# ASU CR Cards Round 1 CEDA

## 1NC

### 1

#### Interpretation: Targeted killings are strikes carried about against pre-meditated, individually designated targets---signature strikes are distinct.

Anderson, Professor at Washington College of Law, American University, ‘11

[Kenneth, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters,” August 29 2011, http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/]

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains:¶ The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there.¶ High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say.¶ Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.)¶ This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

#### Violation – The aff restricts indiscriminate drone strikes – that’s signature strikes per their 1AC Haas evidence.

#### Prefer our interp – allowing signature strikes in the topic destroys predictability, limits, and precision by allowing in mass attacks against enemy combatants and all kinds of air power weapons platforms

Anderson, Professor at Washington College of Law, American University, ‘11

[Kenneth, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Efficiency in Bello and ad Bellum: Targeted Killing Through Drone Warfare,” Sept 23 2011, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1812124]

Although targeted killing and drone warfare are often closely connected, they are not the same and are not always associated with each other. We need to disaggregate the practices of targeted killing from the technologies of drone warfare.¶ Targeted killing consists of using deadly force, characterized by the identification of and then strike against an individual marked to be killed. It is distinguished, among other things, by making an individualized determination of a person to be killed, rather than simply identifying, for example, a mass of enemy combatants to attack as a whole. Since it is a practice that involves the determination of an identified person, rather than a mass of armed and obvious combatants, it is a use of force that is by its function integrated with intelligence work, whether the intelligence actors involved are uniformed military or a civilian agency such as the CIA.¶ Targeted killing might (and does) take place in the course of conventional warfare, through special operations or other mechanisms that narrowly focus operations through intelligence. But it might also take place outside of a conventional conflict, or perhaps far from the conventional battlefields of that conflict, sufficiently so operationally to best be understood as its own operational category of the use of force – “intelligence-driven,” often covert, and sometimes non-military intelligence agency use of force, typically aimed at “high value” targets in global counterterrorism operations. It might be covert or it might not – but it will be driven by intelligence, because of necessity it must identify and justify the choice of target (on operational, because resources are limited; or legal grounds; or, in practice, both).¶ Targeted killing might use a variety of tactical methods by which to carry out the attack. The method might be by drones firing missiles – the focus of discussion here. But targeted killing – assassination, generically – is a very old method for using force and drones are new. Targeted killing in current military and CIA doctrine might, and often does, take place with covert civilian intelligence agents or military special operations forces – a human team carrying out the attack, rather than a drone aircraft operated from a distance. The Bin Laden raid exemplifies the human team-conducted targeted killing, of course, and in today’s tactical environment, the US often uses combined operations that have available both human teams and drones, to be deployed according to circumstances.¶ Targeted killing is thus a tactic that might be carried out either by drones or human teams. If there are two ways to do targeted killing, there are also two functions for the use of drones – targeted killing as part of an “intelligence-driven” discrete use of force, on the one hand, and a role (really, roles) in conventional warfare. Drones have a role in an ever-increasing range of military operations that have no connection to “targeted killing.” For many reasons ranging from cost-effectiveness to mission-effectiveness, drones are becoming more ramified in their uses in military operations, and will certainly become more so. This is true starting with their fundamental use in surveillance, but is also true when used as weapons platforms.¶ From the standpoint of conventional military operations and ordinary battlefields, drones are seen by the military as simply an alternative air weapons platform. One might use an over-the-horizon manned aircraft – or, depending on circumstances, one might instead use a drone as the weapons platform. It might be a missile launched from a drone by an operator, whether sitting in a vehicle near the fighting or farther away; it might be a weapon fired from a helicopter twenty miles away, but invisible to the fighters; it might be a missile fired from a US Navy vessel hundreds of miles away by personnel sitting at a console deep inside the ship. Future air-to-air fighter aircraft systems are very likely to be remotely piloted, in order to take advantage of superior maneuverability and greater stresses endurable without a human pilot. Remotely-piloted aircraft are the future of much military and, for that matter, civil aviation; this is a technological revolution that is taking place for reasons having less to do with military aviation than general changes in aviation technology.¶ Missiles fired from a remotely-piloted standoff platform present the same legal issues as any other weapons system – the law of war categories of necessity and proportionality in targeting. To military professionals, therefore, the emphasis placed on “remoteness” from violence of drone weapons operators, and presumed psychological differences in operators versus pilots, is misplaced and indeed mystifying. Navy personnel firing missiles from ships are typically just as remote from the fighting, and yet one does not hear complaints about their indifference to violence and their “Playstation,” push-button approach to war. Air Force pilots more often than not fire from remote aircraft; pilots involved in the bombing campaign over Serbia in the Kosovo war sometimes flew in bombers taking off from the United States; bomber crews dropped their loads from high altitudes, guided by computer, with little connection to the “battlefield” and little conception of what they – what their targeting computers - were aiming at. Some of the crews in interviews described spending the flights of many hours at a time, flying from the Midwest and back, as a good chance to study for graduate school classes they were taking – not Playstation, but study hall. In many respects, the development of new sensor technologies make the pilots, targeters, and the now-extensive staff involved in a decision to fire a weapon from a drone far more aware of what is taking place at the target than other forms of remote targeting, from Navy ships or high altitude bombing.¶ Very few of the actors on a technologically advanced battlefield are personally present in a way that makes the destruction and killing truly personal – and that is part of the point. Fighting up close and personal, on the critics’ psychological theories, seems to mean that it has greater significance to the actors and therefore leads to greater restraint. That is extremely unlikely and contrary to the experience of US warfighters. Lawful kinetic violence is more likely to increase when force protection is an issue, and overuse of force is more likely to increase when forces are under personal pressure and risk. The US military has known since Vietnam at least that increased safety for fighting personnel allows them greater latitude in using force, encourages and permits greater willingness to consider the least damaging alternatives, and that putting violence at a remove reduces the passions and fears of war and allows a coolly professional consideration of what kinds, and how much, violence is required to accomplish a lawful military mission. Remote weapon systems, whether robotic or simply missiles launched from a safe distance, in US doctrine are more than just a means for reducing risk to forces – they are an integral part of the means of allowing more time to consider less-harmful alternatives.¶ This is an important point, given that drones today are being used for tasks that involve much greater uses of force than individualized targeted killing. Drones are used today, and with increasing frequency, to kill whole masses of enemy columns of Taliban fighters on the Pakistan border – in a way that would otherwise be carried out by manned attack aircraft. This is not targeted killing; this is conventional war operations. It is most easily framed in terms of the abstract strategic division of counterinsurgency from counterterrorism (though in practice the two are not so distinct as all that). In particular, drones are being deployed in the AfPak conflict as a counterinsurgency means of going after Taliban in their safe haven camps on the Pakistan side of the border. A fundamental tenet of counterinsurgency is that the safe havens have to be ended, and this has meant targeting much larger contingents of Taliban fighters than previously understood in the “targeted killing” deployment. This could be – and in some circumstances today is – being done by the military; it is also done by the CIA under orders of the President partly because of purely political concerns; much of it today seems to be a combined operation of military and CIA.¶ Whoever conducts it and whatever legal issues it might raise, the point is that this activity is fundamentally counterinsurgency. The fighters are targeted in much larger numbers in the camps than would be the case in “targeted killing,” and this is a good instance of how targeted killing and drone warfare need to be differentiated. The targets are not individuated, either in the act of targeting or in the decision of who and where to target: this is simply an alternative air platform for doing what might otherwise be done with helicopters, fixed wing aircraft, or ground attack, in the course of conventional counterinsurgency operations. But it also means that the numbers killed in such operations are much larger, and consist often of ordinary fighters who would otherwise pile into trucks and cross back into Afghanistan, rather than individualized “high value” targets, whether Taliban or Al Qaeda.

#### D. T is a voter in order to preserve fairness and education

### 2

#### The Executive branch of the United States should describe and defend the process used for targeted killing, report performance data surrounding strikes, publish targeting criteria, publish the costs associated with targeted killing and transfer any remaining targeted killing authority within the CIA to the JSOC.

#### The CP solves and ensures accountability.

McNeal, Associate Professor of Law, Pepperdine University, ‘13

[Gregory, “3/5/13, “Targeted Killing and Accountability,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1819583, RSR]

A. DEFEND THE PROCESS Perhaps the most obvious way to add accountability to the targeted-killing process is for someone in government to describe the process the way this Article has, and from there, defend the process. The task of describing the government’s policies in detail should not fall to anonymous sources, confidential interviews, and selective leaks. The government’s failure to defend policies is not a phenomenon that is unique to post-9/11 targeted killings. In fact, James Baker once noted: In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure. . . . But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues . . . .559 Publicly defending the process is a natural fit for public-accountability mechanisms. It would provide information to voters and other external actors who can choose to exercise a degree of control over the process. However, a detailed public defense of the process would also bolster bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). However, the executive branch, while wanting to reveal information to defend the process, would have to balance the consideration that by revealing too much information, it could face legal accountability mechanisms that it would be unable to control.560 B. USE PERFORMANCE REPORTING TO ENCOURAGE GOOD BEHAVIOR Another transparency-related reform that could engender greater accountability would be to report performance data. Specifically, the government could report the number of strikes the CIA and the Department of Defense conducted in a given time period. As discussed above, the law of armed conflict requires that any harm resulting from a strike may not be disproportionate when compared to the anticipated military advantage. From this standard, some variables for a performance metric become clear: (1) Was there collateral damage resulting from the military action? (2) If so, was the collateral damage excessive in relation to the military advantage anticipated? The first variable lends itself to tracking and reporting, subject to the difficulties of AAR and BDA. The second variable only arises if collateral damage occurred, and two subsidiary questions flow from this variable. First, was the collateral damage expected? If it was, then the commander must have engaged in some analysis as to whether the anticipated harm was proportional to the military advantage anticipated. Second, if the collateral damage was not expected, why not? Some causes of potentially unexpected collateral harm are intelligence failures, failure to follow procedures, changes in the operational circumstances, and inadequate procedures, among others. Each of these variables can be tracked as part of an accountability and performance metric. For example, the data could include the collateral harm anticipated before a strike and the battle damage assessment after the fact. The data need not be reported on a strike-by-strike basis to be effective; aggregate data would prove quite useful. For example, in Part III, section B, I describe how CENTCOM data indicate that less than 1% of targeted-killing operations resulted in harm to civilians, whereas outside observers estimate that 8% to 47% of CIA strikes in Pakistan inflicted harm to civilians. Imagine these data were official numbers published by the Department of Defense and CIA respectively. It is safe to assume that reports showing that the CIA was eight to forty seven times more likely to inflict harm to civilians than the military would force a serious reexamination of CIA bureaucratic practices, extensive political oversight, professional embarrassment, and perhaps even judicial intervention. Moreover, the publication of such data could have the salutary effect of causing bureaucratic competition between the Department of Defense and CIA over which agency could be better at protecting civilians, a form of bureaucratic accountability mixed with professionalism. Of course, there are costs associated with such reporting. The tracking requirements would be extensive and could impose an operational burden on attacking forces; however, an administrative burden is not a sufficient reason to not reform the process, especially when innocent lives are on the line. Another cost could be the possibility that revealing this type of information, however carefully the information is vetted for public release, could aid the enemy in developing countermeasures against American operations. C. PUBLISH TARGETING CRITERIA Related to defending the process and using performance data, the U.S. government could publish the targeting criteria it follows. The criteria need not be comprehensive, but they could be sufficiently detailed as to give outside observers an idea about who the targets are and what they are alleged to have done to merit killing. As Robert Chesney has noted, “Congress could specify a statutory standard that the executive branch could then bring to bear in light of the latest intelligence, with frequent reporting to Congress as to the results of its determinations.”561 What might the published standards entail? First, Congress could clarify the meaning of “associated forces,” described in Parts I and II. In the alternative, it could do away with the associated forces criteria altogether and instead name each organization against which force is authorized.562 Such an approach would be similar to the one followed by the Office of Foreign Assets Control when it designates financial supporters of terrorism for sanctions.563 The challenge with such a reporting and designation strategy is that it does not fit neatly into the network based targeting strategy and current practices outlined in Parts I through III. If the United States is seeking to disrupt networks, then how can there be reporting that explains the network-based targeting techniques without revealing all of the links and nodes that have been identified by analysts? Furthermore, for individuals targeted at the request of an ally, the diplomatic secrecy challenges identified in Part I remain—there simply may be no way the United States can publicly reveal that it is targeting networks that are attacking allied governments. These problems are less apparent when identifying the broad networks the United States believes are directly attacking American interests; however, publication of actual names of targets will be nearly impossible (at least ex ante) under current targeting practices. As was discussed above, the U.S. government and outside observers may simply be using different benchmarks to measure success. Some observers are looking to short-term gains from a killing, but others look to the long-term consequences of the targeted-killing policy. Should all of these metrics and criteria be revealed? Hardly. However, the United States should articulate what strategic-level goals it hopes to achieve through its targeted-killing program. Those goals certainly include disrupting specified networks. Articulating those goals, and the specific networks the United States is targeting, may place it on better diplomatic footing and would engender mechanisms of domestic political accountability. D. PUBLISH DOLLAR COSTS The public administration literature instructs that a proven accountability technique is publishing the costs associated with government activity. Targeted killings may be a worthwhile case for proving that publishing the financial costs of strikes can impose a mechanism of accountability. Unlike a traditional war—where the American people understand victories like the storming of the beaches at Normandy, the expulsion of Iraqi troops from Kuwait, or even (in a non-hot-war context) the fall of the Berlin wall—this conflict against non-state actors is much harder to assess. As such, the American people may understand the targeted killing of a key al Qaeda leader like Anwar al Aulaqi, and they may be willing to pay any price to eliminate him. But what about less well known targets such as Taliban leaders? Take the example of Abdul Qayam, a Taliban commander in Afghanistan’s Zabul Province who was killed in an airstrike by a Navy strike fighter in October of 2011.564 Do the American people even know who he is, let alone approve of the money spent to kill him? The Navy reportedly spends $20,000 per hour on strikes like the one that killed Qayam, and sorties often last eight hours.565 Though the American people may be generally supportive of targeted killings,566 they are likely unaware of the financial costs associated with the killings. Publishing the aggregate cost and number of strikes would not reveal any classified information but would go a long way towards ensuring political accountability for the targeted-killing program. Such an accountability reform might also appeal to individuals across the ideological spectrum, from progressives who are opposed to strikes on moral grounds to fiscal conservatives who may oppose the strikes on the basis of financial cost. In fact, according to the 9/11 Commission Report, during the 1990’s, one of the most effective critiques of the cruise missile strikes against al Qaeda training camps was cost.567 Specifically, some officials believed that “hitting inexpensive and rudimentary training camps with costly missiles would not do much good and might even help al Qaeda if the strikes failed to kill Bin Ladin.”568

### 3

#### Drones solve existential terrorism – most recent and comprehensive empirical data proves.

Jordan, Professor, Department of Political Science and Public Administration at the University of Granada, ‘14

[Javier, “The Effectiveness of the Drone Campaign against Al Qaeda Central: A Case Study”, The Journal of Strategic Studies, Vol. 37, No. 1, 2014, RSR]

To say that Al Qaeda Central has repeatedly tried to strike in the United States and Europe over the past 12 years is stating the obvious. To determine patterns in its terrorist conduct requires a more detailed analysis. To that end, we have collected information on a total of 36 jihadist terrorist incidents in the United States and 100 in Western Europe during the period from 1 January 2001 until 31 December 2012. The resulting data base includes plots that were broken up, as well as failed and successful attacks. Attacks carried out on the same day against different targets have been counted as a single incident. Al Qaeda Central has taken active part in 33 of the 136 incidents referred to above, five in the United States and 28 in Western Europe. Figure 254 shows the distribution of the incidents by year. The first half of the period was the more active, with 20 incidents compared to 13 in the second half (2007–12). This latter period, particularly from July 2008 onwards, has seen a stepping up of drone strikes against Al Qaeda Central in Pakistan. However, the difference between the two halves of the time-frame is most clearly seen in the dependent variable analysed in the present article, namely, the lethality of Al Qaeda Central actions in the West. Between 2001 and 2006 it perpetrated three successful terrorist operations (9/11, the Madrid train bombings and the London bombings), causing a total of 3220 fatalities. Between 2007 and 2012, however, the 13 incidents did not result in a single successful attack or any deaths. In other words, the complexity and lethality of Al Qaeda Central’s terrorist actions on American and European soil have fallen dramatically. A broader consideration of the figures (examining all 136 incidents, not just the 33 involving Al Qaeda Central) reveals that cells linked to ‘parent organisations’ are more dangerous than those without links (independent cells and lone wolves). At first glance, the percentages shown in Table 1 appear to indicate greater efficacy of lone wolves in comparison to cells with links in terms of successfully completed actions (11 per cent and 15 per cent of successful attacks, respectively). However, Table 2 shows clearly that the most deadly attacks are closely associated with groups possessing links to bigger organisations. In the United States and Western Europe only groups with such links have succeeded in perpetrating complex and highly lethal terrorist operations. Despite the difficulties in detecting lone wolves and stopping them in time (as Table 1 shows), their lack of professionalism and lack of expert support severely limits the lethal effectiveness of their actions.55 This circumstance considerably diminishes the profile of the strategic threat posed by independent cells and lone wolves, notwithstanding the fact that some can be successful and attract media attention, as occurred in Boston and London in April and May 2013, respectively. In order to raise the threat profile, they would need to be able to cause a high number of deaths and perpetrate attacks repeatedly to trigger a permanent sense of insecurity. Lastly, in three of the 136 incidents making up the study sample (all three in the United States), one of the motivations was revenge for the drone strikes in Pakistan. In one case, the cell was linked to Al Qaeda Central (Najibulah Zazi), in another the individual (Faisal Shahzad) had received help from Tehrik-i-Taliban Pakistan (TTP) and the third involved a lone wolf (José Pimentel). However, in none of the three cases did the terrorists manage to complete their action successfully. Until now, operational constraints have made it extremely difficult for Al Qaeda Central to avenge in the United States or Western Europe the harassment suffered as a result of the drone attacks.

#### Targeting low level militants is key to thin the ranks of Al-Qaeda---they make it impossible for militants to keep pace with their rates of losses.

Mudd, Former Senior Official at the CIA and FBI, ‘13

[Philip, now director of global risk at SouthernSun Asset Management, 5/24/13, “Fear Factor,” http://www.foreignpolicy.com/articles/2013/05/24/fear\_factor\_signature\_strikes]

The impact of armed drones during the decade-plus of this intense global counterterrorism campaign is hard to overestimate: Without operational commanders and visionary leaders, terror groups decay into locally focused threats, or disappear altogether. Targeted strikes against al Qaeda leaders and commanders in the years immediately after 9/11 deprived the group of the time and stability required to plot a major strike. But the London subway attacks in July 2005 illustrated the remaining potency of al Qaeda's core in the tribal areas of Pakistan. The threat was fading steadily. But not fast enough. So-called signature strikes -- in which target selection is based not on identification of an individual but instead on patterns of behavior or unique characteristics that identify a group -- accelerated this decline for simple reasons. Targeting leadership degrades a small percentage of a diffuse terror group, but developing the tactical intelligence required to locate an individual precisely enough to stage a pinpoint strike, in a no-man's land half a world away, is time-consuming and difficult. And it's not a perfect science; the leaders of groups learn over time how to operate more securely. Furthermore, these leaders represent only a fraction of the threat: Osama bin Laden might have been the public face of al Qaeda, but he was supported by a web of document-forgers, bombmakers, couriers, trainers, ideologues, and others. They made up the bulk of al Qaeda and propelled the apparatus that planned the murder of innocents. Bin Laden was the revolutionary leader, but it was the troops who executed his vision. Signature strikes have pulled out these lower-level threads of al Qaeda's apparatus -- and that of its global affiliates -- rapidly enough that the deaths of top leaders are now more than matched by the destruction of the complex support structure below them. Western conceptions of how organizations work, with hierarchal structures driven by top-level managers, do not apply to al Qaeda and its affiliates. These groups are instead conglomerations of militants, operating independently, with rough lines of communication and fuzzy networks that cross continents and groups. They are hard to map cleanly, in other words. Signature strikes take out whole swaths of these network sub-tiers rapidly -- so rapidly that the groups cannot replicate lost players and their hard-won experience. The tempo of the strikes, in other words, adds sand to the gears of terror organizations, destroying their operational capability faster than the groups can recover.

#### Nuclear terrorist attack results in extinction.

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

### 4

#### Presidential war powers authority captures the legal system—statutory and judicial restrictions on the president only serve to legitimate state monopolies on violence which make the worst atrocities possible.

Morrissey 2011 [John, Department of Geography at the National University of Ireland, “Liberal Lawfare and Biopolitics: US Juridical Warfare in the War on Terror,” *Geopolitics* 16:280-305]

Nearly two centuries ago, Prussian military strategist, Carl von Clausewitz, observed how war is merely a “continuation of political commerce” by “other means”.70 Today, the lawfare of the US military is a continuation of war by legal means. Indeed, for US Deputy Judge Advocate General, Major General Charles Dunlap, it “has become a key aspect of modern war”.71 For Dunlap and his colleagues in the JAG corps, the law is a “force multiplier”, as Harvard legal scholar, David Kennedy, explains: it “structures logistics, command, and control”; it “legitimates, and facilitates” violence; it “privileges killing”; it identifies legal “openings that can be made to seem persuasive”, promissory, necessary and indeed therapeutic; and, of course, it is “a communication tool” too because defining the battlefield is not only a matter of “privileging killing”, it is also a “rhetorical claim”.72 Viewed in this way, the law can be seen to in fact “contribute to the proliferation of violence rather than to its containment”, as Eyal Weizman has instructively shown in the case of recent Israeli lawfare in Gaza.73 In the US wars in Iraq, Afghanistan and broader war on terror, the Department of Defense has actively sought to legalize its use of biopolitical violence against all those deemed a threat. Harvey Rishikof, the former Chair of the Department of National Security Strategy at the National War College in Washington, recently underlined ‘juridical warfare’ (his preferred designation over ‘lawfare’) as a pivotal “legal instrument” for insurgents in the asymmetric war on terror.74 For Rishikof and his contemporaries, juridical warfare is always understood to mean the legal strategies of the weak ‘against’ the United States; it is never acknowledged as a legal strategy ‘of’ the United States. However, juridical warfare has been a proactive component of US military strategy overseas for some time, and since the September 11 attacks in New York and Washington in 2001, a 15 renewed focus on juridical warfare has occurred, with the JAG Corps playing a central role in reforming, prioritizing and mobilizing the law as an active player in the war on terror.75 Deputy Judge Advocate General, Major General Charles Dunlap, recently outlined some of the key concerns facing his corps and the broader US military; foremost of which is the imposing of unnecessary legal restraints on forward-deployed military personnel.76 For Dunlap, imposing legal restraints on the battlefield as a “matter of policy” merely “play[s] into the hands of those who would use [international law] to wage lawfare against us”.77 Dunlap’s counter-strategy is simply “adhering to the rule of law”, which “understands that sometimes the legitimate pursuit of military objectives will foreseeably – and inevitably – cause the death of noncombatants”; indeed, he implores that “this tenet of international law be thoroughly understood”.78 But ‘the’ rule of international law that Dunlap has in mind is merely a selective and suitably enabling set of malleable legal conventions that legitimate the unleashing of military violence.79 As David Kennedy illuminates so brilliantly in Of War and Law: We need to remember what it means to say that compliance with international law “legitimates.” It means, of course, that killing, maiming, humiliating, wounding people is legally privileged, authorized, permitted, and justified”.80 The recent ‘special issue on juridical warfare’ in the US military’s flagship journal, Joint Force Quarterly, brought together a range of leading judge advocates, specialists in military law, and former legal counsels to the Chairman of the Joint Chiefs of Staff. All contributions addressed the question of “[w]hich international conventions govern the confinement and interrogation of terrorists and how”.81 The use of the term ‘terrorists’ instead of suspects sets the tone for the ensuing debate: in an impatient defense of ‘detention’, Colonel James Terry bemoans the “limitations inherent in the Detainee Treatment Act of 2005 and the Military Commissions Act of 2006” (which he underlines only address detainees at the US Naval Base at Guantanamo) and asserts that “requirements inherent in the war on terror will likely warrant expansion of habeas 16 corpus limitations”;82 considering ‘rendition’, Colonel Kevin Cieply asks the shocking question “[i]s rendition simply recourse to the beast at a necessary time”;83 Colonel Peter Cullen argues for the necessity of the “role of targeted killing in the campaign against terror”;84 Commander Brian Hoyt contends that it is “time to re-examine U.S. policy on the [international criminal] court, and it should be done through a strategic lens”;85 while Colonel James Terry furnishes an additional concluding essay with the stunningly instructive title ‘The International Criminal Court: A Concept Whose Time Has Not Come’.86 These rather chilling commentaries attest to one central concern of the JAG Corps and the broader military-political executive at the Pentagon: that enemies must not be allowed to exploit “real, perceived, or even orchestrated incidents of law-of-war violations being employed as an unconventional means of confronting American military power”.87 And such thinking is entirely consistent with the defining National Defense Strategy of the Bush administration, which signalled the means to win the war on terror as follows: “we will defeat adversaries at the time, place, and in the manner of our choosing”.88 If US warfare in the war on terror is evidently underscored by a ‘manner of our choosing’ preference – both at the Pentagon and in the battlefield – this in turn prompts an especially proactive ‘juridical warfare’ that must be simultaneously pursued to legally capacitate, regulate and maximize any, and all, military operations. The 2005 National Defense Strategy underlined the challenge thus: Many of the current legal arrangements that govern overseas posture date from an earlier era. Today, challenges are more diverse and complex, our prospective contingencies are more widely dispersed, and our international partners are more numerous. International agreements relevant to our posture must reflect these circumstances and support greater operational flexibility.89 It went on to underline its consequent key juridical tactic and what I argue is a critical weapon in the US military-legal arsenal in the war on terror: the securing of ‘Status of Forces Agreements’ – 17 to “provide legal protections” against “transfers of U.S. personnel to the International Criminal Court”.90

#### The alternative is to reject their understanding of the law as an independent neutral entity with the power to restrict practices apart from practices. Instead, we should conceive of the law and practice as co-constitutive—this opens up the space to change the relationship between lived decisionmaking and the autocracy of bureaucratic legal determinations.

Krassman 2012 [Susan, Professor at the Institute for Criminological Research at the University of Hamburg. “Targeted Killing and Its Law: On a Mutually Constitutive Relationship,” *Leiden Journal of International Law* 25.03]

Foucault did not elaborate on a comprehensive theory of law – a fact that critics have attributed to his allegedly underestimating law's political and social relevance. Some statements by Foucault may have provoked this interpretation, among them his assertion that law historically ‘recedes’ with,46 or is being ‘colonized’ by,47 forms of knowledge that are addressed at governing people and populations. It is, though, precisely this analytical perspective that allows us to capture the mutually productive relationship between targeted killing and the law. In contrast to a widely shared critique, then, Foucault did not read law merely as a negative instrument of constraint. He referred, instead, to a particular mode of juridical power that operates in terms of repressive effects.48 Moreover, rather than losing significance coextensively with the ancient sovereign power, law enters new alliances, particularly with certain knowledge practices and attendant expertise.49 This linkage proves to be relevant in the present context, considering not only the interchange between the legal and political discourse on targeted killing, but notably the relationship between law and security. According to Foucault, social phenomena cannot be isolated from and are only decipherable within the practices, procedures, and forms of knowledge that allow them to surface as such.50 In this sense, ‘all phenomena are singular, every historical or social fact is a singularity’.51 Hence, they need to be studied within their historically and locally specific contexts, so as to account for both the subject's singularity and the conditions of its emergence. It is against this background that a crucial question to be posed is how targeted killing could emerge on the political stage as a subject of legal debate. Furthermore, this analytical perspective on power and knowledge intrinsically being interlinked highlights that our access to reality always entails a productive moment. Modes of thinking, or what Foucault calls rationalities, render reality conceivable and thus manageable.52 They implicate certain ways of seeing things, and they induce truth effects whilst translating into practices and technologies of government. These do not merely address and describe their subject; they constitute or produce it.53 Law is to be approached accordingly.54 It cannot be extracted from the forms of knowledge that enact it, and it is in this sense that law is only conceivable as practice. Even if we only think of the law in ideal terms, as being designated to contain governmental interference, for example, or to provide citizens’ rights, it is already a practice and a form of enacting the law. To enforce the law is always a form of enactment, since it involves a productive moment of bringing certain forms of knowledge into play and of rendering legal norms meaningful in the first place. Law is susceptible to certain forms of knowledge and rationalities in a way that these constitute it and shape legal claims. Rather than on the application of norms, legal reasoning is on the production of norms. Legality, within this account of law, then, is not only due to a normative authority that, based in our political culture, is external to law, nor is it something that is just inherent in law, epitomized by the principles that constitute law's ‘inner morality’.55 Rather, the enforcement of law and its attendant reasoning produce their own – legal – truth effects. Independently of the purported intentions of the interlocutors, the juridical discourse on targeted killing leads to, in the first instance, conceiving of and receiving the subject in legal terms. When targeted killing surfaced on the political stage, appropriate laws appeared to be already at hand. ‘There are more than enough rules for governing drone warfare’, reads the conclusion of a legal reasoning on targeted killing.56 Yet, accommodating the practice in legal terms means that international law itself is undergoing a transformation. The notion of dispositifs is useful in analysing such processes of transformation. It enables us to grasp the minute displacements of established legal concepts that,57 while undergoing a transformation, at the same time prove to be faithful to their previous readings. The displacement of some core features of the traditional conception of the modern state reframes the reading of existing law. Hence, to give just one example for such a rereading of international law: legal scholars raised the argument that neither the characterization of an international armed conflict holds – ‘since al Qaeda is not a state and has no government and is therefore incapable of fighting as a party to an inter-state conflict’58 – nor that of an internal conflict. Instead, the notion of dealing with a non-international conflict,59 which, in view of its global nature, purportedly ‘closely resembles’ an international armed conflict, serves to provide ‘a fuller and more comprehensive set of rules’.60 Established norms and rules of international law are preserved formally, but filled with a radically different meaning so as to eventually integrate the figure of a terrorist network into its conventional understanding. Legal requirements are thus meant to hold for a drone programme that is accomplished both by military agencies in war zones and by military and intelligence agencies targeting terror suspects beyond these zones,61 since the addressed is no longer a state, but a terrorist network. However, to conceive of law as a practice does not imply that law would be susceptible to any form of knowledge. Not only is its reading itself based on a genealogy of practices established over a longer period.62 Most notably, the respective forms of knowledge are also embedded in varying procedures and strategic configurations. If law is subject to an endless deference of meaning,63 this is not the case in the sense of arbitrary but historically contingent practices, but in the sense of historically contingent practices. Knowledge, then, is not merely an interpretive scheme of law. Rather than merely on meaning, focus is on practices that, while materializing and producing attendant truth effects, shape the distinctions we make between legal and illegal measures. What is more, as regards anticipatory techniques to prevent future harm, this perspective allows for our scrutinizing the division made between what is presumably known and what is yet to be known, and between what is presumably unknown and has yet to be rendered intelligible. This prospect, as will be seen in the following, is crucial for a rereading of existing law. It was the identification of a new order of threat since the terror attacks of 9/11 that brought about a turning point in the reading of international law. The identification of threats in general provides a space for transforming the unknowable into new forms of knowledge. The indeterminateness itself of legal norms proves to be a tool for introducing a new reading of law.

### Solvency

#### Executive will circumvent the plan.

Barron & Lederman, 8 --- \*Professor of Law at Harvard, AND \*\* Visiting Professor of Law at Georgetown

(February 2008, David J. Barron and Martin S. Lederman, Harvard Law Review, “THE COMMANDER IN CHIEF AT THE LOWEST EBB -- A CONSTITUTIONAL HISTORY,” 121 Harv. L. Rev. 941)

VII. Conclusion

Powers once claimed by the Executive are not easily relinquished. One sees from our narrative how, in a very real sense, the constitutional law of presidential power is often made through accretion. A current administration eagerly seizes upon the loose claims of its predecessors, and applies them in ways perhaps never intended or at least not foreseen or contemplated at the time they were first uttered. The unreflective notion that the "conduct of campaigns" is for the President alone to determine has slowly insinuated itself into the consciousness of the political departments (and, at times, into public debate), and has gradually been invoked in order to question all manner [\*1112] of regulations, from requirements to purchase airplanes, to limitations on deployments in advance of the outbreak of hostilities, to criminal prohibitions against the use of torture and cruel treatment. In this regard, the claims of the current Administration represent as clear an example of living constitutionalism in practice as one is likely to encounter. There is a radical disjuncture between the approach to constitutional war powers the current President has asserted and the one that prevailed at the moment of ratification and for much of our history that followed. But that dramatic deviation did not come from nowhere. Rarely does our constitutional framework admit of such sudden creations. Instead, the new claims have drawn upon those elements in prior presidential practice most favorable to them. That does not mean our constitutional tradition is foreordained to develop so as to embrace unchecked executive authority over the conduct of military campaigns. At the same time, it would be wrong to assume, as some have suggested, that the emergence of such claims will be necessarily self-defeating, inevitably inspiring a popular and legislative reaction that will leave the presidency especially weakened. In light of the unique public fears that terrorism engenders, the more substantial concern is an opposite one. It is entirely possible that the emergence of these claims of preclusive power will subtly but increasingly influence future Executives to eschew the harder work of accepting legislative constraints as legitimate and actively working to make them tolerable by building public support for modifications. The temptation to argue that the President has an obligation to protect the prerogatives of the office asserted by his or her predecessors will be great. Congress's capacity to effectively check such defiance will be comparatively weak. After all, the President can veto any effort to legislatively respond to defiant actions, and impeachment is neither an easy nor an attractive remedy.

#### Congressional oversight fails.

McNeal, Associate Professor of Law, Pepperdine University, ‘13

[Gregory, “3/5/13, “Targeted Killing and Accountability,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1819583, p. 79-80, RSR]

If oversight of targeted killings is a form of political accountability, it may be one that is difficult to see from the outside. This fact is borne out by Senator Dianne Feinstein’s release of details regarding congressional oversight of the targeted killing program. Those details were largely unknown and impossible to gauge until political pressure prompted her to issue a statement. In that statement she noted: The committee has devoted significant time and attention to targeted killings by drones. The committee receives notifications with key details of each strike shortly after it occurs, and the committee holds regular briefings and hearings on these operations— reviewing the strikes, examining their effectiveness as a counterterrorism tool, verifying the care taken to avoid deaths to non-combatants and understanding the intelligence collection and analysis that underpins these operations. In addition, the committee staff has held 35 monthly, in-depth oversight meetings with government officials to review strike records (including video footage) and question every aspect of the program.492 Many governance scholars have offered theories about how oversight works across policy issues. The problem with many of these theories is that they do not apply well to the intelligence world.493 As Lee Hamilton, former vice chairman of the 9/11 commission, noted: If you’re the chairman of a committee that works in the unclassified world, you get a lot of help—a lot of reporters bring issues to your attention, trade associates write reports, citizens speak up, watchdog groups do studies . . . . Not so in the classified world. The world of intelligence is vast . . . . If you’re on the outside world of intelligence, you know nothing about it other than what the executive branch decides to tell you. The intelligence committees are completely on their own.494 Thus, in the world of intelligence, “increased secrecy has impacted upon the legislative and judiciary branches’ ability to oversee and review intelligence activities.”495 Much like legal oversight, political oversight has some significant limitations. The reason for this is straightforward—the legislature and judiciary have an expertise problem.496 The executive branch simply knows more about how it conducts targeted killings than the legislature that oversees it. This expertise advantage allows the executive branch to shield certain activities from oversight because Congress is comparatively disadvantaged and lacks the knowledge necessary to ask the right questions.497 Congressional rules limiting a member’s term on an Intelligence Committee to eight years further limits the development of expertise.498 Beyond the problem of expertise is the fact that members of congressional intelligence committees lack the same budgetary power that other congressional committees possess. This makes it more difficult for these members to threaten to cut off funding when the executive branch withholds information from the committee or engages in other malfeasance. For example, the Senate Select Committee on Intelligence oversees intelligence activities. If the committee was concerned about a particular targeted-killing practice, such as the criteria used to add someone to a kill list, the committee could not threaten with any real teeth to cut off funds until more information was provided about the kill-list criteria; intelligence appropriations are handled by the Senate Appropriations Subcommittee on Defense, and there is little membership overlap between the two committees. Members of the Intelligence Committee overseeing targeted killings would need to enlist the support of members of the Appropriations Subcommittee to cut off funds. Here again, secrecy poses a problem because intelligence budgets are classified. Members of Congress serving on either the intelligence committees or the defense appropriations committees can access the budget, but even their security-cleared staff and other Members of Congress cannot.499 Therefore, Intelligence Committee Members themselves would need to contact just the appropriators (not their staff). When contacting them, the Intelligence Committee Members would not be able to disclose to the appropriators any details about classified activities other than the general line items in the budget that relate to those activities. Thus, the intelligence overseers would need to convince other members to cut off funds based on generalized concerns, rather than any specific details. Given these limitations, when it comes time to threaten to cut off funding for some executive branch malfeasance, it is not surprising that the executive branch might choose to delay or even ignore a congressional request. The threat is an idle one because only a handful of Members will be able to find out the information necessary to make a credible threat, they will not be able to share that information publicly, and they will not be able to share it with other Members to build broader congressional support for withholding funds associated with the inappropriate activity. In short, diffused authority combined with secrecy may allow the executive branch to dodge accountability.

### Norms

#### Every author writing about drone norms concludes Obama needs to sit down with other countries and hammer out some norms – aff doesn’t do that so no solvency.

#### No drone prolif/drone wars – the aff’s belief in creating a norm makes exports inevitable that turn the aff.

Zenko and Kreps, 3-10

[Micah (Douglas Dillon Fellow at the Council of Foreign Relations) and Sarah (assistant professor in the Department of Government at Cornell), “The Drone Invasion Has Been Greatly Exaggerated”, Foreign Policy, 3-10-14,

http://www.foreignpolicy.com/articles/2014/03/10/drone\_invasion\_greatly\_exaggerated\_us\_export, RSR]

The problem with this now commonly stated assumption -- that the world is fully equipped with drones -- is that while these news articles hyping a drones arms race are exciting, they are also misleading. Take, for example, a report on March 5 that North Korea has developed an armed drone that it could use to threaten the region. The problem is that the capability is little more than a kamikaze missile, a far cry from the American version that the drone is purportedly intended to resemble. Contrary to these sensationalist accounts, the international market for armed drones -- the most potentially threatening and destabilizing type -- is quite small. Actually, it's minuscule, projected to be about $8.35 billion by 2018, around which time the global defense market is expected to reach $1.88 trillion, which would mean that drone expenditures will make up less than 0.5 percent of the world's defense spending. Even though global drone expenditures are expected to grow roughly a billion dollars a year (though they actually fell from $6.6 billion to $5.2 billion between 2012 and 2013), the business of UAVs will remain little more than a small focus of defense spending outside the United States for the next decade. Part of the reason the public is so easily manipulated is that much of what is known about the development of armed drones is clouded in secrecy. Some countries, including the United States, maintain covert programs for obvious reasons like maintaining the strategic element of surprise, while others, such as Iran, boast of armed drones that have not been demonstrably used in order to garner national prestige. There are also government announcements of deadlines for developing them that appear to go unmet, as well as aspirational statements by drone manufacturers for orders that are never fulfilled. Drone sales have indeed increased markedly over the past few years. A decade ago, analysts estimated that global spending on commercial and military drones would be $2 billion in 2005, and the amount projected over the next decade was estimated to be nearly $11 billion. In 2013, $5.2 billion was spent on drones -- a 21 percent decrease from the previous year -- with $89 billion projected for the next 10 years combined. Of that amount, only an estimated 11 percent, or $9.9 billion, is expected to be used to purchase armed drones. However, it is important to keep these numbers in perspective. According to IHS Jane's, global defense spending in 2013 was $1.54 trillion. The global market still belongs overwhelmingly to the United States and Israel, which were estimated in 2012 to comprise three-quarters of all drone sales. A November 2012 report estimated that U.S. defense firms Northrop Grumman and General Atomics accounted for 40 percent and 25 percent, respectively, of worldwide drone manufacturing. No other company had more than 3 percent of the market share. In 2013, the Stockholm International Peace Research Institute estimated that Israel was responsible for 41 percent of drone exports between 2001 and 2011. However, China has reportedly sold two of its smaller armed drones to the United Arab Emirates and Pakistan, raising concerns about whether China would export its larger Predator-equivalent drone (the CH-4) to countries such as Iran. According to the Teal Group, over the next decade 51 percent of global drone procurement and 65 percent of global research and development on drones will be solely American. This should not be surprising given that the United States has been the lead actor in the development and use of all drones and that the Pentagon's budget is bigger than the next 10 largest defense budgets combined. And though many militaries around the world are pursuing drones, the vast majority of armed drones in development will not resemble U.S. armed drones, such as the Predator and Reaper, which have the greatest potential to be used against perceived adversaries domestically or in neighboring territories. Most drones will be used for surveillance to capture full-motion video or collect signals intelligence. Of the 27,420 aerial drones that the Teal Group projects will be purchased in the next decade, just 3 percent are estimated to be either medium-altitude, long-endurance drones (like the weapons-capable Predator and Reaper) or unmanned combat aerial vehicles (armed drones). This is also true for the United States. According to a recent Pentagon report, the United States possesses some 11,000 aerial drones, of which fewer than 400 are capable of being weaponized. That other countries have not followed the United States' lead in acquiring armed drones may be surprising given what might seem to be the enviable position of using them to target adversaries while not incurring any meaningful risk. But while one can buy a rudimentary drone at Brookstone, producing an advanced armed drone is no small technological feat. The United States' armed drones require sophisticated beyond-line-of-sight communications, access to satellite bandwidth, and systems engineering -- from internal fire control to ground control stations -- that are currently beyond the reach of most states.

Even countries that have relatively advanced aerospace programs -- Russia, France, and Italy -- will struggle to develop and deploy this systematic architecture of capabilities and processes. Moreover, in some countries domestic politics have impeded armed drone developments. Whereas the U.S. targeted killing program has faced few domestic constraints, drone politics look considerably different in other countries. In late February the European Parliament passed an unprecedented resolution, declaring: "Drone strikes outside a declared war by a state on the territory of another state without the consent of the latter or of the UN Security Council constitute a violation of international law and of the territorial integrity and sovereignty of that country." In Germany, advocates of the armed drone program have encountered intense opposition from a public worried that the lethal capability could compromise the country's defense-only security norms and increase the prospects for military interventions more generally. The German debate demonstrates how the prism through which both sides view armed drones is significantly influenced by their perception of the morality, legality, and necessity of U.S. drone strikes. Thus, while the Ministry of Defense declared for a half-decade that it planned to purchase 16 armed drones, the decision was postponed in November and is once against under review. In an era when most defense budgets -- outside the Asia-Pacific region -- are static or in slight decline, costs will constrain armed drone developments and purchases. As the United States has learned, armed drones are not markedly cheaper than manned fighter aircraft, and in some situations they are actually more expensive. Human intelligence is costly and required in large numbers to analyze and disseminate the full-motion video and signals intelligence collected by drones. Before committing to redirect precious defense dollars, governments must identify the military missions for which armed drones are uniquely suited and that cannot reliably be achieved by the weapons systems currently in their arsenals. To date, the majority of governments worldwide simply have not rushed away from manned aircraft, rocket and artillery, or special operation forces -- and toward armed drones. The truth about drone proliferation matters because the Obama administration is in the final stages of a long, contentious interagency review of U.S. drone exports. If the White House's strategy is based on the misperception of a world characterized by limitless drone proliferation, then a policy of markedly reduced barriers for U.S. drone exports is sensible, because states would ultimately acquire armed drones irrespective of U.S. policies. If, however, proliferation does have structural and normative impediments, then how the United States -- as the largest manufacturer of armed drones -- develops its export strategy could have an impact on the breadth and speed with which the technology diffuses. And then some of the caricatures of drone proliferation may end up being credible. The result could be that more states will be armed with the low-risk technology that arguably lowers the threshold for using force, with potentially destabilizing consequences for regional and international security.

### Pakistan

#### Drone use is down in Pakistan – no civilian casualties in 2013.

Schlein, 3-12

[Lisa, “US Drone Strikes, Civilian Casualties Drop in Pakistan Last Year”, Voice of America, 3-12-14,

http://www.voanews.com/content/us-drone-strikes-civilian-casualties-drop-in-pakistan-last-year/1870012.html, RSR]

GENEVA — A United Nations investigation finds a significant reduction in the use of armed drones by the United States in the Federally Administered Tribal Areas [FATA] of Pakistan in 2013. The report, which has been submitted to the U.N. Human Rights Council, paints a much bleaker picture, however, of the use of drones in Afghanistan and Yemen. Ben Emmerson, a British lawyer and special investigator on counterterrorism and human rights, said there were 27 recorded drone strikes in Pakistan’s Federally Administered Tribal Areas last year. That's down from a peak of 128 in 2010. “But perhaps most significantly, for the first time in nine years there were no reports of civilian casualties during 2013 in the FATA area of Pakistan," he said. "The diplomatic and political efforts of Pakistan to bring these strikes to a halt, so as to enable peace talks with the Tehrik-i-Taliban to take place, appear to have borne fruit.” Emmerson said that so far this year, no drone strikes have taken place in Pakistan.

#### No public backlash in Pakistan - just as many people love them as hate them.

Boot, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, ‘13

[Max, 2/6/13, “Obama Drone Memo is a Careful, Responsible Document,” http://www.commentarymagazine.com/2013/02/06/obama-drone-memo-is-a-careful-responsible-document/]

Drone strikes are by no means risk free, the biggest risk being that by killing innocent civilians they will cause a backlash and thereby create more enemies for the U.S. than they eliminate. There is no doubt that some of these strikes have killed the wrong people–as the New York Times account highlights in one incident in Yemen. There is also little doubt, moreover, that drone strikes are no substitute for a comprehensive counterinsurgency and state-building policy designed to permanently safeguard vulnerable countries such as Pakistan, Yemen, Somalia, Libya, and Mali from the incursions of radical jihadists. But drone strikes have been effective in disrupting al-Qaeda operations and they have been conducted with less collateral damage and more precision than in the past.¶ It is hard to assess what impact they have had on public opinion in countries such as Yemen and Pakistan, but there is at least as much evidence that these strikes are applauded by locals who are terrorized by al-Qaeda thugs as there is evidence that the strikes are reviled for killing fellow clansmen. As the Times notes: “Although most Yemenis are reluctant to admit it publicly, there does appear to be widespread support for the American drone strikes that hit substantial Qaeda figures like Mr. Shihri, a Saudi and the affiliate’s deputy leader, who died in January of wounds received in a drone strike late last year.”

#### The alternative to drones in Pakistan is full-scale military operations---obviously worse for all their impacts.

Llenza, Senior Navy Fellow at the Atlantic Council and Foreign Affairs Specialist, ‘11

[Michael, NATO ISAF, Spring 2011, “Targeted Killings in Pakistan: A Defense,” Global Security Studies, Vol. 2, No. 2, <http://globalsecuritystudies.com/Targeted%20Killings.pdf>]

Regardless of the possibility of civilian deaths, if the United States continues its policy of targeted killings, which by all signs it appears to, then the humanitarian benefits of drone strikes far outweigh their costs of the alternative. Predator strikes introduce greater discrimination in targeting than full-scale military assault or large-scale warfare would permit (Anderson, 2009, p.8). They allow the United States to seek out those who mean it harm without having to launch a full-scale invasion or placing U.S. forces at risk. Without placing U.S. and coalition forces at risk, the government can go after the terrorist without the fear of a counterassault that might increase the use of force and cause more collateral damage (Anderson, 2009, pp.7-8). ¶ Although some may see military action on the ground more palatable than a standoff killing, invading a hostile area that is predominantly civilian would inevitably result in the death and injury of far more innocent people than those caused by targeted drone strikes. In addition, this measure is more commensurate with the conditions of self-defense, that those killed be responsible for the threat being posed (Statman). Furthermore, as a strategic option, drone strikes are a prudent alternative to what may otherwise result in a larger, costlier and undesirable conflict (Anderson, 2010, p.32). ¶ Some critics of the drone operations would rather see Pakistan go after these terrorists, but from a humanitarian standpoint, one need only consider the political unreliability of their government along with the ineffectiveness of the Pakistani army and its penchant for long range artillery barrages over counterinsurgency (The Daily Times, 2010; Anderson, 2009, pp.8-9). Pakistani researchers’ state that attacks by the Pakistani military have caused far more collateral deaths than those by drones with relatively no success (Rodriguez & Zucchino).

#### No Pakistan collapse and it doesn't escalate.

Dasgupta, Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove, ‘13

[Sunil, non-resident Senior Fellow at the Brookings Institution, East Asia Forum, February 25, 2013, "How will India respond to civil war in Pakistan?", http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/]

¶ As it is, **India and Pakistan have gone down to the nuclear edge four times** — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. **Any incursion into Pakistan was** extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.¶ **Given the new US–India ties, the** most important factor in determining the **possibility and nature of Indian intervention in a possible Pakistani civil war** is Washington. **If the** United States **is able to get Kabul and Islamabad to work together** against the Taliban, **as it is trying to do now, then India is likely to continue its current policy** or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance.¶ India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan.¶ If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself.¶ **India is not likely to initiate an intervention that causes the Pakistani state to fail**. Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But **in contrast to predictions of an unravelling nation**, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.¶ Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. **Given the bad choices in Pakistan**, they would rather not have anything to do with it. **If there is going to be** a **civil war, why not wait for the two sides to exhaust themselves before thinking about intervening?** The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but **to break from tradition requires** strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

## 2NC

### T

#### Their interp includes assassination, killing of enemy combatants in war, intentional slaying of criminals and dissidents

**Silva 3** (Sebastian Jose Silva, Faculte de Droit de l'Universite de Montreal, “Death For Life: A Study of Targeted Killing by States In International Law,” August 2003)

**As defined by** Steven R. **David, targeted killing is the "**intentional slaying **of a specific individual** or group of individuals undertaken **with explicit** governmental approval.,,25 Though concise, **the problem with this definition is that it** fails to specify the intended targets **and** ignores the context **in which they are carried out**. By failing to define targeted killings as measures of counter-terrorism, killings of all types may indiscriminately fall under its mantle with devastating consequences. As such, the killing of political leaders in peacetime, which amounts to assassination, can fall within its scope. The same can be said about the killing of specific enemy combatants in armed conflict, which amounts to targeted military strikes, and the intentional slaying of common criminals, dissidents, or opposition leaders. Actions carried-out by governments within their jurisdictions can also be interpreted as targeted killings. Although the killing of terrorists abroad may constitute lawful and proportionate self-defense in response to armed attacks, the use of such measures by states for an unspecified number of reasons renders shady their very suggestion. David's definition is essentially correct but over-inclusive.

#### They’re totally different procedures and ignoring the distinction flips the topic aff – they get Pakistan, Afghanistan, and Yemen affs about building relations to destroy terror networks.

Dunn, Reader in International Politics and Head of Department in the Department of Political Science and International Studies at the University of Birmingham, ‘13

[David Hastings and Stefan Wolff, Professor of International Security at the University of Birmingham in the UK, March 2013, “Drone Use in Counter-Insurgency and Counter-Terrorism: Policy or Policy Component?,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf]

Yet an important distinction needs to be drawn here between acting on operational intelligence that corroborates existing intelligence and confirms the presence of a specific pre-determined target and its elimination – so-called ‘targeted strikes’ (or less euphemistically, ‘targeted killings’) – and acting on an algorithmic analysis of operational intelligence alone, determining on the spot whether a development on the ground suggests terrorist activity or association and thus fulfils certain (albeit, to date, publicly not disclosed) criteria for triggering an armed response by the remote pilot of a drone – so-called ‘signature strikes’.6 Targeted strikes rely on corroborating pre-existing intelligence: they serve the particular purpose of eliminating specific individuals that are deemed crucial to enemy capabilities and are meant to diminish opponents’ operational, tactical and strategic capabilities, primarily by killing mid- and top-level leadership cadres. To the extent that evidence is available, it suggests that targeted strikes are highly effective in achieving these objectives, while simultaneously generating relatively little blowback, precisely because they target individual (terrorist) leaders and cause few, if any, civilian casualties. This explains, to a significant degree, why the blowback effect in Yemen – where the overwhelming majority of drone strikes have been targeted strikes – has been less pronounced than in Pakistan and Afghanistan.7 Signature strikes, in contrast, can still be effective in diminishing operational, tactical and strategic enemy capabilities, but they do so to a certain degree by chance and also have a much higher probability of causing civilian casualties. Using drones for signature strikes decreases the dependence on pre-existing intelligence about particular leaders and their movements and more fully utilises their potential to carry out effective surveillance and respond to the conclusions drawn from it immediately. Signature strikes have been the predominant approach to drone usage in Pakistan and Afghanistan.8 Such strikes have had the effect of decimating the rank and file of the Taliban and their associates – but they have also caused large numbers of civilian casualties and, at a minimum, weakened the respective host governments’ legitimacy and forced them to condemn publicly, and in no uncertain terms, the infringement of their states’ sovereignty by the US. In turn, this has strained already difficult relations between countries which have more common than divergent interests when it comes to regional stability and the fight against international terrorist networks. That signature strikes have a high probability of going wrong and that such failures prove extremely counterproductive is also illustrated by a widely reported case from Yemen, in which twelve civilians were killed in the proximity of a car identified as belonging to an Al-Qa’ida member.9 The kind of persistent and intimidating presence of a drone policy geared towards signature strikes, and the obvious risks and consequences involved in repeatedly making wrong decisions, are both counterproductive in themselves and corrosive of efforts that seek to undercut the local support enjoyed by insurgent and terrorist networks, as well as the mutual assistance that they can offer each other. Put differently, signature strikes, in contrast to targeted killings, do anything but help to disentangle the links between insurgents and terrorists.

#### Here’s a better highlighting of their card.

Abresch, Director, Project on Extrajudicial Executions, Center for Human Rights and Global Justice, New York University School of Law, ‘9

[William, “Targeted Killing in International Law,” European Journal of International Law, 20 (2): 449-453]

Studies of targeted killing are often situated within the politically fraught debate over Hellfire missile attacks on suspected terrorists. The scope of Melzer's analysis is, then, refreshingly broad, covering equally sniper shots used to end hostage stand-offs, poison letters sent to insurgent commanders, and commando raids launched with orders to liquidate opponents. These diverse practices are marked off from other uses of lethal force by states, such as soldiers shooting in a firefight, with a precise and intuitively satisfying definition. Melzer defines targeted killing as a use of lethal force by a subject of international law that is directed against an individually selected person who is not in custody and that is intentional (rather than negligent or reckless), premeditated (rather than merely voluntary), and deliberate (meaning that ‘the death of the targeted person [is] the actual aim of the operation, as opposed to deprivations of life which, although intentional and premeditated, remain the incidental result of an operation pursuing other aims’) (at 3–4). It is a strength of Melzer's book that, although the concepts deployed in this definition do not correspond with those found in either international human rights law or international humanitarian law (IHL), he eschews de lege ferenda argumentation in favour of a rigorous elaboration of the implications of the lex lata for the practices covered by his definition.

[“de lege ferenda” means “what the law should be,” while “lex lata” means “what the law really is”]

#### Zenko concedes there is a distinction – even the government acknowledges it.

Micah Zenko 12, the Douglas Dillon Fellow at the Council on Foreign Relations, 7/16/12, “Targeted Killings and Signature Strikes,” http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/

Although signature strikes have been known as a U.S. counterterrorism tactic for over four years, no administration official has acknowledged or defended them on-the-record. Instead, officials emphasize that targeted killings with drones (the official term is “targeted strikes”) are only carried out against specific individuals, which are usually lumped with terms like “senior” and “al-Qaeda.” Harold Koh: “The United States has the authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al-Qaeda leaders who are planning attacks.” John Brennan: “This Administration’s counterterrorism efforts outside of Afghanistan and Iraq are focused on those individuals who are a threat to the United States.” Jeh Johnson: “In an armed conflict, lethal force against known, individual members of the enemy is a long-standing and long-legal practice.” Eric Holder: “Target specific senior operational leaders of al Qaeda and associated forces.” In April, Brennan was asked, “If you could address the issue of signature strikes, which I guess aren’t necessarily targeted against specific individuals?” He replied: “You make reference to signature strikes that are frequently reported in the press. I was speaking here specifically about targeted strikes against individuals who are involved.” Shortly thereafter, when the White House spokesperson was asked about drone strikes, he simply stated: “I am not going to get into the specifics of the process by which these decisions are made.

#### You misunderstand the targeted killing topic – drones are a part, but not the only targeted killing aff – here’s 7 more affs you can read

Alston 10 (Philip – John Norton Pomeroy Professor of Law at New York University School of Law, and co-Chair of the law school's Center for Human Rights and Global Justice, “ Report of the Special Rappo rteur on extrajudicial, summary or arbitrary executions,”, 2010, http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf)

II. Background A. Definition of “targeted killing” 7. Despite the frequency with which it is invoked, “targeted killing” is not a term defined under international law. Nor does it fit neatly into any particular legal framework. It came into common usage in 2000, after Israel made public a policy of “targeted killings” of alleged terrorists in the Occu pied Palestinian Territories. 1 The term has also been used in other situations, such as: • The April 2002 killing, allegedly by Russian armed forces, of “rebel warlord” Omar Ibn al Khattab in Chechnya. 2 • The November 2002 killing of alleged al Qa eda leader Ali Qaed Senyan al-Harithi and five other men in Yemen, reportedly by a CIA-operated Predator drone using a Hellfire missile. 3 • Killings in 2005 – 2008 by both Sri Lankan government forces and the opposition LTTE group of individuals identified by eac h side as collaborating with the other. 4 • The January 2010 killing, in an operation allegedly carried out by 18 Israeli Mossad intelligence agents, of Mahmoud al-Mahbouh, a Hamas leader, at a Dubai hotel. 5 According to Dubai officials, al-Mahbouh was suffocated with a pillow; officials released videotapes of those responsible, whom they alleged to be Mossad agents. 6 8. Targeted killings thus take place in a variety of contexts and may be committed by governments and their agents in times of peace as well as armed conflict, or by organized armed groups in armed conflict. 7 The means and methods of k illing vary, and include sniper fire, shooting at close range, missiles from helicopters, gunships, drones, the use of car bombs, and poison. 8 9. The common element in all these contexts is that lethal force is intentionally and deliberately used, with a degree of pre-meditation, against an individual or individuals specifically identified in advance by the perpetrator. 9 In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from unintentional, accidental, or reckless killings, or killings made without conscious choice. It also distinguishes them from law enforcement operations, e.g., against a suspected suicide bomber. Under such circumstances, it may be le gal for law enforcemen t personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill. 10. Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal. 10 This is in contrast to other terms with which “targeted killing” has sometimes been interchangeably used, such as “extrajudicial execution”, “summa ry execution”, and “assassination”, all of which are, by definition, illegal.

### CP

#### Shifting TK authority from the CIA to the DoD solves blowback, leads to accountability and preserves flex.

Zenko, Douglas Dillon Fellow at CFR, ‘13

[Micah, “Transferring CIA Drone Strikes to the Pentagon”, Policy Innovation Memorandum No. 31, April 2013, RSR]

In 2004, the 9/11 Commission recommended that the "lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department" to avoid the "creation of redundant, overlapping capabilities and authorities in such sensitive work." The recommendation was never seriously considered because the CIA wanted to retain its covert action authorities and, more important, it was generally believed such operations would remain a rarity. (At the time, there had been only one nonbattlefield targeted killing.) Nearly a decade later, there is increasing bipartisan consensus that consolidating lead executive authority for drone strikes would pave the way for broader strategic reforms, including declassifying the relevant legal memoranda, explicitly stating which international legal principles apply, and providing information to the public on existing procedures that prevent harm to civilians. During his February 2013 nomination hearing, CIA director John O. Brennan welcomed the transfer of targeted killings to the DOD: "The CIA should not be doing traditional military activities and operations." The main objection to consolidating lead executive authority in DOD is that it would eliminate the possibility of deniability for U.S. covert operations. However, any diplomatic or public relations advantages from deniability that once existed are minimal or even nonexistent given the widely reported targeted killings in Pakistan and Yemen. For instance, because CIA drone strikes cannot be acknowledged, the United States has effectively ceded its strategic communications efforts to the Pakistani army and intelligence service, nongovernmental organizations, and the Taliban. Moreover, Pakistani and Yemeni militaries have often taken advantage of this communications vacuum by shifting the blame of civilian casualties caused by their own airstrikes (or others, like those reportedly conducted by Saudi Arabia in Yemen) to the U.S. government. This perpetuates and exacerbates animosity in civilian populations toward the United States. If the United States acknowledged its drone strikes and collateral damage—only possible under DOD Title 10 authorities—then it would not be held responsible for airstrikes conducted by other countries. The CIA should, however, retain the ability it has had since 9/11 to conduct lethal covert actions in extremely rare circumstances, such as against immediate threats to the U.S. homeland or diplomatic outposts. Each would require a separate presidential finding, and should be fully and currently informed to the intelligence committees. Of the roughly 420 nonbattlefield targeted killings that the United States has conducted, very few would have met this criteria. The president should direct that U.S. drone strikes be conducted as DOD Title 10 operations. That decision would enhance U.S. national security in the following ways: Improve the transparency and legitimacy of targeted killings, including what methods are used to prevent civilian harm. Focus the finite resources of the CIA on its original core missions of intelligence collection, analysis, and early warning. (There is no reason for the CIA to maintain a redundant fleet of armed drones, or to conduct military operations that are inherently better suited to JSOC, the premier specialized military organization. As "traditional military activities" under U.S. law, these belong under Title 10 operations.) Place all drone strikes under a single international legal framework, which would be clearly delineated for military operations and can therefore be articulated publicly. Unify congressional oversight of specific operations under the armed services committee, which would end the current situation whereby there is confusion over who has oversight responsibility. Allow U.S. government officials to counter myths and misinformation about targeted killings at home and abroad by acknowledging responsibility for its own strikes. Increase pressure on other states to be more transparent in their own conduct of military and paramilitary operations in nonbattlefield settings by establishing the precedent that the Obama administration claims can have a normative influence on how others use drones.

#### President action solves the signaling of the aff.

Singer, director – Center for 21st Century Security and Intelligence @ Brookings, and Wright, senior fellow – Brookings, 2/7/’13

[Peter W. and Thomas, "Obama, own your secret wars", www.nydailynews.com/opinion/obama-secret-wars-article-1.1265620]

It is time for a new approach. And all that is required of the President is to do the thing that he does perhaps best of all: to speak.¶ **Obama has a unique opportunity** — in fact, an urgent obligation — **to create a new doctrine**, unveiled in a major presidential speech, **for the use** and deployment **of these new tools of war**.¶ While the Republicans tried to paint the President as weak on security issues in the 2012 elections, history will record instead that his administration pushed into new frontiers of war, most especially in the new class of technologies that move the human role both geographically and chronologically further from the point of action on the battlefield.¶ The U.S. military’s unmanned systems, popularly known as “drones,” now number more than 8,000 in the air and 12,000 on the ground. And in a parallel development, the U.S. Cyber Command, which became operational in 2010, has added an array of new (and controversial) responsibilities — and is set to quintuple in size.¶ This is not just a military matter. American intelligence agencies are increasingly using these technologies as the tips of the spear in a series of so-called “shadow wars.” These include not only the more than 400 drone strikes that have taken place from Pakistan to Yemen, but also the deployment of the Stuxnet computer virus to sabotage Iranian nuclear development, the world’s first known use of a specially designed cyber weapon.¶ Throughout this period, **the administration has tried to** have it both ways — leaking out success stories of our growing **use** of **these** new **technologies but not** tying its hands **with official statements and set policies**.¶ This made great sense at first, when much of what was happening was ad hoc and being fleshed out as it went along.¶ But that position has become unsustainable. The less the U.S. government now says about our policies, the more that vacuum is becoming filled by others, in harmful ways.¶ By acting but barely explaining our actions, **we’re creating precedents for other states to exploit**. More than 75 countries now have military robotics programs, while another 20 have advanced cyber war capacities. Rest assured that nations like Iran, Russia and China will use these technologies in far more crude and indiscriminate ways — yet will do so while claiming to be merely following U.S. footsteps.¶ In turn, international organizations — the UN among them — are pushing ahead with special investigations into potential war crimes and proposing new treaties.¶ Our leaders, meanwhile, stay mum, which isolates the U.S. and drains its soft power.¶ The current policy also makes it harder to respond to growing concerns over civilian casualties. Indeed, Pew polling found 96% levels of opposition to U.S. drones in the key battleground state of Pakistan, a bellwether of the entire region. It is indisputable than many civilians have been harmed over the course of hundreds of strikes. And yet it is also indisputable that various groups have incentives to magnify such claims.¶ Yet so far, U.S. officials have painted themselves into a corner — either denying that any collateral losses have occurred, which no one believes, or reverting to the argument **that we cannot confirm or deny our involvement**, which no one believes, either.¶ Finally, the domestic support and legitimacy needed for the use of these weapons is in transition. Polling has found general public support for drone strikes, but only to a point, with growing numbers in the “not sure” category and growing worries around cases of targeting U.S. citizens abroad who are suspected of being terrorists.¶ The administration is so boxed in that, even when it recently won a court case to maintain the veil of semi-silence that surrounds the drone strike program, the judge described the current policy as having an “Alice in Wonderland” feel.¶ The White House seems to be finally starting to realize the problems caused by this disconnect of action but no explanation. **After years of silence**, occasional statements by senior aides are acknowledging the use of drones, while **lesser-noticed working level documents have been created to formalize strike policies** and even to explore what to do about the next, far more autonomous generation of weapons.¶ **These** efforts have been **good starts**, but they **have been disjointed and partial**. Most important, they are missing the much-needed stamp of the President’s voice and authority, which is essential to turn tentative first steps into established policy.¶ Much remains to be done — and said — out in the open.¶ This is why **it’s time for Obama’s voice to ring loud and clear**. Much as Presidents Harry Truman and Dwight Eisenhower were able keep secret aspects of the development of nuclear weapons, even as they articulated how and when we would use them, **Obama should publicly lay out criteria by which the U**nited **S**tates **will develop**, **deploy and use these new weapons**.¶ The President has a strong case to make — if only he would finally make it. After all, the new weapons have worked. They have offered new options for military action that are more accurate and proportionate and less risky than previously available methods.¶ But they have also posed many new complications. Explaining our position is about embracing both the good and the bad. It is about acknowledging the harms that come with war regardless of what technology is being used and making clear what structures of accountability are in place to respond.¶ **It’s** also **about** finally **defining where America** truly **stands on** some of **the** most **controversial questions**. These include the tactics of “signature” strikes, where the identity is not firmly identified, and “double tap” strikes, where rescuers aiding victims of a first attack are also brought under fire. These have been reported as occurring and yet seem to run counter to the principles under which the programs have been defended so far.¶ **The role of the President is** not to conduct some kind of retrospective of what we have done and why, but **to lay out a course of the future**. What are the key strategic goals and ethical guidelines that should drive the development and use of these new technologies? Is current U.S. and international law sufficient to cover them?¶ There are also crucial executive management questions, like where to draw the dividing line between military and civilian intelligence agency use of such technologies, and how to keep a growing range of covert actions from morphing into undeclared and undebated wars.¶ And, finally, **the President must help resolve growing tensions between the executive** branch **and** an increasingly restive **Congress**, including how to handle situations where we create the effect of war but no U.S. personnel are ever sent in harm’s way.¶ Given the sprawling complexity of these matters, only the President can deliver an official statement on where we stand. If only we somehow had a commander in chief who was simultaneously a law professor and Nobel Peace Prize winner!¶ The President’s voice on these issues won’t be a cure-all. But it will lay down a powerful marker, shaping not just the next four years but the actions of future administrations.

#### The CP alone is the best way to boost U.S. legitimacy---bargaining theory proves that making concessions to critics of our drone policy encourages them to move the goalposts and never be satisfied---informing them of the rationale behind targeted killings with a “take it or leave it” stance encourages bandwagoning. Reject their ev by activists and academics---they always call for the most restrictive measures but their perspective’s irrelevant to actual inter-state relations.

Anderson, Professor of International Law at American University, ‘11

[Kenneth, 10/3/11, “Public Legitimacy for Targeted Killing Using Drones,” <http://www.volokh.com/2011/10/03/public-legitimacy-for-targeted-killing-using-drones/>]

Jack Goldsmith, writing at Lawfare, urges the Obama administration to release a redacted version of the Justice Department’s memo concluding that the targeting of Al-Awlaki was lawful – if not a redacted version, then some reasonably complete and authoritative statement of its legal reasoning. I agree. The nature of these operations abroad is that they will almost certainly remain beyond judicial review and, as a consequence, OLC opinions will serve as the practical mechanism of the rule of law. ¶ The best argument against disclosure is that it would reveal classified information or, relatedly, acknowledge a covert action. This concern is often a legitimate bar to publishing secret executive branch legal opinions. But the administration has (in unattributed statements) acknowledged and touted the U.S. role in the al-Aulaqi killing, and even President Obama said that the killing was in part “a tribute to our intelligence community.” I understand the reasons the government needs to preserve official deniability for a covert action, but I think that a legal analysis of the U.S. ability to target and kill enemy combatants (including U.S. citizens) outside Afghanistan can be disclosed without revealing means or methods of intelligence-gathering or jeopardizing technical covertness. The public legal explanation need not say anything about the means of fire (e.g. drones or something else), or particular countries, or which agencies of the U.S. government are involved, or the intelligence basis for the attacks. (Whether the administration should release more information about the intelligence supporting al-Aulaqi’s operational role is a separate issue that raises separate classified information concerns.) We know the government can provide a public legal analysis of this sort because presidential counterterrorism advisor John Brennan and State Department Legal Advisor Harold Koh have given such legal explanations in speeches, albeit in limited and conclusory terms. These speeches show that there is no bar in principle to a public disclosure of a more robust legal analysis of targeted killings like al-Aulaqi’s. So too do the administration’s many leaks of legal conclusions (and operational details) about the al-Aulaqi killing. ¶ The public accountability and legitimacy of these vital national security operations is strengthened to the extent that the public is informed and, through the political branches, part of the debate on the law of targeted killing. That cannot be operational discussion, for obvious reasons. But there is still a good deal that could be said about the underlying legal rationales, without compromising security. I myself favor revisions, either as internal executive branch policy or, in a better world, as formal legal revisions to Title 50 (CIA, covert action, etc.) and the oversight and reporting processes. One of those revisions would be to get beyond the not just silly, but in some deeper way, de-legitimizing insistence that these operations cannot be acknowledged even as a program; I would establish a distinct category of “deniable” rather than “covert,” and a category of programs that can be acknowledged as existing even without comment on particular operations. ¶ John Bellinger, the former State Department Legal Adviser in the last years of the Bush administration, raises concerns in the Washington Post today about the best way to defend the international legitimacy of these operations. He notes the deep hostility of the international advocacy groups, UN special raporteurs, numbers of foreign governments, and the studied silence of US allies (even as NATO, I’d add, has relied upon drones as an essential element of its Libyan air war). ¶ [T]he U.S. legal position may not satisfy the rest of the world. No other government has said publicly that it agrees with the U.S. policy or legal rationale for drones. European allies, who vigorously criticized the Bush administration for asserting the unilateral right to use force against terrorists in countries outside Afghanistan, have neither supported nor criticized reported U.S. drone strikes in Pakistan, Yemen and Somalia. Instead, they have largely looked the other way, as they did with the killing of Osama bin Laden. ¶ Human rights advocates, on the other hand, while quiet for several years (perhaps to avoid criticizing the new administration), have grown increasingly uncomfortable with drone attacks. Last year, the U.N. rapporteur for summary executions and extrajudicial killings said that drone strikes may violate international humanitarian and human rights law and could constitute war crimes. U.S. human rights groups, which stirred up international opposition to Bush administration counterterrorism policies, have been quick to condemn the Awlaki killing. ¶ Even if Obama administration officials are satisfied that drone strikes comply with domestic and international law, they would still be wise to try to build a broader international consensus. The administration should provide more information about the strict limits it applies to targeting and about who has been targeted. One of the mistakes the Bush administration made in its first term was adopting novel counterterrorism policies without attempting to explain and secure international support for them. ¶ The problem of international legitimacy is always tricky, as Bellinger knows better than anyone. I look at it this way. Tell the international community that we care about legitimacy – which is to say, that we care about their opinion in relation to our practices – and all of sudden we have handed other folks a rhetorical hold-up, to a greater or lesser degree. Unsurprisingly, the price of their good opinion and their desire to exercise control over our actions goes up. This is nothing special to this; it’s just standard bargaining theory. ¶ On the other hand, ignore them altogether, and they – particularly, note, our allies, those who say that they are acting roughly within our shared sphere of values discourse, not the Chinese or the Russians – develop a set of norms that they then apply in such a way as to mark us as the outlier and the deviant. Again, this is just drawn from any standard account of norm-negotiation; it’s not a statement of nefarious intent; it’s an acknowledgment that both we and our allies are invested in norms, and that we are not merely societies of narrow interests. At its worst, developing a quite separate norm regime and then characterizing us as genuinely deviant from it might lead to arrest warrants issued for current or former US officials, and much distrust between sides. It might also lead to places where even our allies might not want to go – putting themselves outside of the US security umbrella in particular matters that turn out to concern them a lot, such has having access to drones in Libya. ¶ If the norm envelope is pushed hard enough, however, then our allies wind up depriving themselves of access to the weapon, which clearly they don’t want to do. So they have reasons not to push too hard – both for fear of us simply ignoring them altogether (in effect withdrawing the acceptance that their opinion matters to the legitimacy of the activity) and because they want at least “parts” of it. ¶ The best place to be, then, for both sides, is roughly in the middle that Bellinger stakes out. (Note that nothing I’ve said here should be attributed to him; these are my views on the negotiation stakes.) Meaning that we have reasons to talk with our allies at length and in detail, in private and public, to try and persuade them to our views, and to persuade them that genuflecting to their advocacy and NGO groups will be worse for them than accepting our space to act, insofar as we can give a plausible interpretation of law. Plausibility is the central touchstone for international law in relations among states, finally; we and they don’t have to agree, only to agree that our several interpretations are within the ballpark of acceptability. It might involve alterations of our practice; it might not. ¶ This will never satisfy the non-governmental advocates or the academics, of course. They have no skin in the game and hence can always hold out for the most extreme position with only an indirect cost in credibility. In the case of drones, in which even some of the advocates are belatedly realizing that the weapon is indeed more precise and sparing of civilians, ignoring the NGO advocates as profoundly mistaken has spared a human tragedy in collateral damage over the long run. But the striking thing about the interstate negotiations among allies is that they don’t have to reach a conclusion – an agreement – and probably won’t. An acceptance of the plausibility of each side’s position and an agreement to continue discussion around alternatives that are considered plausible is sufficient.

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

Anderson, Professor of International Law at American University, ‘10

[Kenneth, 3/8/10, “Predators Over Pakistan,” The Weekly Standard, <http://www.weeklystandard.com/print/articles/predators-over-pakistan>]

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

#### Only the CP solves the turn---moving too fast to restrict targeted killing’s ineffective---starting with the CP’s legal transparency’s more effective

Afsheen John Radsan 12, Professor, William Mitchell College of Law, Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004; and Richard Murphy, the AT&T Professor of Law, Texas Tech University School of Law, 2012, “The Evolution of Law and Policy for CIA Targeted Killing,” Journal of National Security Law & Policy, Vol. 5, p. 439-463

A thorough review of the arguments against the CIA drone campaign, however, shows that most critics invoke laws that do not bind American officials or laws that are vague. In a zone of ambiguity, one expects those responsible for protecting the United States to interpret their authority broadly. The President and his advisers – notably Harold Koh, the Dean of Yale Law School, currently the State Department Legal Adviser and a human rights specialist of the first order – have argued and concluded that CIA drone strikes are legal.3 The rules of armed conflict and the laws of interstate force permit the United States reasonably to assert the right to use the CIA to fire missiles from unmanned drones to kill “fighting” members of al Qaeda and the Taliban located in countries that are unable (or perhaps unwilling) to control the threat these armed groups pose. ¶ Although critics of the CIA drone program do not demonstrate that its strikes are clearly illegal, some raise important points on how the law, drifting into policy, should constrain drone strikes. As noted, the CIA drone campaign and any similar campaigns pose acute dangers of mistakes and abuses. The law, in response to this type of problem, seeks to ensure accuracy, fairness, and accountability by insisting on regular, responsible procedures. Yet the laws of war, generally speaking, merely require reasonable precautions before striking.4 A simple rule-of-reason seems inadequate for targeted killing that, by its terms, demands “intelligence-driven use of force.”5¶ To facilitate the evolution of a “due process” of targeted killing, in two earlier pieces, we have attempted to tease controls from the U.S. Constitution and from international humanitarian law’s insistence on reasonable precautions.6 Whether for us or for other commentators, creating fine-grained constraints will not be straightforward. If the constraints are to evolve at all, they are likely to come from a long dialogue among many interested parties. The United States could add to this conversation by publicly adopting standards for its use of drones that ensure accuracy and accountability. The CIA, accordingly, could acknowledge a general role in the drone program without mentioning the names of any participating countries. By giving up a thin veil of secrecy, the CIA would benefit from more informed public scrutiny and might receive more support from some American citizens and allies. But that increased transparency could carry costs, including offending those concerned about the level of collateral damage. Residents of foreign countries closest to the locations of CIA strikes are likely to be the most sensitive. Take Pakistan as one possible example. ¶ We do not expect opponents of CIA drones to give up their rhetorical weapon claiming illegality. Their rhetoric, however, tends to obscure how the law should evolve to result in good policy. The relevant substantive law governing resort to deadly force by states is and necessarily will remain vague. In contrast, the specific procedures for CIA targeted killing cry out for scrutiny and improvement. At the level of specificity that matters to actual drone operators, good law blurs into good policy. At this level, all of the President’s national security team, lawyers and non-lawyers alike, are welcome to advise him on drones.

### Solvency

**Obama has just outright ignored Congressional information requests in the past.**

**Roberts, 13** --- masters in security studies from Georgetown (3/21/2013, Kristin, “When the Whole World Has Drones; The precedents the U.S. has set for robotic warfare may have fearsome consequences as other countries catch up,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>)

**America**, the world’s leading democracy and a country built on a legal and moral framework unlike any other, **has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted.** The **Obama** administration **has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts**.

## 1NR

### DA

#### Nuclear terrorist attack turns every impact – destroys the nuclear taboo which makes war inevitable.

Bin, director of Arms Control Program at the Institute of International Studies, Tsinghua University, ‘9

[5-22-09 About the Authors Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND).Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People’s Liberation Army with an MA from China’s National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin]

The nuclear taboo is a kind of international norm and this type of norm is supported by the promotion of the norm through international social exchange. But at present the increased threat of nuclear terrorism has lowered people’s confidence that nuclear weapons will not be used. China and the United States have a broad common interest in combating nuclear terrorism. Using technical and institutional measures to break the foundation of nuclear terrorism and lessen the possibility of a nuclear terrorist attack can not only weaken the danger of nuclear terrorism itself but also strengthen people’s confidence in the nuclear taboo, and in this way preserve an international environment beneficial to both China and the United States. In this way even if there is crisis in China-U.S. relations caused by conflict, the nuclear taboo can also help both countries reduce suspicions about the nuclear weapons problem, avoid miscalculation and thereby reduce the danger of a nuclear war.

#### Terror attack turns the entire case---fear causes a massive expansion of pres powers.

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 110-1

Indeed, **while the Bush administration bears the blame** for these hor- rors, **White House officials exploited a shift in public values after 9/11**. When asked by Princeton Survey Research Associates in 1997 whether stopping terrorism required citizens to cede some civil liberties, less than one-t hird of Americans said yes. By the spring of 2002, that had grown to almost three- quarters. **Public support for the government’s right to wire- tap phones and read people’s mail also grew exponentially.** In fact, **polling** in the months after the attack **showed Americans less concerned that the Bush administration was violating civil liberties than that it wasn’t violating them enough**. **What will happen the next time?** It is, of course, impossible to predict the reaction to any particular attack. But **in 2003, the Center for Public Integrity got a draft of** something called **the** Domestic Security Enhance- ment Act, quickly dubbed **Patriot II.** According to the center’s executive director, Charles Lewis, **it expanded government power** five or **ten times as much as its predecessor**. **One provision permitted the government to strip** native-born **Americans of their citizenship, allowing them to be** indefinitely imprisonedwithout legal recourse if they were deemed to have provided any support—even nonviolent support—to groups designated as terrorist. After an outcry, the bill was shelved. But **it offers a hint of what** this administration—or any administration**—might do if the United States were hit again**. ¶ When the CIA recently tried to imagine how the world might look in 2020, it conjured four potential scenarios. One was called the “cycle of fear,” and it drastically inverted the assumption of security that C. Vann Woodward called central to America’s national character. The United States has been attacked again and the government has responded with “large- scale intrusive security measures.” In this dystopian future, two arms dealers, one with jihadist ties, text- message about a potential nuclear deal. One notes that terrorist networks have “turned into mini-s tates.” The other jokes about the global recession sparked by the latest attacks. And he muses about how terrorism has changed American life. “**That new Patriot Act**,” he writes, “**went way beyond anything imagined after 9/11**.” “**The** **fear cycle generated by an increasing spread of WMD and terrorist attacks**,” comments the CIA report, “**once under way, would be** one of **the hardest to break**.” And the more entrenched that fear cycle grows, the less free America will become. **Which is why a new generation of American liberals must make the fight against this new totalitarianism their own.**

#### Risk of bioterror is high – results in extinction.

Matheny, research associate at Oxford University’s Future of Humanity Institute, ‘7

[Jason, previously worked at the Center for Biosecurity and holds an MBA from Duke University, “Reducing the Risk of Human Extinction,” Risk Analysis Vol. 27, No. 5, <http://users.physics.harvard.edu/~wilson/pmpmta/Mahoney_extinction.pdf>]

Of current extinction risks, the most severe may be bioterrorism.The knowledge needed to engineer a virus is modest compared to that needed to build a nuclear weapon; the necessary equipment and materials are increasingly accessible and because biological agents are self-replicating, a weapon can have an exponential effect on a population (Warrick, 2006; Williams, 2006). 5 Current U.S. biodefense efforts are funded at $5 billion per year to develop and stockpile new drugs and vaccines, monitor biological agents and emerging diseases, and strengthen the capacities of local health systems to respond to pandemics (Lam, Franco, & Shuler, 2006).

#### Status quo is goldilocks on drones increasing preference for capture missions that avoids drone overreliance. This preserves flex to use drones when they’re the best options but restrictions destroy that.

WT 10-9 – Washington Times, 10/9/13, “Drone strikes plummet as U.S. seeks more human intelligence,” http://www.washingtontimes.com/news/2013/oct/9/drone-strikes-drop-as-us-craves-more-human-intelli/print/ The number of drone strikes approved by the Obama administration on suspected terrorists has fallen dramatically this year, as the war with al Qaeda increasingly shifts to Africa and U.S. intelligence craves more captures and interrogations of high-value targets. U.S. officials told The Washington Times on Wednesday that the reasons for a shift in tactics are many — including that al Qaeda's senior ranks were thinned out so much in 2011 and 2012 by an intense flurry of drone strikes, and that the terrorist network has adapted to try to evade some of Washington's use of the strikes or to make them less politically palatable. But the sources acknowledged that a growing desire to close a recent gap in actionable human intelligence on al Qaeda's evolving operations also has renewed the administration's interest in more clandestine commando raids like the one that netted a high-value terrorist suspect in Libya last weekend. Capturing and interrogating suspects can provide valuable intelligence about a terrorist network that has been morphing from its roots with a central command in Pakistan and Afghanistan (known as intelligence circles as the FATA) to more diverse affiliates spread most notably across North Africa, officials and analysts said. "Al Qaeda's senior leadership in Pakistan has been steadily degraded. What remains of the group's core is still dangerous but spends much of its time thinking about personal security," one senior counterterrorism official told The Times, speaking on the condition of anonymity because of the secret nature of the drone program. "As the nature of the threat emanating from the FATA changes, it follows that the U.S. government's counterterrorism approach is going to shift accordingly." The decreased reliance on drones was in full view last weekend when one team of commandos from the Army's Delta Force captured long-sought al Qaeda operative Abu Anas al-Libi in Tripoli and a Navy SEAL team failed to take down an al Qaeda affiliate leader in Somalia. The U.S. has carried out nearly 400 drone strikes over the past decade in Pakistan, Yemen and Somalia, a tactic that killed numerous senior operatives. But al Qaeda leaders have been increasing their own counterintelligence activities and moving to more populated areas in order to increase the risks of civilian casualties, two developments that have made the strikes less politically palatable and effective, analysts and intelligence sources say. As a result, the number of drone strikes carried out against al Qaeda suspects in the Middle East and South Asia has dropped by half over the past year. There were 22 drone strikes on targets in Pakistan during the first 10 months of this year, compared with 47 carried out during 2012 and 74 in 2011, according to data compiled by the London-based Bureau of Investigative Journalism, the leading independent body examining the U.S. government's secretive drone program. But intelligence officials and some national security analysts cautioned against reading too deeply into such data, saying the U.S. remains committed to using drones when it makes sense. "Given the clandestine nature of the program, it's impossible to assess the reasons why the number of strikes has decreased over time," said Seth Jones, a political scientist who specializes in counterterrorism studies at the Rand Corp., a research institution with headquarters in California. "We just don't have access to the information," he said. Thirst for new intelligence With U.S. counterterrorism officials eager to pin down fresh and actionable intelligence on what several sources described as a gradually metastasizing and complex network of al Qaeda affiliate groups concentrated in North Africa, most analysts say it would make sense for the Obama administration to begin favoring capture-and-interrogate missions. "Raids allow you to both potentially capture a high-value target and exploit his knowledge through interrogations," said Daniel R. Green, an al Qaeda and Yemen analyst at the Washington Institute for Near East Policy. When U.S. soldiers are on the ground for a raid, Mr. Green said, it means they can "collect additional materials of intelligence value from the dwelling, further assisting in the planning of follow-on operations." Others said heavy reliance on drones has only added to America's potentially dangerous deficit of human intelligence on al Qaeda. "If you're not capturing guys to get that intel, then, yeah, you're going to be missing a part of the picture — if not a large part of the picture," said Thomas Joscelyn, a senior fellow focusing on al Qaeda and North Africa at the Foundation for Defense of Democracies. "You can rely extensively on electronic intelligence, but you still need that [human intelligence]to put the full picture together," said Mr. Joscelyn, who added that recent years have fostered a "fetish within some parts of the intelligence community for drone attacks because they've succeeded in taking out some very high-level targets. "There are other parts of the American military and intelligence community that understand that drones are not going to win this war," he said. "Drones are a necessary tactic, but they are not a strategy." Last weekend's raids in Libya and Somalia are "evidence that there's more emphasis now on capture than on kill," said Linda Robinson a senior international policy analyst at the Rand Corp. "It is an indication of the shift that was alluded to by the president in May," said Mrs. Robinson, referring to a speech President Obama gave at the National Defense University in which he stressed that "as a matter of policy, the preference of the United States is to capture terrorist suspects." Mrs. Robinson said there is "recognition that, frankly, you get something from raids, which you don't get from drones." Raids allow for capturing a suspect and can lead to an "incredible intelligence dump" from that individual, she said. Drones still on the table During the May speech on terrorism, Mr. Obama acknowledged the use of drones as a central tactic within his administration's war strategy and suggested it will continue. At the time, Mr. Obama said it "not possible for America to simply deploy a team of Special Forces to capture every terrorist." Citing instances in which doing so "would pose profound risks to our troops and local civilians" and where "putting U.S. boots on the ground may trigger a major international crisis," Mr. Obama said the secret May 2011 Navy SEAL operation that resulted in the killing of al Qaeda leader Osama bin Laden "cannot be the norm." In the shadow of such remarks from the president, some analysts say, such raids likely would pose challenges in Yemen, where the Obama administration has relied heavily on the use of drones. A raid such as the one that netted al-Libi in Tripoli would be "much more difficult" in Yemen "in part because potential targets are far more inland, thus complicating an attack from the sea," said Mr. Green, at the Washington Institute for Near East Policy. "Also, the Yemeni government is much more capable and would likely detect such a raid, as compared to Libya's anarchic conditions, and al Qaeda is a much more developed force in Yemen, which will have already adapted to this new tactic by U.S. forces," he said. Mrs. Robinson said that "with a raid, of course, you incur more risk for those U.S. forces usually, special operations forces that you're putting on the ground." "I don't think there's a big appetite to go around launching raids unless there is a clear U.S. national security interest to do so," she said. "The political and diplomatic and atmospheric risks or counterproductive effects have to be very much weighed in the equation."

#### Perception– their restriction on drone flexibility removes the *signal* of U.S. superiority and strength – key to win the war on terror

Haddick 11 (Robert, contractor at U.S. Special Operations Command, From January 2009 to September 2012 he was Managing Editor of Small Wars Journal, former U.S. Marine Corps officer, served in the 3rd and 23rd Marine Regiments, and deployed to Asia and Africa, “Drones help Washington win a war of perceptions”, Oct 3, <http://smallwarsjournal.com/blog/drones-help-washington-win-a-war-of-perceptions>)

An article in Saturday’s New York Times asserted that policymakers in Washington have settled on a new favorite technique to fight terrorists – the missile-firing Predator drone. Last week’s killing of Anwar al-Awlaki in Yemen showed, according to the Times, “a cheap, safe and precise tool to eliminate enemies. It was also a sign that the decade-old American campaign against terrorism has reached a turning point … Disillusioned by huge costs and uncertain outcomes in Iraq and Afghanistan, the Obama administration has decisively embraced the drone, along with small-scale lightning raids like the one that killed Osama bin Laden in May, as the future of the fight against terrorist networks.”¶ In my Foreign Policy column later this week, I will explore what the drone strategy will mean for the Pentagon’s plans. Here, I assert that the drone strikes, along with special operations raids, have become the policymaker’s best friend because they allow these policymakers to show the world that they have the power to strike spectacularly against their terrorist adversaries, something that was in doubt at the beginning of the war. Successful drone strikes and raids are now putting Washington in the lead in the battle over perceptions.¶ With their attacks on targets ranging from the World Trade Center and Pentagon to brand label hotels, terror planners have revealed their preference for spectacle and symbolism. Washington’s drone strikes and special operations raids are useful at a practical level. But they have now become more important as symbolic acts, showing that the United States government really can strike at adversaries who may have once believed they could torment the West while remaining invisible. Washington’s policymakers have been anxious to show they are not impotent against iconic figures like bin Laden and Awlaki. The Predator drone, supported by a vast intelligence effort, has delivered the potency and relevance these policymakers have longed for.¶ In order to show they are dominant in the struggle against terrorists, Washington policymakers are attempting to “gain and maintain spectacle superiority.” Washington will achieve the perception that it is winning the war when it achieves more spectacular drone and special operations strikes than do the terrorists. The logical limit will be the killing of all of the most infamous terror figures, with the top of that list currently held by Ayman al Zawahiri. Some have argued that U.S. policymakers should leave Zawahiri in place -- as an allegedly poor and divisive leader, he is thought by some to be more harmful to al Qaeda alive than dead. But the logic of “spectacle superiority” argues that Zawahiri must get a Hellfire missile if only to show the world that no one can escape the CIA’s grasp.¶ As already noted, there were practical benefits to the strikes against bin Laden and Awlaki. The bin Laden raid resulted in a massive intelligence haul. The strike on Awlaki removed a potentially effective recruiter of “lone wolf” attackers inside the United States. Beyond these effects, the counterterrorism benefits of these and other strikes are much more diffuse and difficult to measure. In the long run, the TIDE database, maintained by the National Counterterrorism Center and supported by interagency and international cooperation, is the most important defense against terror attacks and provides more tangible security than kinetic action overseas. Even so, policymakers in Washington will deem it essential to win the war of perceptions over terrorism, if only to preserve their reputational power.¶ Killing the last of the notables al Qaeda figures could prompt Washington to declare victory. However, the war won’t be over – the next generation of al Qaeda figures may adapt by to the drone campaign by striving to keep their al Qaeda affiliations secret. Al Qaeda operational security may improve while recruiting and fund-raising for a then completely anonymous organization would undoubtedly suffer. U.S. drone strikes and raids, many also secret, would continue as an increasingly hidden war goes on.¶ If this describes the end-game, Washington stands likely to win the war of perception, especially if al Qaeda fails to mount another large-scale spectacle inside the United States. Predator drones, supported by an army of intelligence analysts, have gained the initiative and are winning the war of perceptions over al Qaeda. Policymakers in Washington, who live and die in the world of perceptions, should be grateful.

#### The risk of a nuclear terror attack is high now.

Matthew, et al, 10/2/13 [ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.