### 1NC

#### Text: The President of the United States should publicly declare that the Executive Branch and Department of Defense will no longer use drones for targeted killing operations and follow this mandate.

#### De Facto and De Jure self-binding create accountability from the courts and risk political alienation for going back on promises

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 138-139//wyo-sc]

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is "yes, at least to the same extent that a legislature can." Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.61 However, there may be political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

### 1NC

#### Obama will win the default standoff now – plan kills it by switching focus

Dana Milbank, writes a regular column on politics, “Obama should pivot to Dubya’s playbook,” Washington Post, 9/27/13

If President Obama can stick to his guns, he will win his October standoff with Republicans.¶ That’s an awfully big “if.”¶ This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning:¶ Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd.¶ But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered.¶ Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone.¶ Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions.¶ But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare.¶ To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after.¶ Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note.¶ In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently.¶ The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.”¶ This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers.¶ Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator.¶ Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

#### Obama won’t negotiate now strengthens his hand – plan is a loss the saps capital and emboldens republicans

Christopher Flavelle, member of Bloomberg View's editorial board, “Flavelle: Barack Obama may have to cave on debt ceiling,” 9/25, 2013

President Obama says he won't negotiate with Republicans over the debt ceiling. That may be a good bargaining tactic, but if push comes to shove, is it good policy? There's no question that Obama strengthens his hand by saying, as he has over and over again, that he won't let Republicans use the debt ceiling to extract concessions from Democrats, whether it's Obamacare, the Keystone XL pipeline, spending cuts or anything else. In theory, that should make Republicans think twice about failing to raise the debt ceiling, by reducing their expectations of winning the fight. But what if the tactic doesn't work? What if House Republicans make good on their promise not to raise the debt ceiling without getting something in return, and on Oct. 17 Obama has to choose between caving in or letting the country renege on its obligations? To be sure, caving has all sorts of unpleasant consequences. Politically, it hurts the president's remaining credibility, emboldens Republicans and leads to policy outcomes that Democrats don't want (though what level of concessions would be required is unclear).

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

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

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.¶ I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.¶ While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling.¶ Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.¶ Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.¶ I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.¶ As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.¶ Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.¶ Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.¶ I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.¶ The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.¶ Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### Obama’s leadership in refusing negotiation is key to prevent economic catastrophe

Jason Linkins, “The Only Way To Show Leadership In A Debt Ceiling Crisis Is To Refuse To Negotiate On The Debt Ceiling,” Huffington Post, 9/26/13

The thing about the debt ceiling is that it's not in any way, shape, or form a "partisan" issue. There's no "position" to take on it. It is not a liberal or a conservative "idea." And raising the debt ceiling confers no privileges or advantages on anyone -- it doesn't advance any policy or philosophy, and it doesn't even permit new debt. Congress has passed laws and appropriated monies. Having done so, certain obligations must be met. Raising the debt ceiling says only, "We plan on honoring our obligations." Not raising the debt ceiling means you are saying, "We would like to cause the collapse of what is colloquially known as 'the economy.'" You signed a lease. You promised to pay rent. Maybe you don't like your rent increase. Maybe it wrecks your carefully calculated budget. Know what? You have options. Move if you want. Zero out another budget item to secure the money. Do whatever you like. Regardless, on the first of the month, you pay what you owe, or you may be forcibly evicted. The debt ceiling works the same way. If you're concerned by how high it's getting, there is nothing but ample opportunity to have debates, make cuts, raise revenue, and right the budget. If the vote doesn't go your way, you go out on the campaign trail and you make your case to the electorate. Next time, the vote maybe goes your way. But on the appointed date, you raise the debt ceiling. A lot of people these days are suggesting that it's natural to make big budget deals when the debt ceiling needs to be raised. This is what we call "erroneous." Here's Jonathan Chait, enumerating the two central errors: Error No. 1: As Richard Kogan points out, since the Reagan administration began, Congress has raised the debt ceiling 45 times. Only seven of those times were attached to significant budget legislation. Basically, when Congress does a budget deal, it usually attaches a debt-ceiling hike onto it. But it doesn’t make the debt-ceiling hike contingent on the deal. Error No. 2: Boehner is not proposing a “deal,” as in a deal involving the swapping of concessions. Indeed, all the previous agreements he cites involved the two sides making mutually agreeable policy bargains. None of them, save the 2011 debt-ceiling ransom, involved Congress threatening debt default in order to extract concessions. Boehner isn’t looking for a deal, except in the sense that Richie Aprile was looking for a deal with Beansie to share the profits from his restaurant. On Thursday, Chait sized up the House GOP's "offer" on the debt ceiling. It boils down to: Implement the economic policies that Mitt Romney and Paul Ryan ran on, or else you get default. You may remember Mitt Romney and Paul Ryan from their past masterworks, which include "Losing The 2012 Election." It's impossible to take this seriously. And not just in the sense that it's unreasonable to expect the winners of a presidential election to implement the policies they opposed on the way to that win. There's a second level of pure, mountain-grown unseriousness that Josh Barro points out, having examined this same offer: the GOP's demands -- which include blocking net neutrality regs and building the Keystone pipeline -- "have little or no connection to the federal debt." This is just a list of things Republicans would like to do if they ran the government. But they don't run the government. Instead, they are contending that it is a valid legislative strategy to use the leverage of the debt ceiling—which will cause an economic crisis if it is not increased—to demand their way on any unrelated issue. The pretense that debt limit fights are about the public debt is over. Well, I wish that this was the case, but unfortunately, the odd notion that the occasion of raising the debt ceiling is an appropriate time to extract unreasonable demands has been normalized. It's now baked into the Beltway Conventional Wisdom. And along with that comes the odd notion that navigating nihilist demands -- not simply rejecting them -- is the new way that a president shows leadership. Right now, if the House GOP demanded that John Boehner be allowed to amputate Barack Obama's legs with a rusty band saw in exchange for a debt ceiling hike, the Beltway commentariat would light up with talk about how irresponsible it would be for Obama to not, at the very least, consider it. Maybe just one and a half legs. It would be a big "win" for the White House to be left with half a gangrenous stump. So instead of this moment of clarity that Barro rightly suggests should happen, here's what's going to take place. The Beltway Conventional Wisdom mavens are going to go on the offensive, and castigate the administration for its current, correct, position on the debt ceiling, which is: "There will be no negotiations on the debt ceiling." Obama's failure to properly offer some ransom to economic terrorists will be met with scorn. And here's a simple truth about all of this: Obama does, definitely, share in the blame. As Matt Yglesias points out: The absolute worst mistake Obama has made as president came back in 2011 when Republicans first pulled this stunt. At that time, Obama desperately wanted a bargain over long-term fiscal policy. So he tried a bit of too-clever-by-half political jujitsu in which GOP debt ceiling hostage taking became a pretext to start negotiations over long-term budgeting. All manner of evils have fallen forth from that fateful decisions, including an economic weak patch in 2011 the ongoing mess of sequestration, and worst of all the setting of a precedent for future crises. "A terrible monster was let out of the box in 2011," says Yglesias, "and the best thing Obama can possibly do for the country at this point is to stuff it back in and hopefully kill it." I've long wondered why, exactly, Obama decided to allow this monster to escape from the box. Part of it may have to do with his own history on debt ceiling votes. See, in the past, presidents have always gotten a clean debt ceiling hike from Congress, but it was traditional for the opposition party to allow a few of its members to rail at the president for his policies and cast votes against it. Not so many votes that it threatened the eventual outcome, just enough to make a point. And during George W. Bush's presidency, then-Sen. Obama was one of the people to vote against raising the debt ceiling. So some small part of his desire to engage in deal-making may stem from his need to be internally consistent. But it's pretty clear that he's been largely motivated by a desire to satisfy the Beltway Conventional Wisdom mavens, show "leadership" on the issue, and achieve a big, shiny Grand Bargain on the long-term budget trajectory. But Obama made two miscalculations. First, he made the mistake of presuming that the GOP would be willing to bargain, to literally exchange concessions. Second, he made the mistake of assuming that once it became clear that a bargain wasn't possible, the party refusing to bargain would be held accountable. Fortunately, this is one mistake that the White House has not seemed willing to repeat, and its current "no negotiations" stance is correct. And as Greg Sargent points out, refusing to negotiate doesn't diminish Obama's opposition at all: Democrats are not asking Republicans to give up anything in requesting that they support a debt limit hike. They are not asking Republicans to agree to more spending. They are not asking for new taxes. They are simply asking Republicans to join them in making it possible for Congress to pay obligations it has already incurred, and in so doing, avert economic catastrophe for the whole country. There is no rationale for giving Republicans anything in return for this. Indeed, this is true. If Republicans do the responsible thing, and offer a clean debt ceiling hike, they will have conceded nothing. They will still be free to block spending, deny revenue increases, stage debates on their preferred policies, enter into bargains, and use the traditional campaign cycle to make the case for whatever the legislative process denies them. There is simply no reason to use the occasion of the debt ceiling to force anyone's hand with the threat of a default apocalypse. (In fact, the willingness to act responsibly when the occasion demands and put the country first only strengthens one's bargaining position.) The truth is that by taking this "no negotiations" stance, Obama is doing the GOP a great service. See, it is an inevitability that one day, there will be a Republican president. It is similarly inevitable that this future Republican president will have to seek a debt ceiling rise from a legislature in which the Democrats have sufficient potency to stage a hostage crisis. I truly want to believe that "making government work" is so central to the Democratic Party's "brand" that it would never consider these same apocalyptic posturings. But in my experience, these parliamentary battles, when left unchecked, tend only to escalate. And the roots of vengeance run deep. It is up to Obama to break this cycle of violence (and this is perhaps fitting, since he played such a major role in unleashing it in the first place). Remember, the debt ceiling is not a partisan issue. Anyone who tells you there is a "liberal" or "conservative" position on the debt ceiling is a grand fool. It is not "liberal" to raise the debt ceiling, nor is it "conservative" to not raise the debt ceiling. Raising it is simply a necessity -- a necessity that does not negate either side's ability to debate budget levels or priorities. The refusal to raise it is simple nihilism. By holding this line, Obama is truly engaging in an act of bipartisanship. He puts the monster back in the box. He preserves basic institutional governance for both parties. He protects future presidents, Democrats and Republicans alike, from having to face the constant threat of economic apocalypse. The media will pillory him for holding firm on this. All of the old arguments, that Obama is "failing to lead," will gain new currency. But it was according those arguments some validity that got us into the mess in the first place. So hold firm he must, because it is the one and only way a president can "lead" on this issue.

#### Nuclear war

Friedberg and Schoenfeld 8

Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

### 1NC: Existential Threats

#### Executive war power primacy now—the plan flips that

Posner 13

[Eric Posner, 9/3/13, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html]

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President **Obama has reaffirmed the primacy of the executive** in matters of war and peace. **The war powers of the presidency remain as mighty as ever**.

It would have been different if the president had announced that **only Congress can authorize** the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. **That would have been** worthy of notice, **a reversal of the ascendance of executive power over Congress**. **But the president said no such thing**. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”

Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)

People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

#### Congressional restraints spill over to destabilize all presidential war powers.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is **no constitutional provision** on whether Congress has the legislative power to **limit, end, or otherwise redefine the scope of a war**. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 **the same cannot be said about Congress’s legislative authority** to terminate or **limit a war** in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully **declined to grant Congress such powers**. And as this Article argues, granting Congress this power would be **inconsistent with the general war powers structure of the Constitution.** Such a reading of the Constitution would **unnecessarily empower Congress** and **tilt the scales heavily in its favor**. More over, it **would strip the President of his Commander in Chief authority** to direct the movement of troops at a time **when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

#### That goes nuclear

Li ‘9

[Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

1. The Emergence of Non-State Actors]

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the **institution** of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that **conventional wars** remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight **as a life-and-death struggle**, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, **was not designed** to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of **rogue states**, and the potentially wide proliferation of easily deployable **w**eapons of **m**ass **d**estruction, **nuclear and otherwise.** B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"**then clearly [the modem state] does not have a future in front of it**.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' **That era is now over**. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" **is a struggle for survival** and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, **quick reactions**, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a **faster tempo** or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a **fatal hindrance** to achieving the initiative **necessary** for victory. As a **slow-acting**, deliberative **body**, Congress does not have the ability to adequately deal with **fast-emerging situations** in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch **must** have the ability to operate by taking offensive military action even without congressional authorization, because **only the executive branch** is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

### 1NC

#### Text: The president of the United States should prohibit signature strike targeted killing operations.

#### Ending signature strikes is key – causes civilian casualties and stokes anti-American sentiment

Noah VanValkenberg, Contributing Writer, “Making Drones More Effective: Refining a Necessary Practice in Warfare,” March 2, 2013. Retrieved from <http://outsidecolby.com/2013/03/making-drones-more-effective-refining-a-necessary-practice-in-warfare/>

Drones are a crucial piece of the United States’ global war on terror. They have eliminated dangerous individuals such as Anwar al-Awlaki and other senior members of Al Qaeda. However, there is a significant difference between targeted strikes and “signature strikes”—and the use of the latter is only serving to endanger US security.

In a typical targeted strike, high-level terrorists are profiled and their names are passed up the chain of command. The National Security Adviser, in conjunction with the Director of Central Intelligence (CIA), will recommend individuals on this “kill list” to President Obama. Ultimately, the President makes the call of who to strike. This is the way drone strikes should work: a missile is only fired after careful analysis and evaluation by experts, and a decision by the President.

Signature strikes work entirely differently. Armed drones often loiter over a specific area with no specific mission. If they see a group of individuals acting suspiciously, a relatively low-level intelligence officer can make the call to shoot. The definition of “acting suspiciously” is particularly problematic, as a man carrying a rifle and riding in a pickup truck in the desert may meet that standard. Signature strikes have killed prominent pro-US Yemeni leaders, as documented in the New York Times, they have stoked significant anti-American sentiment, and they have killed 176 children in Northern Pakistan alone.

Currently, signature strikes make up the majority of drone attacks, and the targets’ identities are rarely conclusively known. According to an article published in the Journal of International Criminal Justice by Jens Ohlin, only eight percent of suspected militants killed in signature strikes between 2008 and 2010 were mid- to high-level targets. The rest posed no threat to US national security and the strikes incurred enormous collateral damage.

However, that collateral damage is enormous. According to the widely cited study Living Under Drones, published by Stanford and NYU, one signature strike alone killed forty members of a peaceful meeting of tribal elders in Northwest Pakistan. The same study argues that many individuals now refrain from going to funerals, because they are so frequently targeted by signature strikes.

Targeted strikes, on the other hand, often produce little collateral damage. A 2009 targeted strike killed Baitulluh Mehsud, the leader of Tehrik-i-Taliban Pakistan. He was one of the most dangerous militants in the world and helped radicalize the suicide bomber who attacked a CIA base in Khost, Afghanistan. A 2011 strike killed Atiyah Abd al-Rahman, al-Qaeda’s #3 operative. These strikes work. They are effective. And they minimize collateral damage.

Signature strikes are neither effective nor legal. They simply kill low-level militants who pose no threat to U.S. national security, and by killing their friends and family along with them, these strikes make enemies. If the goal of successful counterterrorism operations is to eliminate the terrorists, it logically follows that any action that creates more terrorists is counterproductive. Signature strikes under the Obama administration must end, and targeted strikes must take their place.

#### Counterplan solves the problems with the targeted killing program - banning signature strikes is key to prevent blowback and attack errors- green and on highlighting

Arianna Huffington, master aggregator, 'Signature Strikes' and the President's Empty Rhetoric on Drones, Huffington Post, 7/10/2013. Retrieved from <http://www.huffingtonpost.com/arianna-huffington/signature-strikes-and-the_b_3575351.html>

On March 17, 2011, four Hellfire missiles, fired from a U.S. drone, slammed into a bus depot in the town of Datta Khel in Pakistan's Waziristan border region. An estimated 42 people were killed. It was just another day in America's so-called war on terror. To most Americans the strike was likely only a one-line blip on the evening news, if they even heard about it at all. But what really happened that day? Who were those 42 people who were killed, and what were they doing? And what effect did the strike have? Did it make us safer? These are the questions raised, and answered, in a must-watch new video just released by Robert Greenwald's Brave New Foundation. The attack was what has come to be called a "signature strike." This is when the CIA or the military makes the decision to fire based not on who the targets are but on whether they are exhibiting suspicious patterns of behavior thought to be "signatures" of terrorists (as seen on video from the drone). Given that the CIA is killing people it's never identified based on their behavior, one would assume a certain rigor has gone into defining the criteria for the kinds of behavior that get one killed. So what's a signature behavior? "The definition is a male between the ages of 20 and 40," former ambassador to Pakistan Cameron Munter told the Daily Beast's Tara McKelvey. "My feeling is one man's combatant is another man's -- well, a chump who went to a meeting." The New York Times quoted a senior State Department official as saying that when the CIA sees "three guys doing jumping jacks," the agency thinks it is a terrorist training camp. That day in Datta Khel, the signature behavior was a meeting, or "jirga," which is an assembly of tribal elders who convene to settle a local dispute. In this case, a conflict over a chromite mine was being resolved. And, in fact, the elders had informed the Pakistani army about the meeting 10 days in advance. "So this was an open, public event that pretty much everyone in the community and surrounding area knew about," says Stanford law professor James Cavallaro in the video. Pretty much everyone in the community and surrounding area. But not U.S. intelligence. Or the head of the CIA. Or the president. Or the guy in Virginia or Nevada or some other undisclosed location pressing the button on the drone controller. And so, almost all the tribal elders of the area were killed by the drone missiles. Akbar Ahmed is a retired Pakistani ambassador to the UK and now a professor at American University. "It's feeding into the sense that no one is safe, nowhere is safe, nothing is safe," he says in the video. "Even a jirga, the most cherished, the most treasured institution of the tribal areas. So we cannot even sit down and resolve an issue -- that is not safe anymore." As professor Cavallaro put it, "the loss of 40 leaders on a single day is devastating for that community." And far from building stability in places like Pakistan, something the administration talks a lot about, in fact the strike actually removed, in one fell swoop, the most stabilizing forces in an entire community. Jalal Manzar Khail was at his nearby home that day and remembers the attack, which also claimed four of his cousins. Khail's six-year-old son was later afraid -- not unreasonably -- to sleep in their house. "We cannot go home," Khail recounts his son saying. "We have to spend the night in the tree." Khail adds, "Convey my message to Americans: The CIA and America have to stop ... they're just creating more enemies and this will last for hundreds of years." Khail's message is not uncommon. "At the end of almost every interview I did," Greenwald told me, "the person would say, 'Please tell President Obama I am not a terrorist and he should stop killing my family.'" There was a time when President Obama might have been more receptive to that message. In the book Kill or Capture: The War on Terror and the Soul of the Obama Presidency, Daniel Klaidman recounts another drone strike just days after President Obama had been inaugurated. Among those killed were a pro-government tribal elder and two of his children. Obama "was not a happy man," an official told Klaidman. The concept of the signature strike was then explained to him. "Mr. President," said CIA deputy director Steve Kappes, "we can see that there are a lot of military-age males down there, men associated with terrorist activity, but we don't always know who they are." Obama responded, "That's not good enough for me." It would appear that he has since warmed to the concept. It's unknown how many have died -- combatants or civilians -- in signature strikes, since the administration still doesn't acknowledge that they happen. In February, Robert Gibbs told MSNBC's Chris Hayes that when Gibbs became Obama's press secretary he was told not to acknowledge the drone program at all. "You're not even to discuss that it exists," Gibbs remembers being told. Of course, since then, given how increasingly ludicrous -- and insulting to the country -- this stance appeared, the administration has acknowledged the drone strikes, though not much more. But estimated numbers have been compiled by other sources. As Klaidman points out, by the time Obama accepted his Nobel Peace Prize 11 months into his presidency, he'd already ordered more drone strikes than George W. Bush had in his entire presidency. By the end of 2012, he'd ordered six times as many strikes in Pakistan as Bush had. One study, conducted by professors from Stanford (including Cavallaro) and NYU, found that from 2004 to 2012, between 474 and 881 civilians were killed in Pakistan drone strikes. This includes 176 children -- the subject of another Greenwald video, which I encourage you to watch. For fiscal year 2013, the administration has requested $26.16 billion for the drone program -- at least that's the portion that we know about. In a speech in May at the National Defense University, President Obama gave what was billed as a major national security address meant to clarify his policy on drones, surveillance, and Guantanamo. It seemed to signal a transition in his approach. "With a decade of experience to draw from," he said in the hour-long address, "now is the time to ask ourselves hard questions -- about the nature of today's threats, and how we should confront them." In parts of the speech he even made a good case against the use of drones: ... force alone cannot make us safe. We cannot use force everywhere that a radical ideology takes root; and in the absence of a strategy that reduces the well-spring of extremism, a perpetual war -- through drones or Special Forces or troop deployments -- will prove self-defeating, and alter our country in troubling ways. He also admitted that "U.S. strikes have resulted in civilian casualties." This was a far cry from the claim made in 2011 by John Brennan, at the time the president's chief counterterrorism advisor, that "there hasn't been a single collateral death" from the strikes. He later amended this to say there's been no "credible evidence of collateral deaths." This ridiculous claim was demolished in an article in Foreign Policy by Micah Zenko, who concluded that Brennan either doesn't get the same briefings given to other administration officials or he doesn't have Internet access. Or "he was lying." In any case, it didn't stop his confirmation as director of the CIA. In his speech, President Obama also allowed that "America cannot take strikes wherever we choose -- our actions are bound by consultations with partners, and respect for state sovereignty." Pakistan might differ on that one. After the Datta Khel strike, some of the victims' families filed suit, resulting in a ruling by the Pakistan court that the strikes are illegal. In fact, the president opened his speech by proclaiming that "our alliances are strong, and so is our standing in the world." Well, the world's a big place. And there are some places where our standing has larger implications for our national security than others. In Pakistan, for instance, according to a recent Pew Foundation poll, 74 percent consider the U.S. to be an enemy. In the last year of the Bush administration, the U.S. was regarded favorably by 19 percent of the Pakistan people. By 2012, that had fallen to 12 percent. Bruce Riedel, a former CIA official and now a scholar at Brookings, says the strikes are "deadly to any hope of reversing the downward slide in ties with the fastest growing nuclear weapons state in the world." The president also claimed that "conventional airpower or missiles are far less precise than drones, and likely to cause more civilian casualties and local outrage." Wrong again. In the Guardian last week, Spencer Ackerman reports on a study by Larry Lewis, of the Center for Naval Analysis, that found that drones strikes in Afghanistan were 10 times more likely to cause civilian casualties than strikes from manned fighters. § Marked 11:24 § "Drones aren't magically better at avoiding civilians than fighter jets," said study co-author Sarah Holewinski. "When pilots flying jets were given clear directives and training on civilian protection, they were able to lower civilian casualty rates." In his speech, President Obama also said that "we must make decisions based not on fear, but hard-earned wisdom." The hard-earned wisdom the drone study was based on -- data in Afghanistan from 2010 to 2011 -- was presumably available to the administration. Had the White House been interested in finding out which method was safer, they could have. But they chose not to and instead just repeated the self-serving, conventional -- and demonstrably wrong -- "wisdom." It's hard to grant the mantle of actual wisdom to that kind of decision-making. But the president also said that he was going to explore "other options for increased oversight," and that he'd signed "clear guidelines" for "oversight and accountability" just the day before. "Before any strike is taken," he declared, "there must be near-certainty that no civilians will be killed or injured -- the highest standard we can set." Though signature strikes were not mentioned, some assumed language like "near certainty" and "highest standard" meant they were no longer going to be used. That assumption was proven wrong as just days later an administration official told the New York Times that signature strikes will continue in Pakistan, a statement the Times' Andrew Rosenthal wrote "seem[ed] to contradict the entire tenor of Mr. Obama's speech." Two weeks later, on June 9, a drone struck a vehicle in Yemen, killing not only several supposed militants, but also a boy named Abdulaziz. He was 10 years old. "Near certainty" and those new "clear guidelines" apparently weren't enough for Abdulaziz. The administration refused to comment on the boy's death, or the strike itself. So much for accountability and transparency. And just last week, a strike in Waziristan killed 16 people and wounded five others. In addition to asking some of those "hard questions" about the war on terror, it's time to start admitting some clearly obvious hard truths. And one of those is that the assumption that drone strikes make us safer -- even when they're on target and used with a threshold of absolute certainty -- just isn't true. So, it's not a choice, as the administration would have us believe, between safety and compassion. "As Commander-in-Chief, I must weigh these heartbreaking tragedies against the alternatives," said Obama in his speech. "To do nothing in the face of terrorist networks would invite far more civilian casualties." As if those are our only choices -- killing boys like Abdulaziz or doing nothing. The president continued: "Let us remember that the terrorists we are after target civilians, and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes." But he says that as if "the terrorists" are some set pool of people, and all we have to do is find them and kill them. Yes, given that terrorists target civilians, how about policies that don't create more terrorists in the first place? After that strike in Datta Khel, what do you suppose happened to the support of any moderate or pro-American or pro-democracy leaders in the community? (I'm speaking of the ones who weren't killed, of course.) Was their standing enhanced? Did the strike help them make their case? Sure, we killed some people. Some of them were undoubtedly "bad guys" -- but has this made us safer? In the video, Lawrence Wilkerson, former chief of staff to Secretary of State Colin Powell, says it's not about casualty numbers. "The Vietnam body count as a metric was flawed," he says, "and the drone strikes are the same way ... Tell me how we are winning if every time we kill one, we create 10? That's not a metric that tells you if you're winning. What tells you if you're winning is if Muslims decide not to support the radical fringe." David Kilcullen, former senior advisor to General David Petraeus, agrees: "[T]he blowback and the aspect of political destabilization -- those things ultimately do make us less safe." It seems clear that the White House doesn't want debate on this issue any more than it welcomed debate, as the president claimed, on the NSA's surveillance program after the Snowden revelations. What the administration seems to want is to make speeches in which they claim good intentions, high standards, and a commitment to transparency -- and then declare everything else classified and off-limits. That's why Greenwald's new video is so valuable. It gives us a glimpse, even if the White House won't, of what's being done in our name. "We are working," Greenwald told me, "to use the video to get Congress to introduce legislation to ban signature strikes." So watch it, and then start the debate the president claims to want. The missiles from the drones might be exploding in Pakistan and Afghanistan and Yemen, but the fallout will impact us here at home for years to come.

#### Solving targeting error solves terror-

Masood 13

(Hassan, Monmouth College, “Death from the Heavens: The Politics of the United States’ Drone Campaign in Pakistan’s Tribal Areas,” 2013) /wyo-mm

Those who support the use of drones as an important counter-insurgency tactic nonetheless point out that the current campaign is not always conducted in the most effective manner. The authors of “Sudden Justice” for example, argue that the campaign should be focused on ‘high value targets’ and not be used frequently to take down the lower level operatives. The more you can destroy and disrupt the activities of personnel in the Taliban and al-Qaeda from the top-down instead of the bottom-up, the more of an impact it will have. The leadership qualities, organizational skills, and strategic awareness of various high-level commanders in both the Taliban and al-Qaeda cannot be easily replaced after their deaths at the hands of U.S. drones. Fricker and Plaw use the example of Baitullah Mehsud, a Tehrik-i-Taliban (TTP) leader who was killed by a drone strike on the roof of his uncle’s house on August 5, 2009. His death provoked an internal struggle in his organization that ultimately led to enough confusion and tension within the TTP that the Pakistan Army was able to launch the South Waziristan Offensive, putting the TTP on the defensive. But the lower level Taliban and al-Qaeda members have skills and abilities that are more common and more easily replaced. The amount of time and energy, the article asserts, that the U.S. is spending killing lower-level members (and increasing civilian casualties in the process, as the majority of the time these strikes happen during funeral processions or wedding parties) could instead be used to seriously disrupt the activities of the entire organization by targeting its leaders, much like the death of Osama bin Laden did to al-Qaeda in South/Central Asia in 2011. David Rohde agrees that the drones should be used, as they are an effective and efficient way of disrupting and destroying the extremist power base there, but their usage should be both selective and surgical. There is no consensus among scholars when it comes to evaluating the effectiveness of the use of drones as a counter-insurgency tactic. As Hassan Abbas points out “the truth is we don’t know whether U.S. drone strikes have killed more terrorists or produced more terrorists.”

#### Terrorism causes nuclear war-

Ayson 10

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. t may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response.

# CASE

## Solvency

### 1NC: Targeted Killing

#### Prez will circumvent-

#### [1.] Obama invokes state secrets privileges-cases get dismissed

Bauman 2010

[Nick Bauman, Senior Editor, December 7th, 2010, Judge Dismisses Anwar al-Awlaki Targeted Killing Lawsuit,http://www.motherjones.com/mojo/2010/12/judge-dismisses-anwar-al-awlaki-targeted-killing-lawsuit, uwyo//amp]

Even if Bates had ruled in the plaintiff's favor on standing, though, the case would still have had major obstacles. While Bates doesn't officially reach the matter of the so-called "state secrets" privilege (the government asked him to rule on state secrets only as a last resort), he does indicate that he would have ruled in the government's favor on that question if he had. The message to the ACLU and CCR is clear: even if you had resolved your standing issues, you would have still lost to the government's trump card. Here's the full decision (PDF) and the AP story. One of the more interesting details in this ruling is that Bates bought the government's argument that the younger al-Awlaki has meaningful access to the US legal system: supposedly, he can just go to the US embassy or email potential lawyers without fear of assassination. But as Marcy notes, even if Anwar al-Awlaki did turn himself in, Bates' promise to rule against him on state secrets grounds would mean he would still have no effective way to challenge his presence on the Obama administration's reported "target list."

#### [2.] will withhold documents

AP 2013

[AP, February 5th, 2013, Congress looks to limit drone strikes, <http://www.cbsnews.com/8301-250_162-57567793/congress-looks-to-limit-drone-strikes/>, Congress looks to limit drone strikes, uwyo//amp]

The Senate Foreign Relations Committee likely will hold hearings on U.S. drone policy, an aide said Tuesday, and Chairman Robert Menendez, D-N.J., and the panel's top Republican, Sen. Bob Corker of Tennessee, both have quietly expressed concerns about the deadly operations. And earlier this week, a group of 11 Democratic and Republican senators urged President Barack Obama to release a classified Justice Department legal opinion justifying when U.S. counterterror missions, including drone strikes, can be used to kill American citizens abroad. Without those documents, it's impossible for Congress and the public to decide "whether this authority has been properly defined, and whether the president's power to deliberately kill Americans is subject to appropriate limitations and safeguards," the senators wrote. It was a repeated request after receiving last June an unclassified Justice Department memo, which fell short of giving the senators all the information they requested. First detailed publicly by NBC News late Monday, the memo for the first time outlines the Obama administration's decision to kill al Qaeda terror suspects without any evidence that specific and imminent plots are being planned against the United States.

#### [3.] Operates covertly

Friedersdorf 2013

[Conor Friedersdorf, writer for The Atlantic, 01 May 13, No, Congress Doesn't Oversee Drones, http://readersupportednews.org/opinion2/277-75/17221--no-congress-doesnt-oversee-drones, uwyo//amp]

There is a reason that the Obama Administration has hidden so much of what it's done from Congress and the American people: Officials know they cannot defend the policy they are pursuing if they forthrightly lay it out in all its indefensible details. Feinstein has repeatedly abetted their efforts to obscure reality, whether deliberately or because she is being manipulated. Certainly she has passed along factually inaccurate and misleading information to the public. The claim that Congress performs meaningful and sufficient oversight of the drone program is flat out incorrect, and citing Feinstein as if her words demonstrate the contrary reveals a willingness to trust elected officials even when the facts demand skepticism. It is vital for Americans to understand that the Obama Administration has hidden much of what its done from their representatives in the legislature, and that many of their representatives are derelict in their duty to zealously guard their oversight power, as James Madison assumed they would.

#### Prez will circumvent-

#### [1.] invokes state secrets to avoid oversight

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 24//wyo-sc]

Monitoring the executive requires expertise in the area being monitored. In many cases, Congress lacks the information necessary to monitor discretionary policy choices by the executive. Although the committee system has the effect, among others, of generating legislative information and expertise,18 and although Congress has a large internal staff, there are domains in which no amount of legislative expertise suffices for effective oversight. Prime among these are areas of foreign policy and national security. Here the relative lack of legislative expertise is only part of the problem; what makes it worse is that the legislature lacks the raw information that experts need to make assessments. The problem would disappear if legislators could cheaply acquire information from the president, but they cannot. One obstacle is a suite of legal doctrines protecting executive secrecy and creating deliberative privileges— doctrines that may or may not be justified from some higher-order systemic point of view as means for producing optimal deliberation within the executive branch. Although such privileges are waivable, the executive often fears to set a bad institutional precedent. Another obstacle is the standard executive claim that Congress leaks like a sieve, so that sharing secret information with legislators will result in public disclosure. The problem becomes most acute when, as in the recent controversy over surveillance by the National Security Agency, the executive claims that the very scope or rationale of a program cannot be discussed with Congress, because to do so would vitiate the very secrecy that makes the program possible and beneficial. In any particular case the claim might be right or wrong; legislators have no real way to judge, and they know that the claim might be made either by a wellmotivated executive or by an ill-motivated executive, albeit for very different reasons.

#### [2.] constraints make Presidents more assertive

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. 225-226, 2010// wyo-sc]

Congress, following the logic of Daniel Patrick Moynihan's "Iron Law of Emulation" (which holds that what one branch of government does will be emulated by another), responded to the enlargement of the presidency and its powers by undertaking a number of actions in the 1970s to enable itself to be a more active and assertive player in the making of national policy.11 It gave itself a large professional staff, reformed its budget process, developed tools for more oversight of the executive, passed legislation to gain more information about the conduct of foreign policy and influence over it (the Case-Zablocki Act, the War Powers Resolution, and other laws), and at times acted aggressively to challenge presidential policy (in the mid-1970s and again in the late 1990s and after the 2006 midterm elections). In less than forty years, Congress has moved toward impeaching one president (Nixon, whom it ultimately drove from office), legislated an end to the Vietnam War, prohibited American intervention in the civil war in Angola (1975), impeached another president (Clinton), shut down the government in a duel with the White House over the federal budget (1995), investigated the Iran-Contra affair and other incidents, passed a bill to require a timetable for withdrawing U.S. forces from Iraq (2007), tried several times to bring the president to heel on the use of force, and balked when the Bush administration tried to have its first financial industry bailout plan passed summarily in 2008. These and other incidents have made the legislature a full player in the separated system of American government, but they have also stimulated presidents to seek greater autonomy from legislative constraints. The unilateral presidency is the result of this stimulation. Barack Obama follows in this line of presidents seeking to accomplish something in office and feeling the urgency of their task. In his victory speech on election night in 2008, he told the assembled crowd that "this is our time—to put our people back to work and open doors of opportunity for our kids; to restore prosperity and promote the cause of peace; to reclaim the American Dream and reaffirm that fundamental truth—that out of many, we are one; that while we breathe, we hope, and where we are met with cynicism, and doubt, and those who tell us that we can't, we will respond with that timeless creed that sums up the spirit of a people: Yes We Can."12 There is no reason to think that he or any subsequent president will be passive in the conduct of office. Congressional responses to executive unilateralism will be too late *and too strong* andwill *in turn* stimulate a new round of executive assertiveness*.* In the 1960s and 1970s Congress bridled at the growth of presidential power but acquiesced to it until legislators finally decided that they had seen enough. Beginning in the mid-1970s, Congress reacted with a spate of president-curbing legislation (the War Powers Resolution, the CaseZablocki Act, the Budget and Impoundment Act), the near-impeachment of Richard Nixon, a legislated end to the Vietnam War, an investigation of the CIA, and other actions to restrict presidential autonomy. The consequence, to some extent described in this volume, was the rise of executive unilateralism as a way to circumvent Congress.

#### [3.] Empirics on presidents ignoring WPR prove the trend

Isaacs 2011

[John Isaacs, 2011, executive director of Council for a Livable World, War Powers Resolution consistently ignored, <http://thehill.com/blogs/congress-blog/foreign-policy/172803-war-powers-resolution-consistently-ignored>, uwyo//amp]

President Harry F. Truman ignored Congress when in 1950 he sent troops to Korea to stave off a North Korean advance into the South. Almost 1.8 million Americans fought in Korea, with some 33,600 American deaths. But there never was a congressional authorization, and Congress continued to appropriate funds to prosecute the war. The War Powers Resolution also appeared to be a check against Nixon’s power, a President recently overwhelmingly re-elected who was becoming more and more enmeshed in the Watergate scandal. Indeed, I played only a bit role, helping to convince some liberals such as Representatives Bella Abzug (D-NY) and Robert Drinan (D-Mass.) that Congress was not ceding additional power to the President by giving him or her 60 or 90 days to conduct war without approval of Congress. Fast forward to today. Every President since 1973, including Barack Obama, has decided to ignore the law as an unconstitutional assertion of power.

#### [4.] Cancels testimony, Justice Department ignores oversight requests

Victor ‘03

[Kirk Victor, writer for government executive.com, 2003, Congress in eclipse as power shifts to executive branch, <http://www.govexec.com/management/2003/04/congress-in-eclipse-as-power-shifts-to-executive-branch/13800/>, uwyo//amp]

Senate Finance Committee Chairman Charles Grassley, R-Iowa, agreed in an interview that "getting information from the Justice Department under Ashcroft is like pulling teeth." But Grassley sees it as an institutional problem, and said it had also been difficult to get responses when Janet Reno led the department. Grassley said he has had no problem in asserting his oversight powers with the executive branch. As for his colleagues who worry about presidential usurpation of Congress's powers, Grassley added, "It doesn't matter to me what the president thinks, unless I want to take it into consideration. He didn't elect me-the people of Iowa elected me. I am a trustee of the people, not a messenger boy for the president." But Leahy had a far more negative, withering take on the Bush administration's actions to avoid oversight. He and some other Senate Judiciary Committee members have sent the Justice Department 28 requests for oversight information, dating back to July 2001. The department has not responded to any of them. Ashcroft "basically ignores most of the requests, but at least I give him credit for being bipartisan-he ignores Republican requests, too," Leahy said in the interview. "And this is the man who [when he was a senator] thought he should hold up judicial nominations and everything else when the attorney general didn't give us what we wanted." Several members of the Senate Foreign Relations Committee also reacted angrily when the administration canceled, at the last minute, testimony by the top official in charge of reconstruction and humanitarian assistance in Iraq, who was to appear at a March 11 hearing. They also were surprised to learn from that day's newspapers that the administration was seeking bids from U.S. corporations on reconstruction contracts for Iraq.

## Heg

#### Data disproves hegemony impacts

Fettweis, 11

Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

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

#### No challengers

Kaplan, senior fellow – Center for a New American Security, and Kaplan, frmr. vice chairman – National Intelligence Council, ‘11

(Robert D and Stephen S, “America Primed,” *The National Interest*, March/April)

But in spite of the seemingly inevitable and rapid diminution of U.S. eminence, to write America’s great-power obituary is beyond premature. The United States remains a highly capable power. Iraq and Afghanistan, as horrendous as they have proved to be—in a broad historical sense—are still relatively minor events that America can easily overcome. The eventual demise of empires like those of Ming China and late-medieval Venice was brought about by far more pivotal blunders. Think of the Indian Mutiny against the British in 1857 and 1858. Iraq in particular—ever so frequently touted as our turning point on the road to destruction—looks to some extent eerily similar. At the time, orientalists and other pragmatists in the British power structure (who wanted to leave traditional India as it was) lost some sway to evangelical and utilitarian reformers (who wanted to modernize and Christianize India—to make it more like England). But the attempt to bring the fruits of Western civilization to the Asian subcontinent was met with a violent revolt against imperial authority. Delhi, Lucknow and other Indian cities were besieged and captured before being retaken by colonial forces. Yet, the debacle did not signal the end of the British Empire at all, which continued on and even expanded for another century. Instead, it signaled the transition from more of an ad hoc imperium fired by a proselytizing lust to impose its values on others to a calmer and more pragmatic empire built on international trade and technology.1 There is no reason to believe that the fate of America need follow a more doomed course. Yes, the mistakes made in Iraq and Afghanistan have been the United States’ own, but, though destructive, they are not fatal. If we withdraw sooner rather than later, the cost to American power can be stemmed. Leaving a stable Afghanistan behind of course requires a helpful Pakistan, but with more pressure Washington might increase Islamabad’s cooperation in relatively short order. In terms of acute threats, Iran is the only state that has exported terrorism and insurgency toward a strategic purpose, yet the country is economically fragile and politically unstable, with behind-the-scenes infighting that would make Washington partisans blanch. Even assuming Iran acquires a few nuclear devices—of uncertain quality with uncertain delivery systems—the long-term outlook for the clerical regime is itself unclear. The administration must only avoid a war with the Islamic Republic. To be sure, America may be in decline in relative terms compared to some other powers, as well as to many countries of the former third world, but in absolute terms, particularly military ones, the United States can easily be the first among equals for decades hence. China, India and Russia are the only major Eurasian states prepared to wield military power of consequence on their peripheries. And each, in turn, faces its own obstacles on the road to some degree of dominance. The Chinese will have a great navy (assuming their economy does not implode) and that will enforce a certain level of bipolarity in the world system. But Beijing will lack the alliance network Washington has, even as China and Russia will always be—because of geography—inherently distrustful of one another. China has much influence, but no credible military allies beyond possibly North Korea, and its authoritarian regime lives in fear of internal disruption if its economic growth rate falters. Furthermore, Chinese naval planners look out from their coastline and see South Korea and a string of islands—Japan, Taiwan and Australia—that are American allies, as are, to a lesser degree, the Philippines, Vietnam and Thailand. To balance a rising China, Washington must only preserve its naval and air assets at their current levels. India, which has its own internal insurgency, is bedeviled by semifailed states on its borders that critically sap energy and attention from its security establishment, and especially from its land forces; in any case, India has become a de facto ally of the United States whose very rise, in and of itself, helps to balance China. Russia will be occupied for years regaining influence in its post-Soviet near abroad, § Marked 11:27 § particularly in Ukraine, whose feisty independence constitutes a fundamental challenge to the very idea of the Russian state. China checks Russia in Central Asia, as do Turkey, Iran and the West in the Caucasus. This is to say nothing of Russia’s diminishing population and overwhelming reliance on energy exports. Given the problems of these other states, America remains fortunate indeed. The United States is poised to tread the path of postmutiny Britain. America might not be an empire in the formal sense, but its obligations and constellation of military bases worldwide put it in an imperial-like situation, particularly because its air and naval deployments will continue in a post-Iraq and post-Afghanistan world. No country is in such an enviable position to keep the relative peace in Eurasia as is the United States—especially if it can recover the level of enduring competence in national-security policy last seen during the administration of George H. W. Bush. This is no small point. America has strategic advantages and can enhance its power while extricating itself from war. But this requires leadership—not great and inspiring leadership which comes along rarely even in the healthiest of societies—but plodding competence, occasionally steely nerved and always free of illusion.

## Terror

#### Economy is resilient and decline doesn’t cause war

Zakaria 9

Editor of Newsweek, BA from Yale, PhD in pol sci, Harvard. He serves on the board of Yale University, The Council on Foreign Relations, The Trilateral Commission, and Shakespeare and Company. Named "one of the 21 most important people of the 21st Century" (Fareed, December 12, 2009, “The Secrets of Stability: Why terrorism and economic turmoil won't keep the world down for long” Newsweek, <http://www.newsweek.com/2009/12/11/the-secrets-of-stability.print.html>)

One year ago, **the world seemed as if it might be coming apart. The global financial system**, which had fueled a great expansion of capitalism and trade across the world, **was crumbling. All the certainties of the age of globalization**—about the virtues of free markets, trade, and technology—**were being called into question. Faith in the American model had collapsed. The financial industry had crumbled**. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s. Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression." **Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries**. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets. Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization. One year later, **how much has the world really changed**? Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). Some regional banks have gone bust. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. **Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis—soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. The predictions of economic and political collapse have not materialized at all.** A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' “says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?" **This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the economy—through central banks and national treasuries—they buffered the worst of the damage**. (Whether they made new mistakes in the process remains to be seen.) **The extensive social safety nets that have been established across the industrialized world also cushioned the pain felt by many**. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies. It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again—the animal spirits of investors, consumers, and companies seeking risk and profit. Beyond all this, though, I believe **there's a fundamental reason why we have not faced global collapse in the last year. It is the same reason that we weathered the stock-market crash of 1987, the recession of 1992, the Asian crisis of 1997, the Russian default of 1998, and the tech-bubble collapse of 2000. The current global economic system is inherently more resilient than we think.** The world today is characterized by three major forces for stability, each reinforcing the other and each historical in nature.

#### Economy collapse inevitable- debt is too massive for a recovery

**Williams 5/29** – Professor of economics at George Mason University (Walter E., “Our Nation’s Future” 5/29/12 <http://lewrockwell.com/williams-w/w-williams126.html>//AB)

Our **nation is rapidly approaching a point from which there's little chance to avoid a financial collapse**. The heart of our problem can be seen as a **tragedy of the commons**. That's a set of circumstances when something is commonly owned and individuals acting rationally in their own self-interest produce a set of results that's inimical to everyone's long-term interest. Let's look at an example of the tragedy of the commons phenomenon and then apply it to our national problem. Imagine there are 100 cattlemen all having an equal right to graze their herds on 1,000 acres of commonly owned grassland. The rational self-interested response of each cattleman is to have the largest herd that he can afford. Each cattleman pursing similar self-interests will produce results not in any of the cattlemen's long-term interest – overgrazing, soil erosion and destruction of the land's usefulness. Even if they all recognize the dangers, does it pay for any one cattleman to cut the size of his herd? The short answer is no because he would bear the cost of having a smaller herd while the other cattlemen gain at his expense. In the long term, they all lose because the land will be overgrazed and made useless. We can think of the fede**ral budget as a commons to which each of our 535 congressmen and the president have access**. Like the cattlemen, each congressman and the president want to get as much out of the federal budget as possible for their constituents. **Political success depends upon "bringing home the bacon."** Spending is popular, but taxes to finance the spending are not. The tendency is for spending to rise and its financing to be concealed through borrowing and inflation. Does it pay for an individual congressman to say, "This spending is unconstitutional and ruining our nation, and I'll have no part of it; I will refuse a $500 million federal grant to my congressional district"? The answer is no because he would gain little or nothing, plus the federal budget wouldn't be reduced by $500 million. Other congressmen would benefit by having $500 million more for their districts. What about the constituents of a principled congressman? If their congressman refuses unconstitutional spending, it doesn't mean that they pay lower federal income taxes. All that it means is constituents of some other congressmen get the money while the nation spirals toward financial ruin, and they wouldn't be spared from that ruin because their congressman refused to participate in unconstitutional spending. What we're witnessing in Greece, Italy, Ireland, Portugal and other parts of Europe is a direct result of their massive spending to accommodate the welfare state. A greater number of people are living off government welfare programs than are paying taxes. Government debt in Greece is 160 percent of gross domestic product. The other percentages of GDP are 120 in Italy, 104 in Ireland and 106 in Portugal. As a result of this debt and the improbability of their ever paying it, their credit ratings either have reached or are close to reaching junk bond status. **Here's the question for us: Is the U.S. moving in a direction toward or away from the troubled EU nations? It turns out that our national debt, which was 35 percent of GDP during the 1970s, is now 106 percent of GDP,** a level not seen since World War II's 122 percent. That debt, plus our more than $100 trillion in unfunded liabilities, has led Standard & Poor's to downgrade our credit rating from AAA to AA+, and the agency is keeping the outlook at "negative" as a result of its having little confidence that Congress will take on the politically sensitive job of tackling the same type of entitlement that has turned Europe into a basket case. I am all too afraid that Benjamin Franklin correctly saw our nation's destiny when he said, "When the people find that they can vote themselves money, that will herald the end of the republic."

**Blowback arguments are wrong and outweighed by conducting the war against terror**

Kenneth **Anderson**, professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, “The Case for Drones,” Commentary, June **2013**.

4. Blowback ¶ The most prominent critique today, however, is that drone warfare is counterproductive because it produces “blowback.” What is blowback?¶ Blowback comprises the supposed bad consequences of drones that swamp the benefits, if any, of drone warfare itself—the anger of villagers whose civilian relatives have been killed, for instance, or the resentment among larger populations in Pakistan or Yemen over drone strikes. The anger, we are told, is fanned by Islamist preachers, local media, and global Web communities, and then goes global in the ummah about the perceived targeting of Muslims and Islam. This leads to radicalization and membership recruitment where the strikes take place. Or maybe it leads to independently organized violence—perhaps the case of the Boston bombers, though it is too early to say. All this bad public perception outweighs whatever tactical value, if any, drone strikes might have.¶ **Blowback** can never be dismissed, because it might be true in some cases. But **even when true**, it **would exist as a matter of degree, to be set against the benefits** of the drone strikes themselves. By definition, **blowback is a second-order effect, and its diffuse nature makes its existence** more **a** matter of **subjective judgment** than any other evaluation of drone warfare. As a hypothesis, the possibility of blowback arises in two distinct settings: “narrow” counterinsurgency and “broad” global counterterrorism.¶ The narrow blowback hypothesis concerns those in communities directly affected by global counterterrorism drone strikes while the United States is trying to carry out a ground-level counterinsurgency campaign. The question is whether civilians, women and children especially, are being killed by drones in such numbers—because collateral damage is a fact, including from drone strikes—that they make these local communities even more fertile ground for anti-American operations. Do the drone strikes make things unacceptably more difficult for ground forces attempting to carry out a hearts-and-minds campaign to win over the local population?¶ Direct and immediate concerns about villagers’ perceptions during the counterinsurgencies in Iraq and Afghanistan led, at some points, to extraordinary (from the standpoint of lawful targeting and acceptable collateral damage) measures against using air power and even infantry to fire back at insurgents. But **local counterinsurgency is not the long-term concern today; global counterterrorism is. Village-level resentments fueling recruitment might be a concern, but this** type of **blowback matters far less in terms of war fighting when the United States no longer has infantry in those places** (and is no longer making its counterterrorism policy rest upon the chimera of a stable, democratic Afghanistan).¶ **It is sharply contested**, to say the least, **whether and to what extent drone strikes are creating blowback among villagers**, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the **American drones are undertaking strikes that the Pakistani government might otherwise undertake**. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the **tribal areas fear the Pakistani army far more than** they fear **U.S. drones**, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that **as the counterinsurgency era ends** for U.S. forces, **narrow blowback concerns** about whether villages might be sufficiently provoked against American infantry **are subsiding**.¶ That leaves **the broader claim of global blowback**—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the **evidence is so diffuse as to be pointless**. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. **Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain**. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. **The blowback argument is** also peculiarly **susceptible to raising the behavioral bar** the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. **It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up.¶** From a strategic standpoint, however, the trouble with the **blowback theory** is simple: It **will always counsel doing nothing rather than doing something.** It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario.¶ There might be situations in which to give it priority; **Gregory Johnsen**, a Yemen expert, for example, says that **a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification**. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully.¶ **Blowback is a form of the precautionary principle. But it’s awfully difficult to conduct war,** after all, **on the basis of “first do no harm.”** As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

**Drones aren’t bad in terms of civilian casualties**

Rosa **Brooks**, Prof of Law @ Georgetown University Law Center and Bernard Schwartz Senior Fellow at the New America Foundation, The Constitutional and Counterterrorism Implications of Targeted Killing: Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, April 23, **2013**.

1. What’s not wrong with drones¶ Many of the most frequently heard criticisms of drones and drone warfare do not hold up ¶ well under serious scrutiny – or, at any rate, **there’s nothing uniquely** different or **worse about ¶ drones, compared to other military technologies**. Consider the most common anti-drone ¶ arguments.¶ First, critics often assert that U.S. drone strikes are morally wrong because the kill ¶ innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument ¶ against drone strikes as such. **War kills innocent civilians, period**. But **the best available evidence ¶ suggests** that U.S. **drone strikes kill civilians at no higher a rate, and almost certainly at a lower ¶ rate, than** most **other** common **means of warfare**. ¶ Much of the time, the **use of drones actually permits far greater precision in targeting** than ¶ most traditional manned aircraft. Today's unmanned aerial vehicles (**UAVs) can carry** very **small ¶ bombs that do less widespread damage, and** UAVs **have no human pilot whose fatigue** might ¶ **limit flight time**. Their low profile and relative fuel efficiency combines with this to permit them ¶ to spend more time on target than any manned aircraft. Equipped with imaging technologies that ¶ enable operators even thousands of miles away to see details as fine as individual faces, **modern ¶ drone technologies allow their operators to distinguish between civilians and combatants far ¶ more effectively than most other weapons systems.¶** That does not mean civilians never get killed in drone strikes. Inevitably, they do, ¶ although the covert nature of most U.S.strikes and the contested environment in which they ¶ occur makes it **impossible to get precise data on civilian deaths. This lack of transparency ¶ inevitably fuels rumors and misinformation**. However, several credible organizations have ¶ sought to track and analyze deaths due to U.S. drone strikes. **The British Bureau of Investigative ¶ Journalism** analyzed examined reports by "government, military and intelligence officials, and ¶ by credible media, academic and other sources," for instance, and came up with a range,¶ suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between ¶ 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.38 (The numbers for ¶ Yemen and Somalia are more difficult to obtain.) **The New America Foundation**, with which I ¶ am affiliated, came up with slightly lower numbers, estimating that U.S. drone strikes killed ¶ somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 ¶ were civilians. 39¶ Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what ¶ we regard as the right point of comparison. Should we compare the civilian deaths caused by ¶ drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the ¶ **International Committee for the Red Cross** found that on average, 10 civilians died for every ¶ combatant killed during the armed conflicts of the 20th century.40 For the Iraq War, estimates ¶ vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere ¶ between 10 to 1 and 2 to 1.41¶ The most meaningful point of comparison for drones is probably manned aircraft. It's ¶ extraordinarily difficult to get solid numbers here, but one analysis published in **the Small Wars ¶ Journal** suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air ¶ attacks in Afghanistan may have been as high as 15 to 1.42 More recent UN figuressuggest a far ¶ lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.43 But **drone ¶ strikes have** also **gotten far less lethal for civilians in the last few years**: the **New America ¶ Foundation** concludes that only three to nine civilians were killed during 72 U.S. drone strikes in ¶ Pakistan in 2011, and the 2012 numbers were also low.44 In part, this is **due to technological ¶ advances** over the last decade, **but** it's **also** due to **far more stringent rules for when drones can ¶ release weapons. ¶** Few details are known about the precise targeting procedures followed by either U.S.¶ armed forces or the Central Intelligence Agency with regard to drone strikes. The **Obama ¶ Administration is reportedly finalizing a targeted killing “playbook**,”45 outlining in great detail ¶ the procedures and substantive criteria to be applied. I believe an **unclassified version of this ¶ should be should be made public, as it may help to diminish concerns reckless or negligent ¶ targeting decisions**. Even in the absence of specific details, however, I believe we can have ¶ confidence in the commitment of both military and intelligence personnel to avoiding civilian ¶ casualties to the greatest extent possible. The Obama Administration has stated that it regards ¶ both the military and the CIA as bound by the law of war when force is used for the purpose of¶ targeted killing.46 (I will discuss the applicable law of war principles in section IV of this ¶ statement). What is more, the military is bound by the Uniform Code of Military Justice. ¶ Concern about civilian casualties is appropriate, and **our targeting decisions**, however ¶ thoughtfully made, **are only as good as our intelligence—and only as wise as our overall ¶ strategy**. Nevertheless, there is no evidence supporting the view that drone strikes cause ¶ disproportionate civilian casualties relative to other commonly used means or methods of ¶ warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our ¶ metric, drone strikes do a better job of discriminating between civilians and combatants than ¶ close air support or other tactics that receive less attention.

**Drone strikes decrease militant violence – all measures show**

**Johnson and Sarbahi ‘13**

[Patrick Johnson Former Fellow Harvard’s Kennedy School; Anoop K. Sarbahi Postdoctoral Scholar Stanford, “The Impact of U.S. Drone Strikes on Terrorism in Pakistan and Afghanistan”, 7/1/13, <http://patrickjohnston.info/materials/drones.pdf,//wyo> TL]

To test Hypotheses 1 and 2**, we examine five different measures of militant violence**: ¶ **the frequency of attacks, the lethality of attacks, the number of IED attacks, the¶ number of suicide attacks, and the number of attacks on tribal elders**. **The results** **do not¶** **support** Hypothesis 1—**that drone strikes are associated with increased terrorism**. On the¶ contrary, **they support** our hypothesis, (Hypothesis 2), **that that drone strikes are¶ associated with decreases in militant violence. We find no evidence in support** of the¶ competing hypothesis (Hypothesis 1)—**that drone strikes increase violence**. We discuss these results in more detail below. The 2FESL estimates in column 2 of table 2 show that **drone strikes are associated¶ with a decrease in militant attacks of approximately 24 percentage points—a result that¶ is statistically significant at the one percent level.** From 2007 through 2011, **the average¶ agency suffered roughly 0.88 militant attacks per week. During weeks in which a drone¶ strike occurred, agencies suffered an average of about 0.68 attacks Given that drone strikes are associated with reductions in insurgent attacks in the¶ areas where they occur, it makes sense that drone strikes might also be negatively¶ associated with the lethality, or “quality,” of attacks in those same areas.** Consistent with¶ Hypothesis 2, the estimates presented in column 2 of table 2 suggest that **the lethality of¶ militant attacks declines by more than 36.5 percent as a result of a drone strike** in a given¶ week. **On average, 2.77 people were killed or injured in militant attacks** in FATA between¶ 2007 and the end of the third quarter of 2011. **This figure would decline substantially to¶ 1.76 per week as a result of a single drone strike** if the number of drone strikes would¶ increase by one per agency-week.4Regarding suicide attacks, the coefficient in column 4 of table 2 suggests that **drone¶ strikes are** also **associated with reductions in** these tactics. This result is significant at the¶ one percent level. **Suicide attacks** are relatively rare but extremely high-profile events:¶ the mean number of suicide attacks per agency per week is 0.02, or about one per¶ agency every year. The point estimate appears small, but **the** marginal **effect translates into an almost 67 percent decline in the number of suicide attacks in a week with one drone¶ strike**. Thus, **the average number of weekly suicide attacks in FATA, which is 0.14 per¶ week during the period under consideration, would decline to 0.05 per week as a result of¶ one drone strike per agency-week**. On balance, the evidence is clearly consistent with¶ Hypothesis 2—the “disruption” hypothesis—and not with the argument that drone strikes¶ trigger increased violence (Hypothesis 1)