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#### Restriction on authority must limit presidential discretion

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

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

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

#### Voting issue –

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

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

### 1NC DA

#### Momentum preventing sanctions – Obama’s capital is key

WEBER 1 – 30 – 14 senior editor at TheWeek.com [Peter Weber, What sank the Senate's Iran sanctions bill? After Obama's State of the Union speech, it looks like Democrats are going to give peace a chance, after all, <http://theweek.com/article/index/255771/what-sank-the-senates-iran-sanctions-bill>]

In mid-January it appeared that a bipartisan Senate bill threatening Iran with new sanctions was a foregone conclusion. Yes, President Obama opposed the legislation and promised to veto it, but supporters of the Nuclear Weapon Free Iran Act strongly hinted that they had a veto-proof majority — and with 59 senators (43 Republicans and 16 Democrats) co-sponsoring the bill, that seemed eminently plausible.

They would only need eight more votes (and action in the House) to thwart Obama's veto pen, and momentum appeared to be on their side.

If there is any momentum on the bill now, it's on the other side. Obama reiterated his veto threat in the very public setting of his State of the Union address on Tuesday night, saying that "for the sake of our national security, we must give diplomacy a chance to succeed." Jan. 20 marked the beginning of a six-month period of negotiations between the U.S., Iran, and five other world powers aimed at preventing Iran from developing a nuclear bomb.

The negotiations won't be easy, and "any long-term deal we agree to must be based on verifiable action," not trust, Obama said. But "if John F. Kennedy and Ronald Reagan could negotiate with the Soviet Union, then surely a strong and confident America can negotiate with less powerful adversaries today."

After the speech, at least four Democratic cosponsors — Sens. Chris Coons (Del.), Kirsten Gillibrand (N.Y.), Joe Manchin (W.Va.), and Ben Cardin (Md.) — said they didn't want to vote on the bill while negotiations are ongoing. Sen. Richard Blumenthal (D-Conn.) had already adopted that position earlier in the month.

The distance these cosponsors put between themselves and the bill wasn't uniform. Cardin punted to Sen. Harry Reid (D-Nev.), who is opposed to bringing the bill to the floor for a vote. (Cardin "wants to see negotiations with Iran succeed," a spokeswoman's said. "As for timing of the bill, it is and has always been up to the Majority Leader.")

Manchin, on the other hand, told MSNBC that he didn't sign on to the bill "with the intention that it would ever be voted upon or used upon while we were negotiating," but rather "to make sure the president had a hammer if he needed it." He added: "We've got to give peace a chance here."

With the list of Democratic cosponsors willing to vote for the bill shrinking by five, the dream of a veto-proof majority in the next six months appears to be dead. Even Republican supporters of the legislation are pessimistic of its chances: "Is there support to override a veto?" Sen. Jim Inhofe (R-Okla.), the top Republican on the Senate Armed Services Committee, told National Journal on Wednesday. "I say, 'No.'"

So, what happened to the Iran sanctions bill? The short version: Time, pressure, and journalism.

The journalism category encompasses two points: First, reporters actually read the legislation, and it doesn't quite match up with the claims of lead sponsors Sen. Robert Menendez (D-N.J.) and Sen. Mark Kirk (R-Ill.), who say the sanctions would only take effect if Iran was found to be negotiating in bad faith. A much-cited analysis by Edward Levine at the Center for Arms Control and Non-Proliferation showed that the Iran sanctions would kick in unless Obama certified a list of impossible or deal-breaking conditions.

Journalists also started asking the cosponsors about their intentions. It's possible there were never 59 votes for the bill, but the legislation was filed right before Christmas and many reporters (not unreasonably) conflated cosponsorship with support for the bill, regardless of what was happening with the negotiations. They only asked on Tuesday night and Wednesday because Obama brought up the issue in his State of the Union speech.

Time without action always saps momentum, but with the Iran sanctions bill it also allowed events to catch up with the proponents of new sanctions. When they filed the bill Dec. 20, the interim Iran deal was just a talking point; a month later it was reality. The Obama administration, U.S. intelligence community, and outside analysts agree that new sanctions would scuttle the deal, and its harder to take that risk when that deal is in effect.

Finally, critics of the bill — including the White House and J Street, the liberal pro-Israel lobbying group — had time to mount a counterattack. Starting Jan. 6, J Street and other groups opposed to the legislation "reached out to senators who were on the fence and senators who'd cosponsored on day one," says Slate's David Weigel. "The message was the same: Have you guys read this thing?" Dylan William, J Street's director of government relations, describes the strategy in more depth:

We made especially prodigious use of our grass tops activists. These are people who have longstanding relationships with members of Congress to express two things. One: The bill is bad policy. Two: There was no political reason that these senators should feel they need to support the bill. There is deep political support in communities for members of Congress and senators who want to reserve this peaceably. [Slate]

So take a bow, J Street — for now, the David of the Israel lobby has slain its Goliath, the American Israel Public Affairs Committee (AIPAC), which is pushing for the legislation. That could all change if the interim Iran deal falls apart or some other event intercedes to change the equation for lawmakers. But momentum is hard to un-stall, and lawmakers are now considering changing the bill into a non-binding resolution.

John Judis at The New Republic is relieved, and counts Obama's veto threat Tuesday night as the boldest part of his speech. "If these negotiations with Iran fail, the United States will be left with very unsatisfactory alternatives," he writes:

Use military force to stop Iran, which might only delay Iran's acquisition of nuclear weapons, and will potentially inflame the region in a new war, or allow Iran to go ahead and hope to contain Iran as we have contained other potentially hostile nuclear powers. Obama may not be able to secure authorization for the first alternative... and if he opts for the second, he will leave open the possibility of regional proliferation or of Israel going to war against Iran. It's in America's interest — and, incidentally, Israel's as well — to allow the current negotiations to take their course — without malignant interference from Congress and AIPAC. [New Republic]

#### Plan destroys Obama which causes internal Democrat defection

Loomis 07 Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University [Dr. Andrew J. Loomis, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### New sanctions ensure war

Kearn 1/19—David W. Kearn, Assistant Professor, St. John’s University [“The Folly of New Iran Sanctions” 01/19/2014, Huffington Post, http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san\_b\_4619522.html]

While the momentum seems to have stalled, the movement in the United States Senate this week to pass a bill raising new sanctions on Iran threatened to undermine the negotiations for a long-term, comprehensive solution to the nuclear issue, just as the interim agreement negotiated in Geneva is planned to go into effect. What was particularly unusual was the bipartisan nature of the support for a bill. Led by Senate Foreign Relations Committee Chairman Robert Menendez (D-NJ), as many as sixteen Democratic Senators had cosponsored the bill, moving it close to a 60-vote "filibuster proof" margin, which (after likely passage in the House) would force a veto by President Obama.

The timing of the legislation is curious because of the delicate nature of the negotiations and the ongoing diplomacy between the United States and its partners and Iran. Hardliners on all sides are skeptical of any deals, but unlike past negotiations, the stakes this time seem much higher. Well-meaning intentions aside, any legislation that precipitates an Iranian walkout and a collapse of the negotiations will likely be viewed by friends and adversaries alike as a major failure by the United States. However, unlike past instances, the probability of war has significantly increased.

This is no longer a debate about the relative merits of allowing Iran to acquire a functional nuclear weapon capability or the capacity to rapidly construct and deploy several bombs (often called a "breakout" capacity). Various experts have considered the probability of Tehran achieving a nuclear weapon and assessed the implications for regional and global security. More optimistic observers conclude that Iran could be contained by the United States and its allies, and deterred from ever using its weapons. As evidence, they cite the acquisition of nuclear weapons by Stalin's Soviet Union, Mao's China, India and Pakistan, two nations locked in an intense historical rivalry, and North Korea. Despite the limited proliferation of nuclear weapons -- nowhere near that predicted in the 1960s -- nuclear weapons have not been used. If indeed Iran has designs for a nuclear weapon, these experts argue it most likely to deter outside actors like the United States or Israel from removing the regime.

More pessimistic observers disagree and take much less comfort in the history of proliferation. The historical record, including the evidence of risky crisis-initiation behavior between the two Superpowers paints a less sanguine picture. More importantly, looking at the modern Middle East, an Iranian bomb would potentially transform regional security dynamics. Given the region's geography and its particular vulnerability to nuclear attack, Israel (an undeclared nuclear power) would be on high-alert for any Iranian move. Other actors like Saudi Arabia may seek to acquire their own nuclear deterrent, leading to further proliferation within a region which is already flush with radical terrorist organizations operating across various troubled states. It seems implausible that Tehran's leaders could ever believe that the delivery of a nuclear weapon on Israeli soil by Hezbollah, rather than missile would somehow go unattributed or unpunished, but the introduction of an Iranian nuclear weapons program into a region that is already so tumultuous conjures particularly grim scenarios.

Nonetheless, this debate has effectively been made moot by official U.S. and Israeli policies. The clear commitment of the Obama administration to thwart Tehran from acquiring a nuclear weapon has been in place for some time. Containment is not an option, and military force will ostensibly be used to prevent an Iranian nuclear weapon from becoming operational. Despite this commitment, the Israeli government has consistently expressed its willingness to act alone to stop an Iranian bomb even without U.S. support. While hardliners in Tel Aviv and Washington may not agree, these are both credible threats that the regime in Tehran must take seriously. Thus, the situation confronting Iran and the world is either the peaceful negotiated solution to the nuclear question, or the high likelihood of another destructive, costly war in a region already torn apart by conflict.

The current sanctions bill in the Senate is not about providing President Obama and Secretary Kerry with greater leverage in the negotiations. The Iranian delegation has made clear that it views any such sanctions as an indication of bad faith that will wreck the process and undo any progress made to this point. With the interim agreement set to go into effect next week, this is clearly not the time for the Senate to usurp the authority of the commander-in-chief and his chief diplomat. Taking their respective rationales at face value, the Democratic members of the Senate supporting the sanctions legislation may have good intentions to provide a stronger "bad cop" to Secretary Kerry's "good cop" in Geneva. This is short-sighted. New sanctions will not only play into the narrative of hard-liners in Iran who don't want agreement, it will also isolate the United States from its negotiating partners and likely cripple the cohesive united front that has seemingly emerged throughout the talks. In doing so, it is most likely to fulfill the wishes of hardliners in Israel and the United States that simply don't want an agreement and refuse to take any "yes" for an answer. However, with a failure of negotiations, military conflict is much more likely.

#### That escalates to World War III

**Reuveny 10** - Professor of political economy @ Indiana University [Dr. Rafael Reuveny (PhD in Economics and Political Science from the University of Indiana), “Guest Opinion: Unilateral strike on Iran could trigger world depression,” McClatchy Newspaper, Aug 9, 2010, pg. http://www.indiana.edu/~spea/news/speaking\_out/reuveny\_on\_unilateral\_strike\_Iran.shtml]

BLOOMINGTON, Ind. -- A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash.
For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.
Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground.
All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.
Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond.
A regional war
Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war.
During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents.
Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat.
In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.
An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean.
Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe.
The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony.
Replaying Nixon’s nightmare
Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.

Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted.

If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force.

While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

### 1NC CP

#### Text: The Office of Legal Counsel should determine that the Executive Branch lacks the legal authority to engage in targeted killing operations without a statutory cause of action for damages for those unlawfully injured by targeted killing operations or their heirs that waives the United States’ sovereign immunity and confers exclusive jurisdiction over such suits upon the U.S. District Court for the District of Columbia.

#### The President should require the Office of Legal Counsel to publish any legal opinions regarding policies adopted by the Executive Branch.

#### The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.

Trevor W. Morrison, October 2010. Professor of Law, Columbia Law School. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the  [\*1462]  legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53

The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is  [\*1463]  at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.

Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.

But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.

2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written  [\*1464]  views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.

Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might  [\*1465]  construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.

In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.

OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69

 [\*1466]  To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for  [\*1467]  disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.

The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for  [\*1468]  providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76

Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

### 1NC TK Good DA

#### Targeted killing’s vital to counterterrorism—disrupts leadership and makes carrying out attacks impossible

Anderson 13—Kenneth, Professor of International Law at American University [May 24, 2013, “The Case for Drones,” Commentary Magazine, http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548.html]

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities—but much of the drone’s contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive—including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law—then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration—and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counterinsurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target—one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### TK is key to prevent existential terrorism

Beres 11—Louis René Beres, Professor of Political Science and International Law at Purdue, Ph.D. from Princeton [2011, “Roundtable Discussion: Is the President Bound by International Law in the War Against Terrorism? A Ten-Year Retrospective: After Osama bin Laden: Assassination, Terrorism, War, and International Law,” 44 Case W. Res. J. Int'l L. 93, Lexis]

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a nuclear or other highly destructive form of warfare, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.

For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.

Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could produce even greater harm, compelling threatened states to resort to large-scale warfare that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71

Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective.

What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.

But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that assassination should not be dismissed out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115]

What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of chemical, biological or nuclear attack may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even existentially, destructive. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

#### Nuclear terrorism is feasible, a high risk, and turns the case

Dvorkin 12—Major General (retired) Vladimir Z. Dvorkin is doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences [September 21, 2012, “What Can Destroy Strategic Stability: Nuclear Terrorism Is a Real Threat,” http://belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html]

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.

At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.

Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.

Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.

Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).

A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.

The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.

If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory.

To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order. All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction—equivalent to full-scale nuclear war

Toon 7—Owen B. Toon, 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.

### Endless War Advantage

#### Targeted killing against terrorists is a moral imperative—the point of terrorism is senseless, un-targeted killing. Responding with force is necessary to preserve and uphold the value of innocent lives

Walzer 13—Michael Walzer, Professor Emeritus of Social Science at the Institute for Advanced Study and co-Editor of Dissent Magazine [January 11, 2013, “Targeted Killing and Drone Warfare,” http://www.dissentmagazine.org/online\_articles/targeted-killing-and-drone-warfare]

First things first. Untargeted killing, random killing, the bomb in the supermarket, the café, or the bus station: we call that terrorism, and its condemnation is critically important. No qualifications, no apologies: this is wrongfulness of the first order. But someone who takes aim at a particular person, a political official, a military officer, is engaged in a different activity. He may be a just assassin, as in Camus’s play, though I don’t think that the justice of the killing depends on the killer’s willingness to accept death himself (which is Camus’s argument). It depends on the character of the official or the officer, the character of the regime he serves, and the immediate political circumstances: what else is there to do? But even if the assassination is a wrongful act, as it most often is in history if not in literature, the wrongfulness is of a second order. By aiming at a person thought to be guilty of something, the assassin indicates his rejection of aimless killing. Someone in his organization probably thought that it would be better to kill the official’s extended family or to put a bomb in the restaurant where he and “his kind” regularly dine; he refused to do that or, at least, he didn’t do it.

There are radical limits on political assassinations. In democracies, they can never be justified; it is only the blood of tyrants that waters the tree of liberty. And even with tyrants, a trial is preferable to an assassination whenever it is possible to bring down the tyrannical regime without killing its leader. In wartime, international law bars the killing of political leaders on the grounds that they are the ones who will in the end negotiate the peace treaty. But some political leaders, with whom one can’t imagine negotiating, are legitimate targets—Hitler the obvious example. Killing Hitler would have been “extra-judicial” but entirely justified. Tyrants do have to be targeted, however; blowing up the neighborhood in which they live is not a moral option.

Military leaders are obviously legitimate targets in wartime. A sniper sent to a forward position to try to kill a visiting colonel or general is engaged in targeted killing, but no one will accuse him of acting extra-judicially and therefore wrongly. It is probably best to think of insurgent organizations in roughly the same way that we think about states. If they have separated their political and military leaders, it is only the second group who should be targeted since we may eventually negotiate with the first group. I don’t believe that the same distinction is morally required in the case of terrorist organizations, though it may be prudent to make it. Individuals who plan, or organize, or recruit for, or participate in a terrorist attack are all of them legitimate targets. It would be better to capture them and bring them to trial, but that is often not a reasonable option—the risks are too high; innocent bystanders would be killed in the attempt; the planning would take time, and the terrorist attacks are imminent or actual. In cases like this, the phrase “war on terror” makes sense. More often, I think, the “war” is police work, and targeted killing is not permissible for the police. If the terrorist campaign has ended, only the police can deal with the men and women who organized it—and lawyers and judges after the police.

The targeted killing of insurgents and terrorists in wartime is subject to the same constraints as any other act of war. It will have to meet very strict standards of proportionality; given that the target is a single person, it will be difficult to justify any injury to innocent bystanders. So the targeting must be undertaken with great care; collecting information about the targeted individuals, their schedules, their whereabouts, their families and neighbors, is critically important, and if it involves risk for agents in the field, the risks must be accepted before the killing can be justified.

#### Turn—drones solve militarism. Targeted killings create a beneficial shift in our cultural view of war—by removing the human element, war is no longer made heroic. This shift restrains violence by making harm done to our enemies presumptively unjustifiable and only acceptable in truly exceptional circumstances

Brennan-Marquez 13—Kiel Brennan-Marquez, Visiting Human Rights Fellow at Yale Law School [May 24, 2013, “A Progressive Defense of Drones,” http://www.salon.com/2013/05/24/a\_progressive\_defense\_of\_drones/]

In Thursday’s speech before the National Defense University, President Obama reflected on the concerns about “morality and accountability” raised by drone strikes. Emphasizing the importance of “clear guidelines” and intelligence gathering to properly “constrain” the use of drones, the president also maintained a firm stance on their necessity: Even though drone strikes sometimes result in civilian casualties, in many circumstances they remain the most effective option for realizing specific military objectives.

As a liberal, I’m against drones essentially by reflex. At least, I used to be. Recently, I’ve begun to reconsider that view; and I’m no longer sure where I come down on the morality of drone strikes. Disturbing as I find state-sponsored violence, when drones do the killing instead of soldiers, it seems apparent that we have an easier time recognizing the violence as horrific. War, in its traditional form, distorts our moral reasoning. Drones do not. And as much it grates against my broader political commitments to say so, this is plainly a benefit of drone warfare, other shortcomings notwithstanding.

Many detractors have pointed out that drone strikes, because they put none of our soldiers in harm’s way, are “less costly.” Without our own lives on the line, the theory goes, leaders will feel little compunction — not even the minimal compunction of political exposure — about condemning other human beings to death, especially when those other human beings live many thousands of miles away. To me, this critique seems undeniably right: the numbness that results from using machines rather than soldiers to carry out our dirty work is obviously a moral shortcoming of drone warfare. Simply put, when violence is employed more easily, it will also be employed more often. Hence the nightmarish image of an 18-year-old drone operator basically playing video games from the detached safety of a Nevada bunker.

But there is another moral dimension to drone warfare, running in the opposite direction, which I fear has been lost in the haze of (rightful) outcry. For the same reason that drone warfare stands to make violence easier to deploy — none of our lives are on the line — it also makes violence harder to rationalize. The pain and death of drone strikes, unlike the pain and death of traditional missions, can draw no comfort from narratives of heroism. Destruction wrought by machines is neither noble nor grand. It’s asinine, and unfailingly repugnant. This means that drone strikes must be justified on their own terms, without recourse to war’s long-standing mystification. In a world where we apotheosize soldiers, and rope off their actions from everyday opprobrium, it’s important to consider whether the banal violence of machines might be preferable to the lionized violence of men.

A year ago, Tom Engelhardt published a memorable essay in the Nation on the vileness of drone warfare. Taking a healthily incredulous view of the Obama administration’s assurance that it would use its lurid toy for exclusively virtuous ends, Engelhardt concluded with a flourish of outrage: “What [our leaders] can’t see in the haze of exceptional self-congratulation is this: they are transforming the promise of America into a promise of death. And death, visited from the skies, isn’t precise. It isn’t glorious. It isn’t judicious. It certainly isn’t a shining vision. It’s hell.” Magnificently put: The only trouble is that these same critiques would apply just as forcefully, if not more so, to traditional warfare. War isn’t precise. It isn’t glorious. It isn’t judicious. It isn’t a shining vision. It’s hell.

The difference between traditional warfare and drone strikes is that the latter can be clearly identified as hellacious. Not just by poets and philosophers – but by everyone, everywhere, in the immediacy of its horror. When innocent people end up dead as the result of a drone strike, we easily recognize that outcome as morally lamentable. Undaunted by the symbolic distortion of the battlefield, we confront drones with the skepticism — and, as the case may be, the outrage — that accompanies moral clarity. The burden of proof inverts. Unlike traditional warfare, when the loss of life on the other side is presumptively acceptable, and it only becomes unacceptable if circumstances render it so, in the case of drone strikes, the loss of lives on the other side is presumptively unacceptable, and it only becomes acceptable if a persuasive rationale can be offered. Such rationales are not impossible to formulate, but it faces a steep upward grade. It’s an argument of last resort, defensive rather than triumphant.

#### Drones are awesome—they limits the negative effects of militarism in material ways

Anderson 13—Kenneth, Professor of International Law at American University [May 24, 2013, “The Case for Drones,” Commentary Magazine, http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548.html]

5. The Ethical Objection

Effectiveness is one thing, morality another. The leading objection to drone warfare today is that it supposedly involves large, or “excessive,” numbers of civilian casualties, and that the claims of precision and discrimination are greatly overblown. These are partly factual questions full of unknowns and many contested issues. The Obama administration did not help itself by offering estimates of civilian collateral damage early on that ranged absurdly from zero to the low two digits. This both squandered credibility with the media and, worse, set a bar of perfection—zero civilian collateral damage—that no weapon system could ever meet, while distracting people entirely from the crucial question of what standard civilian harms should be set against.

The most useful estimates of civilian casualties from targeted killing with drones come from the New America Foundation (NAF) and the Foundation for Defense of Democracies, which each keep running counts of strikes, locations, and estimates of total killed and civilian casualties. They don’t pretend to know what they don’t know, and rely on open sources and media accounts. There is no independent journalistic access to Waziristan to help corroborate accounts that might be wrong or skewed by Taliban sources, Pakistani media, Pakistani and Western advocacy groups, or the U.S. or Pakistani governments. Pakistan’s military sometimes takes credit for drone strikes against its enemies and sometimes blames drone strikes for its own air raids against villages. A third source of estimates, UK-based The Bureau of Investigative Journalism (TBIJ), comes up with higher numbers.

TBIJ (whose numbers are considered much too high by many knowledgeable American observers) came up with a range, notes Georgetown law professor and former Obama DOD official Rosa Brooks. The 344 known drone strikes in Pakistan between 2004 and 2012 killed, according to TBIJ, between “2,562 and 3,325 people, of whom between 474 and 881 were civilians.” The NAF, she continues, came up with slightly lower figures, somewhere “between 1,873 and 3,171 people killed overall in Pakistan, of whom between 282 and 459 were civilians.” (Media have frequently cited the total killed as though it were the civilians killed.) Is this a lot of civilians killed? Even accepting for argument’s sake TBIJ’s numbers, Brooks concludes, if you work out the “civilian deaths per drone strike ratio for the last eight years…on average, each drone strike seems to have killed between 0.8 and 2.5 civilians.” In practical terms, adds McNeal, this suggests “less than three civilians killed per strike, and that’s using the highest numbers” of any credible estimating organization.1

Whether any of this is “disproportionate” or “excessive” as a matter of the laws of war cannot be answered simply by comparing total deaths to civilian deaths, or civilian deaths per drone strike, however. Although commentators often leap to a conclusion in this way, one cannot answer the legal question of proportionality without an assessment of the military benefits anticipated. Moreover, part of the disputes over numbers involves not just unverifiable facts on the ground, but differences in legal views defining who is a civilian and who is a lawful target. The U.S. government’s definition of those terms, following its long-standing views of the law of targeting in war, almost certainly differs from those of TBIJ or other liberal nongovernmental groups, particularly in Europe. Additionally, much of drone warfare today targets groups who are deemed, under the laws of war, to be part of hostile forces. Targeted killing aimed at individuated high-value targets is a much smaller part of drone warfare than it once was. The targeting of groups, however, while lawful under long-standing U.S. interpretations of the laws of war, might result in casualties often counted by others as civilians.

Yet irrespective of what numbers one accepts as the best estimate of harms of drone warfare, or the legal proportionality of the drone strikes, the moral question is simply, What’s the alternative? One way to answer this is to start from the proposition that if you believe the use of force in these circumstances is lawful and ethical, then all things being equal as an ethical matter, the method of force used should be the one that spares the most civilians while achieving its lawful aims. If that is the comparison of moral alternatives, there is simply no serious way to dispute that drone warfare is the best method available. It is more discriminating and more precise than other available means of air warfare, including manned aircraft—as France and Britain, lacking their own drones and forced to rely on far less precise manned jet strikes, found over Libya and Mali—and Tomahawk cruise missiles.

A second observation is to look across the history of precision weapons in the past several decades. I started my career as a human-rights campaigner, kicking off the campaign to ban landmines for leading organizations. Around 1990, I had many conversations with military planners, asking them to develop more accurate and discriminating weapons—ones with smaller kinetic force and greater ability to put the force where sought. Although every civilian death is a tragedy, and drone warfare is very far from being the perfect tool the Obama administration sometimes suggests, for someone who has watched weapons development over a quarter century, the drone represents a steady advance in precision that has cut zeroes off collateral-damage figures.

Those who see only the snapshot of civilian harm today are angered by civilian deaths. But barring an outbreak of world peace, it is foolish and immoral not to encourage the development and use of more sparing and exact weapons. One has only to look at the campaigns of the Pakistani army to see the alternatives in action. The Pakistani military for many years has been in a running war with its own Taliban and has regularly attacked villages in the tribal areas with heavy and imprecise airstrikes. A few years ago, it thought it had reached an accommodation with an advancing Taliban, but when the enemy decided it wanted not just the Swat Valley but Islamabad, the Pakistani government decided it had no choice but to drive it back. And it did, with a punishing campaign of airstrikes and rolling artillery barrages that leveled whole villages, left hundreds of thousands without homes, and killed hundreds.

But critics do not typically evaluate drones against the standards of the artillery barrage of manned airstrikes, because their assumption, explicit or implicit, is that there is no call to use force at all. And of course, if the assumption is that you don’t need or should not use force, then any civilian death by drones is excessive. That cannot be blamed on drone warfare, its ethics or effectiveness, but on a much bigger question of whether one ought to use force in counterterrorism at all.

#### The likely alternative to targeted killings would be invasions or un-targeted killings, both of which involve far more state violence

Dershowitz 12—Alan M. Dershowitz, the Felix Frankfurter professor of law at Harvard Law School [November 15, 2012, “The Rule of Proportionality,” http://www.nytimes.com/roomfordebate/2012/11/14/how-can-targeted-killings-be-justified/in-targeted-killings-the-rule-of-proportionality-should-be-the-guiding-principle]

If a combatant is appropriately subject to military attack, as the military leader of Hamas certainly was, then targeted assassination may be the preferred legal and moral course. It is certainly better than a broad military attack that might endanger large numbers of noncombatants. Targeted assassinations are intended to limit collateral damage by focusing specifically on the combatant. Every reasonable effort should be made to avoid collateral damage. Sometimes it is impossible to eliminate completely all risk to noncombatants. In such cases, the military value of the target must be weighed against the likelihood and degree of collateral damage. The rule of proportionality should be the guiding principle.

It is sometimes argued that targeted assassination should never be permitted because it is a form of “extrajudicial killing.” This view is absurd: all military deaths are extrajudicial (as is killing in self-defense and shooting a fleeing felon). If a judicial element is to be added to targeted assassinations, it could take the form of a warrant requirement. Under such a requirement, the military or the executive would be obligated to seek a judicial warrant setting out the basis for why the target is an appropriate one, and why the risk of collateral damage is warranted. When time permits, such a warrant could be sought prior to the military action, but when immediate action is required by exigent circumstances, the warrant could be obtained after the fact. This is far from a perfect solution, but it introduces a more neutral decision maker into the balancing process.

The alternatives to targeted killing are either to allow terrorists free rein in targeting civilians or to engage in undertargeted military actions that are likely to cause more casualties. Targeted assassination will often be the least bad alternative in an inevitable choice of evils.

#### This isn’t theoretical—the U.S. will put boots on the ground where it can no longer use drones

Adrian Johnson 13, Director of Publications, Royal United Services Institute [May 3, 2013, “Mr Emmerson Takes on Washington,” http://www.rusi.org/publications/newsbrief/ref:A5183D24D108B9/#.UizUn9L\_l8E]

It could well be the case that drones are the best of a bad bunch of options. When the Pakistan Army moved into the Swat Valley in 2009 to clear out the Taliban, it took tens of thousands of troops and a high civilian toll – over 2,000 perished in two months of fighting, with 2 million displaced. Drone strikes, despite the very real innocent casualties that have been inflicted, are rather more discriminating than many of the alternatives.

Neither is drone warfare as ‘costless’ to the protagonist or as revolutionary as many reckon. Drones might not be creating new instances of force so much as substituting for other forms – in other words, for many strikes, manned alternatives may have been used anyway. It is telling that the US chose a high-risk, special-forces hit on Osama bin Laden, which like drone strikes also raised complicated legal questions about sovereignty and kill versus capture. Nevertheless, Micah Zenko is right to point out that drone strikes have, in effect, become an aerial form of counter-insurgency in Pakistan. This may be a novelty of unmanned capabilities.

### Solvency

#### Their story telling is a one sided view. They ignore that some Pakistanis on the ground actually love drones. We don’t focus on pure body counts

Williams 10—Brian Glyn Williams is a Professor of Islamic Studies at University of Mass. Dartmouth formerly of Univ. of London. He has spent four summers in Afghanistan researching terrorism [“The CIA's Covert Predator Drone War in Pakistan, 2004–2010: The History of an Assassination Campaign,” *Studies in Conflict & Terrorism*, Volume 33, Issue 10, 2010, Taylor & Francis, Accessed through Emory Libraries]

While many in Pakistan suspected that the government was covertly supporting the drone strikes “from Afghanistan,” even as it publicly condemned them, there seemed to be little official evidence of this until early 2009. The Pakistani government's double game was finally exposed on 12 February 2009 when Senator Dianne Feinstein, Chair of the Senate Intelligence Committee, dropped a bombshell in a conference when she claimed “As I understand it, these (drones) are flown out of a Pakistani base.” 83

American journalists treated the incident as if Feinstein had revealed a state secret but, as previously mentioned, such media sources as the BBC, New York Times, and CNN had long before reported that the drones were based in Jacobabad, Pakistan. 84 But for all the fact that the Western media had previously reported on the Pakistani bases, Feinstein's public acknowledgment brought them to the attention of the Pakistani public for the first time.

To compound the Pakistani government's embarrassment, five days later Britain's Times published an article that featured satellite images obtained from google.earth that showed Predator drones on a runway in Shamsi, an airbase in the Pakistani province of Baluchistan. 85 Pakistan's Dawn newspaper subsequently reported the news and claimed “The existence of drone bases inside Pakistan suggests a much deeper relationship with the United States on counter-terrorism than has been publicly acknowledged.” 86 Clearly it seemed that powerful figures in the Pakistani military, intelligence and government saw the Taliban and Al Qaeda as a threat and were secretly supportive of the drone strikes.

A Pakistani blogger captured the sentiment of many of his countrymen when he wrote “now the cat is out of the bag … it is once more proved that how much regard American and our own government has for the people who reside in Pakistan. Their lives are of no value and our own government is involved in the killings. What a shame and what a sorry state of affairs. Another lie of our president has been caught and nobody knows how many more are on the way.” 87 The cynicism was not limited to Pakistan, U.S.-based Afghanistan experts Peter Bergen and Katherine Tiedeman for example wrote:

For Pakistani politicians, the drone program is a dream come true. They get to posture to their constituents about the perfidious Americans even as they reap the benefits from the U.S. strikes. They are well-aware that neither the Pakistani Army's ineffective military operations nor the various peace agreements with the militants have done anything to halt the steady Talibanization of their country, while the U.S. drones are the one surefire way to put significant pressure on the leaders of the Taliban and Al Qaeda. This is called getting to have your chapati and eat it too. 88

Senator Carl Levin, chair of the Senate Armed Services Committee, summed up U.S. frustrations with the Pakistanis’ double dealing when he said, “For them to look the other way, or to give us the green light privately, and then to attack us publicly leaves us, it seems to me, at a very severe disadvantage and loss with the Pakistani people.” 89 But this seems to be the price the Americans have to pay to launch the drone attacks that many in the Pakistani government can only secretly support. President Zardari, who is weakened by charges of corruption, is fearful of being portrayed as a stooge of the Obama administration.

But in the spring of 2009 a poll was carried out in the targeted FATA tribal area by the Pakistani-based Aryana Institute for Regional Research and Advocacy that was to change the debate. 90 The responses were extraordinary and not what the pollsters expected. They clearly demonstrated that those who live in areas where the Taliban have closed girls schools and cinemas, executed “adulterers” and “spies,” killed local chieftains, and enforced strict Sharia law are more inclined to support the American drone strikes. Among other unexpected results, the poll found that:

▪ Only 45 percent of those Pashtuns questioned felt that drone strikes brought fear and terror to the common people.

▪ 52 percent of those questioned felt the strikes were accurate.

▪ 58 percent said the strikes did not cause anti-Americanism.

▪ 60 percent felt the militants were damaged by the strikes.

▪ 70 percent felt the Pakistanis should carry out strikes of their own against the militants.

The pollsters also found that “The popular notion outside the Pakhtun (Pashtun) belt that a large majority of the local population supports the Taliban movement lacks substance.” Most importantly the study rejected the notion that the drone strikes are seen as a violation of Pashtun lands or Pakistani sovereignty. On the contrary, one of the authors claimed “I asked almost all those people if they see the US drone attacks on FATA as violation of Pakistan's sovereignty. More than two-third said they did not. … The US is violating the sovereignty of the Taliban and Al-Qaeda, not of Pakistan.” An anthropologist involved in the study claimed of the local Pashtuns, “they feel powerless toward the militants and they see the drones as their liberator.” 91

The results of the poll, the first of its kind carried out in this region that has born the brunt of the strikes, would seem to indicate that many Pashtun tribesmen welcomed the strikes even if the rest of their countrymen did not. A similar study carried out by World Public Opinion found that a whopping 86 percent of residents in the Pashtun-dominated North West Frontier Province (NWFP) supported the Pakistani government while only six percent supported the Taliban. 92 This report also found that “NWFP respondents were more likely than others to see local Taliban and Islamist militants as critical threats to Pakistan. They were more inclined to see the Pakistani Taliban as holding a nationwide takeover as an objective, and to see this as a real possibility.” 93

Such opinions are reflected on an individual basis as well. A Pashtun policeman, for example, could not contain his admiration for the drones when he described the strikes as “very precise, very effective, and the Taliban and al-Qaida dread them.” 94 One Pashtun even wrote in the Pakistani newspaper the News:

Hatred against the Taliban in the Pakhtun (Pashtun) areas is at an all-time high and so is disappointment, even resentment, about the Pakistani army for its failure to stop the Taliban. Many people in the Taliban-occupied territories of the NWFP and FATA told me they constantly pray for the US drones to bomb the Taliban headquarters in their areas since the Pakistani army is unwilling to do so. Many people of Waziristan told me they are satisfied with the US drone attacks on militants in Waziristan and they want the Americans to keep it up till all the militants, local Pakhtun, the Punjabis and the foreigners, are eliminated. 95

In December 2009, a coalition of FATA-based political parties and civil organizations opposed to terrorism issued the “Peshawar Declaration.” Among other provisions, it stated:

▪ The conference demands that targeted and immediate operations against all centers and networks of terrorism should be initiated.

▪ This conference also demands the elimination of all foreign, non-local and local terrorists in FATA.

The declaration also dealt with the drone attacks in detail and stated:

The issue of Drone attacks is the most important one. If the people of the war-affected areas are satisfied with any counter-militancy strategy, it is the Drone attacks which they support the most. According to the people of Waziristan, Drones have never killed any civilian. Even some people in Waziristan compare Drones with Ababels (The holy swallows sent by God to avenge Abraham, the intended conqueror of the Khana Kaaba). A component of the Pakistani media, some retired generals, a few journalists/analysts and pro-Taliban political parties never tire in their baseless propaganda against Drone attacks. 96

One frustrated Pashtun reader wrote to the Pakistani Daily Times to say:

They (the Pashtuns of FATA) want al-Qaeda along with the Taliban burnt to ashes on the soil of Waziristan through relentless drone attacks. The drone attacks, they believe, are the one and only “cure” for these anti-civilization creatures and the U.S. must robustly administer them the “cure” until their existence is annihilated from the world. The people of Waziristan, including tribal leaders, women and religious people, asked me to convey in categorical terms to the U.S. the following in my column. Your new drone attack strategy is brilliant, i.e. one attack closely followed by another. After the first attack the terrorists cordon off the area and none but the terrorists are allowed on the spot. Another attack at that point kills so many of them. Excellent! Keep it up! 97

Interestingly, revulsion toward the Taliban seems to have finally spread from the Pashtun-dominated FATA and NWFP since the beginning of 2009 when the militants moved into the scenic resort valley of Swat just to north of the Pakistani capital of Islamabad. There they closed girls schools, executed local policemen and those they deemed to be spies or informers, enforced strict sharia law and filmed themselves whipping local females for daring to go outside without male escorts. As a result, a poll carried out in March 2009 by the International Republican Institute found that 74 percent of Pakistanis saw terrorism as a serious problem in Pakistan. 98 The same survey found 69 percent found Taliban and Al Qaeda operating in Pakistan to be a problem. 99

For a Pakistani population that had previously given the Taliban a certain leeway out of a reflexive anti-Americanism and Islamic solidarity, the extremists had finally come too close to home. The local media was suddenly full of condemnations of the Taliban. One person wrote, “These handful of people have taken the population hostage, and the government is trying to patronize them. If the state surrenders, what will happen next?” In a televised briefing, another Pakistani human rights activists claimed “This is an eye-opener. Terrorism has seeped into every corner of the country. It is time that every patriotic Pakistani should raise a voice against such atrocities.” 100

A survey of Pakistanis by World Public Opinion found that “A sea change has occurred in Pakistani public opinion. The tactics and undemocratic bent of militant groups—in tribal areas as well as Swat—have brought widespread revulsion and turned Pakistanis against them.” 101 One scholar in the Pashtun-dominated city of Peshawar captured this sentiment when he claimed “Earlier there may have been some sympathies toward these Taliban or Al Qaeda, but … a reaction against them has been emerging. There is a general view coming forth—one that isn't properly represented yet—where people simple ask, ‘How do we get rid of these people?” 102

Tellingly, when a CIA drone killed Baitullah Mehsud, the notorious head of the Pakistani Taliban who had sent numerous suicide bombers into Pakistani cities, there was no outcry in Pakistan. On the contrary, many Pakistanis celebrated. One blogger from Karachi claimed “If (his death is) true, it would be good news and shows the value of drone attacks” while another claimed “The mass murderer has met his fate. He was responsible for the death of thousands of innocent Pakistanis. May he burn in hell for eternity.” 103 When Tahir Yuldushev, the head of the Islamic Movement of Uzbekistan, a FATA-based terrorist group tied to Al Qaeda and the Taliban, was killed by a missile strike in the fall of 2009, the Pakistani newspaper the Daily Times reported, “The death of Tahir Yuldashev at the hands of the Americans has, as in the case of Baitullah Mehsud, provided relief to Pakistan.” 104

One person sent in a letter to Pakistan's Dawn newspaper that opined “Seen neutrally, it will dawn on critics of the drone attacks that the Americans are assisting Pakistan by annihilating the masterminds that sit in the tribal areas and plan and prepare and dispatch suicide attackers who play havoc with life and property in the urban Pakistan.” 105 A former member of the Musharraf government was most candid when he claimed “Quite frankly, if Pakistan has the desire to carry out an action (assassination) but doesn't have the capability, asking someone else to help makes sense.” 106

Clearly the simplistic paradigm that Predator drones drive Pakistanis into the arms of the militants and infuriate and undermine the Pakistani government needs to be reevaluated. The average man on the street in Pakistan, especially in the Pashtun areas, seems to have less tolerance for the targets of the U.S. drone strikes than previously thought and the government is clearly working hand in glove with the CIA to help kill them. There are obviously many people in Pakistan who are happy to see the Taliban and Al Qaeda “burnt to ashes” … even at the hands of Americans. Many of them are clearly members of the government who publicly proclaim their outrage at the strikes, but secretly support them. The view that all Pakistanis are united against the strikes seems to be largely drawn from Westerners’ uncritical use of Pakistani media sources that all too often inflate the number of dead civilians and exaggerate the negative reaction from drone strikes.

The Pakistani military's desire to kill the Taliban who are dissecting their country, beheading their troops, 107 and overrunning their posts, 108 is best demonstrated by their desire to deploy drones of their own in their conflict with the Taliban. In addition to their reliance on regular air force F-16s that have been used extensively to bomb Taliban in the Swat region and in FATA, the Pakistanis have been using Italian-manufactured unarmed drones known as Selex Galileo Falcos to carry out surveillance of the enemy. 109 In January 2010 the U.S. government also offered the Pakistanis twelve RQ-7 unarmed Shadow surveillance drones to be used in their offensives against the Taliban.

Most interestingly, the Pakistanis have also begun manufacturing drones of their own including the Burraq, Bazz, Ababeel, and Uqaab models. 110 Pakistan (which has not been entrusted with Predators of its own by the United States for fear that pro-Taliban elements in the army may leak details of their flight patterns and weaknesses to the enemy) has also been working with the Turkish company Roketsan to arm their drones with laser-guided antitank missiles. 111 There have also been calls from Pakistani officials ranging from members of the military to former President Pervez Musharraf for the United States to give Predator drones to Pakistan. 112

Clearly, for all their public remonstrations with the Bush and Obama administrations for deploying Predators and Reapers in Pakistan, the Pakistani military would like to have killer drones of their own to use against the militants who have wreaked havoc in their country. The Pakistani government and military clearly feel that it might be more palatable for Pakistani public to have the Taliban and Al Qaeda killed by the Pakistani military drones instead of those of a foreign power.

In an effort to hide the current policy of relying on the Americans for drone strikes, a senior Pakistani military official also said in October 2009 that the Americans had “shifted” their main drone air base from the controversial base in Shamsi, Baluchistan to Afghanistan. 113 The majority of Predators and Reapers would now appear to be flying from a CIA base located near Jalalabad, an Afghan city located near the Pakistani border. 114 This might make the assassination campaign more palatable for Pakistanis.

Also, under Pakistani pressure, the CIA stopped using the unpopular U.S. contractor Blackwater (Xe) to load missiles onto the drones still remaining in Pakistan. 115 Thus the Pakistani government is continuing to make public efforts to distant itself from the drone strikes that are unpopular outside of the tribal regions even as it has come to offer the CIA continuing support in its air-borne assassination campaign.

### Risk Advantage

#### Maximizing all lives is the only way to affirm equality

Cummiskey 90—David, Professor of Philosophy, Bates [Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, JSTOR]

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. Persons may have "dignity, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), but, as rational beings, persons also have a fundamental equality which dictates that some must sometimes give way for the sake of others. The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

#### Ethical policymaking requires calculation of consequences

Gvosdev 5—Nikolas, Rhodes Scholar, PhD from St. Antony’s College, executive editor of The National Interest [“The Value(s) of Realism,” SAIS Review 25.1, Project Muse]

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

#### Politics requires a higher level of attention to detail—means consequences aren’t just “blackmail” they’re a reality you have to confront

Issac 2—Professor of Political Science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale [Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest]

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

## \*\*\* 2NC

### AT: Public Opinion DA (Pakistan)

#### Discount their public opinion surveys—they ignore the public opinion in FATA which is pro-drones

Taj 10—Farhat Taj, Centre for Gender Research, University of Oslo, Norway and Aryana Institute for Regional Research and Advocacy, AIRRA, Islamabad, Pakistan [“The year of the drone misinformation,” *Small Wars & Insurgencies*, Volume 21, Issue 3, 2010, Taylor & Francis, Accessed through Emory Libraries]

2. Public opinion source

The writers of the above report refer to some public opinion survey in Pakistan to conclude that public opinion in Pakistan is sharply against the drone attacks, which are seen as a violation of Pakistan's sovereignty. My question is: which public opinion in Pakistan are the writers referring to? Public opinion in FATA or outside FATA? The public opinion survey that the writers referred to has not been conducted in FATA. Therefore, it does not capture the view of the people of FATA. Actually, according to my knowledge, there has never been any public opinion survey in FATA on the issue of drone attacks, apart from the one conducted by the Aryana Institute for Regional Research and Advocacy (AIRRA), which reflects a positive public opinion of the tribesmen of FATA on the drone attack.

I would therefore, request researchers to refrain from drawing conclusions from public opinion surveys that have not included FATA in the sampling.

#### Public opinion in the FATA supports drones—prefer our evidence which is based on ‘on the ground’ research

Taj 10—Farhat Taj, Centre for Gender Research, University of Oslo, Norway and Aryana Institute for Regional Research and Advocacy, AIRRA, Islamabad, Pakistan [“The year of the drone misinformation,” *Small Wars & Insurgencies*, Volume 21, Issue 3, 2010, Taylor & Francis, Accessed through Emory Libraries]

5. Evidence of FATA public opinion on drone attacks

Unlike the wider society in Pakistan, Taliban and Al-Qaeda terrorists control the tribal society in FATA. Tribesmen and women of FATA have suffered much more at the hands of the terrorists than the people of any other area of Pakistan. It is in this context that contrary to the wider public opinion in Pakistan, the people of FATA welcome the drone attacks and want the Americans to continue hitting the FATA-based militants with drones until they have been completely eliminated. I know all this because of my close association with the area. However, I need to provide scientific evidence to convince the research communities.

Due to the bad security situation, the area is not accessible for independent research. However, there is enough evidence that should at least caution researchers against uncritical acceptance such notions as that the drone attacks are unpopular in FATA or that they lead to large-scale civilian killings. Following are the pieces of evidence.

5.1. AIRRA survey

The Aryana Institute for Regional Research and Advocacy (AIRRA) is a think tank6 made up of researchers and political activists, including myself, from FATA and NWFP. We have direct access to the drone-hit areas through family, friends, work, and tribal or ethnic affiliations. Our information is that the people of Waziristan welcome the drone attacks.

Despite the acute resource constraints,7 AIRRA conducted a survey on the drone attacks that clearly showed that most people are comfortable for the drone attacks to continue. The survey findings should be a signal to caution researchers against uncritical acceptance of the notion that the attacks lead to instant anti-Americanism in the area. With better resources, AIRRA could do a much wider survey in terms of themes and sampling on the issue to bring about an even clearer picture of the situation in FATA. AIRRA is open to cooperate with any research organization for the purpose.

5.2. Peshawar Declaration

The Peshawar Declaration8 is a joint statement of political parties, civil society organizations, businessmen, doctors, lawyers, teachers, students, labourers and intellectuals of FTA and NWFP, following a conference on 12–13 December 2009, in Peshawar, Pakistan. The Declaration notes that if the people of the war-affected areas are satisfied with any counter-militancy strategy, it is drone attacks that they support the most. Some people in Waziristan compare the drones with the Qur'an's Ababeel—the holy sparrows sent by God to avenge Abraha, the intended conqueror of the Khana Kaaba, the holiest Muslim site in Mecca, Saudi Arabia.

It is pertinent to mention that a US researcher, Brian Glyn Williams, has already taken note of the stance of Peshawar Declaration on drone attacks through his article9 in the Terrorism Monitor, an online weekly of the Jamestown Foundation. This gives the hope that other researchers would also pay attention to the declaration, because, as far as I am aware, no other Muslim society has likened anything from the US military with a Qur'anic symbol? Only the Pashtun have done this publicly in this time of rising anti-Americanism across the Muslim world! Why would they do so if the drone attacks were as despised in their homeland as reported by the research?

5.3. Reference from Armageddon in Pakistan

Armageddon in Pakistan is a book written under a false name, ‘Khan’, for security reasons. The writer is a Pashtun from NWFP. Since the publication of this book he has lived in hiding somewhere in NWFP. He feels very threatened by the Taliban and the intelligence agencies of Pakistan. Khan's book depicts happy sentiments of the people of Bajaur in FATA about the drone attacks. I quote his from the book:

Another excitement is the sighting of the drone. People and children do not rush indoors, they look at them and discuss and argue about the distance at which they must be flying. The general impression is that they are close. They feel the happiness of something close, friendly and powerful and against evil.10

I hope that the above evidence coupled with my challenge to the media to provide proof of civilian deaths, would encourage researchers to investigate the issue of the drone attacks on FATA from a new and unconventional perspective.

### AT: Yemen Blowback

#### No public backlash in Yemen—just as many people love them as hate them

Boot 13—Max Boot, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations [February 6, 2013, “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.”

### 2NC Impact Overview

#### Existential terrorism exists; the question is finding the best way to deal with it. TK is best—

#### Targeted killing is justified if the alternative is allowing a nuclear or more deadly terror attack to occur. Waiting for an attack to happen causes states to resort to large-scale warfare in the face of an attack. The question you have to answer is this: is preemption justified if the alternative is worse forms of violence? Obviously not. Their blanket rejection of assassination as a tactic is a type of abstract moralism that becomes complicit with more violence—that’s Beres.

#### And the threat of nuclear terror is real—they have access to the tech now and are willing to use it because of ideological motives—that’s Beres and Dvorkin.

#### Nuclear use is an existential threat—that’s Toon. It would produce over a million urban casualties and would result in an immense amount of global, climate perturbations.

#### Nuclear terrorism causes extinction

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, http://www.nuclearrisk.org/paper.pdf)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

#### Conceded even one attack = extinction b/c of nuclear winter and escalation—that’s Toon

### 2NC Overview—Probability

#### Risk of nuclear terrorism is real and high now

Bunn et al 10/2/13 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.

### AT: No Nuke Terrorism

#### High risk of nuke terror—there’s motivation and capability

Kenneth C. Brill 12 is a former U.S. ambassador to the I.A.E.A. Kenneth N. Luongo is president of the Partnership for Global Security. Both are members of the Fissile Material Working Group, a nonpartisan nongovernmental organization [“Nuclear Terrorism: A Clear Danger,” www.nytimes.com/2012/03/16/opinion/nuclear-terrorism-a-clear-danger.html?\_r=0]

Terrorists exploit gaps in security. The current global regime for protecting the nuclear materials that terrorists desire for their ultimate weapon is far from seamless. It is based largely on unaccountable, voluntary arrangements that are inconsistent across borders. Its weak links make it dangerous and inadequate to prevent nuclear terrorism.

Later this month in Seoul, the more than 50 world leaders who will gather for the second Nuclear Security Summit need to seize the opportunity to start developing an accountable regime to prevent nuclear terrorism.

There is a consensus among international leaders that the threat of nuclear terrorism is real, not a Hollywood confection. President Obama, the leaders of 46 other nations, the heads of the International Atomic Energy Agency and the United Nations, and numerous experts have called nuclear terrorism one of the most serious threats to global security and stability. It is also preventable with more aggressive action.

At least four terrorist groups, including Al Qaeda, have demonstrated interest in using a nuclear device. These groups operate in or near states with histories of questionable nuclear security practices. Terrorists do not need to steal a nuclear weapon. It is quite possible to make an improvised nuclear device from highly enriched uranium or plutonium being used for civilian purposes. And there is a black market in such material. There have been 18 confirmed thefts or loss of weapons-usable nuclear material. In 2011, the Moldovan police broke up part of a smuggling ring attempting to sell highly enriched uranium; one member is thought to remain at large with a kilogram of this material.

### AT: Mueller

#### Mueller is wrong—a consensus of experts vote aff

Allison 7—Director of the Belfer Center for Science and International Affairs, Professor of Government, and Faculty Chair of the Dubai Initiative, Harvard University’s Kennedy School of Government [Graham Allison, “Symposium: Apocalypse When?” The National Interest, November/December 2007, Lexis]

MUELLER IS entitled to his opinion that the threat of nuclear proliferation and nuclear terrorism is "exaggerated" and "overwrought." But analysts of various political persuasions, in and out of government, are virtually unanimous in their judgment to the contrary. As the national-security community learned during the Cold War, risk = likelihood x consequences. Thus, even when the likelihood of nuclear Armageddon was small, the consequences were so catastrophic that prudent policymakers felt a categorical imperative to do everything that feasibly could be done to prevent that war. Today, a single nuclear bomb exploding in just one city would change our world. Given such consequences, differences between a 1 percent and a 20 percent likelihood of such an attack are relatively insignificant when considering how we should respond to the threat. Richard Garwin, a designer of the hydrogen bomb who Enrico Fermi once called "the only true genius I had ever met", told Congress in March that he estimated a "20 percent per year probability [of a nuclear explosion-not just a contaminated, dirty bomb-a nuclear explosion] with American cities and European cities included." My Harvard colleague Matthew Bunn has created a model in the Annals of the American Academy of Political and Social Science that estimates the probability of a nuclear terrorist attack over a ten-year period to be 29 percent-identical to the average estimate from a poll of security experts commissioned by Senator Richard Lugar in 2005. My book, Nuclear Terrorism, states my own best judgment that, on the current trend line, the chances of a nuclear terrorist attack in the next decade are greater than 50 percent. Former Secretary of Defense William Perry has expressed his own view that my work may even underestimate the risk. Warren Buffet, the world's most successful investor and legendary odds-maker in pricing insurance policies for unlikely but catastrophic events, concluded that nuclear terrorism is "inevitable." He stated, "I don't see any way that it won't happen." To assess the threat one must answer five core questions: who, what, where, when and how? Who could be planning a nuclear terrorist attack? Al-Qaeda remains the leading candidate. According to the most recent National Intelligence Estimate (NIE), Al-Qaeda has been substantially reconstituted-but with its leadership having moved from a medieval Afghanistan to Pakistan-a nation that actually has nuclear weapons. As former CIA Director George J. Tenet's memoir reports, Al-Qaeda's leadership has remained "singularly focused on acquiring WMDs" and that "the main threat is the nuclear one." Tenet concluded, "I am convinced that this is where [Osama bin Laden] and his operatives want to go." What nuclear weapons could terrorists use? A ready-made weapon from the arsenal of one of the nuclear-weapons states or an elementary nuclear bomb constructed from highly enriched uranium made by a state remain most likely. As John Foster, a leading U.S. bomb-maker and former director of the Lawrence Livermore National Laboratory, wrote a quarter of a century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature." Where could terrorists acquire a nuclear bomb? If a nuclear attack occurs, Russia will be the most likely source of the weapon or material. A close second, however, is North Korea, which now has ten bombs worth of plutonium, or Pakistan with sixty nuclear bombs. Finally, research reactors in forty developing and transitional countries still hold the essential ingredient for nuclear weapons. When could terrorists launch the first nuclear attack? If terrorists bought or stole a nuclear weapon in good working condition, they could explode it today. If terrorists acquired one hundred pounds of highly enriched uranium, they could make a working elementary nuclear bomb in less than a year. How could terrorists deliver a nuclear weapon to its target? In the same way that illegal items come to our cities every day. As one of my former colleagues has quipped, if you have any doubt about the ability of terrorists to deliver a weapon to an American target, remember: They could hide it in a bale of marijuana.

### AT: Brooks

terrorist organizations are rarely defeated militarily

#### one---no alternative

#### two—not true—Weinberg = empirical analysis of the way terrorists groups ended and concludes military pressure = key

### 2NC TK Good—Terrorism

#### TK is vital to effective counterterrorism, that’s Anderson—2 reasons:

#### One—leadership decapitation—killing off the main leaders of an organization makes effective planning and recruitment impossible. Even if they win drone use radicalizes populations, they can’t win net offense because recruitment fails without effective leadership.

#### Two—unpredictability of attack means the terrorists are constantly looking over their shoulder to make sure they are safe. Drones put them on defense rather than offense preventing large scale violence.

#### External repression is the most common way terrorist groups end—to defeat al-Qa`ida, we must continue external military and police pressure

Weinberg and Perliger 10—\*Dr. Leonard Weinberg is Foundation Professor of Political Science at the University of Nevada and a senior fellow at the National Security Studies Center at the University of Haifa in Israel. He has been a Fulbright senior research fellow for Italy, a visiting scholar at UCLA, a guest professor at the University of Florence, and the recipient of an H.F. Guggenheim Foundation grant for the study of political violence. He has also served as a consultant to the United Nations Office for the Prevention of Terrorism. \*\*Dr. Arie Perliger received his Ph.D. in political science at the University of Haifa in Israel, where he also taught until 2008. From 2002 to 2008, he served as a fellow at the University of Haifa’s National Security Studies Center, during which he managed the Terrorism Research Project team. In 2007, Dr. Perliger became a Golda Meir Postdoctoral Fellow at the Hebrew University of Jerusalem and currently serves as a visiting assistant professor in the Political Science Department at the State University of New York, Stony Brook. [Feb 3, 2010, “How Terrorist Groups End,” Combatting Terrorism Center, http://www.ctc.usma.edu/posts/how-terrorist-groups-end]

Yet are these figures irrelevant if the causes for which the terrorist group struggles persist? The Armed Islamic Group (GIA) in Algeria, for example, may have been beaten back by the authorities, but it was replaced by the Salafist Group for Preaching and Combat (GSPC) which, in turn, gave rise to al-Qa`ida in the Islamic Maghreb (AQIM).[6] According to Rapoport, these causes have come in a series of distinct “waves.” Since the advent of modern terrorism during the last third of the 19th century, he believes there have been four such waves. Anarchism was the dominant cause of the first. The pursuit of national independence defined the second, while left-wing revolutionary objectives of the 1960s and 1970s characterized the third. The world now faces a fourth wave whose leitmotif is religious revivalism, Islamism especially.[7] Each of the previous three waves lasted about a generation, or 30-40 years, before receding. If this is true, is there any evidence to suggest the current wave of terrorism will last longer? This article addresses that question, first by calculating frequencies of how past terrorist groups have ended, and then examining whether al-Qa`ida-related terrorism is a unique phenomenon in the history of terrorism.

How Terrorist Groups End

How have terrorist groups ended in the past? Observers have tended to stress four general causes: external repression, internal collapse, public rejection and success. With the exception of the latter, these causes are not mutually exclusive. One cause may, in reality, reinforce the other.

Through the work of Audrey Cronin, along with the authors’ own categories, it is possible to calculate the frequencies of how terrorist groups end, as seen in Table 1.

Table 1. How Terrorist Groups End.[8]

As depicted in Table 1, terrorist groups rarely achieve their goals. For instance, none of the “urban guerrilla” groups active in Europe and Latin America during the 1960s and 1970s succeeded in igniting a revolution. None of the Palestinian groups, secular or religious (Fatah or Hamas), have achieved their ultimate aim of destroying Israel.[9]

Some groups have achieved their tactical goals. In Lebanon, Hizb Allah’s precursors managed to persuade France and the United States to withdraw their forces from Beirut following a series of suicide bombings in 1983. About the same might be said in connection with Israel’s decision to withdraw from Lebanon in 2000. Although there are a handful of exceptions, the use of terrorism is not a successful means to achieve long-term goals.

Since failure is the most common result for terrorist groups, what are the alternatives their leaders confront once they realize this probability? One option is to abandon the gun for the ballot box. In some cases—such as the IRA and the Muslim Brotherhood—leaders make a “strategic decision” to enter negotiations with their adversaries and enter or re-enter the political arena. Rarer still are groups that manage to escalate their violence from terrorism to full-scale internal warfare. In Vietnam, the Viet Cong managed to transform their insurgency along these lines.

A number of variables measure the impact of internal group dynamics and terrorism’s reception by the public. If taken together, the internal fragmentation of terrorist groups and their inability to pass their dreams to a new generation(s) of militants account for a relatively small number of outcomes. The same observation applies in the case of the groups’ external environment. The loss of state support, as Libya used to provide, has rarely caused groups to end their careers. When a state ends support for a terrorist group, other sources of funding are pursued, such as private philanthropy and bank robbery. On a few occasions, public disapproval plays a significant role in ending the use of terrorist violence—such as with the Egyptian Islamic Group following its bloody attack on tourists in Luxor.[10] Nevertheless, at least in the short-run public opinion does not make a major contribution in the abandonment of terrorism. Terrorist groups are often able to insulate themselves from external realities, particularly if they regard themselves as acting in the name of God.

The most common single explanations for the end of terrorist group activity are repression by the authorities (military or police) and the arrest or killing of a group’s leaders and top echelon. “Targeted killings,” by the Israeli government for example, or the arrest of such key terrorist luminaries as Abimael Guzman in Peru and Abdullah Ocalan in Turkey, have been criticized on the grounds that they only infuriate a group’s members and cause them to escalate violence. Yet, there should be a distinction between motivation and capacity. The desire to raise the level of terrorism may increase in these instances, but the ability to do so declines. Terrorist groups are rarely democratic organizations. New leaders may not possess the skills or allure of their predecessors—as followers of Abu Mus`ab al-Zarqawi in Iraq and Chechen followers of Shamil Basayev discovered. Although arresting a key figure is preferred, it is not always a possible outcome, especially when the individual prefers to die rather than surrender, or where the terrain is inaccessible to conventional law enforcement operations.

Repression certainly has its critics as well. In democracies, critics frequently object to repressive tactics on the grounds that they violate important constitutional safeguards both at home and abroad. Other critics stress the self-defeating nature of repression. Overly indiscriminate acts of repression by the police or military, especially foreign forces, act as recruiting tools for terrorists. This appears to be true in some cases, such as for Palestinian militant groups, but not others, such as the Tupamaros in Uruguay.[11] In any event, repression is a common way by which terrorist groups come to an end.

Is Al-Qa`ida-led Terrorism Unique Historically?

There are three reasons why al-Qa`ida-led terrorism might differ from previous trends. First, unlike previous waves, the current one is to a large extent driven by religion. Religious beliefs often have the power to elicit powerful emotions usually unavailable to such secular causes as Marxism-Leninism and Maoism. Second, al-Qa`ida and its various components are part of a broad social and political Islamist movement, not an isolated band of fanatics detached physically and emotionally from the rest of society. Third, today’s religious terrorists have access to the internet. No previous generation of terrorist groups had this tool available to publicize their perspectives to an attentive public, recruit followers and communicate with adherents on a worldwide basis.

These seem like exceptionally powerful factors. Yet there is another side to consider. Periods of intense religious excitement have come and gone over the centuries. During the 1880s, for example, a mahdi appeared in Sudan whose goals and those of his followers were to eliminate all Western influence from Muslim society.[12] Among East European Jews during the 18th century, Shabbetai Zevi was believed by his thousands of followers to be the messiah to lead the children of Israel back to the “Promised Land.”[13] Over the course of its history, the United States has been the locale for multiple “Great Awakenings.”[14] In all three instances, these periods of religious excitement eventually dissipated.

The fact that al-Qa`ida is embedded in a broad movement does not make it immune to decline and defeat either. Mass protest movements typically have a beginning, middle and end. According to many of their observers, protest movements end when their “opportunity structure” narrows—that is, when the authorities become more effective in dealing with them and when the movements themselves become institutionalized as their leaders transform them into largely conventional political parties or similar organizations.[15] The history of the Palestinian group Fatah could serve as an example, or the role of the Muslim Brotherhood in Jordan and Egypt where they are now represented in their countries’ parliaments.

Another powerful factor possibly affecting longevity today is the impact of the internet. On the other hand, both Europe and North America abound with far right, racist and anti-Semitic groups that make extensive use of the internet in the hope of setting off a racial holy war and, in their minds, save the Aryan race from extinction. Yet despite a myriad of websites and chat rooms, no right-wing holy war appears imminent. In the absence of a critical mass of followers, the effect of the internet is distinctly limited and is a tool rather than a cause.

The Future of Al-Qa`ida?

When assessing the future of al-Qa`ida, no single factor seems likely to bring about its demise. It will likely take a combination of the items mentioned above. There are, however, some favorable signs. According to public opinion polls conducted by Pew and Gallup, al-Qa`ida enjoys declining levels of support among sampled respondents in the Middle East and South Asia, in Pakistan especially. Leading clerics have begun to preach that al-Qa`ida’s indiscriminate attacks against civilians, Muslims in particular, conflict with the teachings of the Prophet Muhammad. Leadership decapitations appear to have had some effect, rhetoric aside, in demoralizing key figures. Most of al-Qa`ida’s “nodes” in Southeast Asia, for example, have been eliminated.

None of al-Qa`ida’s ostensible goals have been achieved. Governments in Cairo, Riyadh and Amman continue to function. Jews and “Crusaders” are still present in the Middle East and elsewhere in the House of Islam. The prospects of al-Qa`ida creating a new caliphate remain in the realm of the fantastic. In short, while the end may not be near, it might not be far off either.

As a result, while no “silver bullet” will bring an end to al-Qa`ida, a combination of external pressure exerted by the relevant authorities and internal decay brought on by organizational woes should reduce the threat to a manageable level.[16] What particular mix of “carrots” and “sticks” is most effective is likely to vary with the different national contexts in which the various al-Qa`ida components operate. As various U.S. political leaders have pointed out, the world is simply not going to move in the direction al-Qa`ida’s luminaries wish to take it.

#### Targeted killings reduce the efficacy of attacks and overall professionalism of terrorist organizations—prefer ev which empirically compares different types of violence

Wilner 10—Alex S. Wilner is a post-doctoral fellow with the Transatlantic Post-Doc Fellowship for International Relations and Security (TAPIR) and a visiting scholar with the Center for Security Studies, the German Institute for International and Security Affairs, and the RAND Corporation [“Targeted Killings in Afghanistan: Measuring Coercion and Deterrence in Counterterrorism and Counterinsurgency,” *Studies in Conflict & Terrorism*, Vol. 33, Issue 4, 2010, Taylor & Francis, Accessed through Emory Libraries]

Like the Taliban's Shura Council, these fugitives have been targeted repeatedly. Open sources suggest that Siraj Haqqani and Qari Baryal survived targeted attacks; Mohammad Rahim, Amin al-Haq, Anwar ul-Haq, and Mullah Sadiq were captured; and Baitullah Mehsud, Tahir Yuldash, Abu Laith al-Libi and Darim Sedgai were killed. 72 These successes have communicated the Coalition's willingness, capability, and “intelligence dominance” to target, kill, and capture terrorist leaders active in Afghanistan with near impunity. The assumption driving the Afghan campaign is twofold: (i) a sustained attack on the operational leadership of the Taliban and associated groups eliminates the functional echelons of the insurgency, disrupts day-to-day planning, and diminishes coercive capabilities and levels of violence; and (ii) eliminating leaders and operators challenges the organizations’ existing cost-benefit calculations and influences individual and group behavior accordingly by increasing the cost of participating in violence. The first assumption speaks to the counter-capability notion of targeted killings while the second relates to the logic inherent to deterrence theory.

What follows is a measurement of both. The underlining methodological assumption is that a with-in and cross-case comparison of various Afghan targeted killings will reveal behavioral patterns on the part of the Taliban that ultimately informs and tests particular aspects outlined in both the targeted killing and deterrence literature. Four cases of targeted killings from the Afghan theater are analyzed; Mullah Dadullah (killed 12 May 2007), Mullah Mahmud Baluch (killed 9 June 2007), Qari Faiz Mohammad (killed 23 July 2007), and Mullah Abdul Matin (killed 18 February 2008). Data on Taliban behavior were collected and meticulously tabulated by relying on both publicly available documents (from NATO, various governments, and media sources) and “semi”-private security assessments and “daily situation/intelligence reports” compiled by private security firms (Strategic Security Solutions International (SSSI), Afghanistan NGO Safety Office (ANSO), and GardaWorld). 73 With these sources, every act of violence in the weeks before and after each of the four targeted killings was compiled in a dataset. Violence was organized by day and location. A great number of behavioral variables were measured, including: the type of violence organized (from kidnappings and beheadings to vehicle-borne suicide bombings); the intended target of each attack (from civilians to coalition forces); the outcome of the attack (from failure to success and death/injury ratios); and the number of casualties (from insurgent to security personnel).

With the dataset, two sets of comparisons were made. The first was a with-in case comparison. Using a before–after approach, each targeted killing was divided into two halves: the period before and the period after the elimination. Each half represented either a two or three week period, depending on the importance of the individual eliminated (the higher the rank, the longer the timeframe). In essence, the eliminations introduced a break (or control) on the longitudinal behavior of the Taliban. In so doing, behavioral changes, attributable to the targeted killing, could be measured in the period following each strike. Importantly, using the before–after approach allowed for the creation of most-similar cases for comparison. That is, each half-case resembles the other in all (or most) ways but one—the elimination of a leader. Changes in violent behavior, then, could be safely attributed to the targeted killing. The second comparison was a cross-case assessment of each targeted killing. An intra-national investigation (comparing Afghan targeted killings), as opposed to inter-national investigation (comparing Afghan to Iraqi eliminations, for instance), was used in order to further control for sociopolitical variation within the analysis. By limiting the research to Afghanistan alone, national characteristics helped standardize the cases. Both the within-in and cross-case evaluations relied on congruence methods, which mapped out how similar the investigative outcome was to theoretical expectations, and process tracing, which assessed the causal significance of congruent findings by locating the causal pathways that exist between the independent and dependent variables.

Finally, two behavioral characteristics were measured in particular: (i) the overall professionalism of the organization (i.e., success rates vs. failure rates vs. foiled rates, along with changes in kill ratios); and (ii) the type and/or nature of attacks carried out by the group (i.e., level of sophistication (small arms fire vs. complex suicide bombings) and target selection (soft vs. hard)). Changes in Taliban professionalism in the period after the eliminations would suggest that the targeted strikes diminished the organization's coercive capability. Shifts in the nature, sophistication, and type of Taliban attack, on the other hand, would suggest that the targeted killings influenced the motivation and behavior of surviving forces. A number of particularly interesting findings are presented below.

Generally, overall violence increased following the targeted eliminations (Figure 2). This was especially so with the Dadullah case. On the surface, these are unanticipated developments. 74 The literature on targeted killings suggests that eliminations should result in a general diminishment of violence. In their quantitative analysis of Israel's campaign of targeted killings between 2000 and 2004, Mohammed Hafez and Joseph Hatfield provide similar findings. They conclude that “targeted assassinations have no significant impact on rates of Palestinian violence.” 75 That both this and the Hafez/Hatfield study find trends that contradict theoretical expectations would suggest that certain components of the literature on targeted killings need to be substantially revised. However, a closer examination of the Afghan data does corroborate the literature's most basic theoretical principle: targeted killings influence the type of violence terrorists are capable of planning effectively and forces them to conduct less-preferred forms of activity.

Violent, non-state organizations have coercive preferences. The Taliban is no exception. The type of violence they engage in rests as much on the impact they are trying to have as it does on their capacity and capability to muster efforts toward particular goals. To that end, suicide attacks are the Taliban's preferred tactic—they are the most effective form of violence, provide the greatest consequence (both in kill ratios and psychological effect), can be directed against hard targets, are difficult to detect, stop, and mitigate, and have a proven track record of killing Coalition and Afghan soldiers. Suicide bombings are also the most sophisticated type of violence to plan, the most difficult to organize effectively, and take a considerable amount of time, energy, and expertise to mount successfully. Improvised Explosive Devices (IED) are the Taliban's second most preferred tactic—they have proven deadly against Afghan National Police (ANP) and other lightly armored ISAF/NATO and Afghan National Army (ANA) personnel carriers, they are cheaply constructed, and provide a deadly concentrated explosive blast. IEDs are also less sophisticated than suicide bombs and are easier to organize effectively. They offer less control, however, cannot be consistently directed against particular targets, can be detected and diffused more easily than suicide bombs, their detonation can be mitigated with proper armor, and they are all too often triggered by civilians. Small arms and rocket fire (SA/R) is the Taliban's least preferred tactic—it is most effective against soft targets, Afghan and international officials, lightly armed ANP forces, and when used in complex ambushes. However, SA/R attacks against security forces can be easily mitigated and usually result in a disproportionately high rate of Taliban casualties. Likewise, Taliban SA/R attacks are usually successfully repelled and the heavy concentration of gunmen in one location can be easily attacked with aerial support. Furthermore, Taliban rocket fire is crude, uncontrolled, and ineffective. In sum, SA/R attacks are the least sophisticated type of violence and the easiest to organize yet provide the worst results.

With these Taliban preferences in mind, the aggregate data on overall levels of violence reveal a number of expected findings. After the targeted killings, for instance, suicide bombings dropped by over 30 percent, from a total of 43 before, to 29 after, the targeted eliminations. This is in keeping with the degree of difficulty, amount of time and expertise, and level of leadership that is required to coordinate effective suicide bombings. It is also plausible that the decrease in suicide attacks spurred a rise in less-sophisticated forms of violence, with IEDs increasing by 6 percent and SA/R attacks by roughly 15 percent following the four targeted attacks. 76 As leaders and facilitators were eliminated, the Taliban began using less-sophisticated forms of violence that required less energy, expertise, and time to organize effectively. This shift resonates with elements outlined in the literature on targeted killings: as organizations succumb to the effects of a protracted campaign of elimination, their overall ability to operate at a high level of sophistication decreases and the selection and use of less formidable forms of violence increases.

Overall levels of violence, however, are only a minor part of the analysis. The data also reveal changes in Taliban professionalism following the targeted killings. For the two most sophisticated forms of violence (IEDs and suicide attacks), the aggregate data suggest a decrease in professionalism and an increase in failure rates. After the eliminations, IED failure rates rose precipitously from 20 to roughly 35 percent. This is a considerable change in proficiency. Suicide bombing success rates also dropped (by a less impressive though no less important five percentage points) following the strikes. Both are theoretically expected findings (Figure 3). Finally, the data also suggest that the targeted killings influenced the selection of targets. For instance, in terms of known target selection for suicide bombers, the aggregate data reveal that following the eliminations, soft targets were more often selected (as a percentage of all target selection) after the leadership strikes (Figure 4). As leaders where killed, remaining forces selected less formidable targets to attack, like Afghan government officials, civil-society actors, and off-duty police commanders, rather than hardened, military actors.

Target selection of small arms fire taken from the Dadullah case in particular illustrates a similar shift in target selection: SA/R attacks against Afghan National Police forces jumped from 24 percent of total recorded attacks before Dadullah's elimination, to roughly 40 percent afterward (Figure 5). Part of the reason may rest with the fact that of all armed groups working in Afghanistan, ANP forces are the easiest to attack successfully. Although armed and numbering in the tens of thousands, ANP forces lack the sophistication and training to properly contend with heavily armed insurgents. What is more, lightly manned and far-flung ANP checkpoints dot the Afghan landscape and offer a fixed (and under-protected) position for Taliban fire. For militants, attacking the ANP is easy to do and allows them to reaffirm their continued antagonism against the GoA and ISAF while suffering fewer losses. This would have been a particularly important message to demonstrate after their fiercest leader was slain.

Accordingly, accurately interpreting success rates requires a better appreciation for what type of actor is targeted specifically and with what particular form of violence. As a general rule, the softer the target the more success a group is likely to have. Following Dadullah's elimination, for example, more suicide attacks took place after his death than before, and their overall success rate seemed to augment considerably. Before his death, over half of all suicide attacks failed, while after his elimination, only one-third did (see Figure 6). On the surface, this is a momentous increase in professionalism and might lead one to conclude that Dadullah's removal had a positive rather than negative effect on suicide bombing rates and successes. What these figures fail to reveal, however, is that much of the post-targeted killing success stemmed from a substantial increase in the rate of suicide attacks directed against soft (as opposed to hard) targets (see Figure 7). Consider that 11 of the 13 known targets of suicide bombers before Dadullah's elimination were hard targets (ISAF/NATO, ANA, ANP, and Private Security Guards (PSG)). After his killing, known hard target selection dropped sharply. In fact, no suicide bomber targeted ANA or ANP forces specifically following Dadullah's elimination (although these forces had been the favored target before his death). Instead, after Dadullah's killing, well over half of all known targets of suicide bombings were soft targets (international governments, Afghan officials, nongovernmental organizations (NGO), and civilians). 77 In all likelihood, it is this shift in target selection that accounts for changing rates in suicide bombing success and professionalism.

### AT: Recruiting

#### Targeted killings destroy operational effectiveness of terror groups—they can’t recruit new operatives fast enough to keep pace with losses

Young 13—Alex Young, Associate Staff, Harvard International Review [February 25, 2013, “A Defense of Drones,” Harvard International Review, http://hir.harvard.edu/a-defense-of-drones]

Moreover, drone strikes have disrupted al Qaeda’s system for training new recruits. The Times of London reports that in 2009, Al Qaeda leaders decided to abandon their traditional training camps because bringing new members to a central location offered too easy a target for drone strikes. Foreign Policy emphasized this trend on November 2nd, 2012, arguing that, “destroying communication centers, training camps and vehicles undermines the operational effectiveness of al-Qaeda and the Taliban, and quotes from operatives of the Pakistan-based Haqqani Network reveal that drones have forced them into a ‘jungle existence’ where they fear for the lives on a daily basis.” The threat of death from the skies has forced extremist organizations to become more scattered.

More importantly, though, drone strikes do not only kill top leaders; they target their militant followers as well. The New America Foundation, a think tank that maintains a database of statistics on drone strikes, reports that between 2004 and 2012, drones killed between 1,489 and 2,605 enemy combatants in Pakistan. Given that Al Qaeda, the Pakistani Taliban, and the various other organizations operating in the region combined do not possibly have more than 1,500 senior leaders, it follows that many, if not most, of those killed were low-level or mid-level members—in many cases, individuals who would have carried out attacks. The Los Angeles Times explains that, “the Predator campaign has depleted [Al Qaeda’s] operational tier. Many of the dead are longtime loyalists who had worked alongside Bin Laden […] They are being replaced by less experienced recruits.” Drones decimate terrorist organizations at all levels; the idea that these strikes only kill senior officials is a myth.

### AT: Drones Prevent Intel/Capture

#### Intel requires capture

#### Shifting to capture missions is impossible—every alternative to drones is worse for CT

Byman 13—Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution [“Why Drones Work,” *Foreign Affairs*, Jul/Aug2013, Vol. 92 Issue 4, p. 32-43, EBSCO]

Critics of drone strikes often fail to take into account the fact that the alternatives are either too risky or unrealistic. To be sure, in an ideal world, militants would be captured alive, allowing authorities to question them and search their compounds for useful information. Raids, arrests, and interrogations can produce vital intelligence and can be less controversial than lethal operations. That is why they should be, and indeed already are, used in stable countries where the United States enjoys the support of the host government. But in war zones or unstable countries, such as Pakistan, Yemen, and Somalia, arresting militants is highly dangerous and, even if successful, often inefficient. In those three countries, the government exerts little or no control over remote areas, which means that it is highly dangerous to go after militants hiding out there. Worse yet, in Pakistan and Yemen, the governments have at times cooperated with militants. If the United States regularly sent in special operations forces to hunt down terrorists there, sympathetic officials could easily tip off the jihadists, likely leading to firefights, U.S. casualties, and possibly the deaths of the suspects and innocent civilians.

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### AT: Terrorist Backlash DA

#### Backlash doesn’t outweigh the benefits of drone war

Anderson 13—Kenneth, Professor of International Law at American University [May 24, 2013, “The Case for Drones,” Commentary Magazine, http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548.html]

4. Blowback

The most prominent critique today, however, is that drone warfare is counterproductive because it produces “blowback.” What is blowback?

Blowback comprises the supposed bad consequences of drones that swamp the benefits, if any, of drone warfare itself—the anger of villagers whose civilian relatives have been killed, for instance, or the resentment among larger populations in Pakistan or Yemen over drone strikes. The anger, we are told, is fanned by Islamist preachers, local media, and global Web communities, and then goes global in the ummah about the perceived targeting of Muslims and Islam. This leads to radicalization and membership recruitment where the strikes take place. Or maybe it leads to independently organized violence—perhaps the case of the Boston bombers, though it is too early to say. All this bad public perception outweighs whatever tactical value, if any, drone strikes might have.

Blowback can never be dismissed, because it might be true in some cases. But even when true, it would exist as a matter of degree, to be set against the benefits of the drone strikes themselves. By definition, blowback is a second-order effect, and its diffuse nature makes its existence more a matter of subjective judgment than any other evaluation of drone warfare. As a hypothesis, the possibility of blowback arises in two distinct settings: “narrow” counterinsurgency and “broad” global counterterrorism.

The narrow blowback hypothesis concerns those in communities directly affected by global counterterrorism drone strikes while the United States is trying to carry out a ground-level counterinsurgency campaign. The question is whether civilians, women and children especially, are being killed by drones in such numbers—because collateral damage is a fact, including from drone strikes—that they make these local communities even more fertile ground for anti-American operations. Do the drone strikes make things unacceptably more difficult for ground forces attempting to carry out a hearts-and-minds campaign to win over the local population?

Direct and immediate concerns about villagers’ perceptions during the counterinsurgencies in Iraq and Afghanistan led, at some points, to extraordinary (from the standpoint of lawful targeting and acceptable collateral damage) measures against using air power and even infantry to fire back at insurgents. But local counterinsurgency is not the long-term concern today; global counterterrorism is. Village-level resentments fueling recruitment might be a concern, but this type of blowback matters far less in terms of war fighting when the United States no longer has infantry in those places (and is no longer making its counterterrorism policy rest upon the chimera of a stable, democratic Afghanistan).

It is sharply contested, to say the least, whether and to what extent drone strikes are creating blowback among villagers, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the American drones are undertaking strikes that the Pakistani government might otherwise undertake. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the tribal areas fear the Pakistani army far more than they fear U.S. drones, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that as the counterinsurgency era ends for U.S. forces, narrow blowback concerns about whether villages might be sufficiently provoked against American infantry are subsiding.

### AT: 20 Steps [Mueller]

#### Once they have the material, building a nuke is easy—consensus agrees

Allison 9—Douglas Dillon Professor of Government and Director of the Belfer Center for Science and International Affairs at Harvard University’s Kennedy School of Government, served as Assistant Secretary of Defense from 1993 to 1994 and was awarded the Defense Medal for Distinguished Public Service [Fall/Winter 2009, Graham Allison, “A Response to Nuclear Terrorism Skeptics,” *Brown Journal of World Affairs*, Volume xvi, Issue i]

Claim 3: It is extremely difficult to construct a nuclear device that works.

Rolf Mowatt-Larssen, former director of the Department of Energy’s Office of Intelligence and Counterintelligence, testified that, “The 21st century will be defined first by the desire and then by the ability of non-state actors to procure or develop crude nuclear weapons.”36 In contrast, Mueller contends that, “Making a bomb is an extraordinarily difficult task...the odds, indeed, are stacked against the terrorists, perhaps massively so.”37

Mueller argues that his conclusion follows from an analysis of 20 steps an atomic terrorist would have to accomplish in what he judges to be the most likely nuclear terrorism scenario. On the basis of this list, he claims that there is “worse than one in a million” chance of success.38

His approach, however, misunderstands probabilistic risk assessment. For example, some of the steps on the list would have to be completed before an attempt to acquire material could begin (therefore, the success rate for any of those steps during the path would, by definition, be 100 percent). Other steps are unnecessary, such as having a technically sophisticated team pre-deployed in the target country. Although he assumes that stolen materials will be missed, in none of the 18 documented cases mentioned earlier had the seized material been reported missing.39

At U.S. weapons labs and among the U.S. intelligence community, experts who have examined this issue largely agree. John Foster, a leading American bomb maker and former director of the Lawrence Livermore National Laboratories, wrote a quarter century ago, “If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature.”40 Similarly, Theodore Taylor, the nuclear physicist who designed America’s smallest and largest atomic bombs, has repeatedly stated that, given fissile material, building a bomb is “very easy. Double underline. Very Easy.”41

Inquiring into such claims, then-Senator Joe Biden (D-DE) asked the major nuclear weapons laboratories whether they could make such a device if they had nuclear materials. All three laboratories answered affirmatively. The laboratories built a gun-type device using only components that were commercially available and without breaking a single U.S. law.42

The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, reported in 2005 that the intelligence community believed Al Qaeda “probably had access to nuclear expertise and facilities and that there was a real possibility of the group developing a crude nuclear device.” It went on to say that “fabrication of at least a ‘crude’ nuclear device was within Al Qaeda’s capabilities, if it could obtain fissile material.”43

Skeptics argue that terrorists cannot replicate the effort of a multi-billion dollar nuclear program of a state. This claim does not distinguish between the difficulty of producing nuclear materials for a bomb (the most difficult threshold) and the difficulty of making a bomb once the material has been acquired. The latter is much easier. In the Iraq case, for example, the CIA noted that if Saddam Hussein had stolen or purchased nuclear materials from abroad, this would have cut the time Iraq needed to make a bomb from years to months.44 Moreover, terrorists do not require a state-of-the art weapon and delivery system, since for blowing up a single city a crude nuclear device would suffice.

The grim reality of globalization’s dark underbelly is that non-state actors are increasingly capable of enacting the kind of lethal destruction heretofore the sole reserve of states.

### Adv

#### This isn’t theoretical—the U.S. will put boots on the ground where it can no longer use drones

Adrian Johnson 13, Director of Publications, Royal United Services Institute [May 3, 2013, “Mr Emmerson Takes on Washington,” http://www.rusi.org/publications/newsbrief/ref:A5183D24D108B9/#.UizUn9L\_l8E]

It could well be the case that drones are the best of a bad bunch of options. When the Pakistan Army moved into the Swat Valley in 2009 to clear out the Taliban, it took tens of thousands of troops and a high civilian toll – over 2,000 perished in two months of fighting, with 2 million displaced. Drone strikes, despite the very real innocent casualties that have been inflicted, are rather more discriminating than many of the alternatives.

Neither is drone warfare as ‘costless’ to the protagonist or as revolutionary as many reckon. Drones might not be creating new instances of force so much as substituting for other forms – in other words, for many strikes, manned alternatives may have been used anyway. It is telling that the US chose a high-risk, special-forces hit on Osama bin Laden, which like drone strikes also raised complicated legal questions about sovereignty and kill versus capture. Nevertheless, Micah Zenko is right to point out that drone strikes have, in effect, become an aerial form of counter-insurgency in Pakistan. This may be a novelty of unmanned capabilities.

### AT: Ethics (Civ Casualties)

#### Drones are ethically the best option. They reduce civilian casualties and raise the bar for ethical warfare

Shane 12—Scott Shane, national security reporter for The New York Times [July 15, 2012, “The Moral Case For Drones,” The New York Times, Lexis]

FOR streamlined, unmanned aircraft, drones carry a lot of baggage these days, along with their Hellfire missiles. Some people find the very notion of killer robots deeply disturbing. Their lethal operations inside sovereign countries that are not at war with the United States raise contentious legal questions. They have become a radicalizing force in some Muslim countries. And proliferation will inevitably put them in the hands of odious regimes.

But most critics of the Obama administration's aggressive use of drones for targeted killing have focused on evidence that they are unintentionally killing innocent civilians. From the desolate tribal regions of Pakistan have come heartbreaking tales of families wiped out by mistake and of children as collateral damage in the campaign against Al Qaeda. And there are serious questions about whether American officials have understated civilian deaths.

So it may be a surprise to find that some moral philosophers, political scientists and weapons specialists believe armed, unmanned aircraft offer marked moral advantages over almost any other tool of warfare.

''I had ethical doubts and concerns when I started looking into this,'' said Bradley J. Strawser, a former Air Force officer and an assistant professor of philosophy at the Naval Postgraduate School. But after a concentrated study of remotely piloted vehicles, he said, he concluded that using them to go after terrorists not only was ethically permissible but also might be ethically obligatory, because of their advantages in identifying targets and striking with precision.

''You have to start by asking, as for any military action, is the cause just?'' Mr. Strawser said. But for extremists who are indeed plotting violence against innocents, he said, ''all the evidence we have so far suggests that drones do better at both identifying the terrorist and avoiding collateral damage than anything else we have.''

Since drone operators can view a target for hours or days in advance of a strike, they can identify terrorists more accurately than ground troops or conventional pilots. They are able to time a strike when innocents are not nearby and can even divert a missile after firing if, say, a child wanders into range.

Clearly, those advantages have not always been used competently or humanely; like any other weapon, armed drones can be used recklessly or on the basis of flawed intelligence. If an operator targets the wrong house, innocents will die.

Moreover, any analysis of actual results from the Central Intelligence Agency's strikes in Pakistan, which has become the world's unwilling test ground for the new weapon, is hampered by secrecy and wildly varying casualty reports. But one rough comparison has found that even if the highest estimates of collateral deaths are accurate, the drones kill fewer civilians than other modes of warfare.

AVERY PLAW, a political scientist at the University of Massachusetts, put the C.I.A. drone record in Pakistan up against the ratio of combatant deaths to civilian deaths in other settings. Mr. Plaw considered four studies of drone deaths in Pakistan that estimated the proportion of civilian victims at 4 percent, 6 percent, 17 percent and 20 percent respectively.

But even the high-end count of 20 percent was considerably lower than the rate in other settings, he found. When the Pakistani Army went after militants in the tribal area on the ground, civilians were 46 percent of those killed. In Israel's targeted killings of militants from Hamas and other groups, using a range of weapons from bombs to missile strikes, the collateral death rate was 41 percent, according to an Israeli human rights group.

In conventional military conflicts over the last two decades, he found that estimates of civilian deaths ranged from about 33 percent to more than 80 percent of all deaths.

Mr. Plaw acknowledged the limitations of such comparisons, which mix different kinds of warfare. But he concluded, ''A fair-minded evaluation of the best data we have available suggests that the drone program compares favorably with similar operations and contemporary armed conflict more generally.''

By the count of the Bureau of Investigative Journalism in London, which has done perhaps the most detailed and skeptical study of the strikes, the C.I.A. operators are improving their performance. The bureau has documented a notable drop in the civilian proportion of drone casualties, to 16 percent of those killed in 2011 from 28 percent in 2008. This year, by the bureau's count, just three of the 152 people killed in drone strikes through July 7 were civilians.

The drone's promise of precision killing and perfect safety for operators is so seductive, in fact, that some scholars have raised a different moral question: Do drones threaten to lower the threshold for lethal violence?

''In the just-war tradition, there's the notion that you only wage war as a last resort,'' said Daniel R. Brunstetter, a political scientist at the University of California at Irvine who fears that drones are becoming ''a default strategy to be used almost anywhere.''

With hundreds of terrorist suspects killed under President Obama and just one taken into custody overseas, some question whether drones have become not a more precise alternative to bombing but a convenient substitute for capture. If so, drones may actually be encouraging unnecessary killing.

Few imagined such debates in 2000, when American security officials first began to think about arming the Predator surveillance drone, with which they had spotted Osama bin Laden at his Afghanistan base, said Henry A. Crumpton, then deputy chief of the C.I.A.'s counterterrorism center, who tells the story in his recent memoir, ''The Art of Intelligence.''

''We never said, 'Let's build a more humane weapon,' '' Mr. Crumpton said. ''We said, 'Let's be as precise as possible, because that's our mission -- to kill Bin Laden and the people right around him.' ''

Since then, Mr. Crumpton said, the drone war has prompted an intense focus on civilian casualties, which in a YouTube world have become harder to hide. He argues that technological change is producing a growing intolerance for the routine slaughter of earlier wars.

''Look at the firebombing of Dresden, and compare what we're doing today,'' Mr. Crumpton said. ''The public's expectations have been raised dramatically around the world, and that's good news.''

### AT: Civilian Casualties (Generic)

#### Civilian casualty claims are overstated and rapidly declining—best research proves

Cohen 13—Michael A Cohen, regular columnist for the Guardian and Observer on US politics, he is also a fellow of the Century Foundation [May 23, 2013, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified]

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels".

I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed—and dramatically so.

This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy.

Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates.

There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones.

When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year—far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there."

While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage.

Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen.

These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year.

Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".

Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.

Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Current checks against civilian casualties are so effective that we divert missiles in the air if there’s a risk they’ll kill civilians

McNeal 13—Gregory McNeal, Associate Professor of Law, Pepperdine University [March 5, 2013, “Targeted Killing and Accountability,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1819583]

In contemporary operations, the government has repeatedly emphasized that their planned target lists are frequently updated and vetted against the most up-to-date intelligence.261 This vetting is likely aimed at ensuring that individuals targeted are still members of an organized armed group.262 Moreover, in targeted killing operations that utilize UAVs, the intelligence supporting the attack will oftentimes come from the same UAV combat platform (Predators or Reapers) that may ultimately serve as the launch vehicle for weapons used in the targeted killing operation.263 Government officials even claim they have diverted missiles off target after launching but before impact in an effort to avoid harm to collateral persons within the blast radius of a weapon.264 To further illustrate the point, prior to the targeting operation that killed al Aulaqi, the government suggested that if Anwar al Aulaqi chose to renounce his membership in al Qaeda he would cease to be on the U.S. target list (likely because he would no longer have the status of a member of an organized armed group and, if he truly renounced his affiliation with al Qaeda, he could not be directly participating in hostilities).265 This statement illustrates the dynamic nature of the positive identification process as practiced by the U.S. military.266 The CIA’s process, extensively reviewed by operational lawyers who are oftentimes forwardly deployed in theaters of conflict and co-located with drone operators, would similarly require positive identification and a reassessment of available intelligence prior to a strike.267 Of course, if al Aulaqi chose to surrender, then he would automatically be rendered hors de combat and could not be targeted—though whether an individual could surrender to an aircraft remains an open question.268 Taken together, what this means is that if positive identification of a target fails, and the target is no longer a lawful one, no operation will take place.269 Moreover, when doubt arises as to whether a person is a civilian, there exists a presumption that he is, hence the requirement of positive identification in U.S. operations.270 The military objective requirement of the law of armed conflict as implemented in U.S. practice reflects the fact that the drafters of these standards intended them to be a binding set of rules that could simultaneously guide decision-making in warfare when bright line rules and fixed borderlines between civilian and military objectives may be murky.271 The burden is on military commanders to exercise discretion and caution; however, the standards by which those commanders are judged are reasonableness and honesty in the exercise of those responsibilities.272 [Italics in original]

### AT: Global Backlash

#### Yemen/Pakistan secretly like drones

Byman 13—Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution [“Why Drones Work,” *Foreign Affairs*, Jul/Aug2013, Vol. 92 Issue 4, p. 32-43, EBSCO]

FOREIGN FRIENDS

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program's negative publicity: "In Pakistan, things fall out of the sky all the time," he reportedly remarked. Yemen's former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States' involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that "they pinpoint the target and have zero margin of error, if you know what target you're aiming at."

As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan's army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for "continuous Predator coverage" over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted "goodwill kills" against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, "We'll protest [against the drone program] in the National Assembly and then ignore it."

Still, Pakistan is reluctant to make its approval public. First of all, the country's inability to fight terrorists on its own soil is a humiliation for Pakistan's politically powerful armed forces and intelligence service. In addition, although drones kill some of the government's enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.

A 2012 poll found that 74 percent of Pakistanis viewed the United States as their enemy, likely in part because of the ongoing drone campaign. Similarly, in Yemen, as the scholar Gregory Johnsen has pointed out, drone strikes can win the enmity of entire tribes. This has led critics to argue that the drone program is shortsighted: that it kills today's enemies but creates tomorrow's in the process.