# 1NC

## First

#### The logic of the affirmative asks how war should be waged rather than if war should be waged at all—their methods only spark temporary interest in the military-industrial complex—it leads to free reign of the mentality of constant war

Lichterman 3

[Andrew, Program Director of the Western States Legal Foundation, Missiles of Empire: America’s 21st Century Global Legions, WSLF Information Bulletin, Fall 2003, http://www.wslfweb.org/nukes.htm]

Criticizing the Hubcaps while the Juggernaut Rolls On The U.S. military-industrial complex today is so immense as to defy comprehension. Even those few paying attention tend to focus on one small piece at a time. One month it may be proposals for nuclear weapons with certain new capabilities. Then the attention may shift to missile defense– but there too, only a small part of the program attracts public debate, with immense programs like the airborne laser proceeding almost invisibly. Proposals for the intensive militarization of space like the Space Plane come to light for a day or two, attracting a brief flurry of interest; the continuing, broad development of military space technologies, from GPS-aided guidance to radiation hardened microchips to space power generation, draw even less scrutiny. There is so broad a consensus among political elites supporting the constant refinement of conventional armaments that new generations of strike aircraft, Navy ships, and armored vehicles attract little notice outside industry and professional circles, with only spectacular cost overruns or technical failures likely to draw the occasional headline. A few Congresspeople will challenge one or another particularly extreme new weapon (e.g. the “Robust Nuclear Earth Penetrator”), but usually on narrow pragmatic grounds: we can accomplish the same “mission” with less risky or cheaper weapons. But the question of “why,” seldom is asked, only “how,” or “how much does it cost?” Most of the programs that constitute the military machine glide silently onward undisturbed, like the body of a missile submarine invisible below the deceptively small surfaces that rise above the sea. The United States emerged after both World War II and the Cold War as the most powerful state on earth-- the one with the most choices. The first time, all of this was still new. We could perhaps understand our ever deeper engagement with the machinery of death as a series of tragic events, of the inevitable outcome of fallible humans grappling with the titanic forces they had only recently unleashed, in the context of a global confrontation layered in secrecy, ideology, and fear. But this time around, since the end of the Cold War, we must see the United States as truly choosing, with every new weapon and every new war, to lead the world into a renewed spiral towards catastrophe. The past is written, but our understanding of it changes from moment to moment. The United States began the nuclear age as the most powerful nation on earth, and proclaimed the character of the “American Century” with the bombings of Hiroshima and Nagasaki, a cryptic message written in the blood of innocents. Its meaning has come clear over fifty years of technocratic militarism, punctuated by the deaths of millions in neo-colonial warfare and underscored always by the willingness to end the world rather than share power with anyone. The path ahead still can be changed, but we must begin with an understanding of where we are, and how we got here. In the United States, there is a very long way to go before we have a debate about the uses of military force that addresses honestly the weapons we have and seek to develop, much less about the complex social forces which impel the United States to maintain its extraordinary levels of forces and armaments. Most Americans don’t know what their government is doing in their name, or why. Their government, regardless of the party in power, lies about both its means and its ends on a routine basis. And there is nothing the government lies about more than nuclear weapons, proclaiming to the world for the last decade that the United States was disassembling its nuclear facilities and leading the way to disarmament, while rebuilding its nuclear weapons plants and planning for another half century and more of nuclear dominance.74 It is clear by now that fighting violence with yet more violence, claiming to stop the spread of nuclear weapons by threatening the use of nuclear weapons, is a dead end. The very notion of “enforcement,” that some countries have the right to judge and punish others for seeking “weapons of mass destruction,” has become an excuse for war making, a cover and justification for the power and profit agenda of secretive and undemocratic elites. The only solution that will increase the security of ordinary people anywhere is for all of us, in our respective societies, to do everything we can to get the most violent elements in our cultures– whether in or out of uniform– under control. In the United States, this will require far more than changing a few faces in Washington. We will need a genuine peace movement, ready to make connections to movements for ecological balance, and for social and economic justice, and by doing so to address the causes of war. Before we can expect others to join us, it must be clear that we are leaving the path of violence.

#### Awareness of militarism key – our internalized acceptance of war guarantees endless violence that ensures planetary destruction and structural violence

Lawrence 9

[Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27]

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative is to reject the 1AC in favor of a pacifistic solution to problems.

#### The only way to solve is by adopting a pacifistic mindset—the shift away from militarism is key

Demenchonok 9

[Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49]

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the ~~paralyzing~~ fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

## Second

#### Text: The President of the United States should issue an executive order to create an intra-executive review over targeted killing orders.

#### Intra-executive drone tribunals solves-ensures accountability and prevents errors while maintaining the legitimacy of national security secrets

Crandall, 2012

[Carla, Law Clerk to the Honorable Laura Denvir Stith, Supreme Court of Missouri and the author was previously employed by the National Geospatial-Intelligence Agency, READY . . . FIRE . . . AIM! A CASE FOR APPLYING AMERICAN DUE PROCESS PRINCIPLES BEFORE ENGAGING IN DRONE STRIKES, April, 2012 Florida Journal of International Law 24 Fla. J. Int'l L. 55, Lexis] /Wyo-MB

4. CSRTs as a Framework for Governing the Use of Drones

Ultimately, then, the inquiry into whether more robust procedural protections are in order before the U.S. government engages in future drone attacks may rest on the Boumediene Court's signal that the answer depends on "whether there are suitable alternative processes in place." n176 Arguably, regarding drone strikes, these are lacking; but they do appear feasible. Indeed, in practically implementing the general principles outlined above in the context of a drone strike, the procedures of the CSRTs-foreshadowed in broad strokes by the Hamdi Court, and at least tacitly supported in Boumediene n177 -might offer a general framework under which the United States might operate in order to legitimize drone strikes.In suggesting the possibility of creating a pre-strike review tribunal, there are several threshold matters to be addressed. Most fundamentally, while it may indeed be unreasonable for a terrorist himself to appear before a tribunal to challenge his status as a legitimate drone target, it does not appear unreasonable to require the executive to develop internal procedures affording a limited parallel. For example, given that the individuals listed on the U.S. strike list are subject to unlimited military force, n178 the government arguably ought to be required to prove before a tribunal that listed persons are in fact legitimate drone targets. As with CSRTs, it appears to make imminent sense that pre-strike reviews be conducted entirely within the executive. While one "could envision a system where the judiciary would review the discretion of the attacker" n179 to launch a drone strike, such a scheme ignores the realities of the war on terror and the role of the executive in commanding wartime military operations. n180 It would not appear prudent, for example, to force the government to publicly disclose its methods and sources in submitting evidentiary proof against a particular suspect. Moreover, as noted above, the Boumediene Court arguably signaled support for an intra-executive review process related to drone targeting [\*87] methods. n181In order to ensure that the government is in fact meeting its burden of proof, however, the executive could appoint an ombudsman or personal representative with advocacy responsibilities for each potential drone target. n182 An advocacy role for such an individual-in contrast to the limited role of a CSRT Personal Representative-would be necessary in light of the absence during the proceeding of the suspect himself. To state it another way, given that the potential target would essentially be "tried" in absentia, these advocates would bear the responsibility of contesting the evidence of the government, and ensuring that the United States in fact met its burden of proving that it possessed enough evidence to warrant use of a drone against a particular individual. While this proceeding would obviously not afford the same protections as habeas review, the reality is that such review is plainly impossible if drones are to be used at all. A "drone tribunal" at least provides some level of review to correct potential errors in the target identification process.

## Third

#### Immigration reform will pass – PC is key

Lopez 1/1/14 (Oscar, Latin Times, "New Year 2014: 4 Reasons Immigration Reform Will Pass In 2014," http://www.latintimes.com/new-year-2014-4-reasons-immigration-reform-will-pass-2014-141778)

Immigration reform is set to be the key issue of 2014. Following Mitt Romney's dismal performance among Latino voters in the 2012 election, both sides of the Government woke up to the necessity for comprehensive reform on immigration. Indeed, in his State of the Union address in February, President Obama declared that “the time has come to pass comprehensive immigration reform.” Yet with the House divided over Obamacare and the budget crisis, the Government Shutdown let immigration reform die. 2014 will change that: and here are 4 Reasons Why.¶ 1. Republican Support: A fundamental lack of support from the GOP has always been one of the major obstacles for passing comprehensive reform legislation, and indeed this seemed to be the case this year after the Bill passed by the Senate was struck down by Congress. However, more and more GOP members are realizing the significance of the Latino vote and understanding that passing comprehensive immigration reform is the most significant way of securing support from Latino voters. ¶ A July poll from Latino Decisions found that immigration reform was the most important issue facing the Latino community for 60 percent of those surveyed. The poll also found that 70 percent of those questioned were dissatisfied with the job Republicans were doing on the issue. The survey also found the 39 percent would be more likely to support a Republican congressional candidate if immigration reform was passed with Republican leadership. ¶ Republican candidates have become aware of the significance of immigration reform for the party. Even in traditionally conservative Republican strongholds like Texas, candidates are turning towards immigration reform. According to Republican strategist and CNN en Español commentator Juan Hernandez, "it also wouldn’t surprise me if after the primary, the candidates move to the center and support reform. For Republicans to stay in leadership in Texas, we must properly address immigration.”¶ The March 2014 primaries will be a key moment in determining how reform progresses: Republican Strategist John Feehery suggests, “The timing on this is very important. What was stupid to do becomes smart to do a little bit later in the year.” Once the primaries are over, GOP members will have the chance to implement reform legislation without fear of challenges from the right. ¶ 2. Legalization Over Citizenship: While the Senate’s 2013 immigration reform bill was struck down by Congress, GOP party members have indicated that they will support legislation which favors legalization of undocumented immigrants over a path to citizenship.¶ Meanwhile, a recent survey from Pew Research Hispanic Trends Project demonstrated that 55 percent of Hispanic adults believe that legalizing immigrants and removing the fear of deportation is more important than a pathway to citizenship (although citizenship is still important to 89 percent of Latinos surveyed.)¶ As CBS suggests, “Numbers like these could give leverage to lawmakers who are interested in making some reforms to the legal immigration system, but not necessarily offering any kind of citizenship.”¶ If House Republicans offered legalization legislation for the undocumented community, this could put pressure on the President to compromise. And while this kind of reform would not be as comprehensive as the Senate’s bill, a bipartisan agreement would be a significant achievement towards accomplishing reform.¶ 3. Activism Steps Up: 2013 saw one of the biggest surges in grassroots activism from immigration supporters, and political leaders started to listen. The hunger strike outside the White House was a particularly significant demonstration and drew visits of solidarity from a number of leaders from both sides of Congress, including the President and First Lady.¶ Immigration reform activists have promised "we will be back in 2014." Indeed, 2014 promises to be a year of even greater activism. Activist Eliseo Medina has pledged that immigrant advocacy groups would visit “as many congressional districts as possible” in 2014 to ensure further support.¶ Protests, rallies and marchers are likely to increase in 2014, putting greater pressure on Congress to pass legislation. Such visual, vocal protests will be key in ensuring comprehensive reform.¶ 4. Leadership: As immigration reform comes to the fore, party leaders will step up in 2014 to ensure change is achieved. While President Obama has made clear his support for comprehensive reform, House Speaker John Boehner previously stated that he had “no intention” of negotiating with the Senate on their comprehensive immigration bill. ¶ However, towards the end of 2013, it seemed that Representative Boehner was changing his tune. In November, President Obama revealed that “the good news is, just this past week Speaker Boehner said that he is “hopeful we can make progress” on immigration reform.” As if to prove the point, Boehner has recently hired top aide Rebecca Tallent to work on immigration reform.¶ With bipartisan leadership firmly focused on immigration reform and party members on both sides realizing the political importance of the issue, comprehensive legislation is one thing we can be sure of in 2014.

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

**Kriner, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 **In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61 **When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Reform key to biotech leadership

Schuster 13

(Dr. Sheldon – President @ Keck Graduate Institute, “Immigration Reform Could Lead to Great Things, Including Better Science and Better Science Education” 02/17/2013, http://www.huffingtonpost.com/dr-sheldon-schuster/immigration-reform-could-\_b\_2706832.html)

These students and young researchers not only do amazing things while they're here but their ideas and their drive enhances the quality of education for all of our students and the quality of life for all of our citizens. There can be a multiplying effect to innovation when international knowledge and ideas gain their own traction in homegrown academic institutions and industries. German rocket scientists who came to work in the U.S. in the wake of World War II were not solely responsible for landing Neil Armstrong on the moon. But they were the core from which a great international community of scholars and engineers were able to take NASA to astounding heights. The input of international students teaches all of our students how to integrate ideas that may vary greatly from their own and how to approach problems from a global perspective -- two skills that are required for success in the life science industry and that we need if we are to continue to remain the world leader in the rapidly advancing biotechnologies, such as individualized human genome sequencing. Reforming our immigration system so that more young professionals like these have the option to work in the United States not only boosts the national economy and strengthens the biotech hubs here in Southern California, which are so important to my state's economy, it also improves the quality of U.S. academic institutions, and, ultimately, is likely to hasten the pace of scientific discovery and innovation. It will certainly go a long way toward keeping the U.S. and its academic institutions at the center of such discovery and innovation.

#### Biotech key to solve bioterror attacks

**Bailey 1** [Ronald, award-winning science correspondent for Reason magazine and Reason.com, where he writes a weekly science and technology column. Bailey is the author of the book Liberation Biology: The Moral and Scientific Case for the Biotech Revolution (Prometheus, 2005), and his work was featured in The Best American Science and Nature Writing 2004. In 2006, Bailey was shortlisted by the editors of Nature Biotechnology as one of the personalities who have made the "most significant contributions" to biotechnology in the last 10 years. 11/7/1, “The Best Biodefense,” Reason, <http://reason.com/archives/2001/11/07/the-best-biodefense>]

But Cipro and other antibiotics are just a small part of the arsenal that could one day soon be deployed in defending America against biowarfare. Just consider what’s in the pipeline now that could be used to protect Americans against infectious diseases, including bioterrorism. A Pharmaceutical Manufacturers and Research Association survey found 137 new medicines for infectious diseases in drug company research and development pipelines, including 19 antibiotics and 42 vaccines. With regard to anthrax, instead of having to rush a sample to a lab where it takes hours or even days to culture, biotech companies have created test strips using antibody technologies that can confirm the presence of anthrax in 15 minutes or less, allowing decontamination and treatment to begin immediately. Similar test strips are being developed for the detection of smallpox as well. The biotech company EluSys Therapeutics is working on an exciting technique which would "implement instant immunity." EluSys joins two monoclonal antibodies chemically together so that they act like biological double-sided tape. One antibody sticks to toxins, viruses, or bacteria while the other binds to human red blood cells. The red blood cells carry the pathogen or toxin to the liver for destruction and return unharmed to the normal blood circulation. In one test, the EluSys treatment reduced the viral load in monkeys one million-fold in less than an hour. The technology could be applied to a number of bioterrorist threats, such as dengue fever, Ebola and Marburg viruses, and plague. Of course, the EluSys treatment would not just be useful for responding to bioterrorist attacks, but also could treat almost any infection or poisoning. Further down the development road are technologies that could rapidly analyze a pathogen’s DNA, and then guide the rapid synthesis of drugs like the ones being developed by EluSys that can bind, or disable, segments of DNA crucial to an infectious organism's survival. Again, this technology would be a great boon for treating infectious diseases and might be a permanent deterrent to future bioterrorist attacks. Seizing Bayer’s patent now wouldn’t just cost that company and its stockholders a little bit of money (Bayer sold $1 billion in Cipro last year), but would reverberate throughout the pharmaceutical research and development industry. If governments begin to seize patents on the pretext of addressing alleged public health emergencies, the investment in research that would bring about new and effective treatments could dry up. Investors and pharmaceutical executives couldn’t justify putting $30 billion annually into already risky and uncertain research if they couldn’t be sure of earning enough profits to pay back their costs. Consider what happened during the Clinton health care fiasco, which threatened to impose price controls on prescription drugs in the early 1990s: Growth in research spending dropped off dramatically from 10 percent annually to about 2 percent per year. A far more sensible and farsighted way to protect the American public from health threats, including bioterrorism, is to encourage further pharmaceutical research by respecting drug patents. In the final analysis, America’s best biodefense is a vital and profitable pharmaceutical and biotechnology industry.

#### Extinction

Steinbrenner 97

John Steinbrenner, Senior Fellow – Brookings, Foreign Policy, 12-22-1997, Lexis  
Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens - ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use - the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit.

## Fourth

**Obama has built a solid basis for expanded Executive authority in the courts and congress – Syria continues the trend**

Gordon **Silverstein**, Assistant Dean and Lecturer in Law at Yale Law School, and author of Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics, “Obama Just Increased Executive Power—Again,” New Republic, **9/4**/2013

Bush-Cheney Administration alumni have risen from the ashes to denounce President Obama’s decision to force Congress to play its constitutional role in a decision to use military force in Syria. It is, they insist, yet another surrender of power by a feckless President presiding over the degradation of the Executive Branch itself, the empowerment of which was one of their central goals.¶ This is wrong on two dimensions: First, despite their aggressive efforts, **the Bush-Cheney administration left the Presidency weaker, and not stronger. And** second, far from degrading the power of the Executive, the **Obama** administration **has steadily, and significantly built up and exploited presidential power.¶** While it is too early to know if **Obama’s Syrian plan will continue this** trend, there are powerful reasons to think it will.¶ **The Bush-Cheney administration** famously asserted that when it came to foreign policy and national security, the President possessed nearly unlimited, autonomous, and unreviewable power. They insisted that the President could seize and hold prisoners at Guantanamo Bay; that the President alone could decide what and how much due process they were entitled to seek and that together with Congress, they could deny the independent federal courts, the third branch of government, the right to review their decisions. And they declared that the administration had the authority to redefine the meaning of torture.¶ All these **claims** and more were built on novel and poorly supported constitutional theories. **When** they were **challenged in Court, far from** enshrining the administration’s and **permanently shifting formal power to the Executive branch, these theories and claims were rejected, and** what had once been ambiguous and contested questions about **the allocation of power was settled, not by assigning it to the Executive but**, in fact, **by ruling that it belonged exclusively to Congress.¶** Jack Goldsmith, the head of the Office of Legal Counsel in the Bush-Cheney Justice Department, would later write that the administration advanced broad and unsupportable claims and arguments because “the President and Vice President wanted to leave the presidency stronger than they found it.” But, he concludes, “the approach they took achieved exactly the opposite effect. The central irony is that **people whose explicit goal was to expand presidential power have diminished it.”¶** Consider: In 2004 the Supreme Court ruled that the Executive could not independently order the detention of prisoners at Guantanamo, but could do so in this case because Congress had implicitly delegated this power to the President through the very open-ended language of the 2001 Authorization for the Use of Military Force. This was, in short, a power that now explicitly was assigned to Congress.¶ 2004 also was the year in which Goldsmith had to repudiate and withdraw a series of legal opinions his office had released—many authored by John Yoo—including the infamous memos ostensibly offering a legal rationale for the use of torture in interrogations.¶ The Bush-Cheney legal dream team failed again in 2006 in Hamdan v. Rumsfeld when the Supreme Court rejected their assertion that those same detainees could be tried by military commissions established by Executive Order. Commissions were possible, the Court ruled, but only if they were the produce of explicit congressional authorization. Another win for Congress. Another loss for fans of Executive prerogative.¶ But this dance was far from over. In Boumediene v. Bush in 2008, Justice Anthony Kennedy delivered a stinging blow to the Bush-Cheney project, ruling that prisoners at Guantanamo Bay had the right to file petitions for habeas corpus; that Congress and Congress alone could suspend habeas, but had to do so explicitly and could not simply forbid the Courts from hearing these appeals. A question that had been left in some shroud of ambiguity since Lincoln suspended the Great Writ in the Civil War was now clear: The power belongs to Congress alone.¶ John Yoo, one of the Bush-Cheney administration’s leading lawyers, realized in 2006 that the **Supreme Court would** actually **be a major barrier on their path to the constitutional fortification of Executive power.¶** After the Court handed the administration a defeat in the military commissions decision in Hamdan v. Rumsfeld, Yoo told the New York Times that the Justices were “attempting to suppress creative thinking.” The 2006 Hamdan decision, Yoo said, could undercut the entire legal edifice that had been built by the Bush lawyers.¶ What Yoo failed to acknowledge then (and fails to acknowledge even now) is that it was the Bush-Cheney overreach, their “creativity,” that had pressed even a conservative and friendly Supreme Court to undercut the administration’s claims to power, leaving the Executive weaker than it had been when Bush and Cheney walked into the White House in January 2001.¶ And Obama? While the Bush claims actually eroded and undercut Executive power which had built up steadily since World War II, it was the administration of Barack **Obama** that actually, quietly, **efficiently and with unerring focus has expanded, embedded and solidified Executive power.** And it has done so not by making “creative” constitutional claims, but instead **by steadily (and aggressively) building and exercising Executive power**—but doing so **by pressing existing statutes and judicial rulings, rather than unsupportable constitutional theories.**¶ **Turning to Congress now for formal authorization** to use military force **in Syria could** well be another example of this effort—and it may yet **have the same effect.¶** As I wrote in 2009, less than six months into the new administration, **in areas ranging from** the assertion of **the State Secrets privilege** in efforts **to** shut down lawsuits over warrantless **wiretapping and** extraordinary **rendition to** those concerning lawsuits over **detention and treatment in Guantanamo, and** the reach of habeas corpus to **Bagram** Air Force Base in Afghanistan, **Obama’s legal team was building up a far more impressive, far stronger and far more difficult to reverse set of precedents—winning in court after court—a trend that has continued ever since, including memos defending the legality of drone strikes** targeting U.S. citizens, **and** the sweeping authority for the **electronic surveillance** among many others. **Even** in their defense of **the use of force for limited strikes in Libya**, the Obama administration seemed to state that Congress must have a role in major military actions.¶ **These are aggressive claims. They are significant. They are new assertions of power—but they rest** far more squarely **on statutes, statutory interpretation and interpretations of judicial rulings than** did the military rationale offered by **Bush and Cheney**.¶ So—we have two models. The Bush-Cheney model, full of sound and fury which ultimately left the Executive branch weaker and not stronger, and the Obama model, which builds its case for executive power on the back of statutory authorization and judicial rulings.¶ And so, what are we to make of Obama’s decision to force Congress to play a role in a decision to use military force in Syria? Are the Bush apologists right? Is this—though a very difficult needle to thread—of a piece with Obama’s successful efforts to build executive power on a vastly firmer foundation than the constitutional “creativity” of the Bush legal team?¶ It may be, and here’s why:¶ Presidents in the modern era have turned to Congress for a fig-leaf of authorization before—in the 1964 Tonkin Gulf Resolution, or the 2001 Authorization for the Use of Military Force. But these were passed in the shadow of what was perceived to be a genuine emergency. There was no time for deliberation, no time to inspect the evidence. A vote for these authorizations was one that was all too easy for a regretful Congress to abandon as the wars they had ostensibly authorized dragged on and on.¶ This time there is time. Despite withering criticism from the Bush-Cheney apologists, Obama refused to call Congress back for an emergency session. Rather than giving them just hours to support the Commander in Chief in time of crisis, he has assured the nation that the military is confident that a few weeks will make no difference in our ability to achieve our military objectives.¶ A yes vote under this scenario means Congress fully shares the ownership of this policy (and its results). It means that whatever horror comes next in the Middle East, America’s policy there will be just that—America’s policy: The product of Congress acting together with the President, under the traditional rules and process laid out by the U.S. Constitution.¶ And if Congress votes no? Then we have one of two scenarios: The blame for the next atrocity, or the next deployment of chemical weapons in the Middle East or elsewhere is as much their heavy burden as it is Obama’s or, to prevent that, Congress will be compelled to actually deal with a serious policy issue and not simply vote a few dozen more times to repeal Obamacare.¶ **Turning to Congress in this fashion is** very much **in Obama’s self-interest**. But is also **in the national interest, and** quite possibly in **the best interest of those concerned about** preserving and **enhancing Executive power. Future Presidents** who will no doubt face complicated and risky security challenges, **will require the full force of a nation united behind them and** may now be more willing to **follow the precedent Obama has set**.

**There’s no middle ground-congressional action on targeted killing hampers the president’s constitutional authority to respond to security threats**

**Posner 2012**

[Eric Posner, a professor at the University of Chicago Law School, October 17th, 2012, The Drones Are Coming to Libya, <http://www.slate.com/articles/news_and_politics/view_from_chicago/2012/10/drones_attacks_in_libya_an_unprecedented_expansion_of_presidential_power.2.html>, uwyo//amp]

And **even if the president wants to fling drones at non-al-Qaida targets, he can.** Although President **Obama initially distanced himself from President Bush’s claim that Article 2 of the Constitution gives the president the authority to use force unilaterally to protect American interests, he used this justification for** the 2011 **Libya i**ntervention, which was not authorized by Congress, **and he would likely use it to justify an indefinite expansion of drone warfare against any security threat**, including Iran, for example. Congress will not try to stop him. **New threats emerge constantly, leaving no time for a congressional debate before each strike is authorized.** Thus, **Congress must either hand the president blanket authority to use drones as necessary**—the implicit status quo today—**or block him**, which would outrage Americans who fear terrorism. **The choice for our pusillanimous legislature, which so far has acted mainly to prevent President Obama from cutting back on some Bush-era tactics, is obvious**.

#### The plan collapses executive crisis response --- triggers terrorism, rogue state attacks, and wildfire prolif

John Yoo 8/30/13, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Like it or not, Constitution allows Obama to strike Syria without Congressional approval,” Fox News, <http://www.foxnews.com/opinion/2013/08/30/constitution-allows-obama-to-strike-syria-without-congressional-approval/>

The most important of the president’s powers are commander-in-chief and chief executive.¶ As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.”¶ Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy, and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. . . It is essential to the protection of the community against foreign attacks.”¶ The Framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action, sometimes under pressured or even emergency circumstances, that are best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. ¶ Congress is too large and unwieldy to take the swift and decisive action required in wartime. ¶ Our Framers replaced the Articles of Confederation, which had failed in the management of foreign relations because it had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’s loose, decentralized structure would paralyze American policy while foreign threats grow. ¶ Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure.¶ Congress's track record when it has opposed presidential leadership has not been a happy one.¶ Perhaps the most telling example was the Senate's rejection of the Treaty of Versailles at the end of World War I. Congress's isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed Neutrality Acts designed to keep the United States out of the conflict.¶ President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president's foreign adventurism, the real threat to our national security may come from inaction and isolationism.¶ Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War, and the passage of the ineffectual War Powers Resolution. Congress passed the Resolution in 1973 over President Nixon's veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it.¶ Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare War.” But these observers read the eighteenth-century constitutional text through a modern lens by interpreting “declare War” to mean “start war.” ¶ When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain – where the Framers got the idea of the declare-war power – fought numerous major conflicts but declared war only once beforehand.¶ Our Constitution sets out specific procedures for passing laws, appointing officers, and making treaties. There are none for waging war, because the Framers expected the president and Congress to struggle over war through the national political process.¶ In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent Danger as will not admit of delay.” ¶ This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the Framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive.¶ Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. ¶ Only Congress can raise the military, which gives it the power to block, delay, or modify war plans.¶ Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. ¶ Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. ¶ If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military.¶ Congress’s check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse.¶ If Congress feels it has been misled in authorizing war, or it disagrees with the president's decisions, all it need do is cut off funds, either all at once or gradually.¶ It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action.¶ Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. ¶ Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation.¶ The Framers expected Congress's power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war.¶ Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’s funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo, or Korea, it is only because Congress has chosen not to exercise its easy check.¶ We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security.¶ In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility.¶ It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶ The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security.¶ Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the Framers left war to politics.¶ As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

**Nuclear weapons prolif puts weapons in the hands of rogue states—rogue states multiply and this guarantees accidents and miscalculations that lead to nuke war.**

**Johnson,** Forbes contributor and Presidential Medal of Freedom winner, **2013**

(Paul, “A Lesson For Rogue States”, 5-8, <http://www.forbes.com/sites/currentevents/2013/05/08/a-lesson-for-rogue-states/>, ldg)

Although we live in a violent world, where an internal conflict such as the Syrian civil war can cost 70,000 lives over a two-year period, there hasn’t been a major war between the great powers in 68 years. **Today’s three superpowers–the U.S., Russia and China–have no conflicts of interest that can’t be resolved through compromise**. All have hair-trigger nuclear alert systems, but the sheer scale of their armories has forced them to take nuclear conflict seriously. Thus, in a real sense, nuclear weapons have succeeded in abolishing the concept of a winnable war. **The same cannot be said,** however, **for certain paranoid rogue states**, namely North Korea and Iran. **If these two nations appear to be prospering**–that is, if their nuclear threats are winning them attention and respect, financial bribes in the form of aid and all the other goodies by which petty dictators count success–**other prospective rogues will join them.** **One such state is Venezuela. Currently its oil wealth is largely wasted, but it is great enough to buy entree to a junior nuclear club.** **Another possibility is Pakistan**, which already has a small nuclear capability and is teetering on the brink of chaos. **Other potential rogues are one or two of the components that made up the former Soviet Union.** All the more reason to ensure that North Korea and Iran are dramatically punished for traveling the nuclear path. But how? It’s of little use imposing further sanctions, as they chiefly fall on the long-suffering populations. Recent disclosures about life in North Korea reveal how effectively the ruling elite is protected from the physical consequences of its nuclear quest, enjoying high standards of living while the masses starve. Things aren’t much better in Iran. Both regimes are beyond the reach of civilized reasoning, one locked into a totalitarian vise of such comprehensiveness as to rule out revolt, the other victim of a religious despotism from which there currently seems no escape. Either country might take a fatal step of its own volition. Were North Korea to attack the South, it would draw down a retribution in conventional firepower from the heavily armed South and a possible nuclear response from the U.S., which would effectively terminate the regime. Iran has frequently threatened to destroy Israel and exterminate its people. Were it to attempt to carry out such a plan, the Israeli response would be so devastating that it would put an end to the theocracy forthwith. **The balance of probabilities is that neither nation will embark on a deliberate war but instead will carry on blustering.** **This, however, doesn’t rule out war by accident–a small-scale nuclear conflict precipitated by the blunders of a totalitarian elite.** Preventing Disaster **The most effective, yet cold-blooded, way to teach these states the consequences of continuing their nuclear efforts would be to make an example of one by destroying its ruling class.** The obvious candidate would be North Korea. Were we able to contrive circumstances in which this occurred, it’s probable that Iran, as well as any other prospective rogues, would abandon its nuclear aims. But how to do this? At the least there would need to be general agreement on such a course among Russia, China and the U.S. But China would view the replacement of its communist ally with a neutral, unified Korea as a serious loss. Compensation would be required. Still, it’s worth exploring. **What we must avoid is a jittery world in which proliferating rogue states perpetually seek to become nuclear ones. The risk of an accidental conflict breaking out that would then drag in the major powers is too great.** This is precisely how the 1914 Sarajevo assassination broadened into World War I. **It is fortunate the major powers appear to have understood the dangers of nuclear conflict without having had to experience them. Now they must turn their minds, responsibly, to solving the menace of rogue states**. **At present all we have are the bellicose bellowing of the rogues and the well-meaning drift of the Great Powers–a formula for an eventual and monumental disaster that could be the end of us all.**

## Terror

**The worst case bioterror scenario happened – no extinction**

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

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

**No successful detonation**

**Schneidmiller 9**(Chris, Experts Debate Threat of Nuclear, Biological Terrorism, 13 January 2009, http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php)

There is an "almost vanishinglysmall" likelihood that terrorists would ever be able to acquire and detonate a nuclear weapon, one expert said here yesterday (see GSN, Dec. 2, 2008). In even the most likely scenario of nuclear terrorism, there are 20 barriers between extremists and a successful nuclear strike on a major city, said John Mueller, a political science professor at Ohio State University. The process itself is seemingly straightforward but exceedingly difficult -- buy or steal highly enriched uranium, manufacture a weapon, take the bomb to the target site and blow itup. Meanwhile, variables strewn across the path to an attack would increase the complexity of the effort, Mueller argued. Terrorists would have to bribe officials in a state nuclear program to acquire the material, while avoiding a sting by authorities or a scam by the sellers. The material itself could also turn out to be bad. "Once the purloined material is purloined, [police are] going to be chasing after you. They are also going to put on a high reward, extremely high reward, on getting the weapon back or getting the fissile material back," Mueller said during a panel discussion at a two-day Cato Institute conference on counterterrorism issues facing the incoming Obama administration. Smuggling the material out of a country would mean relying on criminals who "are very good at extortion" and might have to be killed to avoid a double-cross, Mueller said. The terrorists would then have to find scientists and engineers willing to giveup their normal lives to manufacture a bomb, which would require an expensive and sophisticated machine shop. Finally, further technological expertise would be needed to sneak the weapon across national borders to its destination point and conduct a successful detonation, Mueller said. Every obstacle is "difficult but not impossible" to overcome, Mueller said, putting the chance of success at no less than one in three for each. The likelihood of successfully passing through each obstacle, in sequence, would be roughly one in 3 1/2 billion, he said, but for argument's sake dropped it to 3 1/2 million. "It's a total gamble. This is a very expensive and difficult thing to do," said Mueller, who addresses the issue at greater length in an upcoming book, *Atomic Obsession*. "So unlike buying a ticket to the lottery ... you're basically putting everything, including your life, at stake for a gamble that's maybe one in 3 1/2 million or 3 1/2 billion." Other scenarios are even less probable, Mueller said. A nuclear-armed state is "exceedingly unlikely" to hand a weapon to a terrorist group, he argued: "States just simply won't give it to somebody they can't control." Terrorists are also not likely tobe able to steala whole weapon, Mueller asserted, dismissingthe idea of "loose nukes." Even Pakistan, which today is perhaps the nation of greatest concern regarding nuclear security, keeps its bombs in two segments that are stored at different locations, he said (see *GSN*, Jan. 12). Fear of an "extremely improbable event" such as nuclear terrorism produces support for a wide range of homeland security activities, Mueller said. He argued that there has been a major and costly overreaction to the terrorism threat -- noting that the Sept. 11 attacks helped to precipitate the invasion of Iraq, which has led to far more deaths than the original event. Panel moderator Benjamin Friedman, a research fellow at the Cato Institute, said academic and governmental discussions of acts of nuclear or biological terrorism have tended to focus on "worst-case assumptions about terrorists' ability to use these weapons to kill us." There is need for consideration for what is probable rather than simply what is possible, he said. Friedman took issue withthe finding late last year of an experts' report that an act of WMD terrorism would "more likely than not" occurin the next half decade unless the international community takes greater action. "I would say that the report, if you read it, actually offers no analysis to justify that claim**,** which seems to have been made to change policy by generating alarm in headlines." One panel speaker offered a partial rebuttal to Mueller's presentation. Jim Walsh, principal research scientist for the Security Studies Program at the Massachusetts Institute of Technology, said he agreed that nations would almost certainly not give anuclear weapon to a nonstate group, that most terrorist organizations have no interest in seeking out the bomb, and that it would be difficult to build a weaponor use one that has been stolen.

#### No war Indo-pak – relations high and trade cooperation deters

Sharma ’13 (Pranjal, Advisor at Prasar Bharati,”Sharif’s government gives boost to relations,” DNA, 7/17/2013, http://www.dnaindia.com/analysis/1862090/column-sharif-s-government-gives-boost-to-indo-pak-business-relations)

Usually when governments change, so do the economic policies of the country. In a remarkable show of maturity the recently elected government in Pakistan has decided to push ahead with economic reforms. More crucially, the Nawaz Sharif government is adding momentum to trade and investment relations between India and Pakistan. ¶ The process had begun in late 2011 with the first ever visit of the Pakistan trade minister to India. Soon after that there were business delegations while the governments on both sides encouraged changes in policy. ¶ Pakistan even accorded the MFN status to India at last as an important symbol of rising maturity on trade relations. This step aims to lower the tariffs of goods imported from India. Even India announced that it would welcome and encourage foreign direct investment from Pakistan. ¶ There was much anxiety about the future of Indo-Pak trade relations after Nawaz Sharif won the elections. The worry was that prime minister Sharif would go slow or reverse economic links since the process was initiated by his predecessor. At best he would postpone decisions that facilitate trade. And at worst, he would raise fresh barriers to cross border trade and investment. ¶ All such worries were belied. Sharif displayed great vision by fully endorsing the normalization of economic relations. ¶ Business has been quick to move ahead. A conference of leading industry heads was held in Islamabad in late June to take forward the process. Sharif met the first ever gathering of the Indo-Pakistan Joint Business Forum and urged it to work on a detailed roadmap for strengthening economic links. ¶ The joint business forum discussed agriculture and textile exports, trans-border gas pipeline, visa regime and enhancing banking processes. Other issues included air and rail connectivity to facilitate movement of professionals and goods. ¶ This private sector initiative has now moved into the next gear with the setting up of 10 teams that will identify specific steps in as many sectors. These include textile, agriculture and education where trade and transactions can begin soon. ¶ The frequency of business visits between the two countries is rising consistently. A delegation from Pakistan will soon finalise import of gas from India through a 120-km pipeline. Pakistan is ready to offer a sovereign guarantee to India’s Gail to construct the pipeline. In fact India will also export power to get Pakistan tide over its energy crisis. ¶ Moreover a company will soon be set up to begin work on bringing gas from Turkmenistan to Pakistan and India via Afghanistan. ¶ A few months ago, such developments would have been difficult to imagine. ¶ “Business and government on both sides are now working on the nitty gritty of policy changes that will remove irritants to trade,” says Sunil Kant Munjal, former president of CII and Jt MD of Hero MotoCorp who led the Indian business delegation to Pakistan. The Pakistan delegation was led by Syed Yawar Ali, chairman of Nestle Pakistan. ¶ The change in government in Pakistan has only firmed the resolve of the country to focus on economic development. Stronger business links with India and South Asia will play a critical role for Pakistan. ¶ As it prepares for elections next year, observers feel that India must maintain maturity and policy momentum to build on the work done so far. ¶ The author tracks India’s political economy and its engagement with the world.

#### Drone strikes are down all across the board—we have the resources, but Obama made a policy decision to limit them

Ackerman 12-31 [Spencer Ackerman, national security reporter at the guardian, “Fewer deaths from drone strikes in 2013 after Obama policy change,” 12-31-13, <http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>, wyo-sc]

While specific figures are difficult to narrow down and even harder to verify, the number of strikes, almost exclusively by drones, declined in 2013, as did the casualties they caused. Between the three countries, there were around 55 strikes this year, a substantial drop from the roughly 92 in 2012. In 2013 the strikes killed up to 271 people, down from an estimate of between 505 and 532 in 2012. Approximately one in every nine to 10 deaths is a civilian. The data comes from estimates compiled by the New America Foundation, the Long War Journal and the Bureau of Investigative Journalism.¶ Yet attempts to correlate the decline in strikes to a decline in specific threats are blocked by secrecy, diplomatic contingency and political convenience, Zenko said. ¶ With the drawdown of the US wars in Iraq and Afghanistan, Zenko said, “there has never been more available, both dedicated US and leased, satellite bandwidth; never been more strike drones available; and there’s more people who can watch full-motion video [for targeting]. There has never been more assets available to kill people and strikes are going down. There’s been a policy decision, and I think they’ve been correct to emphasize that.”¶

#### Drones aren’t key in Pakistan – rates down and more complex challenges

Declan Walsh and Salman Masood, “Pakistan’s New Premier Calls for Drone Strike Halt,” New York Times, June 5, 2013

But the rate of drone strikes is already declining sharply, amid tough scrutiny of the program in the United States and new restrictions from President Obama. And though the drone issue was a galvanizing one through the campaign season, Mr. Sharif is likely to face even more complex foreign policy challenges now that he is in office.¶ “Drones are just a side show,” said Mosharraf Zaidi, a former Foreign Ministry adviser. “The bigger issue is the American drawdown from Afghanistan in 2014 and what it leaves behind for Pakistan to deal with.”

#### No AQAP organization and attacks are localized

Robert Pape 8/22/13, professor of political science at the University of Chicago, and director of the Chicago Project on Security and Terrorism and David Schneyer is a research associate at the Chicago Project on Security and Terrorism, 8/22/13, "WHY WE SHOULDN’T BE AFRAID OF AL-QAEDA IN YEMEN," http://www.yementimes.com/en/1705/opinion/2782/Why-we-shouldn%E2%80%99t-be-afraid-of-Al-Qaeda-in-Yemen.htm

¶ Last week, the U.S. State Department closed and evacuated 19 of its embassies and issued a worldwide travel alert based on intelligence concerning a terrorist organization based in Yemen. Many Americans are asking what this means. Is an attack on U.S. soil imminent?¶ ¶ While nothing is certain, of course, it is unlikely that such an attack would take place in the United States, or even outside of Yemen.¶ ¶ The intelligence seems to be reliable. But individual data points can be exaggerated or ignored, depending on the domestic political environment of the time. In this case, the State Department acted due to “increased chatter” that it monitored among terrorist groups. Intelligence officials highlighted one communication in particular, in which Al-Qaeda leader Ayman Al-Zawahiri gave his blessing to an attack proposed by Nasser Al-Wuhayshi. Wuhayshi is the leader of Al-Qaeda in the Arabian Peninsula (AQAP)—a sort of “franchise affiliate” based in Yemen, not to be confused with the central Al-Qaeda organization.¶ ¶ Such information certainly warrants our attention. But talk is cheap, and it is critical that we don’t give terrorist organizations more credit than they are worth. In order to understand what a terrorist organization is truly capable of, we must look at its past behavior. In this case, Al-Qaeda in the Arabian Peninsula is a deadly organization within its own borders, but it has not demonstrated that it possesses the means to successfully carry out an attack on U.S. soil. The one known attempt (carried out by the so-called “underwear bomber”) failed due to incompetence—the device did not properly detonate.¶ ¶ Let’s look at the data: AQAP has carried out 39 suicide attacks through 2012, with only one taking place outside of Yemen (just across the border in Jeddah, Saudi Arabia). Suicide attacks represent precisely the sort of attack we would fear—they are far more deadly than any other type. Now, AQAP has certainly proven itself capable of killing foreigners within its own borders, and so we should absolutely take the intercepted communication seriously with respect to our embassy in Yemen. But this is a far cry from being able to carry out an attack on foreign soil.¶ ¶ Consider 9/11, for instance, which obviously we failed to prevent. This failure was not a tactical one, or even a failure to “connect the dots.” Rather, it was a failure to properly assess the threat. In fact, a memo stating “Bin Laden determined to attack U.S.” made it to the White House by early August, 2001—the intelligence was there, but it was simply not given its due credibility or seriousness. ¶ ¶ Clearly, Al-Qaeda proved itself capable of attacking the United States across multiple borders long before 2001. But AQAP has not demonstrated this capability, and “increased chatter” among its leaders, no matter how heavy, is simply not enough evidence to be overly-concerned, unless the government has not revealed other critical details. Even if Al-Zawahiri were directing the attack—which U.S. intelligence officials confirmed he was not—the main Al-Qaeda group (now based in Pakistan) has not carried out a successful major attack on Western soil since the London bombings in 2005. Ayman Al-Zawahiri giving his blessing to AQAP leaders only proves how weak the main Al-Qaeda group really is.

#### Blowback claims inevitable AND drones prevent worse alternatives

Etzioni, 13

George Washington University international affairs professor

[Amitai, "Drones: Say it With Figures," UPI, 4-30-13, www.upi.com/Top\_News/Analysis/Outside-View/2013/04/30/Outside-View-Drones-Say-it-with-figures/UPI-25571367294880/?spt=hs&or=an, accessed 6-11-13, mss]

Drones: Say it with figures

Attacking drones, the most effective counter-terrorism tool the United States has found thus far, is a new cause celebre among progressive public intellectuals and major segments of the media. Their arguments would deserve more of a hearing if, instead of declaring their contentions as fact, they instead coughed up some evidence to support their claims. One argument that is repeated again and again is that killing terrorists with drones generates resentment from Pakistan to Yemen, thereby breeding many more terrorists than are killed. For example, Akbar Ahmed, a distinguished professor at American University, told the BBC on April 9 that, for "every terrorist drones kill, perhaps 100 rise as a result." The key word is "perhaps"; Ahmed cites no data to support his contention. Similarly, in The New York Times, Jo Becker and Scott Shane write that "Drones have replaced Guantanamo as the recruiting tool of choice for militants," citing as their evidence one line Faisal Shahzad, who had tried to set off a car bomb in Times Square, used in his 2010 trial seeking to justify targeting civilians. At the same time, when HBO interviewed children who carry suicide vests, they justified their acts by the presence of foreign troops in their country and burning of Korans. No such self-serving statements can be taken as evidence in themselves. And Peter Bergen, a responsible and serious student of drones, quotes approvingly in The Washington Post a new book by Mark Mazzetti, who claims that the use of drone strikes "creates enemies just as it has obliterated them." Again, however, Mazzetti presents no evidence. One may at first consider it obvious that, when American drones kill terrorists who are members of a tribe or family, other members will resent the United States. And hence if the United States would stop targeting people from the skies, that resentment would abet and ultimately vanish. In reality, ample evidence shows that large parts of the population of several Muslim countries resent the United States for numerous and profound reasons, unrelated to drone attacks. These Muslims consider the United States to be the "Great Satan" because it violates core religious values they hold dear; it promotes secular democratic liberal regimes; it supports women's rights; and it exports a lifestyle that devout Muslims consider hedonistic and materialistic to their countries. These feelings, data show, are rampant in countries in which no drones attacks have occurred, were common in those countries in which the drones have been employed well before any attacks took place, and continue unabated, even when drone attacks are greatly scaled back. As Marc Lynch notes in Foreign Affairs: "A decade ago, anti-Americanism seemed like an urgent problem. Overseas opinion surveys showed dramatic spikes in hostility toward the United States, especially in the Arab world ... It is now clear that even major changes, such as Bush's departure, Obama's support for some of the Arab revolts of 2011, the death of Osama bin Laden, and the U.S. withdrawal from Iraq, have had surprisingly little effect on Arab attitudes towards the United States. Anti-Americanism might have ebbed momentarily, but it is once again flowing freely." The Pew Global Attitudes Project says anti-American sentiments were high and on the rise in countries where drone strikes weren't employed. In Jordan, for example, U.S. unfavorability rose from 78 percent in 2007 to 86 percent in 2012 while Egypt saw a rise from 78 percent to 79 percent over the same period. Notably, the percentage of respondents reporting an "unfavorable" view of the United States in these countries is as high, or higher, than in drone-targeted Pakistan. In Pakistan, a country that has been subjected to a barrage of strikes over the last five years, the United States' unfavorability held steady at 68 percent from 2007-10 (dropping briefly to 63 percent in 2008), but then began to increase, rising to 73 percent in 2011 and 80 percent in 2012 -- a two-year period in which the number of drone strikes was actually dropping significantly. It is also worth noting that these critics attribute resentment to drones rather than military strikes. Do they really think that resentment would be lower if the United States were using cruise missiles? Or bombers? Or Special Forces? If they mean that we should grant these suspected terrorists a free pass if they cannot be brought to a court in New York City to be tried, they should say so. Another frequent claim of drone opponents is that the use of drones greatly lowers the costs of war (at least for the United States) and, thus, promotes military adventurism. For example, Mazzetti (as quoted by Bergen) claims that the use of drones has "lowered the bar for waging war, and it is now easier for the United States to carry out killing operations at the ends of the earth than at any other time in its history." However, there is no evidence that the introduction of drones (and before that, high-level bombing and cruise missiles that were criticized on the same grounds) made going to war more likely or its extension more acceptable. On the contrary, anybody who followed the American disengagement in Vietnam after the introduction of high-level bombing (which was subject to criticism similar to that of drones) or the U.S. withdrawal from Afghanistan -- despite the considerable increase in the use of drone strikes elsewhere -- knows better. In effect, the opposite argument may well hold: If the United States couldn't draw on drones in Yemen and the other new theaters of the counterterrorism campaign, the nation might well have been forced to rely more on conventional troops, a choice that would greatly increase our casualties as well as the resentment by the locals, who particularly object to the presence of foreign troops.

## Drolif

#### No impact --- drones are ineffective and there’s no incentive for them be used on a wide-scale --- they’ll be easily countered even if they are with limited escalation

Lewis 11

(Michael W. Lewis, professor of international law and the law of war at Ohio Northern University School of Law, former Navy fighter pilot, and coauthor of ‘The War on Terror and the Laws of War: A Military Perspective,’ “Unfounded Drone Fears,” Los Angeles Times, October 17, 2011, http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.¶ While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled.¶ Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are **not effective weapons** of conventional warfare. The unmanned aerial vehicles are slow and **extremely vulnerable** to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.¶ Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.¶ It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.¶ Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force. The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.¶ Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems **remote at best.**¶ Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.¶ It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.

# 2NC

#### Intra-executive review solves independence, accountability, public scrutiny/transparency

Radsan & Murphy 2010

[Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004., MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA TARGETED KILLINGhttp://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1625829, uwyo//amp]

The CIA’s Inspector General (IG) is charged with investigating the legality of CIA actions.182 He or she is experienced with protecting classified information. His or her independence is protected by a statute that permits only the president to remove the IG.183 And he or she has a dual reporting line to the CIA Director and to the congressional oversight committees.184 The CIA’s IG is thus our preferred candidate. The CIA’s IG should review all the CIA’s targeted killings for reasoned decision making. Based on this review, an IG could recommend internal discipline, compensation to unwarranted victims of a strike, or, in an extreme case of abuse, referral to the Department of Justice for criminal proceedings. The IG should also be involved in reviewing the CIA’s internal procedures on target selection and execution of attacks. IG’s due process, so to speak, substitutes for what otherwise might come from the courts. To enhance accountability, the IG could prepare public reports detailing as much information on strikes as reasonably consonant with national security. Such reports would need to balance the interests of accountability against the CIA’s need to enable foreign governments to keep their role in assisting U.S. intelligence a secret. They would also need to avoid excessive revelations of sensitive sources and methods. Given the limited number of CIA strikes, the dangers this program poses to peaceful civilians now and in the future, and the extensive data concerning each strike, it is feasible for the IG to conduct an investigation of all CIA drone strikes. These investigations will not guarantee perfection. Nothing can. But they will help ensure the accuracy and the legality of strikes, curb abuses, and provide a modicum of accountability for a shadow war. Because they are feasible under the laws of war, IHL requires them.

#### Intra-Executive review post-targeted killing ensures accountability while also protecting national security

Murphy & Radsan 09

[Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004., DUE PROCESS AND TARGETED KILLING OF TERRORISTS, uwyo//amp]

Internal investigations, however, do not always pose a plausible threat to national security. Consider the Predator program. Within the CIA, the task of investigating the legality of its actions is entrusted to the CIA‘s Inspector General (IG). He holds an office created by statute, is subject to Senate confirmation, and can only be removed by the President.244 Where the IG‘s investigation finds evidence of criminality, he or she refers the matter to the Department of Justice for further investigation and possible prosecution.245 One could easily impose a categorical requirement that all CIA targeted killings be subject to IG review. To support the IG, review teams could be established within the CIA‘s Clandestine Service or existing ―accountability boards‖ could be used. The CIA‘s Office of General Counsel could also play a role. And the National Security Council, a link between the CIA and the White House, could coordinate the internal oversight. Review within the CIA ensures the proper handling of classified information. Plus, internal review protects private interests by encouraging careful, sparing use of targeted killing and by ensuring some accountability when mistakes or abuses do occur. The increasing accountability on Predator strikes, in turn, serves an even broader interest in the legitimacy and fairness of deadly government action. Thus, the Mathews balance favors an intra-executive review at least as intrusive as IG review.

#### Executive review solves

Murphy & Radsan 09

[Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004., DUE PROCESS AND TARGETED KILLING OF TERRORISTS, uwyo//amp]

This Article has explored the implications of the due process model that the Supreme Court developed in Hamdi v. Rumsfeld252 and Boumediene v. Bush253 for targeted killing—particularly Predator strikes by the CIA. Contrary to Justice Thomas‘s charge,254 this model does not break down in the extreme context of targeted killing but, instead, suggests useful means to control this practice and heighten accountability. One modest control is for appropriate plaintiffs to bring Bivens-style actions to challenge the legality of targeted killings, no matter where they may have occurred in the world. Resolution of any such action that surmounted all the practical and legal obstacles in its way—including the state-secrets privilege and qualified immunity—would enhance accountability without causing substantial risk to national security. Yet as a practical matter, this role for the courts is vanishingly small. It is therefore all the more important that the executive branch itself develop fair, rational procedures for its use of targeted killing. Under Boumediene, it has a constitutional obligation to do so. To implement this duty, the executive should, following the lead of the Supreme Court of Israel and the European Court of Human Rights, require an independent, intra-executive investigation of targeted killing by the CIA. Even in a war on terror, due process demands at least this level of accountability for the power to kill suspected terrorists.

**The CP shapes the development of global norms on drones and actively builds legitimacy---that means it solves their perception deficits because all their ev is only about the way that drones are perceived now, not how they’re perceived after a vigorous defense by the U.S.**

Kenneth **Anderson 10**, Professor of International Law at American University, 3/8/10, “Predators Over Pakistan,” The Weekly Standard, <http://www.weeklystandard.com/print/articles/predators-over-pakistan>

But a thorough reading of the Predator coverage calls to mind how the detention, interrogation, and rendition debates proceeded over the years after 9/11. As Brookings scholar Benjamin Wittes observes, those arguments also had elements of both legal sense and sensibility. Ultimately the battle of international legal legitimacy was lost, even though detention at Guantánamo continues for lack of a better option. It is largely on account of having given up the argument over legitimacy, after all, that it never occurred to the Obama administration not to Mirandize the Christmas Bomber. Baseline perceptions of legitimacy have consequences. ¶ Nor is the campaign to delegitimize targeted killing only about the United States. Legal moves in European courts have already been made against Israeli officials involved in targeted killing against Hamas in the Gaza war. Unsavory members of the U.N. act alongside the world’s most fatuously self-regarding human rights groups to press for war crimes prosecutions. All of this is merely an opening move in a larger campaign to stigmatize and delegitimize targeted killing and drone attacks. What can be done to Israelis can eventually be done to CIA officers. Perhaps a London bookmaker can offer odds on how soon after the Obama administration leaves office CIA officers will be investigated by a court, somewhere, on grounds related to targeted killing and Predator drone strikes. And whether the Obama administration’s senior lawyers will rise to their defense—or, alternatively, submit an amicus brief calling for their prosecution. ¶ Thus it matters when the U.N. special rapporteur on extrajudicial execution, Philip Alston, **demands**, as he did recently, that the U.S. government **justify the legality of its targeted killing program.** Alston, a professor at New York University, is a measured professional and no ideologue, and he treads delicately with respect to the Obama administration—but he treads. Likewise it matters when, in mid-January, the ACLU handed the U.S. government a lengthy FOIA request seeking extensive information on every aspect of targeted killing through the use of UAVs. The FOIA request emphasizes the legal justification for the program as conducted by the U.S. military and the CIA. ¶ Legal justification matters, partly for reasons of legitimacy and partly because the United States is, and wants to be, a polity governed by law. This includes international law, at least insofar as it means something other than the opinions of professors and motley member-states at the U.N. seeking to extract concessions. International law, it is classically said, consists of what states consent to by treaty. Add to this “customary law”—as evidenced by how states actually behave and as provided in their statements, their so-called opinio juris. Customary law is evidenced when states do these things because they see them as binding obligations of law, done from a sense of legal obligation—not merely habit, policy, or convenience, practices that they might change at any moment because they did not engage in them as a matter of law. ¶ What the United States says regarding the lawfulness of its targeted killing practices matters. It matters both that it says it, and then of course it matters what it says. The fact of its practices is not enough, because they are subject to many different legal interpretations: The United States has to assert those practices as lawful, and declare its understanding of the content of that law. This is for two important reasons: first to preserve the U.S. government’s views and rights under the law; and second, to make clear what it regards as binding law not just for itself, but for others as well. ¶ Other states, the United Nations, international tribunals, NGOs, and academics can cavil and disagree with what the United States thinks is law. But no Great Power’s consistently reiterated views of international law, particularly in the field of international security, can be dismissed out of hand. It is true of the United States and it is also true of China. It is not a matter of “good” Great Powers or “bad.” Nor is it merely “might makes right.” It is, rather, a mechanism that keeps international law grounded in reality, and not a plaything of utopian experts and enthusiasts, departing this earth for the City of God. It remains tethered to the real world both as law and practice, conditioned by how states see and act on the law. ¶ The venerable U.S. view of the “law of nations” is one of moderate moral realism—the world “as it is,” as the president correctly put it in his Nobel Prize address. It is not the vision of radical utopians and idealists; neither is it that of radical skeptics about the very existence of law in international affairs. On the contrary, the time-honored American view has always been pragmatic about international law (thereby acting to preserve it from radical internationalism and radical skepticism). But upholding the American view requires more than simply dangling the inference that if the United States does it, it means the United States must intend it as law. Traditional international law requires more than that, for good reason. The U.S. government should provide an affirmative, aggressive, and uncompromising defense of the legal sense and sensibility of targeted killing. The U.S. government’s interlocutors and critics are not wrong to demand one, even those whose own conclusions have long since been set in stone. ¶ A clear statement of legal position **need not be an invitation to negotiate or alter it**, even when others loudly disagree. In international law, a state’s assertion that its policies are lawful, particularly such an assertion from a great power in matters of international security, is an **important element all by itself in making it lawful**, or at least not unlawful. But in vast areas of security, self-defense, and the use of force, the U.S. government has in recent years left a huge deficit as to how its actions constitute a coherent statement of international law. ¶ For once, Washington should move to get ahead of a contested issue of international legal legitimacy and “soft law.” Why else have an Obama administration, if not to get out in front on a practice that it has ramped up on grounds of both necessity and humanitarian minimization of force? The CIA has taken a few baby steps by selectively leaking some collateral damage data to a few reporters. But the CIA is going to have to say more. The U.S. government needs to defend targeted killings as both lawful, and as an important step forward in the development of more sparing and discriminating—more humanitarian—weaponry.

#### Intra-executive processes solve independence and accountability without compromising security or constraining the president

Murphy & Radsan 2013

[Richard W. Murphy Texas Tech University School of Law Afsheen John Radsan William Mitchell College of Law, July 14, 2013 , Notice and an Opportunity to Be Heard Before the President Kills You, Wake Forest Law Review, Vol. 48, 2013, Forthcoming, Social Science Research Network, uwyo//amp]

Adapting this template to targeted killing is relatively straightforward. The President could issue an order to government officials that, as part of their target selection, they need to make their cases to an AJ.253 To protect against bias, the AJ would not participate in “building the case” against the target and would not be subject to discipline by officials playing an investigatory or prosecutorial role.254 To enhance accuracy, fairness, and legitimacy, the AJ would decide the matter based on an adversarial proceeding between “prosecutors” and officials charged with defending the interests of the proposed target. The exemplary conduct of military lawyers defending alleged terrorists at Guantanamo Bay suggests that these lawyers would make especially suitable “defense counsel.” 255Plus, they are more likely than an ordinary defense lawyer to have a security clearance or to be eligible for a clearance. Having heard from “defense lawyers” among others, the AJ would render an initial decision on the legality of the target selection, complete with formal findings of fact and conclusions of law. Yet this decision would not bind the President.256 Unlike the orders of an Article III judge from a FISA-style court, AJ decisions would not infringe the President’s Article II power as Commander-in-Chief. Presumably, the President would only overrule the AJ’s decision where other trusted officials make a strong case for reversal. Revelations about the targeted killing campaign imply that its decisionmaking process is vulnerable to problems our proposal could alleviate. Targeting procedures should encourage full, frank discussion by officials with relevant information to share. Otherwise, once substantial resources have been sunk into an operation, it can be difficult for anyone to object.257 Strong hierarchies, as exist within the executive branch, compound this problem.258

#### Solves drone modeling

Twomey 2013

[Twomey, JD candidate – Trinity College Dublin, 3/14/’13

(Laura, “Setting a Global Precedent: President Obama's Codification of Drone Warfare,” Cambridge Journal of International and Comparative Law Blog)]

It is clear that, as the first State to deploy remote targeting technology in a non international armed conflict, the legal framework forged by the US during President Obama's second term will set significant precedent for the future practice of the estimated 40 States developing their own drone technology.

On 7 March 2013, members of the European Parliament expressed deep concern about the “unwelcome precedent” the programme sets, citing its “destabilising effect on the international legal framework” that “destroys ... our common legal heritage.” This 'destabilising effect' arises from the classified and seemingly amorphous substantive legal basis for the programme and the apparent lack of procedural standards in place. It remains to be seen if the classified 'rulebook' will be released for public scrutiny, and allay these concerns. Reliance on international law in world order is based on consent, consensus, good faith and, crucially in this instance, reciprocity. The US programme may harbour short term gains in the pursuit of al-Qaeda operatives, however, if the aforementioned substantive legal justifications continue to be invoked, it risks engendering long term disadvantages. Pursuing this policy encourages other States to adopt similar policies. Administration officials have cited particular concern about setting precedent for Russia, Iran and China, all of which are developing their own remote targeting technology. It is therefore suggested that the Administration should take this opportunity to codify the rules, clarify terms where ambiguity may currently allow for broader interpretations, and to bring its regulations in line with the existing framework of **i**nternational law. This legal framework should then be made available to the public, with covert operational necessities redacted. This could **set a valuable** legal **precedent**, of particular importance at this turning point wherein international law must adapt to the 21st century model of warfare, a model which lacks a clear enemy and a demarcated battlefield.

#### Solves backlash—their author

Boyle 13

Michael J. Boyle 13, Assistant Professor, Political Science – La Salle, International Affairs 89: 1 (2013) 1–29

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.

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## adv

#### Zero chance that U.S. self-restraint causes any other country to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire: If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them. “The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.” This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran. The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests. Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone? While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

#### Outside pressure can’t contain conflict – recent effort proves

Arakelyan 10/3

Lilit “Civilian Deaths Underline Armenia-Azerbaijan Tensions”, <http://iwpr.net/report-news/civilian-deaths-underline-armenia-azerbaijan-tensions>, CMR

**Ambassadors from** the Minsk Group’s three co-chair states – the **U**nited **S**tates, **Russia** and France –**met the foreign ministers of Armenia and Azerbaijan** at the United Nations on **September 27**, **but made** no progress.¶ In a statement, **the co-chairs** said they had “**stressed the commitment of their three countries to support** the **peaceful settlement** of the Nagorny Karabakh conflict based on the non-use of force or the threat of force, territorial integrity, and equal rights and self-determination of peoples”.¶ Poghosyan said the Minsk Group was failing to do its job properly.¶ “The problem is that they try to operate honestly, impartially and without bias, but when they do act, they avoid taking responsibility. **After every incident, they limit themselves to** spineless statements, with appeals and requests addressed to both sides,” he said.

# 1NR

#### No restrictions coming—drones number one counterterror tool for Washington for the next 12 years.

Gertz 11/19

[Bill Gertz, senior editor of the Washington Free Beacon, “Pentagon: Drone Strikes to Remain Indispensable Weapon Against Terrorists,” 11/19/13, Washington Free Beacon, <http://freebeacon.com/author/bill-gertz/> // wyo-ch]

Drone strikes against terrorists are extremely effective and will remain an “indispensable” weapon in the war against terrorists for the foreseeable future, according to the Pentagon’s senior intelligence policymaker. Michael G. Vickers, under secretary of defense for intelligence, said unmanned missile-firing aircraft, along with intelligence collectors and targeters, are key elements in the U.S. counterterrorism strategy and operations and will remain a top priority for the next 12 years. “I would like to assure you that we use this instrument extremely judiciously,” Vickers said in remarks at the Reagan National Defense Forum in California on Saturday. “But it has been our most effective instrument broadly in this counterterrorism campaign that we’ve found ourselves in.” Drone attacks have been “the most precise campaign in the history of warfare,” he said. “And we do everything we can to minimize the noncombatant deaths and we do an extraordinary job,” Vickers said. The public comments were rare public disclosure by a senior official about the covert operations against terrorists that remain one of the Pentagon’s most closely guarded secrets. Armed unmanned aerial vehicles have become cutting edge systems for the U.S. military and the CIA. They are key weapons now being sought by numerous countries, including China and Russia. The United States operates the most advanced drone arsenal in the world. The force includes a variety of short-range, medium-range, and long-range aircraft that can conduct both unarmed intelligence and reconnaissance missions, as well as precision strikes using air-launched missiles—all without risking pilots or ground forces close to the attacks. The best-known weapons are the Predator and Reaper drones armed with Hellfire missiles that have become a key weapon against terrorists operating in remote regions. U.S. counterterrorism forces by 2025 will be modernized but will look similar to current forces used today. The four key elements, according to Vickers, are drone strikes, special operations forces, intelligence gathering and analysis, and cooperation with friends and allies. Vickers said that in addition to intelligence sources and activities, “armed intelligence and surveillance aircraft, or drones as they are popularly known” are premier weapons. “They are indispensable,” Vickers said. Vickers defended the use of drones, a weapon that has been used to kill a large number of al Qaeda’s senior leaders in Pakistan, Afghanistan and elsewhere. Vickers’ remarks on the utility of drone strikes contrast sharply with statements last spring by the president and Obama administration officials who said drone strikes are being curtailed, and that activities surrounding them would become more transparent. Some drone operations will shift from the CIA to the Pentagon. Others will remain secretly conducted by the agency.

#### This evidence is comparative- history denies errors with regard to presidential swiftness

Nzelibe & Yoo 06

[Jide Nzelibe and John C. Yoo. , Yoo is a professor of law at the University of California at Berkeley School of Law , , Rational war and constitutional design.(Symposium on Executive Power).

Yale Law Journal 115.9 (July 2006): p2512(30), uwyo//amp]

This Essay has sought to introduce a more sophisticated functional perspective to the war powers debate, without focusing on the normative question of what types of war the United States should fight. Previous arguments had raised a conflict between formalism and functionalism. Formalist claims in favor of a requirement that Congress pre-authorize hostilities are no longer as compelling as they once seemed. We believe that the better reading of formalist sources is that the Constitution creates a flexible system for malting war. If the formalist debate over war has reached a stalemate, then functionalist arguments only gain in importance. Functional analysis of war powers, however, has been fairly rudimentary. It has assumed that a Congress-first approach would slow down decision-malting regarding war, which would benefit the nation by reducing entry into imprudent wars. This assumption, however, ignores the possibility that Congress might not only reduce Type I errors, but might also increase Type II errors. A casual review of American history does not support the conclusion that congressional participation reduces either Type I or II errors when compared with a system of unilateral presidential initiative in war. A better functional approach views the war powers question as a principal-agent problem. The executive branch bears certain advantages in terms of speed, unity of purpose, and secrecy in launching wars; while agency costs may certainly arise, it is not clear that congressional participation ex ante would significantly reduce them. Congressional participation, however, while unwise to establish as a constitutional rule, may nonetheless benefit the nation in helping it to avoid costly wars. This occurs, however, not because congressional participation slows down the progress toward war, but because it allows the President to engage in costly signaling that could promote a negotiated settlement with a potential enemy. Such a dynamic would not make a significant difference in regard to rogue nations or international terrorist organizations that lack the proper incentives to appreciate such signals or that are uninterested in reaching a settlement. In those cases, the benefits of relying upon executive speed and unity outweigh any benefits that might arise from congressional participation.

**Corruption destroys Indian economy**

**Mishra, 12** -- Indian technocrat

(Ajay, "Is India heading towards worst economic collapse?," 6-13-12, ajaykmishra.wordpress.com/2012/06/13/is-india-heading-towards-worst-economic-collapse/, accessed 10-27-12, mss)

Corruption is mounting pressure on India’s economy. There is a significant economic slowdown posted by poor industrial output during the last couple of months. On 11th June, International Rating agency Standard & Poor’s (S&P) has warned that India could become the first nation from BRIC countries to lose investment grade rating. And the recent downturn could be due to the poor economy policy of the coalition UPA Government at the centre. We should not forget that Standard & Poor’s (S&P) had also cut its outlook on India’s sovereign rating of `BBB’ to negative from stable in April, 2011. And that not long ago, S&P had upgraded India to investment grade BBB rating in January 2007 after India posted more than nine per cent growth in the last 4 years. So, if these politicians have welcomed previous rating up-gradation in 2007, why they are not accepting in 2012. So, what is wrong with Indian economy. All over world, people look towards India for any outlook that India is supposed to present to smaller countries for sustainable growth and development. But what is happening to one of the strong pillar of BRIC nations? Other BRIC nations like Brazil, Russia and China enjoys a higher rating of S&P at present than India. Why S&P has to come with a special report this time on BRIC nation’s economy titled `Will India Be The First BRIC Fallen Angel?’ The common people of India do not know how the Government is planning to revive the economy or what is the road-map for the next one year. However, there is a deep concern among citizens about the depraving level of corruption among various tiers of governments in the country. As usual, the politicians have summarily rejected report of S&P. But intellectuals of India are taking this report very seriously. We have the also the recent reports coming from the World Bank that they have cut growth forecast for India from 7.5% to 6.9%. Chairman of Wipro Technologies MrAjeemPremji has recently commented that we are virtually living without a leader in the country. This is what an eminent businessman has to say about our prime minister. Infosys founder and well-known name in Software industry Mr N R Narayan Murthy has also joined the debate by raising the issue of policy paralysis at the centre and many pending matters before the cabinet which eventually affecting the growth. If citizens of any country is facing challenges of poverty, inflation and non-development, they will directly blame government. And India is also not different. Baba Ramdeo is leading a crusade against black money stacked outside India in foreign banks. Anna Hazare is leading another protest of rampant corruption in public life and asking government to bring tough law to control this. Gone are the days when we were pointing fingers to other countries known for their corrupt public officers. We should not forget that when you are pointing a finger towards other person, the rest of your fingers is actually pointing towards you. This has become true in case of India. Almost everyday, we get the news of a new corruption storythrough the media. Now, we feel that the rampant corruption is the real reason for inflation and poverty. **It has**now **devastated oureconomic**, political, social and moral **structures**. if immediate and drastic action is not taken, S&P will be forced to downgrade India’s investment growth rating. Then the nation will run into the risk of total and irredeemable collapse. The time has come for all the Indians to join hands together and support the movement of Anna Hazare and Baba Ramdeo. Then only we can halt the collapse of Indian economy.

**Exports, deficits and infrastructure doom growth**

**Rao, 12** -- Reuters staff, citing chief emerging markets economist

(Sujata, "In India, not a bang but a whimper," Reuters, 4-30-12, blogs.reuters.com/globalinvesting/2012/04/30/in-india-not-a-bang-but-a-whimper/, accessed 10-27-12, mss)

Anderson, formerly chief emerging markets economist at UBS, predicts India will revert to the much-scorned “Hindu rate of growth” which characterisedit for the first half century of its independent existence and which the country hopes has been relegated to its quasi-socialist past. Anderson’s prognosis will be unpopular in a country that sees itself as a superpower in the making, and won’t appeal to investors who are betting billions of dollars on India taking over China’s mantle as the world’s fastest growing economy. He lists three reasons to back up his thesis. a)Failure to exportb)Failure to control public finances c)Infrastructure First the exports. According to Anderson, Indian exports simply are of the wrong sort. Software or pharma exports do not create jobs for a huge and largely unskilled population. India needs to be selling toys, clothes, shoes – all the things that helped lift hundreds of millions of Chinese out of poverty, he says. As China moves away from low-value manufacturing exports, now is the chance to move in on market share but India is not being quick enough and is being overtaken by the likes of Vietnam and Bangladesh. The failure on the exports front is bad news for savingsrates too. The savings boom of the past three decades lowered the cost of capital in India and allowed the government to run budget deficits and raise funds for investment. But the source of these savings was the rise in exports — the note calculates that between 1980 and 2010 the ratio of exports to GDP rose 20 percent, exactly the rise in the gross savings rate. If exports don’t grow, nor will savings. The lack of exports means India is one of the few countries in Asia to run large current account deficits. A wide and rising deficit isalso a drag onpotential growth(Anderson writes) If you can’t pay for the rapid expansion in commodity, material and equipment imports, you have no choice but to slow down. Now for the deficits. India’s fiscal profligacy is notorious –it runs public sector deficits around 10 percent of GDP while public debt ratios of 70 percent of GDP are among the highest in emerging markets. But as savings slow, the government must either cut spending or face funding stress, Anderson warns. And lastly, he notes India’s failure on the infrastructurefront. His graphic is best illustrates India’ abysmal steel and electricity consumption. Anderson concludes: Despite the fact that India changed its game in many ways over the past decade this is one where India clearly didn’t change. Which even in the absence ofexternal and fiscal constraints wouldin itself be enough to make us questionthe economy’s ability to drive

**Prolif impact outweighs and turns case**

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

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

**And terrorism has its own impact --- triggers full scale war**

**Hellman ‘8** (Martin E. Hellman\* \* Martin E. Hellman is a member of the National Academy of Engineering and Professor Emeritus at Stanford University. His current project applies risk analysis to nuclear deterrence)

Nuclear proliferation and the specter of nuclear terrorism are creating additional possibilities for triggering a **nuclear war**. If an American (or Russian) city were devastated by an act of nuclear terrorism, the public **outcry for immediate,** decisive **action would be** even **stronger than Kennedy** had to deal **with** when the **Cuban missiles** first became known to the American public. While the action would likely not be directed against Russia, it might be threatening to Russia (e.g., on its borders) or one of its allies and precipitate a crisis **that resulted in a full-scale nuclear war.** Terrorists with an apocalyptic mindset **might even** attempt to **catalyze a full-scale nuclear war by disguising their act to look like an attack by the U.S. or Russia.**

**We control escalation and miscalc ladder**

**Caves ’10**, John P. Caves, Senior Research Fellow in the Center for the Study of Weapons of Mass Destruction at the National Defense University, “Avoiding a Crisis of Confidence in the U.S. Nuclear Deterrent”, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ada514285>

Perceptions of a compromised U.S. nuclear deterrent as described above would have profound policy implications, particularly if they emerge at a time when a nucleararmed great power is pursuing a more aggressive strategy toward U.S. allies and partners in its region in a bid to enhance its regional and global clout. ■ A dangerous period of vulnerability would open for the United States and those nations that depend on U.S. protection while the United States attempted to rectify the problems with its nuclear forces. As it would take more than a decade for the United States to produce new nuclear weapons, ensuing events could preclude a return to anything like the status quo ante. ■ The assertive, nuclear-armed great power, and other major adversaries, could be willing to challenge U.S. interests more directly in the expectation that the United States would be less prepared to threaten or deliver a military response that could lead to direct conflict. They will want to keep the United States from reclaiming its earlier power position. ■ Allies and partners who have relied upon explicit or implicit assurances of U.S. nuclear protection as a foundation of their security could lose faith in those assurances. They could compensate by accommodating U.S. rivals, especially in the short term, or acquiring their own nuclear deterrents, which in most cases could be accomplished only over the mid- to long term. A more nuclear world would likely ensue over a period of years. ■ Important U.S. interests could be compromised or abandoned, or a **major war** could occur as adversaries and/or the United States **miscalculate** new boundaries of deterrence and provocation. At worst, war could lead to state-on-state employment of weapons of mass destruction (WMD) on a scale far more catastrophic than what nuclear-armed terrorists alone could inflict. Continuing Salience of Nuclear Weapons Nuclear weapons, like all instruments of national security, are a means to an end— national security—rather than an end in themselves. Because of the catastrophic destruction they can inflict, resort to nuclear weapons should be contemplated only when necessary to defend the Nation’s vital interests, to include the security of our allies, and/or in response to comparable destruction inflicted upon the Nation or our allies, almost certainly by WMD. The retention, reduction, or elimination of nuclear weapons must be evaluated in terms of their contribution to national security, and in particular the extent to which they contribute to the avoidance of circumstances that would lead to their employment. Avoiding the circumstances that could lead to the employment of nuclear weapons involves many efforts across a broad front, many outside the military arena. Among such efforts are reducing the number of nuclear weapons to the level needed for national security; maintaining a nuclear weapons posture that minimizes the likelihood of inadvertent, unauthorized, or illconsidered use; improving the security of existing nuclear weapons and related capabilities; reducing incentives and closing off avenues for the proliferation of nuclear and other WMD to state and nonstate actors, including with regard to fissile material production and nuclear testing; enhancing the means to detect and interdict the transfer of nuclear and other WMD and related materials and capabilities; and strength ening our capacity to defend against nuclear and other WMD use. For as long as the United States will depend upon nuclear weapons for its national security, those forces will need to be reliable, adequate, and credible. Today, the United States fields the most capable strategic nuclear forces in the world and possesses globally recognized superiority in any conventional military battlespace. No state, even a nuclear-armed near peer, rationally would directly challenge vital U.S. interests today for fear of inviting decisive defeat of its conventional forces and risking nuclear escalation from which it could not hope to claim anything resembling victory. But power relationships are never static, and current realities and trends make the scenario described above conceivable unless corrective steps are taken by the current administration and Congress. Consider the challenge posed by China. It is transforming its conventional military forces to be able to project power and compete militarily with the United States in East Asia, 1 and is the only recognized nuclear weapons state today that is both modernizing and expanding its nuclear forces. 2 It weathered the 2008 financial crisis relatively well, avoiding a recession and already resuming robust economic growth. 3 Most economists expect that factors such as openness to foreign investment, high savings rates, infrastructure investments, rising productivity, and the ability to leverage access to a large and growing market in commercial diplomacy are likely to sustain robust economic growth for many years to come, affording China increasing resources to devote to a continued, broadbased modernization and expansion of its military capabilities. In contrast, the 2008 financial crisis was the most severe for the United States since the Great Depression, 4 and it led in 2009 to the largest Federal budget deficit—by far—since the Second World War 5 (much of which is financed by borrowing from China). Continuing U.S. military operations in Iraq and Afghanistan are expensive, as will be the necessary refurbishment of U.S. forces when those con flicts end. Those military expenses, however, are expected to be eclipsed by the burgeoning entitlement costs of the aging U.S. “baby boomer” generation. 6 As The Economist recently observed: China’s military build-up in the past decade has been as spectacular as its economic growth. . . . There are growing worries in Washington, DC, that China’s military power could challenge America’s wider military dominance in the region. China insists there is nothing to worry about. But even if its leadership has no plans to displace American power in Asia . . . America is right to fret this could change. 7 As an emerging nuclear-armed near peer like China narrows the wide military power gap that currently separates it from the United States, Washington could find itself more, rather than less, reliant upon its nuclear forces to deter and contain potential challenges from great power competitors. The resulting security dynamics may resemble the Cold War more than the U.S. “unipolar moment” of the 1990s and early 2000s. Concerns about Longterm Reliability With continuing U.S. dependence upon nuclear forces to deter conflict and contain challenges from (re-)emerging great power(s), perceptions of the reliability, adequacy, and credibility of those forces will determine how well they serve those purposes. Perception is all important when it comes to nuclear weapons, which have not been operationally employed since 1945 and not tested (by the United States) since 1992, and, hopefully, will never have to be employed or tested again. If U.S. nuclear forces are to **deter** other nuclear-armed great powers, the individual weapons must be perceived to work as intended (reliability), the overall forces must be perceived as adequate to deny the adversary the achievement of his goals regardless of his actions (adequacy), and U.S. leadership must be perceived as prepared to employ the forces under conditions that it has communicated via its declaratory policy (credibility) These perceptions must be, of course, those of the leadership of adversaries that we seek to deter (as well as of the allies that we seek to assure), but they also need to be **those of the U.S. leadership** lest our leaders fail to convey the confidence and resolve necessary to shape adversaries’ perceptions to achieve deterrence. Weapons reliability is the essential foundation for deterrence since there can be no adequacy or credibility without it.

#### The budget will continue funding drone operations and the DoD has made a 25-year plan for drones. They aren’t stopping

Robertson 12-27

[Adi, reporter, “US military sees more drones, 'cyber weapon' non-proliferation in the future”, *Vox Media*, 12-27-2013 [http://www.theverge.com/2013/12/27/5248702/military-drone-roadmap-and-cyber-weapon-non-proliferation-announced//wyo](http://www.theverge.com/2013/12/27/5248702/military-drone-roadmap-and-cyber-weapon-non-proliferation-announced/wyo) CTL]

The $552 billion 2014 military defense budget signed by President Barack Obama will continue to fund high-tech cyber and unmanned aircraft operations. The budget, which grants central Cyber Command $68 million in operational costs alongside more money for research and individual unit operations, instructs agencies to work towards controlling the proliferation of "cyber weapons." That means stopping the sale or spread of malicious code for "criminal, terrorist, or military activities" while allowing governments and businesses to use it for "legitimate" self-defense. In addition, the Pentagon must issue a report on how to strengthen ties with small businesses, making them more aware of threats and helping to create plans that protect networks and intellectual property. Building relationships between businesses and federal cyber operations groups has been an issue for the past couple of years, though the focus has generally been on larger information sharing agreements like CISPA. The entire American cyber defense program will also come under a more general review, with a "cyber advisor" appointed to coordinate across agencies. Cyber Command was granted around $67 million for central operations in fiscal year 2013. When its current head, Keith Alexander, steps down next spring, leadership will pass to the next director of the NSA, despite earlier discussion of splitting it into a separate post. As the FAA works to get drones integrated into US airspace, the Departments of Defense and Homeland Security will be looking into sharing expenses for testing and training; the Pentagon will also need to work towards milestones set on the FAA's roadmap for drones, laying out what technological progress has been made and what kind of resources are still needed. While the unmanned commercial craft we'll be seeing more of in the near future will be fairly small and low-flying, the Department of Homeland Security already uses Predator surveillance drones to patrol the border. This week, the Defense Department also released its own planning document for unmanned warfare over the next 25 years. The Unmanned Systems Integrated Roadmap builds on a similar 2011 document, describing agency plans to modernize current unmanned craft and focus energy on developing a small number of new systems in the face of "austere" budgets. Modernization projects will focus on creating interoperable standards and swappable weapons, with more futuristic attack systems down the road. The report describes one of these as "nanoenergetics," a field of study using tiny particles that, when combined, have a greater surface area than their larger counterparts, creating smaller more powerful explosives that could be put on light unmanned aircraft.

**Presidential power is zero-sum- the branches compete**

**Barilleaux and Kelley 2010** [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. P 196-197, 2010// wyo-sc]

In their book *The Broken Branch,* Mann and Ornstein paint a different view. They discuss a wider range of public policy areas than just uses of force. Their argument is that although party is important as a conditioning factor for times when Congress might try to restrain an aggressive or noncompliant executive, **there has** also **been a broad**er **degrading of institutional power that has allowed,** **in a zero-sum context**, **the president to expand executive power at the expense of** **Congress**. Mann and Ornstein thus posit that congressional willingness to subordinate its collective power to that of the president has occurred across domestic politics and foreign affairs. They argue that a variety of factors are at fault for this trend, including the loss of institutional identity, the willingness to abdicate responsibility to the president, the demise of "regular order," and most importantly that **Congress has lost its one key advantage as a legislative body—the decay of the deliberative process.** Thus, they do recognize that party politics has played an important role in the degrading of congressional power, but they see a larger dynamic at work, one that reaches beyond partisanship. While we agree with Howell and Pevehouse that Congress retains important mechanisms for constraining the president, we tend to agree with the Mann and Ornstein view that there has been a significant and sustained decline in Congress's willingness to use these mechanisms to challenge presidential power. This tendency has been more prevalent in foreign affairs but has occurred noticeably across the spectrum of public policy issues. Building from both of those perspectives, and others, we argue that it is helpful to understand the pattern of congressional complicity in the rise of presidential power by viewing Congress's aiding and abetting as the logical outcomes of a collective action problem.31 By constitutional design, **the legislative** branch **is in competition with the president for** institutional **power**, **yet Congress is less than** ideally **suited for** such **a political conflict**. **Congress's** comparative **disadvantage begins with its 535 "interests**" **that are** very **rarely aligned,** and if so, only momentarily. **Because** individual **reelection overshadows all** other **goals**, members of Congress naturally seek to take as much credit and avoid as much blame from their constituencies as possible.32 The dilemma this creates for members is how to use or delegate its collective powers in order to maximize credit and minimize blame in the making of public policy. Congress can choose to delegate power internally to committees and party leaders or externally to the executive branch. **One can conceptualize** the strategic situation of members of **Congress** **in** terms of **a prisoner's dilemma**.33 **If members cooperate** (that is, in Mann and Ornstein's parlance, if members identify with the institution), **they could** maintain and **advance Congress's** institutional **power**. **But they would have to bypass** some potential **individual payoffs** **that could come from defection**, **such as "running against Congress" as an electoral strategy**. **A stronger institution should make** all members of **Congress better off, but it** also **makes them responsible for policymaking**. **If members defect** from the institution, **they** thus seek to **maximize constituency interests** either by simply allowing power to fall by the wayside or by simply **delegating it to the president**. **As more** and more **members choose to defect** over time, **the "public good" of a strong Congress is not provided** for or maintained—and **Congress's** institutional **authority** **erodes and presidential power fills in the gap**. Why, in other words, is congressional activism so often "less than meets the eye," as Barbara Hinckley maintained in her book by that title? Or why has the ''culture of deference" that Stephen Weissman identified developed as it has?34 We argue that the collective action problem that exists in Congress leads to the development of these trends away from meaningful congressional stewardship of foreign policy andspending**.**

**ANY DEVIATION FROM AN INDEPENDENT EXECUTIVE OPENS THE FLOODGATES TO TOTAL LOSS OF PRESIDENTIAL POWER. – GENDER MODIFIED**

**Calabresi 95**

[Steven G. Calabresi, Associate Professor, Law, Northwestern University, “Some Normative Arguments for the Unitary Executive,” ARKANSAS LAW REVIEW v. 48, 1995, p. 65-66.]

I began this section by saying that I would show why it is at least as important that there be a unitary presidency as that there be a strong presidency. I think the groundwork has now been laid for defending that claim. **Any deviation from the principle of unitariness in the executive structure immediately opens up a crack** into which the state and local pressures described above will tend to insinuate themselves. **The minute some portion of the executive is cut free from the President** and the national electoral constituency which he [or she] and he [or she] alone represents, **it tends to become swallowed up by the state and local political pressures that drive the congressional committees and subcommittees**. Deviations from executive unitariness thus necessarily hold the risk that different regional concerns will attach themselves to the disassociated interest, especially if it somehow seems important to their region. Thus, an "independent" Defense Department would likely be a target of opportunity for members of Congress from a state with a lot of defense spending or with voters who care strongly about the military. An "independent" Federal Reserve Board will be a target for members of Congress who represent large financial interests, and so on. **Any deviation, however slight, from the Framers' organizing principle of executive unitariness will be filled by regional, anti-national concerns**. Again, **this illustrates what necessarily happens once we depart from executive unitariness as an organizing principle.** Differing regional and local interests insinuate themselves into the breach. I am quite confident that if we had a three-headed executive council, both parties would run slates for the council with geographically diverse sets of candidates. The less unitary the structure, the more diverse the slates would become. Every deviation from the principle of executive unitariness will necessarily undermine the national majority electoral coalition. In some circumstances that might not be bad; I would not want (for reasons I will explain later) to have all 435 members of Congress elected at-large by a national majority. But, I do want, as our Constitution contemplates, the President and chief law executor to be elected that way. When the unitariness of the office is threatened in any way, so too are the interests in impartial law execution of the national electoral majority for which the President speaks.