which judicial bodies and other institutions have modified the rules in bello through schemes that tax or penalize particular uses of force and subsidize or reward other ones. The forms of forcible measures thus affected include humanitarian intervention, actions pursuant to a responsibility to protect, ‘wars of choice’ as opposed to wars of necessity, actions authorized by the UN Security Council, and peacekeeping operations. As I have argued throughout, tailoring jus in bello to encourage or discourage these various paths to war effectively raises the same types of concerns as conventional threats to the separation principle. That said, this essay does not purport to provide a complete understanding of the implications of these erosions of the separation principle. I have not attempted to examine, for example, the overall implications of holding humanitarian interveners to a higher standard. The main focus of this essay, instead, is to cover areas that have received insufficient attention by practitioners and scholars. That is, I have attempted to identify inter-related threats to the separation principle and to examine their consequence for the prevalence of war as well as for mechanisms of compliance with jus in bello. Many of these effects have been largely overlooked by the institutions that have challenged the separation principle. This essay ultimately calls for those institutions and supporters of these schemes to reckon with the dangerous, even if unintended, consequences of such approaches.

### AT: No UN

#### ‘Framing issue – they have only read defense to the net benefit and have not made a coherent solvency deficit to the counterplan – that means any risk is sufficient to vote negative. Net benefit outweighs and turns the case – Eroding the separation principle increases global risks of miscalculation, escalation, and warfare

Goodman 10, Law Prof at NYU

(Ryan, CONTROLLING THE RECOURSE TO WAR BY MODIFYING JUS IN BELLO, http://ssrn.com/abstract=1666198)

Second, Type II schemes for eroding the separation principle may also make the very use of force more likely. Consider the situation of a state that is not necessarily determined to resort to force and its decision turns in part on the expected costs of compliance and oversight of its conduct during warfare. With the Type II schemes, the Security Council now provides a unique opportunity to reduce those costs. Such states may, as a result, be more likely to threaten or use force to address an international dispute. That is, the scheme may lower the cost and thus increase the likelihood and frequency of brinkmanship, escalatory actions, and eventually war.

### AT: MPX

#### Non falsifiable

#### Justifications not key

#### Farley

#### Royal

**International law has no force at all**

Michael Stokes **Paulsen**, Distinguished University Chair and Professor of Law, The University of St.Thomas School of Law, **2009**, Yale Law Journal – The Constitutional Power to Interpret International Law, June 2009

To summarize the argument so far: **the Constitution mandates as a matter of U.S. domestic law the supremacy of the Constitution over international law in all respects**. No norm, rule, principle, or command of the legal regime of "international law" in conflict with the Constitution's vesting of U.S. powers or recognition of individual or group rights can be given effect, as a matter of U.S. law. And **even where international law is not in conflict with the Constitution**, but actually embraced within the Constitution's terms**, the Constitution's provisions maintain the supremacy of U.S. law over international law**. The Constitution's assignment of powers makes every aspect of international law subject to being overridden by Congress, the President, or the courts. **The force of international law is thus largely an illusion**. Once the fog has lifted, international law as it concerns the United States - treaties of the United States, executive agreements, customary international law norms and practices - can be seen as largely a matter of international politics and policy, not binding "law," at least not in the sense in which law is usually understood. **It is international relations or international politics dressed up as law**. It may be highly relevant in that sense - that is, as a rhetorical, political trope - **but it is essentially irrelevant as law**. To misquote Clausewitz once again, international law is simply the continuation of international politics by other means.

## PTX

### UQ

**Opposition is not definitive --- political capital overcomes uniqueness deficit and changes can be made for Reid to allow a vote and allow it to pass**

**Economist, 2/8** (“When Harry mugged Barry; Harry Reid threatens to impoverish the world by at least $600 billion a year,” 2/8/2014, <http://www.economist.com/news/united-states/21595958-harry-reid-threatens-impoverish-world-least-600-billion-year-when-harry>))

IN HIS state-of-the-union address Barack **Obama asked Congress to give him “fast-track” authority** to negotiate trade deals. Shortly afterwards **his most important ally on Capitol Hill hinted that he might block it**. As Senate majority leader, Harry Reid can do just that: no bill gets a vote without his say-so. But **would he really stiff** Mr **Obama? Much depends on the answer.**

Studies suggest that proposed deals with Asia and Europe could generate global gains of $600 billion a year, with $200 billion of that going to America. And that understates the benefits, since the deals would spur competition in the market for services, which make up most of rich countries’ output but are seldom traded across borders. Opening industries like finance and transport to greater competition could bring great savings to consumers.

Mr Obama has never been an ardent free-trader, yet his second term got off to a promising start. The Trans-Pacific Partnership, a deal with large Pacific-rim economies, is close to completion; America and Japan are hammering out the rules for farm goods. European and American trade wonks continue to meet regularly, hoping to wrap up a “next-generation” trade agreement as early as next year.

To make all this happen Mr Obama needs “trade promotion authority” (usually known as “fast-track”), which would let him negotiate deals and then present them to Congress for a simple yes-or-no vote, with no chance for lawmakers to rewrite the details. Without such authority, America’s trading partners cannot take the White House seriously as a negotiator. Fast-track was last granted to George W. Bush in 2002 and expired in 2007. **Since Republicans are generally pro-trade and Democrats are generally loyal to** Mr **Obama, most people in Washington at first assumed that Congress would give it to him without a fuss**.

But **with elections looming and lawmakers in a populist mood, that is far from certain**. Late last year roughly half the members of the House wrote to Mr Obama declaring their opposition to fast-track; most were from his own party. In early January a bipartisan group of senators introduced a fast-track bill. Mr Obama spoke up for it in his state-of-the-union address, but only in passing and in mercantilist terms. The aim is “to protect our workers, protect our environment and open new markets to new goods stamped ‘Made in the USA’,” he said; without mentioning that cheap imports raise living standards.

Barely had he left the podium when Mr Reid mugged him. Answering questions from reporters, he reiterated his opposition to fast-track and advised its backers “not [to] push this right now”. **Insiders doubt that Mr Reid would kill the bill outright. Haggling in the Senate may yield a new version with enough about labour standards and the environment to satisfy the protectionists. If so**, Mr **Reid will probably allow a vote, and the bill should pass. The White House remains publicly optimistic**.

Yet damage is already being done. Michael Froman, Mr Obama’s trade representative, says negotiations have not been affected by the politicking in Washington. However, even if Mr Reid’s rebellion was partly for show (his seat is at risk in 2016), it still worries America’s trade partners. Shinzo Abe, Japan’s prime minister, may be reluctant to offend voters at home for the sake of a trade deal that America’s legislators might promptly torpedo. Similarly, the French, who have been a constant pain in talks between America and Europe, could argue that since America’s leaders seem determined to attach conditions to a fast-track bill, France’s demands for carve-outs deserve consideration, too.

At home meanwhile, Democratic opposition could harden. Some lawmakers may see an opportunity to put daylight between themselves and their Republican foes ahead of November’s elections. With corporate profits looking healthy and wages still stagnant almost five years into the recovery, some may be tempted to portray Republican backing for free trade as support for fat-cat corporations.

Mr **Reid’s surprise rebuke suggests that** Mr **Obama needs to communicate better with his allies. And if he wishes to prevent two of the most promising trade deals in a decade from unravelling, he will need to make a far more full-throated case for the benefits of free exchange**.

### PC Not True

#### Poli Sci prove institutional constraints trump

Lawrence **Jacobs** **and** Desmond **King** 10, University of Minnesota, Nuffield College, 8-**2010** “Varieties of Obamaism: Structure, Agency, and the Obama Presidency,” Perspectives on Politics, 793-802

But personality is not a solid foundation for a persuasive explanation of presidential impact and the shortfalls or accomplishments of Obama's presidency. Modern **presidents** have brought divergent individual traits to their jobs and yet they have **routinely failed to enact much of their agendas.** Preeminent **policy goals of** Bill **Clinton** (health reform) **and** George W. **Bush** (Social Security privatization) **met the same fate**, though these presidents' personalities vary widely. And presidents like Jimmy **Carter**—whose personality traits have been criticized as ill-suited for effective leadership—**enjoyed comparable** or stronger **success** in Congress **than** presidents lauded for their personal knack for leadership—from Lyndon Johnson to Ronald **Reagan**.7 Indeed, a personalistic account provides little leverage for explaining the disparities in Obama's record—for example why he succeeded legislatively in restructuring health care and higher education, failed in other areas, and often accommodated stakeholders. Decades of rigorous research find that **impersonal, structural forces offer the most compelling explanations for presidential impact**.8 Quantitative research that compares legislative success and presidential personality finds no overall relationship.9 In his magisterial qualitative and historical study, Stephen Skowronek reveals that **institutional dynamics and ideological commitments structure presidential choice and success in ways that trump the personal predilections of individual presidents**.10 Findings point to the predominant influence on presidential legislative success of the ideological and partisan composition of Congress, entrenched interests, identities, and institutional design, and a constitutional order that invites multiple and competing lines of authority. **The** widespread **presumption**, then, **that Obama's** personal traits or **leadership** style **account for** the **obstacles** to his policy proposals **is called into question** by a generation of scholarship on the presidency. Indeed, the presumption is not simply problematic analytically, but practically as well. For the misdiagnosis of the source of presidential weakness may, paradoxically, induce failure by distracting the White House from strategies and tactics where presidents can make a difference. Following a meeting with Obama shortly after Brown's win, one Democratic senator lamented the White House's delusion that a presidential sales pitch will pass health reform—“**Just declaring that he's still for it doesn't mean that it comes off life support**.”11 **Although Obama's re-engagement** after the Brown victory **did contribute to restarting reform**, the senator's **comment points to the importance of ideological and partisan coalitions in Congress, organizational combat, institutional roadblocks, and anticipated voter reactions. Presidential sales pitches go only so far**.

#### 8% chance of the internal link

Matthew **Beckmann** **and** Vimal **Kumar 11,** Associate Professor of Political Science at UC Irvine, econ prof at the Indian Institute of Tech, “Opportunism in Polarization”, Presidential Studies Quarterly; Sep **2011**; 41, 3

The final important piece **in our theoretical model**—presidents' **political capital**—also **finds support** in these analyses, though the results here are less reliable. **Presidents** **operating under** the specter of **strong economy and high approval ratings** get an important, albeit moderate, **increase** in **their chances** **for prevailing** on “key” Senate roll-call votes (b = .10, se = .06, p < .10). Figure 4 displays the substantive implications of these results in the context of polarization, showing that **going from the lower third of political capital to the upper third increases presidents' chances** for success **by 8** percentage **points** (in a setting like 2008). Thus, **political capital's impact does provide an important boost to presidents' success** on Capitol Hill, **but it is certainly not potent enough to overcome basic congressional realities**. **Political capital is just strong enough to put a presidential thumb on the** congressional **scales**, **which often will not matter**, but can in close cases.

### AT: Heg

#### No transition crisis – powers integrate, they don’t challenge.

John Ikenberry, Albert G. Milbank Professor of Politics and International Affairs at Princeton, Summer 2011, “A World of Our Making,” Democracy, Issue #21, http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=2

Fourth, all the great powers have alignments of interests that will continue to bring them together to negotiate and cooperate over the management of the system. All the great powers—old and rising—are status-quo powers. All are beneficiaries of an open world economy and the various services that the liberal international order provides for capitalist trading states. All worry about religious radicalism and failed states. Great powers such as Russia and China do have different geopolitical interests in various key trouble spots, such as Iran and South Asia, and so disagreement and noncooperation over sanctions relating to nonproliferation and other security issues will not disappear. But the opportunities for managing differences with frameworks of great-power cooperation exist and will grow. Overall, the forces for continuity are formidable. Of course, there are many forces operating in the world that can generate upheaval and discontinuity. The collapse of the global financial system and an economic depression that triggers massive protectionism are possibilities. Terrorism and other forms of transnational violence can also trigger political panic and turmoil that would lead governments to shut down borders and reimpose restrictions on the movement of goods and people. But in the face of these seismic events in world politics, there are deep forces that keep the system anchored and stable.