# 1nc – disad

Court legitimacy DA

**Plan sets the precedent for Article III violations of case and controversy --- this risks the legitimacy of the entire court system**

**Epps 13** (Garrett Epps, Professor of Law at the University of Baltimore, “Why a Secret Court Won’t Solve the Drone-Strike Problem,” The Atlantic, February 16, 2013, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/)

Washington's idea of the week is a secret court, based on the Foreign Intelligence Surveillance Court, which issues secret wiretap warrants in certain espionage cases. Executive officials would go before the drone court and present their evidence that an individual abroad, perhaps a U.S. citizen, is an Al Qaeda affiliate and an imminent danger. Judges on the panel would issue, in effect, a secret death warrant--a certification that lethal force can be used against the "enemy combatant."

Sen. Dianne Feinstein spoke favorably about the idea at confirmation hearings for C.I.A. Director-designate John Brennan. So did former Defense Secretary Robert Gates. Thursday, the New York Times joined in the chorus.

Americans love courts and judges. But they trust them because, in our system, they are independent of elected officials--not part of the political machine. They are also what lawyers call "courts of limited jurisdiction." In carefully chosen language, Article III of the Constitution extends "the judicial power" of the United States to a specific and limited set of "cases and controversies." Federal courts decide cases; they do not fight wars, collect the garbage, or set health-care policy. And most particularly, they may not become an advisory agency of the executive branch.

The idea of a "drone court" would send federal courts into areas they have never gone before, and indeed from which, I think, the text of the Constitution bars them. **It could** also **put the integrity of our court system at risk.**

Let's frame the issue properly. The present administration does not claim that the president has "inherent authority" to attack anyone anywhere. Instead, from the documents and speeches we've seen, the administration says it can order drone attacks only as provided by the Authorization for the Use of Military Force passed by Congress after the September 11 attacks--that is, against "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

Unlike the fictional President Bennett in Tom Clancy's Clear and Present Danger, then, President Obama can't suddenly send the drone fleet down to take out, say, Colombian drug lords or the Lord's Resistance Army in Uganda. That's a marked change from the overall position of the last administration, and it's an important limitation on the president's claimed authority.

But because of that limitation, a court would be supervising the president's command decisions in a time of authorized military action--after, that is, the legal equivalent of a "declaration of war." As commander in chief, the president has been given a mission by Congress. By passing the AUMF, Congress has delegated to him its full war power to use in that mission. Nothing in the AUMF is directed to the courts; in fact, I have trouble finding authority for target selection anywhere in Article III. And whatever the technological changes, constitutionally I see no difference between targeting an enemy with a drone and doing the same thing with a Cruise missile or a SEAL Team. Courts simply aren't equipped to decide military tactics.

The FISA Court, on the other hand, doesn't really reach beyond Article III--judges since ancient times have issued warrants for searches and arrests, and the individuals being spied on are suspected of crimes against the United States. But I don't know of a deep-rooted tradition of common-law courts telling the shire reeve he can hunt someone down and kill him without trial.

There's yet another problem: what criteria would a "drone court" apply? In the "white paper" obtained by NBC News earlier this month, the Department of Justice says that a decision to order a strike involves three requirements: (1) the target represents "an imminent threat of violent attack"; (2) capturing the target would be "infeasible"; and (3) a lethal attack can be carried out "in a manner consistent with law of war principles." A court might be able to apply the first criterion, though just barely; but there is simply no precedent for an Article III judge balancing the prospective risks of a capture operation vs. that of a missile, or assessing the probability of "collateral damage" if the strike goes forward. **We have left "the judicial power" behind altogether, and created a panel of poorly trained generals in sloppy black uniforms.**

Finally, in time of war, there will be occasions when a target emerges and decisions must be made too quickly for even a secret court proceeding. And thus the "drone court" would not be able to rule on some cases; an ambitious president could find many exceptions.

In addition, an ambitious executive might also use the secret court as a means to extend the drone-strike authority beyond actions in time of authorized military action. With such a review mechanism in place, the argument might go, there's no danger in ceding the president's authority to use drones against enemies not so designated by Congress.

What about after the fact, then? Could there be a secret court that would hear the administration's case for a drone strike and then decide whether that strike had been justified?

Not hardly, I think.

A court that meets in secret, hears only one side of a dispute, and issues a final judgment without notifying other parties is not any kind of Article III court I recognize. It is not deciding cases; it is granting absolution.

**Weakening the court prevents sustainable development**

**Stein 5**—Former Judge of the New South Wales Court of Appeal and the New South Wales Land and Environment Court [Justice Paul Stein (International Union for Conservation of Nature (IUCN) Specialist Group on the Judiciary), “Why judges are essential to the rule of law and environmental protection,” Judges and the Rule of Law: Creating the Links: Environment, Human Rights and Poverty, IUCN Environmental Policy and Law Paper No. 60, Edited by Thomas Greiber, 2006]

The Johannesburg Principles state:

“We emphasize that the **fragile state** of the global environment requires the judiciary, as the **guardian of the Rule of Law**, to boldly and fearlessly implement and enforce applicable international and national laws, which in the field of environment and sustainable development will assist in **alleviating poverty** and **sustaining an enduring civilization**, and ensuring that the present generation will enjoy and improve the quality of life of all peoples, while also ensuring that the **inherent rights** and interests of succeeding generations are not compromised.”

There can be no argument that environmental law, and sustainable development law in particular, are vibrant and dynamic areas, both internationally and domestically. Judge Weeramantry (of the ICJ) has reminded us that we judges, as **custodians of the law**, have a major obligation to contribute to its development. Much of sustainable development law is presently making the journey from soft law into hard law. This is happening internationally but also it is occurring in many national legislatures and courts.

Fundamental environmental laws relating to **water, air**, our **soils and energy** are critical to narrowing the widening gap between the rich and poor of the world. Development may be seen as the bridge to narrow that gap but it is one that is riddled with dangers and contradictions. We cannot bridge the gap with materials stolen from future generations. Truly sustainable development can only take place in harmony with the environment. Importantly we must not allow sustainable development to be duchessed and bastardized.

A role for judges?

It is in striking the balance between development and the environment that the courts have a role. Of course, this role imposes on judges a significant trust. The balancing of the rights and needs of citizens, present and future, with development, is a delicate one. It is a balance often between powerful interests (private and public) and the voiceless poor. In a way **judges are the meat in the sandwich** but, difficult as it is, we must not shirk our duty. Pg. 53-54

**Leads to every scenario for ecological collapse and extinction**

**Barry 13**—Political ecologist with expert proficiencies in old forest protection, climate change, and environmental sustainability policy [Dr. Glen Barry (Ph.D. in "Land Resources" and Masters of Science in "Conservation Biology and Sustainable Development” from the University of Wisconsin-Madison), “ECOLOGY SCIENCE: Terrestrial Ecosystem Loss and Biosphere Collapse,” Forests.org, February 4, 2013, pg. http://forests.org/blog/2013/02/ecology-science-terrestrial-ec.asp

Blunt, Biocentric Discussion on Avoiding Global Ecosystem Collapse and Achieving Global Ecological Sustainability

Science needs to do a better job of considering worst-case scenarios regarding continental- and **global-scale ecological collapse**. The loss of biodiversity, ecosystems, and landscape connectivity reviewed here shows clearly that ecological collapse is occurring at spatially extensive scales. The collapse of the biosphere and complex life, or eventually even all life, is a possibility that needs to be better understood and mitigated against. A tentative case has been presented here that terrestrial **ecosystem loss is at or near a planetary boundary**. It is suggested that a 66% of Earth's land mass must be maintained in terrestrial ecosystems, to maintain critical connectivity necessary for ecosystem services across scales to continue, including the biosphere. Yet various indicators show that around 50% of Earth's terrestrial ecosystems have been lost and their services usurped by humans. Humanity may have already destroyed more terrestrial ecosystems than the biosphere can bear. There exists a major need for further research into how much land must be maintained in a natural and agroecological state to meet landscape and bioregional **sustainable development** goals while maintaining an operable biosphere.

It is proposed that a critical element in determining the threshold where terrestrial ecosystem loss becomes problematic is where landscape connectivity of intact terrestrial ecosystems erodes to the point where habitat patches exist only in a human context. Based upon an understanding of how landscapes percolate across scale, it is recommended that 66% of Earth's surface be maintained as ecosystems; 44% as natural intact ecosystems (2/3 of 2/3) and 22% as agroecological buffer zones. Thus nearly half of Earth must remain as large, connected, intact, and naturally evolving ecosystems, including old-growth forests, to provide the context and top-down ecological regulation of both human agroecological, and reduced impact and appropriately scaled industrial activities.

Given the stakes, it is proper for political ecologists and other Earth scientists to willingly speak bluntly if we are to have any chance of averting global ecosystem collapse. A case has been presented that Earth is already well beyond carrying capacity in terms of amount of natural ecosystem habitat that can be lost before the continued existence of healthy regional ecosystems and the global biosphere itself may not be possible. Cautious and justifiably conservative science must still be able to rise to the occasion of global ecological emergencies that may threaten our very survival as a species and planet.

Those knowledgeable about planetary boundaries—and abrupt climate change and terrestrial ecosystem loss in particular—must be more bold and insistent in conveying the range and possible severity of threats of global ecosystem collapse, while proposing sufficient solutions. It is not possible to do controlled experiments on the Earth system; all we have is observation based upon science and trained intuition to diagnose the state of Earth's biosphere and suggest sufficient ecological science–based remedies.

If Gaia is alive, she can die. Given the strength of life-reducing trends across biological systems and scales, there is a need for a rigorous research agenda to understand at what point the biosphere may perish and Earth die, and to learn what configuration of ecosystems and other boundary conditions may prevent her from doing so. We see death of cells, organisms, plant communities, wildlife populations, and whole ecosystems all the time in nature—extreme cases being desertification and ocean dead zones. There is no reason to dismiss out of hand that the **Earth System could die if critical thresholds are crossed**. We need as Earth scientists to better understand how this may occur and bring knowledge to bear to avoid global ecosystem and biosphere collapse or more extreme outcomes such as biological homogenization and the loss of most or even all life. To what extent can a homogenized Earth of dandelions, rats, and extremophiles be said to be alive, can it ever recover, and how long can it last?

The risks of global ecosystem collapse and the need for strong response to achieve global ecological sustainability have been **understated for decades**. If indeed there is some possibility that our shared biosphere could be collapsing, there needs to be further investigation of what sorts of sociopolitical responses are valid in such a situation. Dry, unemotional scientific inquiry into such matters is necessary—yet more proactive and evocative political ecological language may be justified as well. We must remember we are speaking of the potential for a **period of great dying** in species, ecosystems, humans, and perhaps all being. It is not clear whether this global ecological emergency is avoidable or recoverable. It may not be. But we must follow and seek truth wherever it leads us.

Planetary boundaries have been quite anthropocentric, focusing upon human safety and giving relatively little attention to other species and the biosphere's needs other than serving humans. Planetary boundaries need to be set that, while including human needs, go beyond them to meet the needs of ecosystems and all their constituent species and their aggregation into a living biosphere. Planetary boundary thinking needs to be more biocentric.

I concur with Williams (2000) that what is needed is an Earth System–based conservation ethic—based upon an "Earth narrative" of natural and human history—which seeks as its objective the "complete preservation of the Earth's biotic inheritance." Humans are in no position to be indicating which species and ecosystems can be lost without harm to their own intrinsic right to exist, as well as the needs of the biosphere. For us to survive as a species, logic and reason must prevail (Williams 2000).

Those who deny limits to growth are unaware of biological realities (Vitousek 1986). There are strong indications humanity may undergo societal collapse and pull down the biosphere with it. The longer dramatic reductions in fossil fuel emissions and a halt to old-growth logging are put off, the worse the risk of abrupt and irreversible climate change becomes, and the less likely we are to survive and thrive as a species. Human survival—entirely dependent upon the natural world—depends critically upon both keeping carbon emissions below 350 ppm and maintaining at least 66% of the landscape as natural ecological core areas and agroecological transitions and buffers. Much of the world has already fallen below this proportion, and in sum the biosphere's terrestrial ecosystem loss almost certainly has been surpassed, yet it must be the goal for habitat transition in remaining relatively wild lands undergoing development such as the Amazon, and for habitat restoration and protection in severely fragmented natural habitat areas such as the Western Ghats.

The human family faces an unprecedented global ecological emergency as reckless growth destroys the ecosystems and the biosphere on which all life depends. Where is the sense of urgency, and what are proper scientific responses if in fact Earth is dying? Not speaking of worst-case scenarios—the collapse of the biosphere and loss of a living Earth, and mass ecosystem collapse and death in places like Kerala—is **intellectually dishonest**. We must consider the real possibility that we are pulling the biosphere down with us, setting back or **eliminating complex life**.

The 66% / 44% / 22% threshold of terrestrial ecosystems in total, natural core areas, and agroecological buffers gets at the critical need to maintain large and expansive ecosystems across at least 50% of the land so as to keep nature connected and fully functional. We need an approach to planetary boundaries that is more sensitive to deep ecology to ensure that habitable conditions for all life and natural evolutionary change continue. A terrestrial ecosystem boundary which protects primary forests and seeks to recover old-growth forests elsewhere is critical in this regard. In old forests and all their life lie both the history of Earth's life, and the hope for its future. The end of their industrial destruction is a global ecological imperative.

Much-needed dialogue is beginning to focus on how humanity may face systematic social and ecological collapse and what sort of community resilience is possible. There have been ecologically mediated periods of societal collapse from human damage to ecosystems in the past (Kuecker and Hall 2011). What makes it different this time is that the human species may have the scale and prowess to pull down the biosphere with them. It is fitting at this juncture for political ecologists to concern themselves with both legal regulatory measures, as well as revolutionary processes of social change, which may bring about the social norms necessary to maintain the biosphere. Rockström and colleagues (2009b) refer to the need for "novel and adaptive governance" without using the word revolution. Scientists need to take greater latitude in proposing solutions that lie outside the current political paradigms and sovereign powers.

Even the Blue Planet Laureates' remarkable analysis (Brundtland et al. 2012), which notes the potential for climate change, ecosystem loss, and inequitable development patterns neither directly states nor investigates in depth the potential for global ecosystem collapse, or discusses revolutionary responses. UNEP (2012) notes abrupt and irreversible ecological change, which they say may impact life-support systems, but are not more explicit regarding the profound human and ecological implications of biosphere collapse, or the full range of sociopolitical responses to such predictions. More scientific investigations are needed regarding alternative governing structures optimal for pursuit and achievement of bioregional, continental, and global sustainability if we are maintain a fully operable biosphere forever. An economic system based upon endless growth that views ecosystems necessary for planetary habitability primarily as resources to be consumed cannot exist for long.
Planetary boundaries offer a profoundly difficult challenge for global governance, particularly as increased scientific salience does not appear to be sufficient to trigger international action to sustain ecosystems (Galaz et al. 2012). If indeed the safe operating space for humanity is closing, or the biosphere even collapsing and dying, might not discussion of revolutionary social change be acceptable? Particularly, if there is a lack of consensus by atomized actors, who are unable to legislate the required social change within the current socioeconomic system. By not even speaking of revolutionary action, we dismiss any means outside the dominant growth-based oligarchies.

In the author's opinion, it is shockingly irresponsible for Earth System scientists to speak of geoengineering a climate without being willing to academically investigate revolutionary social and economic change as well. It is desirable that the current political and economic systems should reform themselves to be ecologically sustainable, establishing laws and institutions for doing so. Yet there is nothing sacrosanct about current political economy arrangements, particularly if they are collapsing the biosphere. Earth requires all enlightened and knowledgeable voices to consider the full range of possible responses now more than ever.

One possible solution to the critical issues of terrestrial ecosystem loss and abrupt climate change is a massive and global, natural ecosystem protection and restoration program—funded by a carbon tax—to further establish protected large and connected core ecological sustainability areas, buffers, and agro-ecological transition zones throughout all of Earth's bioregions. Fossil fuel emission reductions must also be a priority. It is critical that humanity both stop burning fossil fuels and destroying natural ecosystems, as fast as possible, to avoid surpassing nearly all the planetary boundaries.

In summation, we are witnessing the collective dismantling of the biosphere and its constituent ecosystems which can be described as ecocidal. The loss of a species is tragic, of an ecosystem widely impactful, yet **with the loss of the biosphere all life may be gone**. Global ecosystems when connected for life's material flows provide the all-encompassing context within which life is possible. The miracle of life is that life begets life, and the tragedy is that across scales when enough life is lost beyond thresholds, living systems die.

# 1nc – topicality

**The aff’s not topical --- increase requires pre-existing --- creating a new drone court isn’t**

**Ripple, 87** (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

**Vote neg --- affs that don’t expand a pre-existing restriction on the executive’s authority double the topic by allowing a proliferation of small new courts cases to be ruled upon and courts to be created on a window of executive authority --- destroys ground and makes the topic about what potential executive action they can preempt rather than the desirability of existing restrictions**

# 1nc – disad

Readiness DA

**The plan compromises operations effectiveness --- interferes with the military**

**Johnson 13** (Jeh Charles Johnson, former General Counsel of the Department of Defense, “A ‘Drone Court’: Some Pros and Cons,” Keynote Address at the Center on National Security at Fordham Law School,” March 18, 2013, http://s3.documentcloud.org/documents/623760/johnson-speech-to-fordham-ls.pdf)

Judges are accustomed to making legal determinations based on a defined, settled set of facts – a picture that has already been painted;  not a moving target, which is what we are literally talking about here.  These are not one-time-only judgments and we want military and national security officials to continually assess and reassess these two questions up until the last minute before an operation.  If these types of continual reassessments must be submitted to a member of the Article III branch of government for evaluation,I  believe **we compromise our government’s ability to conduct these operations effectively.** The costs will outweigh the benefits.  In that event, I believe we will also discourage the type of continual reevaluation I’m referring to.

**Rapid response is the key internal link --- effective operations solve a host of nuclear wars check the escalation of the entirety of the 1AC**

**GERSON 09** research analyst in the Strategic Initiatives Group. [Michael S. Gerson, “Conventional Deterrence in the Second Nuclear Age”. Parameters, US Army War College Quarterly, Autumn 2009. <http://www.carlisle.army.mil/usawc/parameters/Articles/09autumn/gerson.pdf>]

This article seeks to expand the current debate about the role and utility of conventional forces in US deterrence strategies by reexamining the traditional logic of conventional deterrence, which focuses on deterrence by denial, in the context of the modern international security environment. It is primarily concerned with the role of US conventional forces in extended deterrence, defined as the threat of force to protect allies and friends, rather than “central” or “homeland” deterrence. 3 This focus on extended deterrence—and especially on the role of deterrence by denial in extended deterrence—highlights the central importance of protecting territory from attack and invasion. Historically, the desire for control over specific territory has been a frequent motivator of interstate crises and conflict. 4 While interstate conventional wars have significantly declined since the end of the Second World War, the potential for conflict over Taiwan or on the Korean Peninsula, the prospect of future clashes over control of scarce natural resources, and the 2008 war between Georgia and Russia attest to the continued possibility of conflict over specific territory that has important strategic, economic, political, religious, historical, or socio-cultural significance. Consequently, this article examines how US conventional military power can be used to deter conventional aggression against friends and allies by threatening to deny an adversary its best chance of success on the battlefield—*a surprise or short-notice attack with little or no engagement with American military forces*. The ability to prevent an opponent from presenting the United States with a fait accompli—that is, from striking quickly and achieving victory before substantial US (and perhaps coalition) forces can be deployed to the theater—*is a central component* of modern conventional deterrence.

Conventional Deterrence in US Strategy

Broadly defined, deterrence is the threat of force intended to convince a potential aggressor not to undertake a particular action because the costs will be unacceptable or the probability of success extremely low. This threat has always been one of the central strategic principles by which nations attempted to prevent conflict. 5 Even so, the development and rigorous analysis of deterrence as a discrete strategic concept did not occur until the advent of nuclear weapons. Deterrence theory was developed against the backdrop of the Cold War nuclear arms race and focused on the prevention of nuclear conflict. Yet, while the majority of academic research and public debate was concerned with the prevention of nuclear war—the net result was that deterrence became synonymous with nuclear weapons—conventional deterrence, appropriately, assumed an increasingly important role in the development of military strategy during this period. 6 As the Soviet Union began to amass a large and survivable nuclear arsenal that was capable of global reach in the late 1950s and early 1960s, the credibility of the Eisenhower Administration’s policy of “Massive Retaliation,” which threatened an overwhelming nuclear response to virtually any Soviet aggression, was brought into question. Once the Soviet Union developed survivable nuclear capabilities that could reach the US homeland, many defense officials and analysts argued that the threat of Massive Retaliation lacked credibility against anything other than an all-out Soviet nuclear attack. 7 As a result, western military strategy eventually shifted from total reliance on nuclear weapons as a means of deterring both Soviet conventional and nuclear aggression to a strategy of “Flexible Response,” which included conventional and nuclear elements. From the mid-1960s onward, NATO relied on conventional power, backed by the threat of nuclear escalation, to deter any conventional assault on Europe by the numerically superior Warsaw Pact, and relied on nuclear weapons to deter nuclear attacks. 8 By incorporating “direct defense”—the ability to respond to Warsaw Pact aggression, especially conventional aggression, with proportionate (i.e., conventional) force—into NATO strategy, the concept of Flexible Response sought to create a more credible means of deterrence across the entire spectrum of conflict Following the Cold War, conventional greater role in US national security strategy. With the demise of the Soviet Union and significant advancements in conventional precision-guided munitions, many defense analysts concluded that “smart” weapons could provide a powerful deterrent against a wide variety of threats. While some commentators argued that nuclear weapons were still necessary to prevent nuclear attacks, and others contended that conventional weapons were “the only credible deterrent” even against nuclear threats, almost all agreed that technologically advanced conventional weapons could now take the place of nuclear weapons in many missions. 9

Following the remarkable success of sophisticated conventional firepower in Operation Desert Storm, William Perry declared, “This new conventional military capability adds a powerful dimension to the ability of the United States to deter war.” 10 In the current international security environment, conventional deterrence can be useful against nonnuclear and nuclear-armed adversaries. For regimes that do not possess nuclear, chemical, or biological weapons, US *conventional capabilities will likely be the most credible and potent deterrent*. History suggests that, in general, nations without weapons of mass destruction (WMD) are not intimidated by an opponent’s nuclear capabilities. For example, nuclear weapons did not give the United States significant advantages before or during the Korean and Vietnam wars; nor did they dissuade Egypt from attacking Israel in the 1973 Yom Kippur War 11 or Argentina from attacking the British-controlled Falkland Islands in 1982. 12 This circumstance is due in part to the perceived impact of the “nuclear taboo,” a moral and political aversion to using nuclear weapons that has emerged due to the long absence of nuclear use in time of war. The nuclear taboo reduces the credibility—and therefore the utility—of nuclear weapons, especially against regimes not possessing nuclear weapons or other WMD. 13 Although implicit or explicit nuclear threats may lack credibility against non-WMD regimes, many potential adversaries believe that the United States will use conventional firepower, especially because America has conventional superiority and a demonstrated willingness to use it. Consequently, when dealing with non-WMD-related threats, conventional deterrence will be the most likely mechanism for deterring hostile actions. 36

Parameters

According to Admiral Michael Mullen, the current Chairman of the Joint Chiefs of Staff, “A big part of credibility, of course, lies in our conventional capability. The capability to project power globally and conduct effective theater-level operations . . . remains essential to deterrence effectiveness.” 14 Conventional deterrence also plays an important role in preventing nonnuclear aggression by nuclear-armed regimes. Regional nuclear proliferation may not only increase the chances for the use of nuclear weapons, but, equally important, the possibility of conventional aggression. The potential for conventional conflict under the shadow of mutual nuclear deterrence was a perennial concern throughout the Cold War, and that scenario is still relevant. A nuclear-armed adversary may be emboldened to use conventional force against US friends and allies, or to sponsor terrorism, in the belief that its nuclear capabilities give it an effective deterrent against US retaliation or intervention. 15 For example, a regime might calculate that it could undertake conventional aggression against a neighbor and, after achieving a relatively quick victory, issue implicit or explicit nuclear threats in the expectation that the United States (and perhaps coalition partners) would choose not to get involved. In this context, conventional deterrence can be an important mechanism to limit options for regional aggression below the nuclear threshold. By deploying robust conventional forces in and around the theater of potential conflict, the United States can credibly signal that it can respond to conventional aggression at the outset, and therefore the opponent cannot hope to simultaneously achieve a quick conventional victory and use nuclear threats to deter US involvement. Moreover, *if the United States can convince an opponent that US forces will be engaged at the beginning of hostilities*—and will therefore incur the human and financial costs of war from the start—it can help persuade opponents that the United States would be highly resolved to fight even in the face of nuclear threats because American blood and treasure would have already been expended. 16 Similar to the Cold War, the deployment of conventional power in the region, combined with significant nuclear capabilities and escalation dominance, can help prevent regimes from believing that nuclear possession provides opportunities for conventional aggression and coercion.

# 1nc – kritik

**Imperialist framing of non-liberal societies as unstable threats justifies eliminating non-liberal forms of life.**

Adam David MORTON Politics @ Nottingham 5 [“The ‘Failed State’ of International Relations” *New Political Economy* 10.3 p. 372-374]

A pathology of deviancy, aberration and breakdown

Emergent across a host of contemporary institutions is a policy-making consensus linked to the threat posed by ‘failed states’ and the new set of associated security, development and humanitarian challenges. Hilary Benn, Secretary of State for International Development in the UK, has recently stated that ‘weak states present a challenge to our system of global governance. For the international system to work, it depends on strong states . . . that are able to deliver services to their populations, to represent their citizens, to control activities on their territory, and to uphold international norms, treaties, and agreements.’ By contrast, ‘weak and failing states provide a breeding ground for international crime’, harbour terrorists and threaten the achievement of the Millennium Development Goals with the spread of HIV/AIDS, refugee flows and poverty.3 This identified perfusion of warlords, criminals, drug barons and terrorists within ‘failed states’ has become a central policy-making concern within the UK and the US.4 Institutions in the UK such as the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD), the Department for International Development (DfID) and the Overseas Development Institute (ODI) support the view of ‘failed states’ as representing deviancy from the norms of Western statehood. The aforementioned CRI programme emerging from Tony Blair’s Strategy Unit develops a focus on ‘fragile states’ in conditions of crisis. Preliminary policy documents have highlighted the breakdown of political, economic and social institutions; the loss of territorial control; civil unrest; mass population displacement; and violent internal conflict in states as diverse as Somalia, the Democratic Republic of Congo (DRC), Sudan, the Central African Republic, Liberia, Sierra Leone and Coˆte d’Ivoire. At the centre of the most recently launched Commission for Africa report, Our Common Interest, is also ‘the long-term vision for international engagement in fragile states . . . to build legitimate, effective and resilient state institutions’.6 As Blair indicated in launching this report, ‘to tackle the instability, conflict, and despair which disfigures too much of Africa and which can fuel extremism and violence, is to help build our own long-term peace and prosperity’.7 Elsewhere, the putative ‘better effects of empire’ (such as inward investment, pacification and impartial administration) have been heralded as central to United Nations strategy on state-building within weak states based on a re-consideration of models of trusteeship.8 The United States National Security Strategy has also announced that ‘America is now threatened less by conquering states than we are by failing ones’, and the United States Agency for International Development (USAID) has similarly produced a ‘Fragile States Strategy’ focusing on the problems of governance and civil conflict arising from poor state capacity and effectiveness.9 This policy-making approach represents a pathological view of conditions in colonial states as characterised by deviancy, aberration and breakdown from the norms of Western statehood.10 It is a view perhaps most starkly supported in the scholarly community by Robert Kaplan’s vision of the ‘coming anarchy’ in West Africa as a predicament that will soon confront the rest of the world. In his words: The coming upheaval, in which foreign embassies are shut down, states collapse, and contact with the outside world takes place through dangerous, disease-ridden coastal trading posts, will loom large in the century we are entering.11 Hence a presumed reversion ‘to the Africa of the Victorian atlas’, which ‘consists now of a series of coastal trading posts . . . and an interior that, owing to violence, and disease, is again becoming . . . “blank” and “unexplored”’.12 Similarly, Samuel Huntington has referred to ‘a global breakdown of law and order, failed states, and increasing anarchy in many parts of the world’, yielding a ‘global Dark Ages’ about to descend on humanity. The threat here is characterised as a resurgence of non-Western power generating conflictual civilisational faultlines. For Huntington’s supposition is that ‘the crescent-shaped Islamic bloc . . . from the bulge of Africa to central Asia . . . has bloody borders’ and ‘bloody innards’.13 In the similar opinion of Francis Fukuyama: Weak or failing states commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbours. Since September 11, it also has been clear that they shelter international terrorists who can do significant damage to the United States and other developed countries.14 Finally, the prevalence of warlords, disorder and anomic behaviour is regarded by Robert Rotberg as the primary causal factor behind the proliferation of ‘failed states’. The leadership faults of figures such as Siakka Stevens (Sierra Leone), Mobutu Sese Seko (Zaıre), Siad Barre (Somalia) or Charles Taylor (Liberia) are therefore condemned. Again, though, the analysis relies on an internalist account of the ‘process of decay’, of ‘shadowy insurgents’, of states that exist merely as ‘black holes’, of ‘dark energy’ and ‘forces of entropy’ that cast gloom over previous semblances of order.15 Overall, within these representations of deviancy, aberration and breakdown, there is a significant signalling function contained within the metaphors: of darkness, emptiness, blankness, decay, black holes and shadows. There is, then, a dominant view of postcolonial states that is imbued with the imperial representations of the past based on a discursive economy that renews a focus on the postcolonial world as a site of danger, anarchy and disorder. In response to such dangers, Robert Jackson has raised complex questions about the extent to which international society should intervene in ‘quasi-’ or ‘failed states’ to restore domestic conditions of security and freedom.16 Indeed, he has entertained the notion of some form of international trusteeship for former colonies that would control the ‘chaos and barbarism from within’ such ‘incorrigibly delinquent countries’ as Afghanistan, Cambodia, Haiti and Sudan with a view to establishing a ‘reformation of decolonisation’.17 Andrew Linklater has similarly stated that ‘the plight of the quasi-state may require a bold experiment with forms of international government which assume temporary responsibility for the welfare of vulnerable populations’.18 In the opinion of some specialists, this is because ‘such weak states are not able to stand on their own feet in the international system’.19 Whilst the extreme scenario of sanctioning state failure has been contemplated, the common response is to rejuvenate forms of international imperium through global governance structures.20 Backers of a ‘new humanitarian empire’ have therefore emerged, proposing the recreation of semi-permanent colonial relationships and the furtherance of Western ‘universal’ values, and, in so doing, echoing the earlier mandatory system of imperial rule.21 In Robert Keohane’s view, ‘future military actions in failed states, or attempts to bolster states that are in danger of failing, may be more likely to be described both as self-defence and as humanitarian or public-spirited’.22

**It’s try or die—this new colonialism dehumanizes populations resulting in unending violence**

Batur 7 [Pinar, PhD @ UT-Austin – Prof. of Sociology @ Vassar, *The Heart of Violence: Global Racism, War, and Genocide*, Handbook of The Sociology of Racial and Ethnic Relations, eds. Vera and Feagin, p. 441-3]

War and genocide are horrid, and taking them for granted is inhuman. In the 21st century, our problem is not only seeing them as natural and inevitable, but even worse: not seeing, not noticing, but ignoring them. Such act and thought, fueled by global racism, reveal that racial inequality has advanced from the establishment of racial hierarchy and institutionalization of segregation, to the confinement and exclusion, and elimination, of those considered inferior through genocide. In this trajectory, global racism manifests genocide. But this is not inevitable. This article, by examining global racism, explores the new terms of exclusion and the path to permanent war and genocide, to examine the integrality of genocide to the frame-work of global antiracist confrontation. GLOBAL RACISM IN THE AGE OF “CULTURE WARS” Racist legitimization of inequality has changed from presupposed biological inferiority to assumed cultural inadequacy. This defines the new terms of impossibility of coexistence, much less equality. The Jim Crow racism of biological inferiority is now being replaced with a new and modern racism (Baker 1981; Ansell 1997) with “culture war” as the key to justify difference, hierarchy, and oppression. The ideology of “culture war” is becoming embedded in institutions, defining the workings of organizations, and is now defended by individuals who argue that they are not racist, but are not blind to the inherent differences between African-Americans/Arabs/Chinese, or whomever, and “us.” “Us” as a concept defines the power of a group to distinguish itself and to assign a superior value to its institutions, revealing certainty that **affinity with “them” will be harmful to its existence** (Hunter 1991; Buchanan 2002). How can we conceptualize this shift to examine what has changed over the past century and what has remained the same in a racist society? Joe Feagin examines this question with a theory of systemic racism to explore societal complexity of interconnected elements for longevity and adaptability of racism. He sees that systemic racism persists due to a “white racial frame,” defining and maintaining an “organized set of racialized ideas, stereotypes, emotions, and inclinations to discriminate” (Feagin 2006: 25). The white racial frame arranges the routine operation of racist institutions, which enables social and economic repro-duction and amendment of racial privilege. It is this frame that defines the political and economic bases of cultural and historical legitimization. While the white racial frame is one of the components of systemic racism, it is attached to other terms of racial oppression to forge systemic coherency. It has altered over time from slavery to segregation to racial oppression and now frames “culture war,” or “clash of civilizations,” to legitimate the racist oppression of domination, exclusion, war, and genocide. The concept of “culture war” emerged to define opposing ideas in America regarding privacy, censorship, citizenship rights, and secularism, but it has been globalized through conflicts over immigration, nuclear power, and the “war on terrorism.” Its discourse and action articulate to flood the racial space of systemic racism. Racism is a process of defining and building communities and societies based on racial-ized hierarchy of power. The expansion of capitalism cast new formulas of divisions and oppositions, fostering inequality even while integrating all previous forms of oppressive hierarchical arrangements as long as they bolstered the need to maintain the structure and form of capitalist arrangements (Batur-VanderLippe 1996). In this context, the white racial frame, defining the terms of racist systems of oppression, enabled the globalization of racial space through the articulation of capitalism (Du Bois 1942; Winant 1994). The key to understanding this expansion is comprehension of the synergistic relationship between racist systems of oppression and the capitalist system of exploitation. Taken separately, these two systems would be unable to create such oppression independently. However, the synergy between them is devastating. In the age of industrial capitalism, this synergy manifested itself imperialism and colonialism. In the age of advanced capitalism, it is war and genocide. The capitalist system, by enabling and maintaining the connection between everyday life and the global, buttresses the processes of racial oppression, and synergy between racial oppression and capitalist exploitation begets violence. Etienne Balibar points out that the connection between everyday life and the global is established through thought, making global racism a way of thinking, enabling connections of “words with objects and words with images in order to create concepts” (Balibar 1994: 200). Yet, global racism is not only an articulation of thought, but also a way of knowing and acting, framed by both everyday and global experiences. Synergy between capitalism and racism as systems of oppression enables this perpetuation and destruction on the global level. As capitalism expanded and adapted to the particularities of spatial and temporal variables, global racism became part of its legitimization and accommodation, first in terms of colonialist arrangements. In colonized and colonizing lands, global racism has been perpetuated through racial ideologies and discriminatory practices under capitalism by the creation and recreation of connections among memory, knowledge, institutions, and construction of the future in thought and action. What makes racism global are the bridges connecting the particularities of everyday racist experiences to the universality of racist concepts and actions, maintained globally by myriad forms of prejudice, discrimination, and violence (Balibar and Wallerstein 1991; Batur 1999, 2006). Under colonialism, colonizing and colonized societies were antagonistic opposites. Since colonizing society portrayed the colonized “other,” as the adversary and challenger of the “the ideal self,” not only identification but also segregation and containment were essential to racist policies. The terms of exclusion were set by the institutions that fostered and maintained segregation, but the intensity of exclusion, and redundancy, became more apparent in the age of advanced capitalism, as an extension of post-colonial discipline. The exclusionary measures when tested led to war, and genocide. Although, more often than not, genocide was perpetuated and fostered by the post-colonial institutions, rather than colonizing forces, the colonial identification of the “inferior other” led to segregation, then exclusion, then war and genocide. Violence glued them together into seamless continuity. Violence is integral to understanding global racism. Fanon (1963), in exploring colonial oppression, discusses how divisions created or reinforced by colonialism guarantee the perpetuation, and escalation, of violence for both the colonizer and colonized. Racial differentiations, cemented through the colonial relationship, are integral to the aggregation of violence during and after colonialism: “Manichaeism [division of the universe into opposites of good and evil] goes to its logical conclusion and dehumanizes” (Fanon 1963:42). Within this dehumanizing framework, Fanon argues that the violence resulting from the destruction of everyday life, sense of self and imagination under colonialism continues to infest the post-colonial existence by integrating colonized land into the violent destruction of a new “geography of hunger” and exploitation (Fanon 1963: 96). The “geography of hunger” marks the context and space in which oppression and exploitation continue. The historical maps drawn by colonialism now demarcate the boundaries of post-colonial arrangements. The white racial frame restructures this space to fit the imagery of symbolic racism, modifying it to fit the television screen, or making the evidence of the necessity of the politics of exclusion, and the violence of war and genocide, palatable enough for the front page of newspapers, spread out next to the morning breakfast cereal. Two examples of this “geography of hunger and exploitation” are Iraq and New Orleans.

**Alternative: Resist their calls for prescriptive legal modeling. Questioning the universality of the liberal-legal model opens up alternative futures for social justice.**

Kerry RITTICH Law @ Toronto 3 [Enchantments of Reason/Coercions of Law 57 U. Miami L. Rev. 727, Lexis]

To paraphrase Wendy Brown, legal analysis need not march only in the service of an immediate political dilemma; to try to make it so may be to fall into a trap. There is an important place for distanced reflection on legal rules and reforms. Although such efforts may be discounted as not immediately helpful, even beside the point, critical reflection is far from disengagement from politics or the dilemmas of the "real world." 23 Given law's intimate connection with social organization and social power, even critique is unlikely to entirely shed its normative charge. Critical scholars have often resisted the normative move, the efforts to extrude the political and ideological from accounts about law, and the idea that particular legal conclusions follow from commitments to rights or efficiency such that "right answers" simply become a matter of professional [\*736] skill or craft. Indeed, resistance to the quick slippage into the prescriptive mode is central to the critical project. The basis of this resistance is not merely an uncontrolled subversive or oppositionist instinct; rather, it emanates primarily from the sense that the overwhelming compulsion to answer the question in the terms in which it is posed allows many assumptions that are crucial to the pertinence or intelligibility of the question itself to remain unquestioned and intact. 24 Almost as often as critical scholars have made such observations, they have faced the following criticism: It is not enough to be critical of the content of legal rules or the structure of legal argumentation; you have to offer an alternative, a prescription by which it can be fixed. Otherwise, the critique is empty, even worthless. 25 Yet, as Schlag observes, "One might think that destruction is inherently bad and construction inherently good, but this view, while pervasive, is woefully inadequate. Indeed, it all depends upon what is being destroyed and what is being constructed." 26 From the standpoint of those not entirely invested in the current order, critique may be regarded as constructive; in the process of critical reflection, roads now foreclosed may be opened. What follows are four possible critical optics or strategies, not all of which are entirely distinct. It is obvious that at least some of them may be compatible with existing reform proposals, as what they foreclose is not any particular rule or reform, but rather the arguments of entailment which, whether on the basis of the rule of law, efficiency, or even human rights, currently give them primacy and legitimacy. All are predicated on the idea that it may be more useful to try to uncover and trace what we are doing when we pursue different types of law reform than to prescribe precisely what to do, and that the role of midwife, whether to efficiency or human rights, does not exhaust the functions of those with legal expertise in the context of global law reform efforts. All propose a much chastened normative role for the legal professional and all challenge the hyper-investment in the reason of law to resolve social, political, or economic issues. At the same time, all of these proposals at least implicitly resituate law as a site of political conflict and a place in which some of the work of its resolution might take place. All, however, discourage investment in the pious or moral dimension of law, especially to [\*737] the extent that it forecloses the exploration of competing arguments and alternatives. A cautionary note seems in order. The relative absence of critical reflexivity to date is not accidental. The policing of alternative legal analyses comes from the fact that what is acknowledged, even emphasized, in such analyses—the distributive dimension of reforms, the ideological character of reform proposals, the cultural particularity of "universal" rules—is normally excluded. Because such elements may be excluded as a matter of the structure and integrity of claims about the role of law in development, and even the status of the discipline itself, to venture into this territory is to risk speaking the voice of unreason, the classic place to which dissenters of all stripes are consigned. Notwithstanding, there remains a useful role for legal academics in uncovering the assumptions behind reforms, reflecting on their biases, and trying to foresee their consequences along multiple axes. In particular, it seems important to try to project how rule and institutional changes might reallocate resources and power in specific contexts. Far from forays into new territory, these tasks primarily involve recuperating some of the most basic insights and techniques of legal analysis. 1. Resisting the Project of Law Generation/Demoting the Lawyers and Economists One possibility is to simply state that, for reasons of legitimacy and basic democratic control, lawyers should have no privileged place in determining many of the questions that are currently cast as matters of lawyerly expertise. Put another way, there should be an active effort to disenchant the world about sole reliance on the professional tools of law and reason to solve the problems of development, and to demote the role of lawyers (as well as other technocrats) in governance ventures. It needs to be emphasized that this is not a rejection of law, or the rule of law, or even the importance of law. "Rejecting the law" is not an option; we live in a world structured at every turn by legal rules. Nor does it necessarily compel disengagement on the part of legal academics from a process that, like it or not, is in full swing, although some are sure to find that an appropriate response. It is a rejection of the claims about law's insulation from politics and, in particular, a contestation of the idea that there is a broad framework of laws that is simply required to be modern or civilized, and is for that reason properly excluded from the forces of politics and democratic deliberation. To say that such questions can and should be answered by economists, lawyers, or other technocrats is to participate in the fiction that they can be successfully [\*738] divorced from questions about the organization of social life, the distribution of social power, and the allocation of social resources. Lawyers should simply come clean about the impossibility of this. Paradoxically, such an admission is unlikely to end the role of the lawyer in the legal reform process; it may even encourage more legal advice and greater participation, though on less problematic terms. Among its salutary effects might be deeper reflection on the desirability of proposed reforms, greater skepticism toward what is offered, interrogation of the interests that are affected, for either better or worse, consideration of the expected consequences, as well as open assessment of alternatives. Despite the tendency to dismiss those who fail to offer a well-formulated alternative, there may be considerable virtues in not having a fully articulated positive program, all of which parallel concerns that have been raised in development theory. 27 First, it can be a deliberate choice to reject the uncritical export of law and avoid the imperial tendencies present in such ventures. Second, progressive lawyers might want to create space for local alternatives. As law expands, more and more issues are moved out of the zone of democratic deliberation and into the zone governed by reason or efficiency, the expansion of law may legitimately be resisted where it represents the compression of politics. Third, lawyers may (and probably often should) feel unequipped to offer formulaic answers from afar, as there can be a deep artificiality about reform proposals which are generated by those who will not experience their effects. The intuition behind the norm of self-determination is that important social decisions, legal reforms among them, should be made not simply with attention to how they will be received and play out in given contexts and histories, but also by those who will have to live with the consequences. Such consequences impose a singular discipline on the decision maker, so much so that eliminating them fundamentally denatures the decision making process. It is simply a mistake to think that the outcomes will remain untouched, or that they will be better in some global sense, when this element is absent from the process. 2. Critical Readings/Multiple Readings As compared to discussions in domestic contexts, debates around [\*739] law reform "for export" to date have been remarkably flat and one-dimensional. Right now, the economic lens predominates. Even from within the economic optic, efficiency concerns control, crowding out distributive considerations, although redistribution is a persistent and inevitable effect of reform. Thus, one useful role lies in simply deepening and complexifying the accounts of the legal reform process; much more attention could be profitably paid to the multiple dimensions of legal rules. These efforts also might aid rather than impair the law and development project, if only because they may provide insight into why and how reforms routinely produce unforeseen outcomes. There is a range of methods that could be employed to this end. Law and development projects need to be looked at in cultural terms. Specific claims should be analyzed empirically. The path of reforms should be traced historically and genealogically. Dominant arguments could be analyzed semiotically, with attention to the narrative they project about the world. Historical work is particularly valuable in tracing the contingency of even the most well-entrenched legal rules and uncovering the rhetorical and ideological shifts in the structure of legal argumentation over time. Multiplying the types of legal analyses would permit us to detail the different functions and properties of laws, even where greater efficiency is the motivation behind their implementation. In sum, it would enable us to better trace the flow of resources, the creation of new powers through law, and the emergence of new social groups and political constituencies. Critical analysis directs our attention to the role of law in constituting social relations and practices, rather than merely regulating them after the fact; it reminds us that legal rules stand to be implicated in the production of the very social phenomena to which law is called to respond. Attention to this role raises a whole series of inquiries in the context of reform. How might reforms affect existing social groups? Workers? Women? Ethnic or national minorities? How might they affect sexual identities, racial affiliations? What new social formations might they produce? Critical readings should aim to bring to the surface, rather than repress, the tradeoffs that are involved in different reform paths. One of the most pernicious dimensions of simplistic rule of law and good governance narratives is the claim that there are no conflicts among desirable values and ends. Resistance is sure to arise from contesting what is dogma, to wit, that the implementation of efficiency enhancing rules is an uncontentious goal, that everyone stands to gain from free trade, that property and contract rights are the paramount legal entitlements, and that rule-based regimes "level the playing field" and ensure fairness [\*740] among otherwise unequal parties. Treating such claims as interrogatories rather than simply facts, however, is likely to engender better attention to the actual effects of reforms. Although transformative projects backed by law are often imagined as inherently progressive, they are not necessarily so. In addition, there is inevitable uncertainty and risk in law reform. If there is a comparative advantage that lawyers bring to the table, it is familiarity with the varied and unpredictable path of legal rules in operation. Indeed, no one else can be expected to possess the intimate knowledge of the fate of legal rules that lawyers and legal academics acquire in the course of their professional lives. In short, to the extent that we get involved in law and development ventures, at a minimum we should export the critique too. It seems at best negligent, at worst disingenuous, to fail to speak candidly about the conflicts within the discipline, and to suppress the wide variety of opinions about whether particular reforms are a good or bad idea. To do so is patronizing and unnecessarily mystifying; it also seems unlikely to be persuasive, at least for long. 3. Alternative Institutional Possibilities Another possibility is to trace alternative futures, by positing regulatory and institutional scenarios that are equally compatible with the rule of law. 28 To put it another way, lawyers could play a role in countering the "false necessity" of reforms, whether advanced in the name of law or growth simpliciter. 29 Some of these alternatives may be defended in the name of furthering the project of progress-through-economic-growth, although they are different from those conventionally put forward. But whether or not they are congruent with the aims of current governance and market reform projects, a central task should be to resist the idea that the rule of law, good governance, and market reform are institutionally interchangeable, or that any one configuration of laws is required to create market regimes based on the rule of law. Lawyers have a useful professional role to play in detailing the myriad ways in which market norms have been institutionalized in different contexts and at different periods of time in the same jurisdiction. Perhaps at the present time, one of the most important tasks is to simply point out the variety of different legal rules that might be available to respond to the challenges and dilemmas posed by globalization. Fetishism about particular rules and institutions may stand in the [\*741] way of some otherwise needed or desired social transformation. For example, changes may be foreclosed because they are said to trespass on property rights, because they differ from the rules and institutions conventionally found in model market societies, or because they overtly further a particular social or distributive interest rather than a "general" or "universal" interest. All such claims, however, rest on assumptions that close analyses of law easily disturb. Legal scholars might point out that property rights, for example, are routinely disaggregated and allocated among different groups, reconstituted by a variety of regulatory structures, and restrained by the operation of other legal rules both "private" and "public."

# 1nc – counterplan

**Text: The United States federal government should not substantially increase statutory restrictions on the war powers authority of the President of the United States by establishing a federal court with jurisdiction over targeted killing orders. Instead, the United States federal government should pass a statute granting a right to sue in any federal court on claims that the government improperly unleashed drones with subsequent damages if legal rules were found to be violated. The United States federal government should assign jurisdiction to specific judicial districts and strip the executive of the invocation of the “state secrets” and “political question” doctrines.**

**The CP solves the case through ex post review rather than ex ante or before the fact judicial interference**

**Epps 13** (Garrett Epps, Professor of Law at the University of Baltimore, “Why a Secret Court Won’t Solve the Drone-Strike Problem,” The Atlantic, February 16, 2013, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/)

Finally, some scholars have suggested that the Congress create a new "cause of action"--a right to sue in an ordinary federal court on a claim that the government improperly unleashed drones on a deceased relative. The survivors of the late Anwar al-Awlaki tried such a suit, and the Obama administration has so far insisted that it concerns "political questions," not fitted for judicial proceedings. **Congress could pass a statute specifically granting a right to sue in a federal district court.**

Without careful design, that would actually not make things any better. The survivors will file their complaint; the administration will claim state secrets and refuse to provide information. A court might reject the secrets claim and order the government to produce discovery. The administration would probably refuse to comply. The court's recourse would be to order judgment for the plaintiffs. The dead person's family would get some money, but we'd be no closer to accountability for the drone-strike decision.

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; the evidence would not be shown to the plaintiffs themselves, or to the public. **After review of the evidence,** the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally.

**The government should refrain from foreclosing claims --- only after the fact review provides effective judicial restriction**

**HRF 13** (Human Rights First, “How to Ensure that the U.S. Drone Program does not Undermine Human Rights,” updated April 2013, http://www.humanrightsfirst.org/wp-content/uploads/pdf/blueprints2012/HRF\_Targeted\_Killing\_blueprint.pdf)

A court could, however, provide meaningful judicial review of targeting decisions after the fact, when claims for liability for unlawful killings are brought by survivors. Those wrongfully targeted, or their survivors, are entitled to remedy, and the Administration should refrain from claiming that “state secrets” or the “political question” doctrine should foreclose such claims.

# 1nc – disad

War Powers DA

**The plan would require a revolutionary re-write of the constitution --- it will cause a massive fight**

**Rona 13** (Gabor Rona, international legal director at Human Rights First, “The Pro-Rule of Law Argument Against a ‘Drone Court,’” The Hill, February 27, 2013, http://thehill.com/blogs/congress-blog/judicial/285041-the-pro-rule-of-law-argument-against-a-drone-court)

But the assertion of unilateral, executive war powers to justify killing in the fight against terrorism is questionable. Policymakers wonder if they ought to “tinker with the machinery of death” before allowing the president to impose the ultimate penalty. So as the House Judiciary Committee holds hearings on “Drones and the War on Terror,” a seemingly appealing but dangerous idea is making the rounds: the establishment of a federal court to authorize putting names on a “kill list.”

The instinct to regulate the government's claimed unilateral killing power is understandable. But **a U.S. court empowered to issue death warrants against people who have not been charged,** let alone convicted, **would be a revolutionary re-write of separation of powers and** of the very meaning of **judicial review.** It would be unjust, ineffective, and counterproductive. It may be unconstitutional as well.

A “drone court” would be unjust because the proposed target would be unable to appear and make the case for preserving his life. A secret judicial process in which the right to life is at stake but the owner of that life has no say is an affront both to American values and international legal principles.

While doing much harm, a “drone court” would do little, if any, good. Supporters like the idea because it appears to provide some check on the President’s secretive exercise of this lethal unilateral power. But what judge would risk preventing the interception of a terrorist? What’s more likely is that the drone court would be a rubber stamp, creating only the appearance, not the reality, of justice.

In wartime, the president may authorize killing of members of enemy armed forces or anyone else directly participating in hostilities. In an unconventional war such as this one, where the definition of the “enemy” and its “armed forces” isn’t always clear, the president needs to disclose how he defines that enemy and determines who is a member of its armed forces or otherwise participating in its fight against the United States, so that we can have some assurance he’s not killing the wrong people. A secret court would have no special expertise in making that determination.

Outside an active armed conflict, the legal standards are different: a suspect can be targeted for death only if he poses an “imminent threat” to human life that cannot be thwarted by non-lethal means. Here a “drone court” would be especially useless. We wouldn’t want the military to have to jump through judicial hoops to thwart a truly imminent attack. If the threat is imminent, there is, by definition, no time to seek judicial review, and if there is time, the threat is, by definition, not imminent.

But a “drone court” would be worse than ineffective: it would harm national security. Throughout the “war on terror,” policies that offend international law, including the broad scope of the government's claimed authority to kill, have inhibited allies from sharing essential intelligence with the United States and damaged the country’s reputation as a beacon on human rights. A secret court would only reinforce the perception that the United States concocts its own secret rules while insisting that other countries follow the international public ones.

Pre-targeting judicial intervention is also probably unconstitutional because the U.S. constitution empowers courts to hear "cases and controversies," but not to render "advisory opinions." Adjudication of an act to take place in the future would seem to violate this restriction.

**Wartime will force Obama to resist. The intractable battle creates a national diversion and impairs military wartime decisions**

**Lobel 8**—Professor of Law @ University of Pittsburgh [Jules Lobel, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69, 2008, pg. 391]

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the *congressional restriction* makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly *embolden the President to ignore Congress’s strictures*. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to *ignore and violate legislative wartime enactments* whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53

The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—*wartime reality often favors a strong President who will overwhelm* both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and *ignore legislative enactments that seek to restrict their wartime authority*.

Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an *intractable dispute* over the statute’s constitutionality that *saps the nation’s energy, diverts focus* from the political issues in dispute, and *endangers the rule of law*.

Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary.

If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the *crisis, chaos, and stalemate* that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.

Moreover, the adoption of a contextual, realist approach will *undermine rather than aid the cooperation and compromise* between the political branches that is so *essential to success in wartime*. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, *modern social science research* suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This *self-serving bias* hardens each side’s position and allows the *dispute to drag on*, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

**Stalemate creates an antiwar congressional coalition that guts our commitment to Afghanistan**

**Lieberman 10**—Independent Democratic senator from Connecticut [Joseph I. Leiberman, “Back to a Bipartisan Foreign Policy,” Wall Street Journal, November 16, 2010, pg. http://tinyurl.com/m5z623w]

This year's midterm elections marked the first time since 9/11 that national security was not a major consideration for American voters. But it is precisely in the realm of foreign policy and national security that we may have the greatest opportunities for bipartisan *cooperation* between President Obama and resurgent Republicans in Congress.

Seizing these opportunities will require both parties to break out of a destructive cycle that has entrapped them since the end of the Cold War and caused them to depart from the principled internationalist tradition that linked Democratic presidents like Truman and Kennedy with Republican presidents like Nixon and Reagan.

During the 1990s, too many Republicans in Congress reflexively opposed President Clinton's policies in the Balkans and elsewhere. Likewise, during the first decade of the 21st century, too many Democrats came to view the post-9/11 exercise of American power under President Bush as a more pressing danger than the genuine enemies we faced in the world.

The larger truth was that the foreign policy practices and ideals of both President Clinton and Bush were within the mainstream of American history and values. And if one can see through the fog of partisanship that has continued to choke Washington since President Obama was elected in 2008, the same is true of the new administration as well.

President Obama has moved to the internationalist center on several key issues of national security. Although both parties are hesitant to acknowledge it, the story of the Obama administration's foreign policy is as much continuity as change from the second term of the Bush administration—from the surge in Afghanistan to the reauthorization of the Patriot Act, and from drone strikes against al Qaeda to a long-term commitment to Iraq.

Republicans have also stayed loyal to the internationalist policies they supported under President Bush. When they have criticized the Obama administration, it has reflected this worldview—arguing that the White House has not been committed enough in its prosecution of the war in Afghanistan or done enough to defend human rights and democracy in places like Iran and China.

The critical question now, as we look forward to the next two years, is whether this convergence of the two parties towards the internationalist center can be sustained and strengthened. There are three national security priorities where such a *consensus is urgently needed*.

The first is the war in Afghanistan. To his credit, President Obama last December committed more than 30,000 additional troops to Afghanistan as part of a comprehensive counterinsurgency campaign, despite opposition within the Democratic Party.

Having just returned from Afghanistan, I am increasingly confident that the tide there is turning in our favor, with growing signs of military progress. But as Gen. David Petraeus, the top U.S. commander in Afghanistan, has warned, success will come neither quickly nor easily, and there is still much tough fighting ahead. It is all but certain that no more than a small number of U.S. forces will be able to withdraw responsibly in July 2011, and that success in Afghanistan is going to require a *long-term commitment* by the U.S. beyond this date.

Sustaining political support for the war in Afghanistan therefore will increasingly require President Obama and Republicans in Congress to stand together. Failure to sustain this bipartisan alliance runs the risk that an *alternative coalition* will form in Congress, between *antiwar Democrats and isolationist Republicans*. That would be the *single greatest political threat* to the success of the war effort in Afghanistan, which remains critical to our security at home.

**Afghanistan’s future will be determined by decisions made during US withdrawal. A botched withdrawal destabilizes Pakistan, fuels Afghani reprisal murders and encourages Russian adventurism.**

**Miller 12**—Professor of International Security Affairs & Director for the Afghanistan-Pakistan program @ National Defense University [Paul D. Miller (Former Director for Afghanistan on the National Security Council staff under Presidents Bush and Obama), “It’s Not Just Al-Qaeda: Stability in the Most Dangerous Region,” World Affairs Journal, March-April 2012, pg. http://tinyurl.com/lnplsb7]

In fact, the war is only now entering its culminating phase, indicated by the willingness of both US and Taliban officials to talk openly about negotiations, something parties to a conflict do only when they see more benefit to stopping a war than continuing it. That means *the war’s ultimate outcome is likely to be decided by the decisions, battles, and bargaining of the next year or so*. And its outcome will have huge implications for the future of US national security. In turn, that means the *collective decision to ignore the war* and its consequences is foolish at best, dangerous at worst. While Americans have lost interest in the war, the war may still have an interest in America. Now is the time, more than ten years into the effort, to remind ourselves what is at stake in Afghanistan and why the United States must secure lasting stability in South Asia.

It was, of course, al-Qaeda’s attack on the US homeland that triggered the intervention in Afghanistan, but wars, once started, always involve broader considerations than those present at the firing of the first shot. The war in Afghanistan now affects all of America’s interests across South Asia: *Pakistan’s stability* and the security of its nuclear weapons, *NATO’s credibility*, *relations with Iran and Russia*, transnational drug-trafficking networks, and more. America leaves the job in Afghanistan unfinished at its peril.

The chorus of voices in the Washington policy establishment calling for withdrawal is growing louder. In response to this pressure, President Obama has pledged to withdraw the surge of thirty thousand US troops by September 2012—faster than US military commanders have recommended—and fully transition leadership for the country’s security to the Afghans in 2013. These decisions mirror the anxieties of the electorate: fifty-six percent of Americans surveyed recently by the Pew Research Center said that the US should remove its troops as soon as possible.

But it is not too late for Obama (who, after all, campaigned in 2008 on the importance of Afghanistan, portraying it as “the good war” in comparison to Iraq) to reformulate US strategy and goals in South Asia and explain to the American people and the world why an ongoing commitment to stabilizing Afghanistan and the region, however unpopular, is nonetheless necessary.

The Afghanistan Study Group, a collection of scholars and former policymakers critical of the current intervention, argued in 2010 that al-Qaeda is no longer in Afghanistan and is unlikely to return, even if Afghanistan reverts to chaos or Taliban rule. It argued that three things would have to happen for al-Qaeda to reestablish a safe haven and threaten the United States: “1) the Taliban must seize control of a substantial portion of the country, 2) Al Qaeda must relocate there in strength, and 3) it must build facilities in this new ‘safe haven’ that will allow it to plan and train more effectively than it can today.” Because all three are unlikely to happen, the Study Group argued, al-Qaeda almost certainly will not reestablish a presence in Afghanistan in a way that threatens US security.

In fact, none of those three steps are necessary for *al-Qaeda* to regain its safe haven and threaten America. The group could return to Afghanistan even if the Taliban do not take back control of the country. It could—and probably would—find safe haven there if Afghanistan relapsed into chaos or civil war. Militant groups, including al-Qaeda offshoots, have gravitated toward other failed states, like Somalia and Yemen, but Afghanistan remains especially tempting, given the network’s familiarity with the terrain and local connections. Nor does al-Qaeda, which was never numerically overwhelming, need to return to Afghanistan “in strength” to be a threat. Terrorist operations, including the attacks of 2001, are typically planned and carried out by very few people. Al-Qaeda’s resilience, therefore, means that stabilizing Afghanistan is, in fact, necessary even for the most basic US war aims. The international community should not withdraw until there is an Afghan government and Afghan security forces with the will and capacity to deny safe haven without international help.

Setting aside the possibility of al-Qaeda’s reemergence, the United States has other important interests in the region as well—notably preventing the Taliban from gaining enough power to destabilize neighboring Pakistan, which, for all its recent defiance, is officially a longstanding American ally. (It signed two mutual defense treaties with the United States in the 1950s, and President Bush designated it a major non-NATO ally in 2004.) *State failure in Pakistan* brokered by the Taliban could mean regional chaos and a possible *loss of control of its nuclear weapons*. Preventing such a catastrophe is clearly a vital national interest of the United States and cannot be accomplished with a few drones.

Alarmingly, Pakistan is edging toward civil war. A collection of militant Islamist groups, including al-Qaeda, Tehrik-e Taliban Pakistan (TTP), and Tehrik-e Nafaz-e Shariat-e Mohammadi (TNSM), among others, are fighting an insurgency that has escalated dramatically since 2007 across Khyber Pakhtunkhwa, the Federally Administered Tribal Areas, and Baluchistan. According to the Brookings Institution’s Pakistan Index, insurgents, militants, and terrorists now regularly launch more than one hundred and fifty attacks per month on Pakistani government, military, and infrastructure targets. In a so far feckless and ineffectual response, Pakistan has deployed nearly one hundred thousand regular army soldiers to its western provinces. At least three thousand soldiers have been killed in combat since 2007, as militants have been able to seize control of whole towns and districts. Tens of thousands of Pakistani civilians and militants—the distinction between them in these areas is not always clear—have been killed in daily terror and counterterror operations.

The two insurgencies in Afghanistan and Pakistan are linked. Defeating the Afghan Taliban would give the United States and Pakistan momentum in the fight against the Pakistani Taliban. A Taliban takeover in Afghanistan, on the other hand, will give new strength to the Pakistani insurgency, which would gain an ally in Kabul, safe haven to train and arm and from which to launch attacks into Pakistan, and a huge morale boost in seeing their compatriots win power in a neighboring country. Pakistan’s collapse or fall to the Taliban is (at present) unlikely, but the implications of that scenario are so dire that they cannot be ignored. Even short of a collapse, increasing chaos and instability in Pakistan could give cover for terrorists to increase the intensity and scope of their operations, perhaps even to achieve the cherished goal of *stealing a nuclear weapon*.

Although our war there has at times seemed remote, Afghanistan itself occupies crucial geography. Situated between Iran and Pakistan, bordering China, and within reach of Russia and India, it sits on a crossroads of Asia’s great powers. This is why it has, since the nineteenth century, been home to the so-called Great Game—in which the US should continue to be a player.

Two other players, Russia and Iran, are aggressive powers seeking to establish hegemony over their neighbors. Iran is seeking to build nuclear weapons, has an elite military organization (the Quds Force) seeking to export its Islamic Revolution, and uses the terror group Hezbollah as a proxy to bully neighboring countries and threaten Israel. Russia under Vladimir Putin is seeking to reestablish its sphere of influence over its near abroad, in pursuit of which it (probably) cyber-attacked Estonia in 2007, invaded Georgia in 2008, and has continued efforts to subvert Ukraine.

Iran owned much of Afghan territory centuries ago, and continues to share a similar language, culture, and religion with much of the country. It maintains extensive ties with the Taliban, Afghan warlords, and opposition politicians who might replace the corrupt but Western-oriented Karzai government. Building a stable government in Kabul will be a small step in the larger campaign to limit Tehran’s influence.

Russia remains heavily involved in the Central Asian republics. It has worked to oust the United States from the air base at Manas, Kyrgyzstan. It remains interested in the huge energy reserves in Kazakhstan and Turkmenistan. Russia may be wary of significant involvement in Afghanistan proper, unwilling to repeat the Soviet Union’s epic blunder there. But a US withdrawal from Afghanistan followed by Kabul’s collapse would likely *embolden Russia to assert its influence* more aggressively elsewhere in Central Asia or Eastern Europe, especially in the Ukraine.

A US departure from Afghanistan will also continue to resonate for years to come in the strength and purpose of NATO. Every American president since Harry Truman has affirmed the centrality of the Atlantic Alliance to US national security. The war in Afghanistan under the NATO-led International Security Assistance Force (ISAF), the Alliance’s first out-of-area operation in its sixty-year history, was going poorly until the US troop surge. Even with the limited success that followed, allies have complained that the burden in Afghanistan has been distributed unevenly. Some, like the British, Canadians, and Poles, are fighting a shooting war in Kandahar and Helmand, while others, like the Lithuanians and Germans, are doing peacekeeping in Ghor and Kunduz. The poor command and control—split between four regional centers—left decisionmaking slow and poorly coordinated for much of the war. ISAF’s strategy was only clarified in 2008 and 2009, when Generals David McKiernan and Stanley McChrystal finally developed a more coherent campaign plan with counterinsurgency-appropriate rules of engagement.

A bad end in Afghanistan could have *dire consequences for the Atlantic Alliance*, leaving the organization’s future, and especially its *credibility as a deterrent to Russia, in question*. It would not be irrational for a Russian observer of the war in Afghanistan to conclude that if NATO cannot make tough decisions, field effective fighting forces, or distribute burdens evenly, it *cannot defend Europe*. The United States and Europe *must prevent that outcome by salvaging a credible result to its operations in Afghanistan*—one that both persuades Russia that NATO is still a fighting alliance and preserves the organization as a pillar of US national security.

For some critics, organizing US grand strategy around the possible appearance of Russian tanks across the Fulda Gap is the perfect example of generals continuing to fight the last war. For them, the primary threat to US national security comes from terrorists, insurgency, state failure, ecological disaster, infectious pandemic disease, cyber attacks, transnational crime, piracy, and gangs.

But if that view of the world is right, it is all the more reason to remain engaged in Afghanistan, because it is the epicenter of the new, asymmetric, transnational threats to the US and allied national security. Even those who deny al-Qaeda could regain safe haven in Afghanistan cannot deny how much power, and capacity for damage, the drug lords have acquired there. In some years they have controlled wealth equivalent to fifty percent of Afghanistan’s GDP and produced in excess of ninety percent of the world’s heroin. Today, their products feed Europe’s endemic heroin problem, and the wealth this trade generates has done much to undermine nine years of work building a new and legitimate government in Kabul. In their quest for market share, the drug lords will expand wherever there is demand for their product or potential to grow a secure supply, almost certainly starting in Pakistan, where the trade was centered in the 1980s. Where the drug lords go, state failure, along with its accompanying chaos and asymmetric threats, will follow, as the violence and anarchy currently wracking parts of Mexico suggest. Imagine the Federally Administered Tribal Areas as a failed narco-state with the profits funding the revival of al-Qaeda or its many terror offshoots.

South Asia’s narcotics-smuggling cartels are dangerously close to seizing control of an entire state and using it to undermine law, order, and stability across an entire region. The poppy and heroin kingpins are fabulously wealthy and powerful; they oppose US interests, weaken US allies, and are headquartered in Afghanistan. Defeating them is a vital interest of the United States.

The allied mission in Afghanistan also aims to encourage the growth of democracy. Some cringe at the very thought of democratization being a part of US foreign policy, so discredited is the idea, for some, by the Iraq War, by the enduring corruption of the Afghan government, and by neoconservatives’ supposed naïveté and arrogance in assuming that this part of the world would yield so easily to democratic reform. But fostering democracy is still a vital American national security interest. However daunting the experience of trying to grow democracy in hostile soil may be, it is nonetheless true that genuine democratic change brings stability. Democracies tend to ally and trade with each other; they see the world in similar ways, and settle disputes peacefully. Spreading democracy decreases the frequency of war, creates potential allies, widens zones of stability, and as a consequence makes America safer. This is why we dare not give up on democracy promotion in South Asia.

The process of transitioning to democracy is hard, time-consuming, and even risky—it can temporarily increase the chances of instability as the experience in Iraq, among other recent examples, has shown. The difficulties of democratization are particularly well dramatized by events in Afghanistan, which has held four elections in ten years that have not made the country stable or the government honest. Continued inefficiency and corruption has undermined Afghans’ confidence in the government—although not their belief in the idea of democracy—with predictable results on voter turnout.

There is nothing inevitable about democracy’s success, as neoconservatives appeared to believe after the fall of the Soviet Union, the Taliban, or the Baathist regime in Iraq. But there is also nothing inevitable about its failure, as realists have argued in the years since these events. Democracies require longer time lines than an electoral cycle or deployment timetable, and they require security and institutional capacity, not just elections.

Afghanistan will not become a model of democracy within the foreseeable future, thanks to persistent problems of insecurity, corruption, and poverty. But the opportunity for some form of rough democracy in Afghanistan is real. Polling consistently shows that Afghans welcome greater accountability and representation in their government. Their main complaint is not that Kabul is too democratic, but that it is not democratic enough, failing to follow the rules of democratic fair play. That gives the United States the opportunity to continue to encourage genuinely local efforts to build a new democracy through capacity building, technical assistance, and training programs. Given the choice between planting democratic seeds today and accepting a tyranny imposed by a minority, the United States should choose the former every time.

Finally, the United States should remain involved in Afghanistan to prevent the reemergence of a humanitarian catastrophe. If Kabul collapses, civil war will almost certainly erupt and, at bare minimum, the warlords will reestablish their brutal fiefdoms. During Afghanistan’s civil wars, from 1992 to 2001, warlords at the head of sectarian militias regularly committed war crimes, *crimes against humanity, and ethnic cleansing*, as the Afghan Independent Human Rights Commission, Human Rights Watch, and the UN have well documented. The Taliban amassed a long record of massacring civilians and targeting the Hazara for ethnic cleansing, notably at Mazar-i-Sharif in 1998, Robatak Pass in 2000, and Yakawlang in 2001. But their crimes were not unique; Ittihad-e-Islami, for example, was accused of ethnic cleansing against the Hazara during a battle in the West Kabul neighborhood of Afshar in 1993. And if the Taliban take power over part or all of Afghanistan, *reprisal murders* against supporters of the Karzai government, including perhaps *whole tribes*, are likely to be widespread and swift, especially against *women and religious minorities*.

# Terrorism Adv

## Middle East War

Alt causes to middle eastern instability – arab spring proves and disproves escalation

**Empirics prove no war**

**Cook 07** – CFR senior fellow for MidEast Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania (Steven, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, 6 /28, Why the Iraq war won't engulf the Mideast, http://www.iht.com/bin/print.php?id=6383265)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

## Nuclear Terrorism

**Too many barriers – empirically denied**

**The risk of nuclear terrorism is vanishingly small --- terrorists must succeed at each of twenty plus stages --- failing at one means zero risk.**

**Mueller ‘10** (John, Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies and a Professor of Political Science at The Ohio State University, A.B. from the University of Chicago, M.A. and Ph.D. @ UCLA, *Atomic Obsession – Nuclear Alarmism from Hiroshima to Al-Qaeda*, Oxford University Press, Accessed @ Emory)

LIKELIHOOD In his thoughtful, influential, and well-argued 2004 book, Nuclear Terrorism: The Ultimate Preventable Catastrophe—a work Nicholas Kristof of the New York Times finds "terrifying"—Graham Allison relayed his "considered judgment" that "on the current path, a nuclear terrorist attack on America in the decade ahead is more likely than not." He repeated that judgment in an article published two years later—albeit without reducing the terminal interval to compensate—and he had presumably relied on the same inspira-tional mechanism in 1995 to predict: "In the absence of a determined program of action, we have every reason to anticipate acts of nuclear terrorism against American targets before this decade is out."1 He has quite a bit of company in his perpetually alarming conclusions. In 2003, UN Ambassador John Negroponte judged there to be a "a high probability" that w&Jjjn two years al-Qaeda would attempt an attack using a nuclear or other weapon of mass destruction. When some 85 foreign policy experts were polled by -Senator Richard Lugar in 2004 and 2005, they concluded on aver-age that there was a 29 percent likelihood a nuclear explosion would occur somewhere in the world within the next ten years, and they overwhelmingly anticipated that this would likely be carried out by terrorists, not by a government. And in 2007, physicist Richard Garwin put the likelihood of a nuclear explosion on an American or European city by terrorist or other means at 20 percent per year, which would work out to 87 percent over a ten-year period.2 In late 2008, after working for six months and interviewing more than 250 people, a congressionally mandated task force, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (possibly known as COPWOMDPAT to its friends) issued its report, portentously entitled World at Risk. It led by expressing the belief that "unless the world community acts decisively and with great urgency, it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013." Although the report is careful to reassure its readers that it does not intend to frighten them about the current state of terrorism and weapons of mass destruction, it failed miserably in that admirable goal almost immediately. Representative Ellen Tauscher (D-Calif.), chairwoman of the Strategic Forces Subcommittee of the House Armed Services Committee, proclaimed shortly after the report was issued, that it "scared the pants off of most of us."3 In its dire forecast, the report's phraseology echoes, of course, Allison's formulation of 2004, and this may owe something to the fact that he was one of the commission's nine members. There are a couple of differences, however. In Allison's earlier rendering, bad things happen only if we stay on "the current path." Thus, should bad things fail to occur, this happy result could be taken as proof that we somehow managed somewhere along the line to alter our path, and who, pray, will be able exactly to designate what a "current path" actually is (or was)? The commission, in stark contrast, claims bad things are likely to happen "unless the world community acts decisively and with great urgency" something, experience suggests, that is next to impossible. On the other hand, the commission artfully broadens its definition of bad things from Allison's "acts of nuclear terrorism against American targets" to the use of a "weapon of mass destruction" by terrorists "some-where in the world." As one critic points out, there is certainly a good chance that someone somewhere will release some germs, killing few, if any, or, as insurgents have done in Iraq, ineffectually lace the occasional bomb with chlorine. Although no normal person would consider either act to constitute "mass destruction," the report can, strictly speaking, claim vindication. Actually, the report is on even safer ground. A man in Rockford, Illinois, who purchased some bogus hand grenades from an FBI informant with the intent to detonate them at a local shopping mall, has been convicted of attempting to use weapons of mass destruction under laws that creatively define hand grenades to be weapons of mass destruction.4 Even those who decidedly disagree with such scary-sounding, if somewhat elusive, prognostications about nuclear terrorism often come out seeming like they more or less agree. In his Atomic Bazaar, William Langewiesche spends a great deal of time and effort assessing the process by means of which a terrorist group could come up with a bomb. Unlike Allison—and, for that matter, the considerable bulk of accepted opinion—he concludes that it "remains very, very unlikely. It's a possibility, but unlikely." Also: The best information is that no one has gotten anywhere near this. I mean, if you look carefully and practically at this process, you see that it is an enormous undertaking full of risks for the would-be terrorists. And so far there is no public case, at least known, of any appreciable amount of weapons-grade HEU [highly enriched uranium] disappearing. And that's the first step. If you don't have that, you don't have anything. The first of these bold and unconventional declarations comes from a book discussion telecast in June 2007 on C-SPAN and the second from an inter-view on National Public Radio. Judgments in the book itself, however, while consistent with such conclusions, are expressed more ambiguously, even coyly: "at the extreme is the possibility, entirely real, that one or two nuclear weapons will pass into the hands of the new stateless guerrillas, the jihad-ists, who offer none of the retaliatory targets that have so far underlain the nuclear peace" or "if a would-be nuclear terrorist calculated the odds, he would have to admit that they are stacked against^ffen," but they are "not impossible."5 The previous chapter arrayed a lengthy set of obstacles confront-: v ,„ ing the would-be atomic terrorist—often making use in the process of Langewlesche's excellent reporting. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if often with great difficulty, surmount each obstacle—that doing so in each case is, in Langewiesche's phrase, "not impossible."6 But it is vital to point out that, while it may be "not impossible" to surmount each individual step, the likelihood that a group could surmount a series of them could quickly approach impossibility. If the odds are "stacked against" the terrorists, what are they? Lange-wiesche's discussion, as well as other material, helps us evaluate the many ways such a quest—in his words, "an enormous undertaking full of risks"— could fail. The odds, indeed, are stacked against the terrorists, perhaps massively so. In fact, the likelihood a terrorist group will come up with an atomic bomb seems to be *vanishingly small*. ARRAYING THE BARRIERS Assuming terrorists have some desire for the bomb (an assumption ques-tioned in the next chapter), fulfillment of that desire is obviously another matter. Even the very alarmed Matthew Bunn and Anthony Wier contend that the atomic terrorists' task "would clearly be among the most difficult types of attack to carry out" or "one of the most difficult missions a terrorist group could hope to try" But, stresses the CIA's George Tenet, a terrorist atomic bomb is "possible" or "not beyond the realm of possibility." In his excellent discussion of the issue, Michael Levi ably catalogues a wide array of difficulties confronting the would-be atomic terrorist, adroitly points out that "terrorists must succeed at every stage, but the defense needs to succeed only once," sensibly warns against preoccupation with worst-case scenarios, and pointedly formulates "Murphy's Law of Nuclear Terrorism: What can go wrong might go wrong." Nevertheless, he holds nuclear terrorism to be a "genuine possibility," and concludes that a good defensive strategy can merely "tilt the odds in our favor."7 Accordingly, it might be useful to take a stab at estimating just how "difficult" or "not impossible" the atomic terrorists' task, in aggregate, is— that is, how far from the fringe of the "realm of possibility" it might be, how "genuine" the possibilities are, how tilted the odds actually are. After all, lots of things are "not impossible." It is "not impossible" that those legendary monkeys with typewriters could eventually output Shakespeare.8 Or it is "not impossible"—that is, there is a "genuine possibility"—that a colliding meteor or comet could destroy the earth, that Vladimir Putin or the British could decide one morning to launch a few nuclear weapons at Ohio, that an underwater volcano could erupt to cause a civilization-ending tidal wave, or that Osama bin Laden could convert to Judaism, declare himself to be the Messiah, and fly in a gaggle of mafioso hit men from Rome to have himself publicly crucified.9 As suggested, most discussions of atomic terrorism deal in a rather piecemeal fashion with the subject—focusing separately on individual tasks such as procuring HEU or assembling a device or transporting it. However, as the Gilmore Commission, a special advisory panel to the president and Congress, stresses, setting off a nuclear device capable of producing mass destruction presents "Herculean challenges," requiring that a whole series of steps be accomplished: obtaining enough fissile material, designing a weapon "that will bring that mass together in a tiny fraction of a second" and figuring out some way to deliver the thing. And it emphasizes that these merely constitute "the minimum requirements." If each is not fully met, the result is not simply a less powerful weapon, but one that can't produce any significant nuclear yield at all or can't be delivered.10 Following this perspective, an approach that seems appropriate is to catalogue the barriers that must be overcome by a terrorist group in order to carry out the task of producing, transporting, and then successfully detonating an improvised nuclear device, an explosive that, as Allison acknowledges, would be "large, cumbersome, unsafe, unreliable, unpredictable, and inefficient." Table 13.1 attempts to do this, and it arrays some 20 of these— all of which must be surmounted by the atomic aspirant. Actually, it would be quite possible to come up with a longer list: in the interests of keeping the catalogue of hurdles down to a reasonable number, some of the entries are actually collections of tasks and could be divided into two or three or more. For example, number 5 on the list requires that heisted highly enriched uranium be neither a scam nor part of a sting nor of inadequate quality due to insider incompetence, but this hurdle could as readily be rendered as three separate ones. In contemplating the task before them, woixftlsbe atomic terrorists effectively must go through an exercise that looks much like this. If and when they do so, they are likely to find the prospects daunting and accordingly uninspiring or even terminally dispiriting. "

**Only causes small-scale destruction.**

**Mueller ‘10** (John, Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies and a Professor of Political Science at The Ohio State University, A.B. from the University of Chicago, M.A. and Ph.D. @ UCLA, *Atomic Obsession – Nuclear Alarmism from Hiroshima to Al-Qaeda*, Oxford University Press, Accessed @ Emory)

In the ensuing decades, massiveexaggerations of the physical effects of nuclear weapons have been very much **the rule**. Words like "liquidate," "annihilate," and "vaporize," not to mention "Armageddon" and "apocalypse," have been commonly applied in scenarios where those sorts of extreme characterizations are simply not sound. As with Oppenheimer in 1946, it remains a **massive overstatement** to confidently insist, as the prominent foreign policy analyst Joseph Cirincione docs today, that "a nuclear 9/11 would destroy an entire city," or to conclude with Robert Gallucci that a single terrorist atom bomb would be capable of “obliterating a large portion of a city." Nor is it correct to casually assert, as journalist Lawrence Scott Sheets does, that an atomic bomb of the size exploded at Hiroshima (or smaller) could, in the hands of terrorists, "**kill millions of people**."" And defense analyst Brian Jenkins is (presumably knowingly) engaging in rather extravagant hyperbole when he says that America's "awesome nuclear arsenal" during the cold war could have "destroyed the planet." But his auditors are likely to take him literally, and they are likely to do so as well for Cirincione when he asserts that the world's remain-arsenal of 26,000 nuclear weapons is enough "to destroy the planet several times over." By contrast, as one physicist points out, "the largest bomb that has ever been exploded anywhere was sixty megatons, and that is **one-thousandth the force** of an earthquake, one-thousandth the force of a hurricane."

**Nuclear use is just a theoretical possibility --- terrorists are not interested.**

**Mueller ‘10** (John, Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies and a Professor of Political Science at The Ohio State University, A.B. from the University of Chicago, M.A. and Ph.D. @ UCLA, *Atomic Obsession – Nuclear Alarmism from Hiroshima to Al-Qaeda*, Oxford University Press, Accessed @ Emory)

In this spirit, alarm about the possibility that small groups could fabricate and then set off nuclear weapons have been repeatedly raised at least since 1946, when, as noted in chapter 2, atomic bomb maker J. Robert Oppenheimer contended that if three or four men could smuggle in units for an atomic bomb, they could "destroy New York." Assertions like that proliferated after the 1950s, when the "suitcase bomb" appeared to become a something of a practical possibility. And it has now been well over three decades since a prominent terrorism specialist, Brian Jenkins, published his (not unreasonable) warnings about how "the world's increasing dependence on nuclear power may provide terrorists with weapons of mass destruction " and since a group empowered by the Atomic Energy Commission darkly noted that "terrorist groups have increased their professional skills, intelligence networks, finances, and levels of armaments throughout the world." And because of "the widespread dissemination of instructions for processing special nuclear materials and for making simple nuclear weapons," the group warned, "acquisition of special nuclear material remains the only substantial problem facing groups which desire to have such weapons."2 At around the same time, journalist John McPhee decided that, although only a small proportion of nuclear professionals expressed a "sense of urgency" about the issue, he would devote an entire book to a physicist he was able to find who did (nothing, of course, is as boring as a book about how urgent something isn't). That was Theodore Taylor, who proclaimed the problem to be "immediate" and who explained to McPhee at length "how comparatively easy it would be to steal nuclear material and step by step make it into a bomb." To fabricate a crude atomic bomb, Taylor patiently, if urgently, pointed out, was "simple": all one needed was some plutonium oxide powder, some high explosives, and "a few things that anyone could buy in a hardware store." "Everything is a matter of probabilities," Taylor assured his rapt auditor, and at the time he thought either that it was already too late to "prevent the making of a few bombs, here and there, now and then," or that "in another ten or fifteen years, it will be too late."3 Thirty-five years later, we continue to wait for terrorists to carry out their "simple" task. In the wake of 9/11, concerns about the atomic terrorist surged, even though the terrorist attacks of that day used no special weapons. "Nothing is really new about these perils” notes the New York Times' Bill Keller, but 9/11 turned "a theoretical possibility into a felt danger," giving "our nightmares legs." Jenkins has run an Internet search to discover how often variants of the term al-Qaeda appeared within ten words of nuclear. There were only seven hits in 1999 and eleven in 2000, but this soared to 1,742 in 2001 and to 2,931 in 2002.4 In this spirit, Keller relays the response of then Secretary of Homeland Security Tom Ridge when asked what he worried about most: Ridge "cupped his hands prayerfully and pressed his fingertips to his lips. 'Nuclear/ he said simply." On cue, when the presidential candidates were specifically asked by Jim Lehrer in their first debate in September 2004 to designate the "single most serious threat to the national security of the United States," the candidates had no difficulty agreeing on one. It was, in George W. Bush's words, a nuclear weapon "in the hands of a terrorist enemy." Concluded Lehrer, "So it's correct to say the single most serious threat you believe, both of you believe, is nuclear proliferation?" George W. Bush: "In the hands of a terrorist enemy." John Kerry: "Weapons of mass destruction, nuclear proliferation....There's some 600-plus tons of unsecured material still in the former Soviet Union and Russia.... there are terrorists trying to get their hands on that stuff today." And Defense Secretary Robert Gates contends that every senior leader in the government is kept awake at night by "the thought of a terrorist ending up with a weapon of mass destruction, espe-cially nuclear"5 If there has been a "failure of imagination" over all these decades, however, perhaps it has been in the inability or unwillingness to consider the difficulties confronting the atomic terrorist. Thus far, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes to go atomic, they, unlike generations of alarmed pundits, have discovered that the tremendous effort required is scarcely likely to be successful.

**It’s incredibly difficult to build a bomb. And stolen material wouldn’t be effective.**

**Slate ‘9** (Timothy Noah, “The Burden-of-Success Theory”, 2-28, L/N)

Graham Allison, a Harvard political scientist of some renown, wrote in his 2004 book Nuclear Terrorism that "a nuclear terrorist attack on America in the decade ahead is more likely than not." When the paperback came out, he wrote in an afterword that "the likelihood, indeed inevitability, of a nuclear terrorist attack absent a major departure for current policy and practice" had increased over the previous year. In "World At Risk," a report about proliferation and terrorism released in December 2008, Allison and his fellow members of a congressional blue-ribbon panel pushed the deadline back to 2013, broadened the location to "somewhere in the world," and broadened the weapons category to include biological and chemical agents. Such predictions cause other terrorism experts to roll their eyes. John Mueller, a political scientist at Ohio State who believes the terrorism threat is overstated, twitted Allison for predicting as far back as 1995 that "acts of nuclear terrorism against American targets before this decade [i.e., the 1990s] is out." In fact, the likelihood of nuclear terrorism isn't that great. Mueller points out that Russian "suitcase bombs," which figure prominently in discussions about "loose nukes," were all built before 1991 and ceased being operable after three years. Enriched uranium is extremely difficult to acquire; over the past decade, Mueller argues, there were only 10 known thefts. The material stolen weighed a combined 16 pounds, which was nowhere near the amount needed to build a bomb. Once the uranium is acquired, building the weapon is simple in theory (anti-nuclear activist Howard Morland published a famous 1979 article about this in the Progressive) but quite difficult in practice, which is why entire countries have had to work decades to acquire the bomb, only sometimes meeting with success. (Plutonium, another fissile material, is sufficiently dangerous and difficult to transport that nonproliferation experts seldom discuss it.) Gathering material for a biological weapon may be somewhat easier, but actually fashioning that weapon would be harder, as witnessed by the fact that such weapons have scarcely ever been deployed, even by nations. On the rare occasions when they have been, they've failed to live up to their billing as weapons of mass destruction. "Perhaps the greatest disincentive to using biological weapons," John Parachini of the RAND Corporation testified before Congress in 2001, "is that terrorists can inflict (and have inflicted) many more fatalities and casualties with conventional explosives than with unconventional weapons." The same argument applies to chemical weapons. In theory, journalist Gregg Easterbrook has noted (citing a congressional report), under perfect conditions, one ton of sarin could kill up to 8,000 people. But it's "reasonably unlikely" that a terrorist group could acquire that much sarin, and perfect conditions mean no wind and no sun. Even light winds would reduce casualties to 800. You'd be better off detonating a conventional bomb in a city square.

**Insider sources confirm Al Qaeda has no intention to go beyond the internet. They aren't going for a nuke seriously.**

**Mueller ’10** (John, Prof. Pol. Sci. – Ohio State U., American Conservative, “Nuclear Bunkum”, 1-1, http://www.amconmag.com/article/2010/jan/01/00020/)

To show al-Qaeda’s desire to obtain atomic weapons, many have focused on a set of conversations that took place in Afghanistan in August 2001 between two Pakistani nuclear scientists, bin Laden, and three other al-Qaeda officials. **Pakistani intelligence officers characterize the discussions as “academic.”** Reports suggest that bin Laden may have had access to some radiological material—acquired for him by radical Islamists in Uzbekistan—but the scientists told him that he could not manufacture a weapon with it. Bin Laden’s questions do not seem to have been very sophisticated. The scientists were incapable of providing truly helpful information because their expertise was not in bomb design but in processing fissile material, which is almost certainly beyond the capacities of a non-state group. Nonetheless, some U.S. intelligence agencies convinced themselves that the scientists provided al-Qaeda with a “blueprint” for constructing nuclear weapons. Khalid Sheikh Mohammed, the apparent mastermind behind the 9/11 attacks, **reportedly said that al-Qaeda’s atom-bomb efforts never went beyond searching the Internet.** After the fall of the Taliban in 2001, technical experts from the CIA and the Department of Energy examined information uncovered in Afghanistan and came to similar conclusions. They found no credible proof that al-Qaeda had obtained fissile material or a nuclear weapon and no evidence of “any radioactive material suitable for weapons.” They did uncover, however, a “nuclear related” document discussing “openly available concepts about the nuclear fuel cycle and some weapons related issues.” Physicist and weapons expert David Albright concludes that any al-Qaeda atomic efforts were “seriously disrupted”—indeed, “nipped in the bud”—by the invasion of Afghanistan in 2001. After that, the “chance of al-Qaeda detonating a nuclear explosive appears on reflection to be low.”

## Bioterror

**Can’t solve – plan is functionally the status quo – no definition of imminent threat – CX proves**

**Deployment of bioweapons dramatically reduces their death toll.**

Mueller ‘10 (John, Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies and a Professor of Political Science at The Ohio State University, A.B. from the University of Chicago, M.A. and Ph.D. @ UCLA, *Atomic Obsession – Nuclear Alarmism from Hiroshima to Al-Qaeda*, Oxford University Press, Accessed @ Emory)

Properly developed and deployed, biological weapons could potentially, if thus far only in theory, kill hundreds of thousands, perhaps even millions, of people. The discussion remains **theoretical** because biological weapons have scarcely ever been used. For the most destructive results, they need to be **dispersed** in very **low-altitude** aerosol clouds. Since aerosols do not appreciably settle, pathogens like anthrax (which is not easy to spread or catch and is not contagious) would probably have to be sprayed **near nose level**. Moreover, **90 percent** of the microorganisms are likely to **die** during the process of aerosolization, while their effectiveness could be reduced still further by **sunlight**, **smog**, **humidity**, and **temperature changes**. Explosive methods of dispersion may destroy the organisms, and, except for anthrax spores, long-term **storage** of lethal organisms in bombs or warheads is difficult: even if refrigerated, most of the organisms have a **limited lifetime**. Such weapons can take days or **weeks** to have **full effect**, during which time they can be **countered** with medical and civil defense measures. In the summary judgment of two careful analysts, delivering microbes and toxins over a wide area in the form most suitable for inflicting mass casualties-as an aerosol that could be inhaled-requires a delivery system of **enormous sophistication**, and **even then** effective dispersal could **easily be disrupted** by unfavorable environmental and meteorological conditions.

## Terrorism—AT: Retaliation

**Public anxiety prevents retaliation**

**Huddy et al. 5** – Professor of political science @ Stony Brook University, Stony Brook, NY [Leonie Huddy, Stanley Feldman (Professor of political science @ Stony Brook University, Stony Brook, NY), Charles Taber (Professor of political science @ Stony Brook University, Stony Brook, NY) & Gallya Lahav (Professor of political science @ Stony Brook University, Stony Brook, NY), “Threat, Anxiety, and Support of Antiterrorism Policies,” American Journal of Political Science, Vol. 49, No. 3, July 2005, Pp. 593–608]

The findings from this study lend further insight into the future trajectory of support for antiterrorism measures in the United States when we consider the potential effects of anxiety. Security threats in this and other studies increase support for military action (Jentleson 1992; Jentleson and Britton 1998;Herrmann,Tetlock, and Visser 1999). But anxious respondents were less supportive of belligerent military action against terrorists, suggesting an important source of opposition to military intervention. In the aftermath of 9/11, several factors were consistently related to heightened levels of anxiety and related psychological reactions, including living close to the attack sites (Galea et al. 2002; Piotrkowski and Brannen 2002; Silver et al. 2002), and knowing someone who was hurt or killed in the attacks (in this study). It is difficult to say what might happen if the United States were attacked again in the near future. Based on our results, it is plausible that a future threat or actual attack directed at a different geographic region would broaden the number of individuals directly affected by terrorism and concomitantly raise levels of anxiety. This could, in turn, **lower support for overseas military action**. In contrast, in the absence of any additional attacks levels of anxiety are likely to decline slowly over time (we observed a slow decline in this study), weakening opposition to future overseas military action. Since our conclusions are based on analysis of reactions to a single event in a country that has rarely felt the effects of foreign terrorism, we should consider whether they can be generalized to reactions to other terrorist incidents or to reactions under conditions of sustained terrorist action. Our answer is a tentative yes, although there is no conclusive evidence on this point as yet. Some of our findings corroborate evidence from Israel, a country that has prolonged experience with terrorism. For example, Israeli researchers find that perceived risk leads to increased vilification of a threatening group and support for belligerent action (Arian 1989; Bar-Tal and Labin 2001). There is also evidence that Israelis experienced fear during the Gulf War, especially in Tel Aviv where scud missiles were aimed (Arian and Gordon 1993). What is missing, however, is any evidence that anxiety tends to undercut support for belligerent antiterrorism measures under conditions of sustained threat. For the most part, Israeli research has not examined the distinct political effects of anxiety. In conclusion, the findings from this study provide significant new evidence on the political effects of terrorism and psychological reactions to external threat more generally. Many terrorism researchers have speculated that acts of terrorist violence can arouse fear and anxiety in a targeted population, which lead to alienation and social and political dislocation.8 We have clear evidence that the September 11 attacks did induce anxiety in a sizeable minority of Americans. And these emotions were strongly associated with symptoms of depression, appeared to inhibit learning about world events, and weakened support foroverseas military action. This contrasted, however, with Americans’ dominant reaction, which was a heightened concern about future terrorist attacks in the United States that galvanized support for government antiterrorist policy. In this sense, the 9/11 terrorists failed to arouse sufficient levels of anxiety to counteract Americans’ basic desire to strike back in order to increase future national security, even if such action increased the shortterm risk of terrorism at home. Possible future acts of terrorism, or a different enemy, however, could change the fine balance between a public attuned to future risks and one dominated by anxiety.

**Obama won’t retaliate --- he knows the costs.**

**Crowley, 10** (Michael, Senior Editor the New Republic, “Obama and Nuclear Deterrence”, <http://www.tnr.com/node/72263>)

Others argue that the United States should promise that it would never use nuclear weapons first, but only in response to a nuclear attack. As the story notes, some experts don't place much weight on how our publicly-stated doctrine emerges because they don't expect foreign nations to take it literally. And the reality is that any decisions about using nukes will certainly be case-by-case. But I'd still like to see some wider discussion of the underlying questions, which are among the most consequential that policymakers can consider. The questions are particularly vexing when it comes to terrorist groups and rogue states. Would we, for instance, actually nuke Pyongyang if it sold a weapon to terrorists who used it in America? That implied threat seems to exist, but I actually doubt that a President Obama--or any president, for that matter--would go through with it.

## Pakistain Instability

**Alt causes to stability**

**Northam, 2012.**

(Jackie Northam is Foreign Affairs correspondent for NPR news. “Faltering Economy Threatens Pakistan’s Stability.” October 7, 2012. http://www.npr.org/2012/10/04/162232742/faltering-economy-threatens-pakistans-stability)

If you want to gain a good insight into Pakistan's economic situation, just look at a few of the country's newspaper headlines on any given day. The language says it all: prices soar, stocks plunge, budget deficit swells, foreign investment evaporates — and the list goes on.¶ Now, analysts are increasingly worried that the faltering economy could join Pakistan's pervasive insurgency and repeated political upheavals as another serious threat to the country's stability.¶ A recent report issued at the World Economic Forum says Pakistan ranks in the bottom 20 out of the world's economies. Nadeem Ul Haque, deputy chairman of the state Planning Commission, says nobody really wants to talk about economic reform, or draw up new fiscal policies.¶ "The debate is always so charged with religion and geopolitics and war on terror, just talking about economics takes second place — in fact fifth place, in fact seventh place, 10th place," Haque says. "Nobody really wants to talk about economics."¶ And while the government avoids making difficult economic policy decisions, key industries in Pakistan are taking a hit.¶ A Target For Extremist Recruitment¶ At the Sitara textile mill in the eastern city of Faisalabad, huge panels of cotton are imprinted with pictures of Spider-Man and Justin Bieber. They will be turned into duvet covers and sent to the U.S., says the plant's general manager, Ashfaq Ahmad.¶ He says his mill is the only one in Pakistan that has two machines for doing flatbed printing — but only one of them is running. The other is closed, he says, because of a gas shutdown.¶ Ahmad says serious gas and electricity shortages mean that this and other plants in Faisalabad can only operate four days a week. Power outages can last up to six hours a day.¶ Rehan Naseem Bharara, vice president of Faisalabad's Chamber of Commerce, says many textile factories have shut down, and another just recently reduced staff.¶ "They had about 13,000 people in their factory three years back, but now only 3,400 people are working," Bharara says.¶ He says the cutbacks have had a huge impact on the community, especially the jobless, who become an "easy target for ... people who promote terrorism in this country."¶ Western analysts say the decaying economy is as much of a threat to Pakistan's stability as the Taliban because widespread poverty and unemployment could lead to more political instability and an increase in extremism.

**No loose nukes**

**Siddiqi, 10** (Shahid R., Axis of Logic Columnist, former Paki Air Force and former Bureau Chief – Pakistan & Gulf Economist, “Critical Analysis Are Pakistan’s Strategic Nuclear Assets Threatened by Terrorists?” 2-22, <http://axisoflogic.com/artman/publish/Article_58619.shtml>)

"This is all overblown rhetoric. Even if the country's leadership were to be incapacitated, Pakistan's protections are so strong that the arsenal could never slip from the hands of the country's National Command Authority”, General Kidwai told David Sangers of New York Times. Pakistan has successfully put its strategic weapons program under formalized institutional control and oversight. National Command Authority effectively controls, manages and monitors strategic organizations, prevents tangible and intangible transfers or leakage of sensitive technologies and material - measures in line with IAEA safeguards. An over 8000-men strong Security Division secures nuclear assets and materials and guards against malevolent activities. Supported by the strategic forces, it is fully capable of ensuring nuclear security of components even in transit. Prevention of theft of nuclear assets or fissile material Like other nuclear states, Pakistan also faces the security challenge of preventing Non-State Actors and terror groups from gaining access to nuclear assets. Its preventive measures are no less effective than those of others. Commenting on security of nuclear weapons, Congressional Research Service Report (RL-31589) on Nuclear Threat Reduction Measures for India and Pakistan; observes, “Fissile material components (pits) are thought to be kept separately from the rest of the warhead. Such a physical separation helps deter unauthorized use and complicates theft”. Pakistan is believed to have incorporated certain technical safety features into the weapon design which coupled with de-mated status of the weapons, wherein the warhead and the fissile core are stored in separate locations, discourages and denies seizure or theft of an intact nuclear device, guards against accidental or unauthorized launch and prevents diversion of fissile material in the form of weapon components. Pakistan’s nuclear controls also include the functional equivalent to the two-man rule and Permissive Action Links (PALs) that most nuclear states rely on to protect against loss of control, inadvertent weapons use, accidents, and other mishaps. Pakistan’s nuclear material or radioactive sources have remained safe from theft or pilferage nor has there been any attempt by terrorist elements to gain access to weapons or materials. Lamenting the Western attitude Peter Lavoy (National Intelligence for Analysis) states, “Since the 1998 tests, various pronouncements, publications in the Western press, and events in the region have eroded the credibility of Pakistan’s nuclear command and control, overshadowing the efforts that have been made since 1999 to harness a coherent command system to ensure management of its nuclear capabilities….” Guarav Kampani of Center for Nonproliferation Studies says, “Despite such speculative scenario building among policy and security analysts, there is little public evidence to suggest that the safety or the security of Pakistan’s nuclear installations or its nuclear command and control mechanism was ever in jeopardy from internal political instability or Islamists or terrorists forces inside Pakistan or nearby in Afghanistan, either during the American ‘War against Terrorism‘ in Afghanistan or during the 2001-2002 India-Pakistan military standoff. In their analysis of threats from Islamic fundamentalism, Scott Parrish and William C. Potter of the WMD Commission opined, “……. while many states may view Islamic fundamentalism as a significant threat, there appears to be much less agreement on the nature of that threat and its relationship to nuclear terrorism or proliferation”.

## Yemen Instability

**AQAP lacks the means and motive to escalate**

**Friedman 11** (Benjamin H., staff writer, “Al Qaeda's Mythical Unity” National Interest 6/6 < http://nationalinterest.org/print/blog/the-skeptics/al-qaedas-mythical-unity-5575>

The real [4] al-Qaeda is a fragmented and unmanageable movement. In the 1990s, it achieved limited success [5] in getting other jihadists to join in attacking the West. It was not managerial innovation but the U.S. invasion of Afghanistan and other governments’ pressures that destroyed the limited hierarchy al-Qaeda Central had achieved. Its scattered remnant in Pakistan controls little locally and less abroad. The leaders have cachet but lack the material incentives that real managers distribute to exercise authority. Al-Qaeda became bunches of guys [6] with diminished capability.\* The myth is destructive to counterterrorism. Because tightly-run organizations are better at mass violence than disparate movements, the myth creates needless fear that encourages overly ambitious and expensive policies, like the war in Afghanistan. The myth increases the number of enemies we face, taking focus from real ones. Most jihadist militants hate Americans but don’t try to kill us. They fight locally. Attacking them risks making them into what we fear they are and stoking nationalistic resentment that increases their popularity. My anecdotal sense is that events since 9/11 have increasingly brought commentators around to truth. Even so, the media, for simplicity’s sake, tends towards the myth. And the Obama administration, despite improving [7] upon its predecessors’ absurdly [8] broad definition of our terrorist enemies, still overstates al-Qaeda Central’s unity and control of affiliates. More importantly, U.S. policies still pay insufficient attention to the distinction among various al-Qaeda entities. Here are three recent examples of this rhetorical error and its consequences: (1) Since bin Laden’s death, U.S. officials [9], analysts [10], and [11] pundits [12] have claimed that the cache of emails found in his compound contradict recent intelligence reports downplaying his control. The emails, we are told, show that he was still running the show and that al-Qaeda Central remained potent. Last week, however, McClatchy quoted [13] more anonymous officials suggesting that to al-Qaeda types in Pakistan and beyond, bin Laden was like a “cranky old uncle” that you respectfully listen to and ignore. The Washington Post reported [14] that the emails show al-Qaeda leaders in Pakistan complaining about depleted funds, declining popularity, and CIA drones decimating their ranks. The White House seems conflicted about which view of al-Qaeda to take. It commendably wants to belittle al-Qaeda, robbing it of mystique by portraying bin Laden as pathetic and weak [15]. On the other hand, it needs the threat of a powerful al-Qaeda to justify the war in Afghanistan and other controversial policies. (2) Media reports [16] often give the impression that al-Qaeda in the Arabian Peninsula (AQAP) are the core of the militant group (Ansar al-Sharia) revolting in Yemen’s south. The implication is al-Qaeda could soon control territory for the first time. Too little attention is given to the uncertain role AQAP plays among Yemen’s militants and its limited ties to al-Qaeda Central. Bin Laden apparently asked [17] AQAP’s leader to attack Americans rather than gathering territory locally, suggesting that its commitment to attacking us may be limited. The point is not that we should ignore al-Qaeda terrorists in Yemen. But uncertainty about their role in Yemen and intent cautions against undifferentiated assaults on their leaders, let alone those of Ansar al-Sharia.

**Yemen instability key to US-Saudi military cooperation**

**Blanchard 12** Christopher M. Blanchard Specialist in Middle Eastern Affairs Saudi Arabia: Background and U.S. Relations November 27, 2012 http://www.fas.org/sgp/crs/mideast/RL33533.pdf

In recent years, Saudi Arabia has been drawn more closely into the affairs of its problematic southern neighbor, as Yemen’s government has struggled to defeat northern Al Houthi rebels amid continuing attacks from a resurgent Al Qaeda in the Arabian Peninsula. A Saudi military campaign against Al Houthi fighters along the border in 2009 exposed several weaknesses in U.S.-trained and supplied Saudi military forces, and the unrest in Yemen in 2011 raised the prospect of chaos that could directly destabilize the kingdom. In response, Saudi officials intervened forcefully to direct Yemeni President Ali Abdullah Saleh to accept the terms of a GCCnegotiated transition agreement. Whether the agreement will be implemented as planned remains unclear. Saudi authorities pledged $3.25 billion in support to Yemen at the May 2012 Friends of Yemen conference in Riyadh.

**Instability in Yemen and the presence there of** Al Qaeda in **the** Arabian Peninsula (**AQAP**) **are of mutual concern to the United States and Saudi Arabia**. Saudi Arabia has long sought to shape political and security conditions in Yemen as a means of preventing discrete threats from emerging on the kingdom’s southern flank. Many Yemenis view Saudi involvement in Yemen— particularly Saudi patronage relationships with various Yemeni tribal groups—as an attempt to perpetuate divisions in Yemeni society and prevent a unified Yemen from threatening Saudi interests. **At present, there appears to be significant U.S.-Saudi intelligence cooperation with regard to the AQAP threat**. Unverified press reports suggest that Saudi intelligence services are using double agents to collect information and sabotage AQAP operations. AQAP’s leadership and many of its senior operatives are Saudis who fled to Yemen after the failure of the 2003-2008 Al Qaeda campaign in the kingdom. Saudi officials in Yemen were targeted in assassinations and kidnappings during 2012.

While recent events suggest that significant changes have occurred in Yemen, the core dilemmas facing the United States look very much the same as they have since Yemeni unification in the early 1990s. **Saudi Arabia and the United States share an interest in eliminating transnational terrorist threats in Yemen**, but may differ on their preferred ends and means regarding Yemen’s long term stability and development.

**Solves multiple scenarios for Middle East war and internal link turns the adv**

**Cordesman 10** Anthony H. Cordesman holds the Arleigh A. Burke Chair in Strategy at the Center for Strategic and International Studies in Washington, D.C. http://csis.org/publication/us-saudi-security-cooperation-and-impact-us-arms-sales

U.S.-Saudi security cooperation **is becoming** steadily **more important** as Iran expands its capabilities for **asymmetric warfare** in the Gulf, **increases its long-range missile forces, and moves toward a capability to build** and deploy **nuclear weapons. The same is true of the enduring threat from terrorism**, dealing with Iraq’s weakness and uncertain political leadership, **the problems of Yemen, and instability and piracy in the Red Sea area and Indian Ocean.**

The United States needs all the friends it can find in the Gulf. It faces serious uncertainties in reshaping its security posture in the region as its forces depart from Iraq. These include **Iraq’s uncertain future political stance** **and** government, **the inability to predict Iranian actions and alignments, the uncertain outcome of the Israeli-Palestinian peace process, and uncertainties surrounding the success or failure of the conflicts in Afghanistan and Pakistan**.

Saudi Arabia and Reshaping the U.S. Strategic Posture in the Gulf

At the same time, several factors are clear. There is no possible “end state” to the U.S. presence in the Gulf nor an end to the need for the strongest possible U.S. security ties to Saudi Arabia and other friendly states in the region.

The United State as must reshape its military posture in the Gulf as it withdraws from the Gulf, as well as reshape its power projection capabilities and contingency plans. **It must shape its** force posture and **cooperation with its regional allies to become more effective in hybrid warfare and in a spectrum of conflicts** ranging from covert and proxy warfare to long-range missile defenses and extended regional deterrence—addressing the military side of the risk that Iran may become a nuclear power and giving its allies an incentive not to acquire their own nuclear weapons and long-range missiles.

Iran remains an emerging challenge. It is deeply involved in strategic competition with the United States and its friends and allies in the region. It is developing steadily better capabilities to attack shipping, targets in the Gulf, and targets on the Saudi and southern Gulf coast, **and it is using asymmetric warfare** in doing so. **It is fielding** significant **long-range missile forces and may acquire nuclear weapons**.

If the United States is to deter other regional states from proliferation in reaction to Iran, and make its statements about offering “extended regional deterrence” a credible option, **it must** show it will do its best to **create effective regional partners** in the southern Gulf, as well as try to build a strategic partnership with Iraq.

At the same time, neither the United States nor its Gulf allies have any reason to seek open confrontation with Iran. This is particularly true of the Gulf states. “Speak softly and carry a big stick” may not be an old Arab proverb, but Arab leaders have long practiced this with considerable success.

The United States can still count on some support from allies like Britain and France, but the fact remains that **it will have to rely on Saudi Arabia** and other Gulf states. **The** same **forces that have made the United States and Saudi Arabia key de facto partners in Gulf security will become even more important in the future.**

Regardless of the outcome of Iraq’s effort to forge a new government, it will not become a major regional military power again for at least a decade. **If the United States is to have any major strategic partner in the Gulf, it is going to be Saudi Arabia**.

As General David Petraeus and others have explained, the war against terrorism and extremism is going to be a long war, likely to go on for the next 10 to 20 years. The Gulf region is going to be one of the centers of this conflict. Al Qa’ida is not suddenly going away, and new organizations are certain to emerge. Nations like Yemen and Somalia present serious long-term risks of becoming centers of terrorist activity.

The United States faces growing pressures to limit its military spending and commitments, and it has steadily increasing needs for regional allies with strong and interoperable forces to deter and contain regional threats and fight alongside U.S. forces if necessary.

It may or may not be possible to move forward quickly in an Israeli-Palestinian peace agreement, but it is vital to minimize the tensions between our Arab allies and Israel. King Abdullah’s peace plan may differ sharply with Israel’s position, but it shows that **the United States can sell arms to Saudi Arabia with minimal risk of this impacting on Israel’s security**. In fact, **strong U.S. security ties to Saudi Arabia offer Israel a far better alternative than Saudi Arabia turning to European or other suppliers and questioning U.S. support if it faces a crisis with Iran.**

# Drone Prolif Adv

## China-US War

**China can’t catch up and no risk of war**

**Zenko and Cohen 12**(Micah Zenko, Fellow in the Center for Preventive Action at the Council on Foreign Relations, and MIchael Cohen, Senior Fellow at the American Security Project, serves on the board of the National Security Network and has taught at Columbia University’s School of International and Public Affairs, served in the U.S. Department of State, former Senior Vice President at the strategic communications firm of Robinson, Lerer and Montgomery, bachelor’s degree in international relations from American University and a master’s degree from Columbia University, 3/14/2012, "Clear and Present Safety", [yaleglobal.yale.edu/content/clear-and-present-safety](http://yaleglobal.yale.edu/content/clear-and-present-safety)) //US spends more money, cooperation, US alliances check, economic interdependence

As the threat from transnational terrorist groups dwindles, the United States also faces few risks from other states. China is the most obvious potential rival to the United States, and there is little doubt that China’s rise will pose a challenge to U.S. economic interests. Moreover, there is an unresolved debate among Chinese political and military leaders about China’s proper global role, and the lack of transparency from China’s senior leadership about its long-term foreign policy objectives is a cause for concern. However, the present security threat to the U.S. mainland is practically nonexistent and will remain so. Even as China tries to modernize its military, its defense spending is still approximately one-ninth that of the United States. In 2012, the Pentagon will spend roughly as much on military research and development alone as China will spend on its entire military. While China clumsily flexes its muscles in the Far East by threatening to deny access to disputed maritime resources, a recent Pentagon report noted that China’s military ambitions remain dominated by “regional contingencies” and that the People’s Liberation Army has made little progress in developing capabilities that “extend global reach or power projection.” In the coming years, China will enlarge its regional role, but this growth will only threaten U.S. interests if Washington attempts to dominate East Asia and fails to consider China’s legitimate regional interests. It is true that China’s neighbors sometimes fear that China will not resolve its disputes peacefully, but this has compelled Asian countries to cooperate with the United States, maintaining bilateral alliances that together form a strong security architecture and limit China’s room to maneuver. The strongest arguments made by those warning of Chinese influence revolve around economic policy. The list of complaints includes a host of Chinese policies, from intellectual property theft and currency manipulation to economic espionage and domestic subsidies. Yet none of those is likely to lead to direct conflict with the United States beyond the competition inherent in international trade, which does not produce zero-sum outcomes and is constrained by dispute-resolution mechanisms, such as those of the World Trade Organization. If anything, China’s export-driven economic strategy, along with its large reserves of U.S. Treasury bonds, suggests that Beijing will continue to prefer a strong United States to a weak one.

**US-China won't go nuclear.**

**Aga ‘9** (Clifford, “Top 10 Military Powers of the World”, 10-28, http://totopereira.blogspot.com/2009/10/top-10-military-powers-of-world.html)

The above table gives us an overview of the strengths and fire power of the top 10 military powers of the world. The chart is just to view numbers, and rankings take into consideration many aspects such as intelligence, actual combat experience, training, skill, back-up, movement of troops and weapons, etc. Also as mentioned earlier, numbers will not be absolutely accurate, as they keep changing regularly according to specific needs and situations. An interesting fact is that, out of all the countries in the world, Israel has a reserve army that can be mobilized into actual combat more quickly than anyone else. Just numbers are not enough, and this is something that can be citied in a good example in the table regarding the USA and China. Though China has an army nearly twice the size of the USA, the strike power of the USA is double that of China. This is due to many other factors as we have mentioned, like training, skill, modernized equipment, strategy, intelligence, etc. Though, it can be safely said that these are the 10 top militaries in the world as we speak. There are also many other things that need to be taken into consideration regarding the top ten. For example, the United States indulges in combat mainly in other countries, and for the purpose of quashing terrorism, rouge armies, and peacekeeping ventures. Some countries are engaged in continuous small skirmishes with their neighbors, and are active in protecting their own borders. Nuclear weapons are also a key factor, something that has never been used since the bombing of the cities of Hiroshima and Nagasaki. God forbid, even if a war breaks out in which multiple countries are involved, it is very unlikely that they will be used, and the war(s) will be fought in the conventional ways itself. Another aspect is type of weaponry, the advanced military weapons that a state possesses.

**Deterrence solves**

**Glaser ’11**, Professor of Political Science and International Affairs and Director of the Institute for Security and Conflict Studies at the Elliott School of International Affairs at George Washington University (Charles, Will China's Rise Lead to War? Foreign Affairs, Vol. 90 Issue 2, ebsco)

What does all this imply about the rise of China? At the broadest level, the news is good. Current international conditions should enable both the United States and China to protect their vital interests without posing large threats to each other. Nuclear weapons make it relatively easy for major powers to maintain highly effective deterrent forces. Even if Chinese power were to greatly exceed U.S. power somewhere down the road, the United States would still be able to maintain nuclear forces that could survive any Chinese attack and threaten massive damage in retaliation. Large-scale conventional attacks by China against the U.S. homeland, meanwhile, are virtually impossible because the United States and China are separated by the vast expanse of the Pacific Ocean, across which it would be difficult to attack. No foreseeable increase in China's power would be large enough to overcome these twin advantages of defense for the United States. The same defensive advantages, moreover, apply to China as well. Although China is currently much weaker than the United States militarily, it will soon be able to build a nuclear force that meets its requirements for deterrence. And China should not find the United States' massive conventional capabilities especially threatening, because the bulk of U.S. forces, logistics, and support lie across the Pacific.

**No pre-emptive strikes**

**Weitz 11** (Richard, director of the Center for Political-Military Analysis and a Senior Fellow at the Hudson Institute. “Mapping Asia’s Nuclear Future.” The Diplomat, February 13, 2011. <http://thediplomat.com/2011/02/13/mapping-asia%E2%80%99s-nuclear-future/?all=true>.)
Last April, Washington hosted the first ever nuclear security summit, which was attended by numerous Asian leaders. Next year’s meeting will be hosted by Seoul, which will give South Korea and other Asian governments a chance to address issues generally overlooked at last year’s summit, such as the danger of nuclear proliferation to additional countries and the need to prevent terrorists from gaining access to less dangerous radiological materials that they can use to construct nuclear terrorist devices such as ‘dirty bombs.’
In the meantime, though, there have been some other positive steps. China, Japan, India, and other Asian countries with advanced civil nuclear energy programmes have been establishing nuclear security centres where foreign nationals can join their own citizens in researching proliferation-resistant nuclear technologies, as well as training nuclear personnel in safety and security techniques. These nuclear security centres are typically funded by their host government, but receive technical assistance from the IAEA and foreign governments, especially the United States.
Indeed, US support for China’s new nuclear centre, formalized in a recent bilateral agreement, highlights how, even in the absence of an official China-US nuclear arms control agreement—and despite years of strained military relations—nuclear security has emerged as a core area of Sino-American cooperation in recent years. Chinese and US representatives at both the governmental and nongovernmental level have entered into regular bilateral dialogues on strategic stability to discuss these and other nuclear concerns. The fear exists, for example, that the two nuclear establishments might misperceive nuclear signalling. What would this mean? In an extreme case, it could mean that although one side may be raising its alert level for its nuclear forces as a deterrent, the other might misunderstand such a move as foreshadowing an imminent attack—and launch a pre-emptive strike in response.

## 1nc – drone prolif adv.

**China won’t use drones to trigger Asian war --- they fear international backlash and setting a precedent for US drone use in East Asia**

**Erickson and Strange 13** (Andrew Erickson, associate professor at the Naval War College, Associate in Research at Harvard University's Fairbank Centre, Austin Strange, researcher at the Naval War College's China Maritime Studies Institute, graduate student at Zhejiang University, “China Has Drones. Now How Will it Use Them?” Foreign Affairs, May 29, 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html)

Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

**Drone strikes are key --- suppresses Xinjiang separatist violence and instability**

**Erickson and Strange 13** (Andrew Erickson, associate professor at the Naval War College, Associate in Research at Harvard University's Fairbank Centre, Austin Strange, researcher at the Naval War College's China Maritime Studies Institute, graduate student at Zhejiang University, “China Has Drones. Now How Will it Use Them?” Foreign Affairs, May 29, 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html)

Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China's horizon. Within China, Beijing often considers protests and **violence** **in** the restive border regions, such as **Xinjiang** and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to **suppress** any **future violence there.** Even if such strikes are operationally prudent, China's leaders understand that they would damage the country's image abroad, but they prioritise internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world's most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorisation if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean.

**The impact is Chinese nuclear terrorism --- triggers their Ayson impact**

**Ferguson and Potter, 4** — president of the Federation of American Scientists, former project director of the Independent Task Force on U.S. Nuclear Weapons Policy at the Council on Foreign Relations, adjunct professor in the security studies program at Georgetown University, former scientist-in-residence at the Monterey Institute’s Center for Nonproliferation Studies, winner of the 2003 Robert S. Landauer Lecture Award from the Health Physics Society, consultant for Oak Ridge National Laboratory, Sandia National Laboratories, and the National Nuclear Security Administration, former physical scientist in the Office of the Senior Coordinator for Nuclear Safety at the U.S. Department of State, co-chairman of the U.S.-Japan Nuclear Working Group, M.A. and Ph.D. in physics from Boston University, AND, Sam Nunn and Richard Lugar Professor of Nonproliferation Studies and Founding Director of the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies, member of the Council on Foreign Relations, member of the International Advisory Board of the Center for Policy Studies in Russia (Charles D. and William C., “The Four Faces of Nuclear Terrorism”, Nuclear Threat Initiative, Monterey Institute, Center for Nonproliferation Studies, 2004, http://jeffreyfields.net/427/Site/Blog/30F67A03-182C-4FC7-9EFD-A7C321F6DC8D\_files/analysis\_4faces.pdf)

China has been gradually modernizing its nuclear arsenal. However, at this time, it is unclear whether this modernization program will in- crease or decrease security risks that terrorists might exploit. While more Chinese nuclear weapons might mean more opportunities for theft, a modernized force might incorporate more up-to-date security proce- dures. Isolated storage and transportation links could pose increased risks for any nation’s nuclear weapons security program. China is be- lieved to assemble nuclear warheads at a number of nuclear facilities, and the Lop Nur test site may contain a storage facility for Chinese nuclear weapons (although it is probably unused, since China has not tested a nuclear weapon since 1996).56 Lop Nur is remotely located in northwest Xinjiang province, where nationalist/separatist organizations have been campaigning for autonomy from Beijing. Although Xinjiang separatist groups have not openly expressed interest in acquiring nuclear weapons, some reports have alleged that Uighur separatists may have stolen radioactive sources from Lop Nur in 1993.57 It is difficult to offer an overall assessment of the security of China’s nuclear arms against terrorists because Beijing has a long-standing prac- tice of not publishing sensitive information. In addition, China shows little concern (at least openly) that **nuclear terrorism can occur** on Chinese soil. While this lack of concern may be justified, the Chinese government still has to factor in security threats posed by Xinjiang separatists and other groups that may engage in terrorism in China. Nonetheless, the dominant role of the Chinese Communist Party and its security ap- paratus in Chinese society, and the limited presence of terrorist groups in China, appear to reduce substantially the danger that a terrorist or- ganization might gain control of an intact nuclear weapon in that country.

**Plan’s modeling restricts Russian strikes on Eastern European energy terrorism**

**Roberts 13** (Kristin Roberts, News Editor for National Journal, M.A. in security studies from Georgetown University, “When the Whole World Has Drones,” The National Journal, March 22, 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321)

Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; **Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia;** Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, **we learned it by watching you.** In Pakistan, Yemen, and Afghanistan.

This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

**The impact is Russian political and economic security --- energy terrorism disrupts the entire network**

**Ratliff 03** (William E. Ratliff, research fellow at Stanford University’s Hoover Institution, lecturer at Stanford University, “Russia’s Oil in America’s Future: Policy, Pipelines, and Prospects,” Hoover Press, January 1, 2003, pgs. 4-8)

Finally, U.S. leaders believe that helping Russia update and develop this critical natural resource and industry will **contribute to** the **stability** of the country during a **difﬁcult transition period** and that this, in turn, will provide the foundation for its active and productive participation in the global economy, though at present to a very large extent this depends on a continuation of the high levels of oil prices. It is reasoned that economic stability and Russia’s forthcoming membership in the World Trade Organization will increase the chances that Russia will develop along democratic and market-oriented paths. Washington’s oil initiative with Moscow has involved both government agencies and private industry. The role of the latter, a central and innovative element in the bilateral relationship, was emphasized at the October 2002 U.S.- Russia Commercial Energy Summit in Houston, which in turn set up the Commercial Energy Working Group, which met again in mid-September 2003 in St. Petersburg. Though in 2002 U.S. economic ties with Russia were roughly comparable to ties with Costa Rica, Americans could soon play a critical role in funding development of the Russian oil industry, as well as providing technology and expertise. There is considerable U.S. government and business interest in doing so, and already there is some movement in that direction.

Oil and the Russian Economy

Russian oil exploration began in the 1840s near Baku on the Caspian Sea. Oil production did not take off under communism until after World War II when it became increasingly productive and efﬁcient. During the late Soviet period Russia was the world’s top exporter of oil, a distinction it may have recovered in the past year.8 At its peak in the 1980s, Soviet production was about 10 million barrels per day, of which about half was used domestically. The production and use of energy declined after the fall of communism even as the economy also suffered from the virtual collapse of the second leg of the Soviet economic system, the defense industry. Restructuring of the state-controlled Russian oil sector began in the early 1990s, building on changes that had occurred under Mikhail Gorbachev, and surged in and after the mid1990s when major portions of the state industry were sold to private buyers in auctions. Today the private companies (including Yukos, Tyumen Oil [TNK]) are more efﬁciently run than state companies, and this is one of the reasons the government reportedly intends to divest itself of its remaining minority holdings in oil companies by 2006.9 This will, of course, further decrease central control over the vital industry.

After the 1998 ﬁnancial crisis, and particularly since the beginning of Putin’s presidency, energy has become the engine of Russian growth, for resources, mostly oil and natural gas, constitute more than 40 percent of Russia’s exports and almost 15 percent of its GDP. During the ﬁrst seven months of 2003, oil output averaged 8.26 million barrels per day, and in August it rose to 8.6 million barrels per day,10 of which about two-thirds is exported, in part because domestic prices for oil are very low. The recent increase in production is not due mainly to tapping new ﬁelds, though new reserves have been found, but to reviving and streamlining the Soviet period production, in large part through privatization, and exporting a higher percentage of the product. Still, major new investments in technological renovation will be required for Russia to maintain its high levels of production in the decades that follow and much of that must come via merger and acquisition, both within the Russian domestic market and with international industries. At the energy session in St. Petersburg in September 2003, Russia’s energy minister Igor Yusufov said that in the next twenty years Russia will need about $500 billion to develop its fuel and energy sector.11

During the Soviet period most exports went to Soviet-bloc countries, from Eastern Europe to Cuba, but those countries are less attractive today because most cannot pay their bills. With the revival of the oil industry, exports to the European Union (EU) have risen to 39 percent because the demand there is high, and payments are in cash. An energy summit with the EU in October 2000 brought a European pledge to help develop Russian reserves in return for a long-term energy commitment to the EU. Thus shipments to the EU are projected to rise to some 45 percent in the years ahead.12 In mid-2003 the Russian government produced a study on energy strategy to 2020. It projected a 30–35 percent increase in the production of primary fuel and energy resources, the continued importance of the European market, an expansion of oil deliveries to Asia from the current 3 percent to 30 percent of sales, and greater attention to the Americas.13

Russian Oil Fields and Production

Russia is the largest country in the world, and most of it is undeveloped. That means it is often very difﬁcult to explore, extract, process and transport oil from a site.14 The ﬁelds today can be divided into two categories. There are the older ﬁelds, mainly in western Siberia, that while they still produce the bulk of the product know that their years are numbered.15 And there are the new or “green” ﬁelds on the fringes of the older ones, ranging geographically from the Antarctic to Russian territory on the eastern Paciﬁc coast. There is much disagreement as to how extensive Russia’s reserves are in these areas, due in part to a lack of accurate information and differing yardsticks. Estimates range from the eighth largest to perhaps the largest in the world.16

Russia’s most important oil areas, both producing and potential, are the following.

• western Siberia, where most of the early and 70 percent of current production takes place, particularly in the Nizhnevartovsk/Surgut area;

• the western basins between the Caspian and Barents Seas;

• eastern Siberia, where the reserves are considered particularly rich but “green” and difﬁcult to access;

• the Arctic domain; and

• the currently booming basin of Sakhalin on the Paciﬁc margin.17

The Russians have strong interest also in the oil produced in neighboring countries, and in pipelines passing through other countries, most of which were part of the now defunct Soviet Union. For example, in late August 2003 TNK-BP shareholders expressed interest in the privatization of 66 percent in the Turkish oil company Tupras. Since 9/11 in particular, Russian leaders have promoted closer bilateral and multilateral relations in central Asia and the Caucasus and negotiated, as yet unsuccessfully, which of the ﬁve countries bordering on the Caspian Sea (Russia, Kazakhstan, Turkmenistan, Iran and Azerbaijan) own how much of its oil-rich bed. Private and state-owned energy companies have also become very active throughout the region.18

Two additional problems require comment here, and very substantial government and private attention. First, the vulnerability of Russia’s industry generally, and its thousands of miles of oil pipelines in particular, to sabotage. The impact of **terrorist attacks on the oil industry**, which was the subject of the 1999 James Bond ﬁlm The World Is Not Enough, became reality in post–Saddam Hussein Iraq and **could become enormously disruptive to the Russian system.** Also, threats to the environment have resulted in destruction and promise more. Governments and environmental groups have responded, with reasonable and sometimes unreasonable demands. Nordic and Baltic states say Russian tankers in northern seas are a threat to the Arctic environment. Therefore, they will apply to the United Nations to get the Baltic Sea designated a “Particularly Sensitive Sea Area” so that the tankers will have to stick to narrow lanes and use pilots near the coasts. On the other side of the world, a Russian/Japanese team has charged that exploration and drilling in the Sakhalin region in Russian east Asia are threatening the sea eagle population and in violation of treaties to protect migratory birds. Some pressure groups have advanced environmental interests, while others have weakened them.19

**Extinction**

**Filger 09** (Sheldon Filger, author and blogger for the Huffington Post, “Russian Economy Faces Disastrous Free Fall Contraction”, http://www.globaleconomiccrisis.com/blog/archives/356)

In Russia, historically, economic health and political stability are intertwined to a degree that is rarely encountered in other major industrialized economies. It was the economic stagnation of the former Soviet Union that led to its political downfall. Similarly, Medvedev and Putin, both intimately acquainted with their nation's history, are unquestionably alarmed at the prospect that Russia's economic crisis will endanger the nation's political stability, achieved at great cost after years of chaos following the demise of the Soviet Union. Already, strikes and protests are occurring among rank and file workers facing unemployment or non-payment of their salaries. Recent polling demonstrates that the once supreme popularity ratings of Putin and Medvedev are eroding rapidly. Beyond the political elites are the financial oligarchs, who have been forced to deleverage, even unloading their yachts and executive jets in a desperate attempt to raise cash. Should the Russian economy deteriorate to the point where economic collapse is not out of the question, the impact will go far beyond the obvious accelerant such an outcome would be for the Global Economic Crisis. There is a geopolitical dimension that is even more relevant then the economic context. Despite its economic vulnerabilities and perceived decline from superpower status, Russia remains one of only two nations on earth with a nuclear arsenal of sufficient scope and capability to **destroy the world** as we know it. For that reason, it is not only President Medvedev and Prime Minister Putin who will be lying awake at nights over the prospect that a national economic crisis can transform itself into a virulent and destabilizing social and political upheaval. It just may be possible that U.S. President Barack Obama's national security team has already briefed him about the consequences of a major economic meltdown in Russia for the peace of the world. After all, the most recent national intelligence estimates put out by the U.S. intelligence community have already concluded that the Global Economic Crisis represents the greatest national security threat to the United States, due to its facilitating political instability in the world. During the years Boris Yeltsin ruled Russia, security forces responsible for guarding the nation's nuclear arsenal went without pay for months at a time, leading to fears that desperate personnel would illicitly sell nuclear weapons to terrorist organizations. If the current economic crisis in Russia were to deteriorate much further, how secure would the Russian nuclear arsenal remain? It may be that the financial impact of the Global Economic Crisis is its least dangerous consequence.

**Rampant drone prolif creates massive export opportunities for the US --- it drives and sustains industrial base growth and leadership**

**GAO 12** (Government Accountability Office, “Nonproliferation: Agencies Could Improve Information Sharing and End-Use Monitoring on Unmanned Aerial Vehicle Exports,” September 12, 2012, http://www.gao.gov/assets/650/647578.txt)

Additionally, DOD has noted the importance of allowing selected transfers of UAV technology in order to strengthen the U.S. industrial base for UAV production. According to some U.S. government officials, the ability to sell American UAVs to foreign purchasers helps defray the U.S. government's acquisition costs. U.S. government officials also noted that opening larger potential markets to American UAV producers provides additional incentives for producers to invest resources in the research and development of UAV systems, and helps the United States retain a technological lead over foreign UAV producers. According to private sector representatives, **UAVs are one of the most important growth sectors in the defense industry and provide significant** opportunities for **economic benefits** if U.S. companies can remain competitive in the global UAV market.

**Sector decline leads to miscalculation --- causes global warfare**

**Cooper 07** (Horace Cooper, Senior Fellow and deputy director of the Alliance for American Manufacturing, “Making it in America”, April 04, 2007, http://www.americanmanufacturing.org/articles/making-it-america)

But perhaps greater than the economic disruption in the lives of the workforce and their companies is the incalculable loss of a manufacturing base for our nation as a whole. There are those in Washington who fail to appreciate the attendant decline in our nation’s security and flexibility in foreign affairs that results from the collapse of this sector. The fall of the Berlin Wall and the unipolarity that resulted presents the United States far greater responsibilities and concerns than those that existed during the Cold War. Yet, our **failure to sustain our** domestic **manufacturing base** and instead pursuing a strategy of relying on other countries for military products and technologies isn’t just short-sided, it’s dangerous. This decline in our country’s military readiness is a **signal** to the rest of the world that we may not be capable of defending our interests or allies. And perhaps one of the greatest lessons of the 20th century is that **weakness at home is provocative.** Essentially, we provoke rogue nations into taking ill-advised actions that must inevitably be countered by America’s military might. A policy that results in a diminished security for Americans, fewer jobs, a declining tax base for communities and states and that rejects our nation’s history is a policy that should be reassessed. Supporters of liberty and freedom recognize that American ingenuity and know-how is a core ingredient of our manufacturing sector and has led to much of the high standard of living we Americans take for granted.

## Drone Prolif Defense

**No reverse casual modeling internal link --- we can’t reverse the precedent that has already been set**

**Boot 11** (Max Boot, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, leading military historian and foreign-policy analyst, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, October 9, 2011, http://www.commentarymagazine.com/2011/10/09/drone-arms-race/)

The New York Times engages in some scare-mongering today about a drone arms race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.

“The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.

**The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example.** In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.

Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?

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

**Lewis 11** (Michael W. Lewis, professor of international law and the law of war at Ohio Northern University School of Law, former Navy fighter pilot, and coauthor of ‘The War on Terror and the Laws of War: A Military Perspective,’ “Unfounded Drone Fears,” Los Angeles Times, October 17, 2011, http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.

While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled.

Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are **not effective weapons** of conventional warfare. The unmanned aerial vehicles are slow and **extremely vulnerable** to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.

Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.

It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.

Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force. The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.

Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems **remote at best.**

Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.

It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.