# 1NC

### 1

The plan does not restrict executive war power authority---it just moves around oversight jurisdiction

Josh Kuyers, American University Washington College of Law, 4/4/13, CIA or DoD: Clarifying the Legal Framework Applicable to the Drone Authority Debate, nationalsecuritylawbrief.com/2013/04/04/cia-or-dod-clarifying-the-legal-framework-applicable-to-the-drone-authority-debate/

Scholars and practitioners use the term “Title 10 authority” as a catchall phrase to describe the legal authority for military operations. Unfortunately, the use of the term in this way is misleading because “Title 10 – Armed Forces” does not contain actual operational authorities; it merely describes the organizational structure of the Department of Defense. In fact, the U.S. military’s true operational authority stems from the U.S. Constitution and the President’s Commander-in-Chief power.

Like the term “Title 10 authority,” Title 50 authority is a misnomer. Title 50 is often referred to as the CIA’s authority to conduct its intelligence operations and covert actions –like drone strikes. Yet Title 50 of the United States Code is actually titled “War and National Defense.” Thus, it contains much more than just CIA authority. Military personnel can also act under Title 50 authority – a fact often overlooked in news articles and editorials. In fact, the DoD undertakes the majority of intelligence activities under Title 50 authorities.

Like moving drone operations from the CIA to the DoD, the Title 10-Title 50 debate is really about oversight and accountability, particularly congressional oversight.

**Prefer our interpretation ---**

**Limits --- they allow a ton of affs that are just bureaucratic shifts**

Ground --- the core controversy is the President, not specific agencies

Topicality is a voting issue, or the aff will read a new uncontested aff every debate

### 2

The 1AC is military futurology, an attempt to secure reality against disorder via force causing apathy–they need to justify their prediction model first.

Matt Carr 10, freelance writer, published in Race & Class, Slouching towards dystopia: the new military futurism, <http://www.societaitalianastoriamilitare.org/libri%20in%20regalo/2010%20CARR%20New-Military-Futurism.pdf>

This determination to shape, control and ‘dominate’ the turbulent and conflict prone twenty-first century in the foreseeable (and unforeseeable) future is a key component of the new military futurism. On the one hand, **military futurism is a by-product of the megalomaniac military doctrine of ‘full spectrum dominance’**. At the same time, its predictions about the future express very real fears amongst the US ruling elite that the United States is inextricably connected to a world that may be slipping out of its control. Perhaps not surprisingly, therefore, **the new military futurists** are often considerably more pessimistic than their predecessors and tend to **paint a very bleak future of an unsafe and unstable world that demands a constant military presence to hold it together**. From Yevgeny Zemyatin’s We to Brave New World and Orwell’s Nineteen Eighty-Four, twentieth-century writers have used dystopian visions of the future as a warning or as a satirical commentary on the often lethal consequences of twentieth-century utopianism. The dystopias of the new military futurists have a very different purpose. The US military often tends to perceive itself as the last bastion of civilisation against encroaching chaos and disorder. **The worse the future is perceived to be, the more these dark visions of chaos and disorder serve to justify limitless military ‘interventions’, technowarfare, techno-surveillance and weapons procurement programmes**, and the predictions of the military futurists are often very grim indeed.

### 3

Momentum for patent reform now – Obama’s pushing and PC is key

David Kravets 3-20, WIRED senior staff writer, 2014, "History Will Remember Obama as the Great Slayer of Patent Trolls," Threat Level, http://www.wired.com/threatlevel/2014/03/obama-legacy-patent-trolls/

But Obama will leave another gift to posterity, one not so obvious, one that won’t be felt until years after his term ends: The history ebooks will remember the 44th president for setting off a chain of reforms that made predatory patent lawsuits a virtual memory. Obama is the patent troll slayer. Even now, a perfect storm of patent reform is brewing in all three branches of government. Over time, it could reshape intellectual property law to turn the sue-and-settle troll mentality into a thing of the past. “If these reforms go into effect, they will be felt only minimally during the Obama administration,” says Joe Gratz, a San Francisco-based patent lawyer who is representing Twitter in a patent dispute. “They will be felt quite strongly well after the Obama administration.” “The president is a strong leader on these issues. We haven’t really seen that before,” says Julie Samuels, the executive director of startup advocacy group Engine. “I do think that this could be one of the legacies of this administration.” A patent troll is generally understood to be a corporation that exists to stockpile patents for litigation purposes, instead of to build products. Often taking advantage of vague patent claims and a legal system slanted in the plaintiff’s favor, the company uses the patents to sue or threaten to sue other companies, with an eye to settling out of court for a fraction of what they were originally seeking. The nation’s legal dockets are littered with patent cases with varying degrees of merit, challenging everything from mobile phone push notifications and podcasting to online payment methods and public Wi-Fi. Some 2,600 companies were targeted in new patent lawsuits last year alone. Against that backdrop, Obama issued five executive orders on patent reform last summer. Among other things, they require the Patent and Trademark Office to stop issuing overly broad patents, and to force patent applicants to provide more details on what invention they are claiming. One of the orders opens up patent applications for public scrutiny — crowdsourcing — while they are in the approval stage, to help examiners locate prior art and assist with analyzing patent claims. Since a patent is binding for 20 years, the impact of the new rules won’t be felt for some time. But they will be felt, says Gratz, a litigator who defends technology-heavy patent lawsuits. “The supply of overly broad, vague patents will start to dry up as new rules get put into place,” he says. In January, Obama became the first president to elevate patent reform to a national meat-and-potatoes issue, when he used the State of the Union address to urge Congress to “pass a patent reform bill that allows our businesses to stay focused on innovation, not costly and needless litigation.” The market is already reacting to the wind change. Shares of patent-litigation firm Acacia dropped sharply following Obama’s State of the Union, and are hovering near 52-week lows. Shares of VirnetX are in a similar tailspin. RPX, another intellectual-property concern, has seen its share prices slashed in half over the past three years. The House passed major patent reform legislation last year, on a 325-91 vote, in a bid to even out the litigation playing field. Among other things, the Innovation Act requires plaintiffs in lawsuits to be more specific about what they believe is being infringed, and to identify the people who have financial interests behind a company. Perhaps most significantly, it requires that plaintiffs pay litigation expenses if they lose at trial. The bill also prohibits patent holders from suing mere users of a technology that allegedly infringes on an invention, like restaurants offering Wi-Fi access to their diners. The Senate is debating similar legislation in a piecemeal manner. Whatever it finally approves, the package will have to go back to the House for final approval before landing on the president’s desk.

The plan’s fight over authority crowds it out

John Grant, Minority Counsel for the Senate Committee on Homeland Security and Governmental Affairs, 8/13/2010, Will There Be Cybersecurity Legislation?, jnslp.com/2010/08/13/will-there-be-cybersecurity-legislation/

In the course of just a few decades, information technology has become an essential component of American life, playing a critical role in nearly every sector of the economy. Consequently, government policy affecting information technology currently emanates from multiple agencies under multiple authorities – often with little or no coordination. The White House’s Cyberspace Policy Review (the Review) wisely recognized that the first priority in improving cybersecurity is to establish a single point of leadership within the federal government and called for the support of Congress in pursuit of this agenda. Congressional involvement in some form is inevitable, but there is considerable uncertainty as to what Congress needs to do and whether it is capable of taking action once it decides to do so. With an agenda already strained to near the breaking point by legislation to address health care reform, climate change, energy, and financial regulatory reform – as well as the annual appropriations bills – the capacity of Congress to act will depend, in some part, on the necessity of action. For the last eight years, homeland security has dominated the congressional agenda. With the memory of the terrorist attacks of September 11 becoming ever more distant, there may be little appetite for taking on yet another major piece of complex and costly homeland security legislation.

Key to innovation – lynchpin of US tech development and leadership

Goodlatte 3/12 (Robert, House Judiciary Committee chair, "Bipartisan Road Map for Protecting and Encouraging American Innovation," Roll Call [www.rollcall.com/news/bipartisan\_road\_map\_for\_protecting\_and\_encouraging\_american\_innovation-231413-1.html?pg=2](http://www.rollcall.com/news/bipartisan_road_map_for_protecting_and_encouraging_american_innovation-231413-1.html?pg=2))

Throughout our nation’s history, great ideas have powered our economic prosperity and security, from the Industrial Revolution to the Internet age. Safeguarding those great ideas were so important to our Founding Fathers that they included patent protection in the U.S. Constitution. Article I, Section 8, Clause 8 of the Constitution charges Congress with overseeing a patent system to “promote the progress of science and useful arts.” As chairman of the House Judiciary Committee, which has oversight of our patent system, I take the charge to uphold our Constitution seriously. In recent years, we have seen an exponential increase in the use of weak or poorly granted patents by “patent trolls” to file numerous patent infringement lawsuits against American businesses with the hopes of securing a quick payday. This abuse of the patent system is not what our Founding Fathers provided for in our Constitution. At its core, abusive patent litigation is a drag on our economy and stifles innovation. Everyone from independent inventors to startups to mid- and large-sized businesses face this constant threat. The tens of billions of dollars spent on settlements and litigation expenses associated with abusive patent suits represent truly wasted capital — wasted capital that could have been used to create new jobs, fund research and development, and create new innovations and technologies. Bad actors who abuse the patent system devalue American intellectual property and are a direct threat to American innovation. Abusive patent litigation is also a drain on consumers. We will never know what lifesaving invention or next-generation smartphone could have been created because a business went bankrupt after prolonged frivolous litigation or paying off a patent troll. When a firm spends more on patent litigation than on research, money is being diverted from real innovation. The patent system was designed to reward inventors and incentivize innovation, bringing new products and technologies to consumers. Last year, I introduced the Innovation Act (HR 3309), legislation designed to eliminate the abuses of our patent system, discourage frivolous patent litigation and keep U.S. patent laws up to date. In December, the House of Representatives, with overwhelming bipartisan support and the support of the White House, passed the Innovation Act. This important bill will help fuel the engine of American innovation and creativity, creating new jobs and growing our economy. Effective patent reform legislation requires the careful balance that was achieved in the Innovation Act. Senate Judiciary Chairman Patrick J. Leahy, D-Vt., ranking member Charles E. Grassley, R-Iowa., and committee members John Cornyn, R-Texas, Orrin G. Hatch, R-Utah, and Mike Lee, R-Utah, among others, are leading efforts in the Senate to combat abusive practices within our patent system that inhibit innovation. I am optimistic that as the Senate moves toward consideration of legislation they will act just as the House did and pass comprehensive patent litigation reform that includes all of the necessary reforms made in the Innovation Act, including heightened pleading standards and fee shifting. In 2011, Republicans and Democrats came together to pass the America Invents Act (PL 112-29), which brought the most comprehensive change to our nation’s patent laws since the 1836 Patent Act. We are continuing to work again in a collaborative, bipartisan way to end abusive patent litigation to help the American economy and American people. I am optimistic that these important reforms will be enacted to stop the abuse of our patent system and restore the central role patents play in our economy. Half measures and inaction are not viable options. The time is now, and the Innovation Act has helped set a clear bipartisan road map toward eliminating the abuses of our patent system, discouraging frivolous patent litigation and keeping U.S. patent laws up to date.

US competitiveness solves hegemony and great power war

Baru 9 – Sanjaya Baru is a Professor at the Lee Kuan Yew School in Singapore Geopolitical Implications of the Current Global Financial Crisis, Strategic Analysis, Volume 33, Issue 2 March 2009 , pages 163 – 168

Hence, economic policies and performance do have strategic consequences.2 In the modern era, the idea that strong economic performance is the foundation of power was argued most persuasively by historian Paul Kennedy. 'Victory (in war)', Kennedy claimed, 'has repeatedly gone to the side with more flourishing productive base'.3 Drawing attention to the interrelationships between economic wealth, technological innovation, and the ability of states to efficiently mobilize economic and technological resources for power projection and national defence, Kennedy argued that nations that were able to better combine military and economic strength scored over others. 'The fact remains', Kennedy argued, 'that all of the major shifts in the world's military-power balance have followed alterations in the productive balances; and further, that the rising and falling of the various empires and states in the international system has been confirmed by the outcomes of the major Great Power wars, where victory has always gone to the side with the greatest material resources'.4 In Kennedy's view, the geopolitical consequences of an economic crisis, or even decline, would be transmitted through a nation's inability to find adequate financial resources to simultaneously sustain economic growth and military power, the classic 'guns versus butter' dilemma.

### 4

The plan destroys war powers

Klukowski 11 (Kenneth, Research Fellow, Liberty University School of Law; Fellow and Senior Legal Analyst, American Civil Rights Union; National-Bestselling Author. George Mason University School of Law, J.D. 2008; University of Notre Dame, B.B.A. 1998, “MAKING EXECUTIVE PRIVILEGE WORK: A MULTI-FACTOR TEST IN AN AGE OF CZARS AND CONGRESSIONAL OVERSIGHT” 2011, 59 Clev. St. L. Rev. 31)

VI. CONCLUSION

Most controversies between Congress and the White House over information are decided more by politics than by law, and so a settlement is usually reached favoring the party with the public wind to its back. n348 **Questions of law should not be decided in that fashion**. Therefore, the reach and scope of executive privilege should be settled by the courts in such situations, so that the President's power is not impaired whenever the political wind is in the President's face and at his opponents' backs, or the President is inappropriately shielded when political tides flow in his favor.

While the best outcome in any interbranch dispute is the political branches reaching a settlement, "such compromise may not always be available, or even desirable." n349 It is not desirable where it sets a precedent **that** degrades **one of the three branches of government. If one branch of government demands something to which it is not constitutionally entitled and that the Constitution has fully vested in a coequal branch, the vested branch should not be required to negotiate on the question**. Negotiation usually involves compromise. This negotiation would often result in one branch needing to cede to the other**,** encouraging additional unconstitutional demands in the future. Though this may perhaps be a quicker route to a resolution, it disrupts the constitutional balance in government. As the Supreme Court has recently explained, "'convenience and efficiency are not the primary objectives--or the hallmarks--of democratic government.'" n350

President Reagan declared that "you aren't President; you are temporarily custodian of an institution, the Presidency. And you don't have any right to do away with any of the prerogatives of that institution, and one of those is executive privilege. And **this is what was being attacked** by the Congress." n351 Thus, any White House has the obligation to fight to protect executive privilege, and the courts should draw the line to preserve that constitutional prerogative. Likewise, there are times when it is the President who is refusing to give Congress its due under the Constitution, where Congress must assert its prerogatives for future generations. Conversely, where confidentiality is not warranted, courts must ensure public disclosure and accountability.

Extinction

Paul 98 (Joel, Professor, University of Connecticut School of Law, “The Geopolitical Constitution: Executive Expediency and Executive Agreements” July, 1998, 86 Calif. L. Rev. 671) \*\*Footnote 137-139 added

Whatever the complexity of causes that led to the Cold War - ideology, economics, power politics, Stalin's personality, Soviet intrigue, or American ineptitude - the tension of the bipolar order seemed real, immutable, and threatening to the U.S. public. n135 The broad consensus of U.S. leadership held that **the immediacy of the nuclear threat**, the need for covert operations and intelligence gathering, and the complexity of U.S. relations with both democracies and dictatorships **made it impractical to engage in congressional debate and oversight of foreign policy-making**. n136 The eighteenth-century Constitution did not permit a rapid response to twentieth-century foreign aggression. The reality of transcontinental ballistic missiles collapsed the real time for decision-making to a matter of minutes. **Faced with the apparent choice between the** risk of nuclear annihilation **or amending the constitutional process for policy-making, the preference for a powerful executive was clear**. n137 Early in the Cold War one skeptic of executive power, C.C. Rossiter, acknowledged that the steady increase in executive power is unquestionably a cause for worry, but so, too, is the steady increase in the magnitude and complexity of the problems the president has been called upon by the American people to solve in their behalf. They still have more to fear from the ravages of depression, rebellion, and especially atomic war than they do from whatever decisive actions may issue from the White House in an attempt to put any such future crises to rout....It is not too much to say that **the destiny of this nation in the Atomic Age will rest in the** [\*700] **capacity of the Presidency** as an institution of constitutional dictatorship. n138 n137. President Truman warned that we live in an age when hostilities begin without polite exchanges of diplomatic notes. There are no longer sharp distinctions between combatants and noncombatants, between military targets and the sanctuary of civilian areas. Nor can we separate the economic facts from the problems of defense and security. [The] President, who is Comander in Chief and who represents the interests of all the people, must be able to act at all times to meet any sudden threat to the nation's security. 2 Harry S. Truman, Memoirs: Years of Trial and Hope 478 (1956) (commenting on the Court's decision in the Steel Seizure Case). n138. Rossiter, supra note 54, at 308-09. n139. President Truman warned that **upon the functioning of a strong executive "depends the** survival of each of us **and also on that depends the survival of the free world**." The Powers of the Presidency 114 (Robert S. Hirschfield ed., 1968). See also, e.g., Speech by John F. Kennedy delivered to the National Press Club (Jan. 14, 1960), in Hirschfield, supra, at 129-31; Congress, the President, and the War Powers: Hearings Before the Subcomm. on Nat'l Sec. Policy and Scientific Developments of the House Comm. on Foreign Affairs, 91st Cong. 12-13 (1970) (statement of McGeorge Bundy, President, Ford Foundation); Congressional Oversight of Executive Agreements: Hearings on S. 3475 Before the Subcomm. on Separation of Powers of the Senate Comm. of the Judiciary, 92d Cong. 237-40 (1972) (statement of Nicholas Katzenbach, Former Attorney General and Former Undersecretary of State).

### 5

The U.S. President should publically request that the Privacy and Civil Liberties Oversight Board issue a binding ruling on whether current executive use of Title 50 authority for targeted killing by drones has civil liberties and privacy concerns.

Empowering the PCLOB with enforcement authority key to its success

Stanley, 9

(Sr. Analyst-ACLU, Enforcing Privacy: Building American Institutions to Protect Privacy in the Face of New Technology and Government Powers, November, https://www.aclu.org/files/assets/ACLU\_Report\_-\_Enforcing\_Privacy\_2009.pdf)

The United States urgently needs stronger privacy oversight institutions to serve as a countervailing force as the computer and telecommunications revolutions change the privacy landscape for Americans and create new opportunities for large institutions to grab more power at the expense of ordinary people. Only by creating such institutions can we ensure that American values are preserved and the rights and interests of ordinary people are protected. The fact is, the rules of the game are changing. Advances in technology, with all the conveniences and benefits they bring, also open up new ways of tracking, sorting, labeling and controlling people. We are increasingly living in a world where our every word, movement and transaction is captured and subject to scrutiny and judgment. Americans’ lives are increasingly controlled by their data – or to be more precise, data about them that is controlled by others. But, just because something can be done does not mean it should be; many of the new techniques that the government and private companies are rushing to deploy are not consistent with our values and our freedom. Privacy rights are one of the crucial underpinnings of our democratic society, yet in the United States, as big institutions rush to exploit the latest computer technology, privacy interests are not sufficiently represented at the table if they are present at all. The private sector has become extremely aggressive in gathering data about consumers. And Americans share information with the federal government (or someone else shares their information for them) in a dizzying breadth of areas – wage and employment data held by the Social Security Administration, medical information held by Medicare or the Veteran’s Administration, financial data held by IRS, educational records held by the Department of Education, and much more. A gigantic security establishment, with miniscule oversight The nation’s rapidly expanding security establishment, in particular, is exploring the uses of such information to track, sort and control individuals. The National Security Agency employs approximately 30,000 people. The CIA employs another 20,000. The U.S. government intelligence establishment as a whole, with a 2008 budget of at least $57 billion, must employ far more.1 Yet the independent oversight structures that have been created to oversee these vast, city-sized institutions are pitifully small and weak: a few members of Congress and their staff (many of whom, once they are informed of classified activities, view themselves as compromised in their ability to take action based on that knowledge); inspectors general who report to the heads of the agencies they oversee; and a frequently deferential press establishment that is faced with aggressive assertions of secrecy and all too often dependent upon the rare individual whistleblower willing to risk his or her career to bring abuses to light. It’s not as if there is no record of abuse of surveillance power. During the Cold War and Civil Rights eras, the CIA and FBI engaged in criminal behavior that represented a direct assault on individuals’ rights, the rule of law, and the Constitution. More abuses were committed during the Bush Administration. More broadly, the historical record clearly shows that where secrecy and lack of accountability exist, abuse of power – not to mention incompetence and waste on a stunning scale – is inevitable. The United States lags behind other nations Other nations around the world have created privacy and data protection commissioners with responsibility for protecting their citizens, and the powers to carry it out. **Every other advanced- industrial nation other than the United States**, Japan and South Korea **has some form of such an office** [see box]. In many cases, these officials have considerable powers – not only to respond to complaints, but to **proactively patrol against problems**, subpoena information**, and require action in response to problems**. The Italian privacy authority, for example, has broad powers to inspect the files of government agencies – including intelligence agencies – order remedial actions, impose fines, or directly prosecute violations of the law.2 The European Union’s Data Protection Directive **requires member states to have “supervisory authorities” monitoring privacy that have “complete independence in exercising the functions entrusted to them**.” The directive also requires member states to give supervisory authorities the power to conduct investigations, gain access to information relevant to those investigations, hear complaints, issue reports, initiate legal proceedings, and intervene. Governments are also required to consult the commissions when drafting relevant regulations.4 **Stronger and more independent privacy oversight institutions** would also **be consistent with our nation’s international human rights treaty obligations** – especially concerning the right to privacy enshrined by article 17 of **the I**nternational **C**ovenant on **C**ivil and **P**olitical **R**ights, ratified by the United States in 1992.5 The United States needs a better privacy-oversight institutional framework. It will look different from other countries because, unlike nations with parliamentary systems of government, the United States operates under distinct legislative and executive branches under the principle of separation of powers. How to create uniquely American structural checks and balances to protect privacy and other civil liberties is the question that this report seeks to answer. Privacy laws need strong institutions to back them up Even strong privacy laws need institutions to enforce them and defend them, or they may wither on the vine (and in our jurisprudence). As privacy scholar David H. Flaherty wrote, “[I]t is not enough simply to pass a data protection law in order to control surveillance; an agency charged with implementation is essential to make the law work in practice.”6 Statute and enforcement mechanism are two sides of the same coin; a law that is not enforced is like no law at all – especially a law governing something such as privacy, where the pressures to violate privacy are, in the course of human affairs, constant, universal, and unremitting. The courts, of course, are available for redress. But many technologies today are so novel, and the pace of development so rapid, that our legal system simply has not kept up. Unfortunately, our judiciary is sometimes slow to adapt the Constitution to the realities of new technology. It took almost 40 years for the U.S. Supreme Court to recognize that the Constitution applies to the wiretapping of telephone conversations.7 Over three decades ago, Congress enacted a landmark piece of government reform legislation known as the Privacy Act of 1974. This statute, the closest thing the United States has to an overarching privacy law, sought to create a range of rights and protections in order to “promote accountability” with respect to the “personal information systems and data banks of the Federal Government.”8 Unfortunately, the act is riddled with loopholes and exceptions that have grown over time. Some agencies, especially law enforcement, have taken to exploiting the act’s exemptions to avoid compliance with basic privacy policies. Many of the Privacy Act’s protections have eroded, in part, because there has been no counterbalancing institution to push back and defend it when agencies seek to interpret away its often inconvenient provisions. A variety of other laws govern privacy among government agencies and across the private sector. These laws make up a patchwork of inconsistent, often tangled and complicated, yet simultaneously weak and incomplete rules. This inconsistent situation – video rental records are more strongly protected than Americans’ banking or health data, for example – must be addressed by Congress through the enactment of an overarching privacy law that will put clear, fair privacy standards into law (without endless loopholes) and create stable expectations for businesses, government and individuals alike. Whether the United States eventually enacts a meaningful version of the Fair Information Practices that the rest of the industrialized world has embraced,9 or continues to limp along with an ever-more-complicated patchwork of laws, the need is urgent for a vigorous privacy oversight institution in the United States. Critical Functions With government agencies rapidly assuming new powers, and technology opening up new avenues for surveillance on what seems to be a weekly basis, what functions should privacy institutions fill? Even if not all carried out by the same body, crucial functions include: • Pro-active auditing and oversight. **A privacy office should not sit around waiting for reports of problems to reach it, but should engage in pro-active oversight activities to prevent, detect, and ferret out trouble.** • Investigation. When problems or scandals do arise, a privacy office should conduct a proper investigation and determine what happened and why, and how the problem could be prevented. For example, when the public learned that the Bush Administration NSA engaged in illegal domestic wiretapping with approval at the very top of the executive branch, Americans needed officials in a position to launch an independent investigation on behalf of the public, and the power to do so effectively. Unfortunately, no such position existed. • Public disclosure. A privacy office should not just investigate and monitor the behavior of government agencies, but in a democracy should disclose its findings and recommendations (and generally distribute information) to the Congress, the executive branch, and the public. • Pro-active policy leadership. With the privacy and technology landscape constantly in a state of rapid change, a privacy officer is needed not just to perform specific bureaucratic functions but also to provide broad public leadership and guidance on how to protect privacy and other liberties. • Counsel, review and consultation. When security agencies or other government bodies are considering new policies and programs, it is good to have privacy interests and expertise at the table on the inside – people who can vet such ideas at the earliest stages, steer officials away from bad ideas, and generally serve as an institutional representation for the values of privacy in the policy process. • Complaint resolution. A privacy office should be responsive to specific complaints from individuals and institutions. Crucial Powers & Attributes In order to carry out these functions, any privacy-protecting institution must possess several key characteristics, regardless of its organizational structure and whether it oversees government or the private sector: • Independence. **Independence from potential subjects of investigation is crucial. No one can provide oversight over a person or institution that holds power over the supposed overseer. The actual and perceived effectiveness of a watchdog depends upon complete independence.** • Access to information. Without the ability to compel the production of information, no entity will be effective at providing oversight in the face of bureaucracies in law enforcement, intelligence, homeland security, and national security. Those bureaucracies have shown a repeated willingness over the years to use their secrecy powers not to protect national security but to cover up incompetence and illegality and other embarrassments and generally thwart oversight.10 • **The power to order compliance. A true enforcement body should have the power to enforce compliance with the law, subject to judicial review, as opposed to merely making a public report or falling back upon the courts.** • A broad mandate. An oversight body should be empowered to provide leadership on privacy issues by a provision authorizing the body to comment upon legislative provisions, government or private-sector plans for new programs or services, new technologies, or other developments that have privacy implications, and to conduct research on current and emerging trends in such areas.

War powers delegations are key to revive the Board

Kean, 7

(Former Chair-9/11 Commission, 6/26, “Overseeing the executive branch,” http://www.csmonitor.com/2007/0626/p09s01-coop.html)

The 9/11 commission recommended not only increasing the powers of the federal government to protect us, but also enhancing the system of checks and balances to preserve the precious liberties that are vital to our American way of life. For this reason, the commission prescribed the creation of a board within the executive branch to ensure that the civil-liberties perspective **got a fair hearing before national security decisions were made.** Congress agreed and created the Privacy and Civil Liberties Oversight Board. The board has now completed its first year of work. Its annual report is disappointing. The report takes up only a narrow range of issues. It finds no fault with existing government surveillance programs and provides little justification for those conclusions. It recommends no additional corrective actions. One of the board's members, Lanny Davis, resigned in frustration last month because of limits on the board's role and White House vetting of the annual report. We share his concerns. We believe **the board needs to take on an independent and more energetic role if it is to fulfill its intended purpose.** The authorizing statute for the board states: "The Board shall ensure that concerns with respect to privacy and civil liberties are appropriately considered in the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation against terrorism." The board needs to **talk about what the American people are talking abou**t. **It needs to take up** the question of what to do about Guantánamo. The **issues raised by the detention**, interrogation, and treatment of detainees at Guantánamo and other facilities are central to the current civil-liberties debate. These issues include limited or no access to counsel, no habeas corpus, no limits on how long detainees may be held, and detainees' limited access to the evidence against them. The board should examine practices used in interrogations and the use of evidence obtained through coercion or physical abuse. It is the defense of rights and civil liberties at the margins that ensure the health of those rights and civil liberties for all US citizens and legal residents. **If it is going to make a difference**, the board needs to **speak out about the problems** it has identified and the corrective measures it has recommended and persuaded agencies to adopt. It needs to tell the public which agencies have cooperated with the board and which have not. It needs to bring greater transparency to those activities of the executive branch that impinge on privacy and civil liberties, spelling out for the public why those activities are being carried out and with what safeguards, if any. The board in its current configuration has difficulty carrying out its mission. Therefore, we strongly support a series of structural reforms (currently in House- and Senate-passed bills) to strengthen the powers and independence of the board. Those reforms would: • Require Senate confirmation of board members. • Provide a term of office for board members. • Ensure political balance in the composition of the board. • Grant the board subpoena powers. • Require reports twice a year to Con­gress on its findings, conclusions, and recommendations. • Establish the board as an independent agency in the executive branch. The need for an independent board is self-evident. Stories in the press every day point to the importance of a strong voice and a second opinion within the executive branch before officials go ahead with controversial information-gathering measures. The Privacy and Civil Liberties Oversight Board is the only office that looks across the entire executive branch to ensure that privacy and civil-liberties concerns are considered and addressed. Congress needs to strengthen the board's powers, and **the board needs to pursue its mandate with vigor**. Every citizen has a strong interest in this body's success.

Harmonizing PCLOB with the EU crucial to restore trust on privacy issues

Callahan, 11

(Chief Privacy Officer-Dept. of Homeland Security, “Finding Relief for Privacy Infringements in the New World,” https://www.dhs.gov/xlibrary/assets/privacy/privacy\_us\_finding\_relief\_privacy\_infringements.pdf)

Internationally, the U.S. and Europe have long honored one another’s protections of shared values and freedoms. Despite different legal frameworks and government structures, the U.S. and Europe have practiced comity and mutual recognition to effectively work together on crossborder law enforcement and the enforcement of civil judgments from one side of the Atlantic to the other. Now, however, despite evidence to the contrary, **some in the EU are calling into question whether the U.S. provides effective privacy protection for their citizens**. This criticism is particularly acute in the context of security and law enforcement programs, where border protection systems impact European travelers. What is the source for this skepticism? Listening to our European critics, many of whom are independent data protection authorities, **their doubts appear to be based largely on the lack of precise counterpart entities in the U.S**. UNDERSTANDING EU SOURCES OF DOUBT Since the country’s founding, Americans expect that the three independent branches of government created by the Constitution uphold the rights enumerated therein. It is difficult for Americans to understand why independent oversight in the area of privacy is seen by the Europeans as a necessity; after all, other fundamental human rights enumerated in the European Convention on Human Rights are not overseen by independent authorities, even within EU member states. Nor has the presence of an independent data protection authority been recognized as necessary by the three global conventions on privacy. Among the Organization for Economic Cooperation and Development (OECD) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data, the Asia Pacific Economic Cooperation (APEC) Privacy Framework, and the United Nations (UN) Convention on Electronic Data Processing, none have prescribed a specific government structure for privacy oversight. The reason for the EU data protection community’s **insistence on an independent data protection authority is most likely tied to a legal concept central to democracies around the world: redress from wrongful action by the government.** The presumed reasoning of the EU’s data protection community is that, without independence, “true application of the [data protection] principles would not arise.” In other words, the assumption is that **anything less is the proverbial fox guarding the hen house**, especially in the area of security and law enforcement programs. The linkage presumes that true restitution cannot occur outside of the independent data protection authority model, and, by virtue of having this government structure, redress is guaranteed under the EU framework. Those who subscribe to this logic should expect that European data protection authorities routinely grant individuals satisfaction for the errors and breaches that are bound to occur in large government systems that collect personal information and that miscreant public employees are punished, while under the U.S. system such redress would be impossible. However, a look at the U.S. system suggests quite a different conclusion. To the exclusion of all other law, EU interlocutors have focused solely on the fact that the Privacy Act of 1974 only applies to U.S. persons (defined as U.S. citizens and legal permanent residents), and mistakenly assume that this prevents Europeans from obtaining redress from the U.S. government for mishandling or misusing personal information. This singular focus on the Privacy Act excludes other notable relief available. Part of the European skepticism may be rooted in a failure to understand the difference between their civil law and our common law systems. In fact, aggrieved non-U.S. persons have several options, some involving the courts and others involving administrative remedies, depending on the complaint. These options are not just theoretical, but are extensively used and publicized. Moreover, every year brings examples of U.S. federal employees who find out the hard way that misusing personal information brings severe consequences. The following hypotheticals – all with a nexus to DHS – can help illustrate the effectiveness of U.S. redress in the border security and law enforcement context.

That’s key to prevent kick-out of US IT

Llanso, 13

(Policy Analyst-CDT, 8/18, “CDT and Global Civil Society Urge PCLOB to Account For Global Human Rights In Surveillance Debate,” https://www.cdt.org/blogs/cdt/cdt-and-global-civil-society-urge-pclob-account-global-human-rights-surveillance-debate)

US government surveillance programs pose real threats to the human rights of people across the globe, but this critical issue has yet to receive the attention it deserves in domestic debates about the NSA’s surveillance activities. Last week, CDT and other human rights organizations and advocates from 25 nations have come together to urge the Privacy and Civil Liberties Oversight Board (PCLOB) to explicitly address the global human rights implications of the US government’s surveillance activity in the Board’s upcoming report. The coalition calls on PCLOB to evaluate the NSA’s surveillance program according to basic human rights safeguards, as outlined in international human rights law and policy standards, including UN Special Rapporteur Frank La Rue’s recent report on the implications of States’ surveillance of communications for the human rights of privacy and freedom of expression. These standards require that a government’s surveillance activity be subject to a strong legal framework that is transparently developed and implemented, and that the surveillance be necessary to achieve a legitimate goal, proportionate to that goal, authorized by a competent judicial authority, and subject to public oversight. **PCLOB has the opportunity to exhibit leadership in holding the U.S. government accountable to its human rights obligations**. Thus far, the U.S. government has said barely a word about the consequences of these programs for people overseas – many of whom are the family, friends, and business associates of U.S. residents. President Obama briefly mentioned “how these issues are viewed overseas” in his address last Friday, but his comments focused on concerns about the tarnishing of the U.S.’s international reputation and only emphasized the need to ensure the American people’s confidence in the NSA’s surveillance programs. While the President’s comments and congressional debates have focused on the impact these surveillance programs have on U.S. voters, maintaining this narrow view of the issue will put the U.S. government at a serious disadvantage as it responds to global criticism. The NSA revelations will have consequences for the U.S. government across the entire spectrum of its international and multilateral public policy initiatives. And **worldwide mistrust of U.S. communications infrastructure will be bad for U.S. business** if individuals around the world decide they’re better off storing their data locally or communicating **using providers and services in territories that will respect their human rights**. It’s in the government’s own best interest to directly – and sincerely – consider the full ramifications of these surveillance programs both for those within and outside of the U.S. But more broadly, it is critical that the U.S. – and all governments – evaluate the impact of their communications surveillance programs on the human rights of people outside their national borders. In an increasingly networked world, old notions of government surveillance capabilities being in any way limited by national boundaries and a person’s location are obviously outdated. A strictly territorial conception of human rights obligations could leave the millions of cross-border communications that happen every day in a void of human rights protections. **Governments must be held accountable to their human rights commitments** in today’s more complex communications environment, and **PCLOB has the opportunity to move this critical discussion forward**.

Causes internet balkanization

Fitzgerald 13

Brian R. Fitzgerald is an editor at WSJ.com, Wall Street Journal, November 1, 2013, "Weekend Reading: Does NSA Fallout Threaten the Global Internet?", http://blogs.wsj.com/digits/2013/11/01/weekend-reading-does-nsa-fallout-threaten-the-global-internet/

In the past week, at least three articles have raised the specter that the global, mostly open, free Internet could splinter into a series of fiefdoms heavily influenced — or outright controlled — by governmental bodies.

The Internet may seem like it belongs to the world, but the reality is that it is controlled by the U.S. That makes the Edward Snowden revelations about U.S. spying on Web traffic that much tougher for other nations to swallow. Germany is talking about its own Internet (in so many words). So is Brazil. China and Russia pretty much have their own already.

We’re not necessarily talking about a completely closed “second Internet” but one where a nation meddles so heavily that foreign businesses won’t do business there, leaving the nation’s own services as dominant players. The idea has been around for nearly as long as the modern Internet. But it picked up steam when it was raised a book co-written by Google CEO Eric Schmidt and former State Department-turned-Google-Ideas chief Jared Cohen. At the time, the Journal’s Tom Gara picked through the book, “The New Digital Age,” and pulled out this point:

The U.S. is far from an angel, the book acknowledges. From high-profile cases of cyber-espionage such as the Stuxnet virus that targeted Iranian nuclear facilities, to exports of surveillance software and technology to states with bad human rights records, there is plenty at home to criticize.

And those criticisms will become louder and more politically resonant, Schmidt and Cohen claim, as the distinctions between states that support freedom online and those that suppress it become clearer. The pair even speculate that the Internet could eventually fracture into pieces, some controlled by an alliance of states that are relatively tolerant and free, and others by groupings that want their citizens to take part in a less rowdy and open online life. Companies doing business with the latter could find themselves shunned from the former, the book suggests.

In this roundabout way the pair come close, on occasion, to suggesting western governments follow China’s lead and form closer relationships between state policy and corporate activity.

A week ago, Hayes Brown, writing in Think Progress about the NSA leaks, raised the issue again. He said the real needle-mover were the allegations that the U.S. spied on the leaders of allied nations — and that’s the kind of stuff that nudges countries into taking action.

In September, however, it got personal for many heads of state who ally themselves with the U.S. Ahead of a meeting of the G-20 economic forum and the United Nations General Assembly, Glenn Greenwald, speaking with the Brazilian press, revealed that part of the NSA’s operations included reading the emails of Brazilian president Dilma Rousseff and Mexican president Enrique Pena Nieto. This lead to Rousseff both cancelling a high-profile trip to the United States and slamming the American practice before the U.N. — only minutes before President Obama was to speak.

He continued:

The harsh words that were to be expected as face-saving measures in light of the very public accusations now seem to be turning into action, however. Brazil’s legislature got the ball rolling through considering proposals that would require companies wishing to do business in Brazil have their host servers located within Brazil itself, preventing interested parties from tapping into data streams at key junctures. Germany now seems to be getting in on the act as well. Deutsche Telekom, which the German government owns a 32 percent stake in, wants its fellow German telecommunications companies to team up to shield local traffic from foreign intelligence sources.

The potential ‘Balkanization’ of the Internet is in and of itself not a new thing, having been used as a term at least as far back as 1998. China is the most prominent example of cutting off from the rest of the world wide web, with Chinese netizens constantly stymied by the “Great Firewall.” Other regimes that aren’t particular fans of openness have followed suit, including Iran’s blocking of most social media sites and developing an intranet that would replace the internet in total.

Others have picked up on the conversation. Max Fisher, writing in the Washington Post’s WorldViews blog, said the fallout from the NSA scandal has the potential to redraw the Internet along national borders. (He picked up on Gara’s piece earlier this year, too.) He writes:

This week saw some signs that the fractured-Internet theory might be coming true, perhaps sooner than Schmidt and Cohen anticipated, but along very different fault lines. A group of German telecoms have proposed that the country develop its own, separate Web and e-mail systems, to wall themselves off from the U.S. cyber-snooping that has sparked such outrage there. While the plan doesn’t appear likely to be carried out anytime soon, the mere fact that it’s being discussed so widely and seriously is an indication that the Web could indeed break apart.

An important point he makes: The fracturing isn’t some liberal-vs.-authoritarian storyline. It’s between one liberal democracy and another. And harkening back to the China point: the way it can happen isn’t necessarily one nation shutting the door on another, but creating a system of rules that make it unpalatable for companies and services to do their business there. He points to an Atlantic article that says India, with one of the largest populations in the world, is already doing this.

Global internet coordination and innovation key to solve extinction

Genachowski 13

Julius Genachowski is chairman of the U.S. Federal Communications Commission, First Amendment scholar Lee C. Bollinger is president of Columbia University. Bollinger serves on the board of the Washington Post Company, Foreign Policy, April 16, 2013, "The Plot to Block Internet Freedom", http://www.foreignpolicy.com/articles/2013/04/16/plot\_block\_internet\_freedom?page=full

The Internet has created an extraordinary new democratic forum for people around the world to express their opinions. It is revolutionizing global access to information: Today, more than 1 billion people worldwide have access to the Internet, and at current growth rates, 5 billion people -- about 70 percent of the world's population -- will be connected in five years.

But this growth trajectory is not inevitable, and threats are mounting to the global spread of an open and truly "worldwide" web. The expansion of the open Internet must be allowed to continue: The mobile and social media revolutions are critical not only for democratic institutions' ability to solve the collective problems of a shrinking world, but also to a dynamic and innovative global economy that depends on financial transparency and the free flow of information.

The threats to the open Internet were on stark display at last December's World Conference on International Telecommunications in Dubai, where the United States fought attempts by a number of countries -- including Russia, China, and Saudi Arabia -- to give a U.N. organization, the International Telecommunication Union (ITU), new regulatory authority over the Internet. Ultimately, over the objection of the United States and many others, 89 countries voted to approve a treaty that could strengthen the power of governments to control online content and deter broadband deployment.

In Dubai, two deeply worrisome trends came to a head.

First, we see that the Arab Spring and similar events have awakened nondemocratic governments to the danger that the Internet poses to their regimes. In Dubai, they pushed for a treaty that would give the ITU's imprimatur to governments' blocking or favoring of online content under the guise of preventing spam and increasing network security. Authoritarian countries' real goal is to legitimize content regulation, opening the door for governments to block any content they do not like, such as political speech.

Second, the basic commercial model underlying the open Internet is also under threat. In particular, some proposals, like the one made last year by major European network operators, would change the ground rules for payments for transferring Internet content. One species of these proposals is called "sender pays" or "sending party pays." Since the beginning of the Internet, content creators -- individuals, news outlets, search engines, social media sites -- have been able to make their content available to Internet users without paying a fee to Internet service providers. A sender-pays rule would change that, empowering governments to require Internet content creators to pay a fee to connect with an end user in that country.

Sender pays may look merely like a commercial issue, a different way to divide the pie. And proponents of sender pays and similar changes claim they would benefit Internet deployment and Internet users. But the opposite is true: If a country imposed a payment requirement, content creators would be less likely to serve that country. The loss of content would make the Internet less attractive and would lessen demand for the deployment of Internet infrastructure in that country.

Repeat the process in a few more countries, and the growth of global connectivity -- as well as its attendant benefits for democracy -- would slow dramatically. So too would the benefits accruing to the global economy. Without continuing improvements in transparency and information sharing, the innovation that springs from new commercial ideas and creative breakthroughs is sure to be severely inhibited.

To their credit, American Internet service providers have joined with the broader U.S. technology industry, civil society, and others in opposing these changes. Together, we were able to win the battle in Dubai over sender pays, but we have not yet won the war. Issues affecting global Internet openness, broadband deployment, and free speech will return in upcoming international forums, including an important meeting in Geneva in May, the World Telecommunication/ICT Policy Forum.

The massive investment in wired and wireless broadband infrastructure in the United States demonstrates that preserving an open Internet is completely compatible with broadband deployment. According to a recent UBS report, annual wireless capital investment in the United States increased 40 percent from 2009 to 2012, while investment in the rest of the world has barely inched upward. And according to the Information Technology and Innovation Foundation, more fiber-optic cable was laid in the United States in 2011 and 2012 than in any year since 2000, and 15 percent more than in Europe.

All Internet users lose something when some countries are cut off from the World Wide Web. Each person who is unable to connect to the Internet diminishes our own access to information. We become less able to understand the world and formulate policies to respond to our shrinking planet. Conversely, we gain a richer understanding of global events as more people connect around the world, and those societies nurturing nascent democracy movements become more familiar with America's traditions of free speech and pluralism.

That's why we believe that the Internet should remain free of gatekeepers and that no entity -- public or private -- should be able to pick and choose the information web users can receive. That is a principle the United States adopted in the Federal Communications Commission's 2010 Open Internet Order. And it's why we are deeply concerned about arguments by some in the United States that broadband providers should be able to block, edit, or favor Internet traffic that travels over their networks, or adopt economic models similar to international sender pays.

We must preserve the Internet as the most open and robust platform for the free exchange of information ever devised. Keeping the Internet open is perhaps the most important free speech issue of our time.

### 6

Only Obama’s gradual shift maintains CIA drone strikes in Pakistan through 2014

Miller, national security reporter – Washington Post, 1/19/’13

(Greg, “CIA drone strikes will get pass in counterterrorism ‘playbook,’ officials say,” Washington Post)

The Obama administration is nearing completion of a detailed counterterrorism manual that is designed to establish clear rules for targeted-killing operations but leaves open a major exemption for the CIA’s campaign of drone strikes in Pakistan, U.S. officials said. The carve-out would allow the CIA to continue pounding al-Qaeda and Taliban targets for a year or more before the agency is forced to comply with more stringent rules spelled out in a classified document that officials have described as a counterterrorism “playbook.” The document, which is expected to be submitted to President Obama for final approval within weeks, marks the culmination of a year-long effort by the White House to codify its counterterrorism policies and create a guide for lethal operations through Obama’s second term. A senior U.S. official involved in drafting the document said that a few issues remain unresolved but described them as minor. The senior U.S. official said the playbook “will be done shortly.” The adoption of a formal guide to targeted killing marks a significant — and to some uncomfortable — milestone: the institutionalization of a practice that would have seemed anathema to many before the Sept. 11 , 2001, terrorist attacks. Among the subjects covered in the playbook are the process for adding names to kill lists, the legal principles that govern when U.S. citizens can be targeted overseas and the sequence of approvals required when the CIA or U.S. military conducts drone strikes outside war zones. U.S. officials said the effort to draft the playbook was nearly derailed late last year by **disagreements among** the State Department, **the CIA and the Pentagon** on the criteria for lethal strikes and other issues. Granting the CIA a temporary exemption for its Pakistan operations was described as a compromise that allowed officials to move forward with other parts of the playbook. The decision to allow the CIA strikes to continue was driven in part by concern that the window for weakening al-Qaeda and the Taliban in Pakistan is beginning to close, with plans to pull most U.S. troops out of neighboring Afghanistan over the next two years. CIA drones are flown out of bases in Afghanistan. “There’s a sense that you put the pedal to the metal now, especially given the impending” withdrawal, said a former U.S. official involved in discussions of the playbook. The CIA exception is **expected** to be in effect for “less than two years but more than one,” the former official said, although he noted that any decision to close the carve-out “will undoubtedly be predicated on facts on the ground.” The former official and other current and former officials interviewed for this article spoke on the condition of anonymity because they were talking about ongoing sensitive matters. Obama’s national security team agreed to the CIA compromise late last month during a meeting of the “principals committee,” comprising top national security officials, that was led by White House counterterrorism adviser John O. Brennan, who has since been nominated to serve as CIA director. White House officials said the committee will review the document again before it is presented to the president. They stressed that it will not be in force until Obama has signed off on it. The CIA declined requests for comment. The outcome reflects the administration’s struggle to resolve a fundamental conflict in its counterterrorism approach. Senior administration officials have expressed unease with the scale and autonomy of the CIA’s lethal mission in Pakistan. But they have been reluctant to alter the rules because of the drone campaign’s results. The effort to create a playbook was initially disclosed last year by The Washington Post. Brennan’s aim in developing it, officials said at the time, was to impose more consistent and rigorous controls on counterterrorism programs that were largely ad-hoc in the aftermath of the Sept. 11 attacks.

Drone attacks in Pakistan solve stability and terrorism

Curtis 13 (Lisa Curtis is a senior research fellow at the Heritage Foundation, The National Interest, July 15, 2013, "Pakistan Makes Drones Necessary", http://nationalinterest.org/commentary/pakistan-makes-drones-necessary-8725?page=show)

But until Islamabad cracks down more aggressively on groups attacking U.S. interests in the region and beyond, drones will remain an essential tool for fighting global terrorism. Numbering over three hundred and fifty since 2004, drone strikes in Pakistan have killed more than two dozen Al Qaeda operatives and hundreds of militants targeting U.S. and coalition forces.

President Obama made clear in his May 23 speech at the National Defense University that Washington would continue to use drones in Pakistan’s tribal border areas to support stabilization efforts in neighboring Afghanistan, even as it seeks to increase transparency and tighten targeting of the drone program in the future. Obama also defended the use of drones from a legal and moral standpoint, noting that by preemptively striking at terrorists, many innocent lives had been saved.

The most compelling evidence of the efficacy of the drone program came from Osama bin Laden himself, who shortly before his death contemplated moving Al Qaeda operatives from Pakistan into forested areas of Afghanistan in an attempt to escape the drones’ reach, according to Peter Bergen, renowned author of Manhunt: The Ten-Year Search for Bin Laden from 9/11 to Abbottabad.

How to Reduce the Need for Drones

The continuation of drone strikes signals U.S. frustration with Pakistan’s unwillingness to crack down consistently and comprehensively on groups that find sanctuary in Pakistan’s tribal areas. There continue to be close ties between the Pakistan military and the Taliban-allied Haqqani Network, which attacks U.S. forces in Afghanistan and undermines the overall U.S. and NATO strategy there.

The most recent U.S. drone attack inside Pakistani territory occurred last week against militants from the Haqqani Network located in North Waziristan, along the border with Afghanistan. In early June, drone missiles also targeted a group of fighters in Pakistan that were preparing to cross over into Afghanistan. On both occasions, the Pakistani Foreign Ministry condemned the attacks as counterproductive and said they raised serious questions about human rights.

No doubt a better alternative to the drones would be Pakistani action against terrorist sanctuaries. But Pakistan has stonewalled repeated U.S. requests for operations against the Haqqani network.

In addition to continuing drone strikes as necessary, the U.S. should further condition military aid to Pakistan based on its willingness to crack down on the Haqqani Network. In early June, the House of Representatives approved language in the FY 2014 National Defense Authorization Act that conditions reimbursement of Coalition Support Funds (CSF) pending Pakistani actions against the Haqqani network. Hopefully, the language will be retained in the final bill.

The United States provides CSF funds to reimburse Pakistan for the costs associated with stationing some one hundred thousand Pakistani troops along the border with Afghanistan. Pakistan has received over $10 billion in CSF funding over the last decade. One must question the worth of having troops stationed in this region if they refuse to go after one of the most dangerous terrorist groups.

Details of the relationship between the Pakistan military and the Haqqani Network are laid out in a recent book, Fountainhead of Jihad: The Haqqani Nexus, 1973–2012 by Vahid Brown and Don Rassler. The book highlights that Pakistan is actively assisting the Haqqani network the same way it has over the last twenty years, through training, tactical field advice, financing and material support. The assistance, the authors note, helps to sustain the Haqqani group and enhance its effectiveness on the battlefield.

Drones Help Pakistan

It is no secret that the drone strikes often benefit the Pakistani state. On May 29, for example, a drone missile strike killed the number two leader of the Pakistani Taliban (also referred to as the Tehrik-e-Taliban Pakistan or TTP), Waliur Rehman. The TTP has killed hundreds of Pakistani security forces and civilians in terrorist attacks throughout the country since its formation in 2007. Furthermore, the group conducted a string of suicide attacks and targeted assassinations against Pakistani election workers, candidates, and party activists in the run-up to the May elections, declaring a goal of killing democracy.

Complicating the picture even further is the fact that Pakistan’s support for the Haqqani network indirectly benefits the Pakistani Taliban. The Haqqanis play a pivotal role in the region by simultaneously maintaining ties with Al Qaeda, Pakistani intelligence and anti-Pakistan groups like the TTP. With such a confused and self-defeating Pakistani strategy, Washington has no choice but to rely on the judicious use of drone strikes.

Complicated Relationship

The U.S. will need to keep a close eye on the tribal border areas, where there is a nexus of terrorist groups that threaten not only U.S. interests but also the stability of the Pakistani state. Given that Pakistan is home to more international terrorists than almost any other country and, at the same time, has one of the fastest growing nuclear arsenals, the country will remain of vital strategic interest for Washington for many years to come.

Though the drone issue will continue to be a source of tension in the relationship, it is doubtful that it alone would derail ties. The extent to which the United States will continue to rely on drone strikes ultimately depends on Islamabad’s willingness to develop more decisive and comprehensive counterterrorism policies that include targeting groups like the Haqqani Network.

The 2014 window is key

Miller, national security correspondent – Washington Post, 1/10/’13

(Greg, “U.S. drone strikes in Pakistan on rise for 2013,” Washington Post)

The CIA has opened the year with a flurry of drone strikes in Pakistan, pounding Taliban targets along the country’s tribal belt at a time when the Obama administration is preparing to disclose its plans for pulling most U.S. forces out of neighboring Afghanistan. A strike Thursday in North Waziristan was the seventh in 10 days, marking a major escalation in the pace of attacks. Drone attacks had slipped in frequency to fewer than one per week last year. Current and former U.S. intelligence officials attributed the increased tempo to a sense of urgency surrounding expectations that President Obama will soon order a drawdown that could leave Afghanistan with fewer than 6,000 U.S. troops after 2014. The strikes are seen as a way to weaken adversaries of the Afghan government before the withdrawal and serve notice that the United States will still be able to launch attacks. The rapid series of CIA strikes “may be a signal to groups that include not just al-Qaeda that the U.S. will still present a threat” after most American forces have gone, said Seth Jones, a counterterrorism expert at the Rand Corp. “With the drawdown in U.S. forces, the drone may be, over time, the most important weapon against militant groups.” U.S. officials also tied the increase to recent intelligence gains on groups blamed for lethal attacks on U.S. and coalition forces in Afghanistan. Among those killed in the drone strikes, according to U.S. officials, was Maulvi Nazir, a Taliban commander accused of planning cross-border raids and providing protection for al-Qaeda fighters. The CIA may see a diminishing window for using drones with such devastating effectiveness as the military begins sharp reductions in the 66,000 U.S. troops in Afghanistan, current and former officials said. A former U.S. intelligence official with extensive experience in Afghanistan said the CIA has begun discussing plans to pare back its network of bases across the country to five from 15 or more because of the difficulty of providing security for its outposts after most U.S. forces have left. The CIA declined to comment. “As the military pulls back, the agency has to pull back,” the former U.S. intelligence official said on the condition of anonymity, particularly from high-risk outposts along the country’s eastern border that have served as bases for running informant networks and gathering intelligence on al-Qaeda and Taliban strongholds in Pakistan.

Pakistan collapse causes extinction

William Pitt 9 is a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn't Want You to Know" and "The Greatest Sedition Is Silence”, 5/8, “Unstable Pakistan Threatens the World,” <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183>,

But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world. The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner.

### 7

**The United States Congress should end its opposition to and fully fund the President’s transfer of targeted killing by drones away from his Title 50 authority.**

**The United States Executive Branch should issue an executive order establishing ex ante transparency for targeted killing.**

The President should give a public address stating his commitment to transferring targeted killing by drones exclusively to the Department of Defense.

Solves the case. Obama trying to transfer now, but stalled by congress—their 1AC card

Schiff 3/12/14, 1ac card [Op-Ed Contributor Let the Military Run Drone Warfare By ADAM B. SCHIFF March 12, 2014, Adam B. Schiff, Democrat of California, is a member of the House Permanent Select Committee on Intelligence.’]

It has been widely reported that the C.I.A. has been responsible for unmanned drone attacks. Last May, President Obama spoke at the National Defense University to articulate the legal and policy basis of the government’s drone program, promising transparency and reform. But the single biggest reform — ensuring that only the Department of Defense carries out lethal strikes — remains **stalled by Congressional** opposition and bureaucratic **inertia**. Those roadblocks must no longer stand in the way of reforms to increase the transparency, accountability and legitimacy of our drone program. First, Congress needs to get out of the way and allow the president to move the drone program to the Joint Special Operations Command (J.S.O.C.) at the Pentagon. Though it may appear that we’d just be shuffling the chairs, this change would have two benefits: It would allow our other agencies to focus on their core mission of intelligence gathering, rather than paramilitary activities, and it would enable us to be more public about the successes and failures of the drone program, since such operations would no longer be covert. Some Republicans and Democrats on both the House and Senate intelligence committees argue that the J.S.O.C. lacks expertise in targeting and may cause more collateral damage. But these claims are more anecdotal than evidentiary, and the intelligence committees have yet to be presented with the facts to back them up. They also ignore the joint role that Defense Department and intelligence agency personnel play in identifying and locating targets. These combined efforts would continue, even if the agency pulling the trigger changed. Second, we must hold ourselves accountable by being more open about the effect of our drone strikes. While there may still be a need for covert drone operations in some parts of the world, greater disclosure would be in our interest. In the absence of official accounts, inflated and often wildly inaccurate assertions of the number of civilian casualties — generally advanced by our enemies — fill the informational vacuum. I’ve proposed legislation, along with my fellow California Democrat Senator Dianne Feinstein, to require an annual report of the number of civilian and combatant casualties caused by drone strikes, including an explanation of how we define those terms. Finally, with regard to the uniquely difficult situation of an American citizen who has taken up arms against his own nation and who cannot feasibly be arrested, the Obama administration must go further to explain what protections are in place to ensure due process for any American who may be targeted. A 2011 strike targeted and killed Anwar al-Awlaki, an American-born cleric and top operative of Al Qaeda’s branch in Yemen, and other Americans may be targeted in the future. I’ve put forward a proposal to require an independent review of any decision to target an American with lethal force. These reports should be declassified after 10 years. Knowing that they’ll be made public will help ensure that the task is approached with the appropriate rigor. The United States is the only country with a significant armed drone capability, but that distinction will not last forever. As other nations develop and deploy these technologies, we will be better positioned to urge their responsible and transparent use if we have set an example ourselves. We must hold ourselves to a high standard and do it in public, not behind closed doors. That is the commitment the president has made, and it’s a promise worth keeping.

Avoids the case turns—they won’t transition until DOD matches CIA

**Lubold 13** (Gordon and Shane Harris, “Exclusive: The CIA, Not The Pentagon, Will Keep Running Obama's Drone War”, November, http://webcache.googleusercontent.com/search?q=cache%3Akillerapps.foreignpolicy.com%2Fposts%2F2013%2F11%2F05%2Fcia\_pentagon\_drone\_war\_control%3Futm\_source%3DSailthru%26utm\_medium%3Demail%26utm\_term%3D%252ASituation%2520Report%26utm\_campaign%3DSITUATION%2520REPORT%2520NOV.%25206%25202013&rlz=1C1OPRB\_enUS531US532&oq=cache%3Akillerapps.foreignpolicy.com%2Fposts%2F2013%2F11%2F05%2Fcia\_pentagon\_drone\_war\_control%3Futm\_source%3DSailthru%26utm\_medium%3Demail%26utm\_term%3D%252ASituation%2520Report%26utm\_campaign%3DSITUATION%2520REPORT%2520NOV.%25206%25202013&aqs=chrome..69i57j69i58.1741j0j4&sourceid=chrome&espv=210&es\_sm=93&ie=UTF-8)

In May, the White House leaked word that it would start shifting drone operations from the shadows of the CIA to the relative sunlight of the Defense Department in an effort to be more transparent about the controversial targeted killing program. But six months later, the so-called migration of those operations has stalled, and it is now unlikely to happen anytime soon, Foreign Policy has learned.

The anonymous series of announcements coincided with remarks President Obama made on counterterrorism policy at National Defense University in which he called for "transparency and debate on this issue." A classified Presidential Policy Guidance on the matter, issued at the same time, caught some in government by surprise, triggering a scramble at the Pentagon and at CIA to achieve a White House objective. The transfer was never expected to happen overnight. But it is now clear the complexity of the issue, the distinct operational and cultural differences between the Pentagon and CIA and the bureaucratic politics of it all has forced officials on all sides to recognize transferring drone operations from the Agency to the Defense Department represents, for now, an unattainable goal.

"The physics of making this happen quickly are remarkably difficult," one U.S. official told FP. "The goal remains the same, but the reality has set in."

Another U.S. official emphasized that the transfer is still continuing. "This is the policy, and **we're moving toward that policy, but it will take some time**," the official said. "**The notion that there has been some sort of policy reversal is just not accurate**. I think from the moment the policy was announced it was clear it was not something that would occur overnight or immediately."

**The official noted that all involved are mindful** not to disrupt the drone program **just for the sake of completing the transfer from the CIA to the military**. "While we work jointly towards this transition, we also want to ensure that we maintain capabilities."

Officials at the CIA and the Defense Department are loathe to try and fix a program that they don't think is broken, even if it has become a political liability for Obama, who has faced constant pressure from human rights activists, his political base, and a growing chorus of libertarian Republicans to scale back the program and subject it to greater public scrutiny. But the pitfalls of transferring operations reside in more practical concerns. The U.S. official said that while the platforms and the capabilities are common to either the Agency or the Pentagon, there remain distinctly different approaches to "finding, fixing and finishing" terrorist targets. The two organizations also use different approaches to producing the "intelligence feeds" upon which drone operations rely. Perhaps more importantly, after years of conducting drone strikes, **the CIA has developed an expertise and a taste for them**. **The DOD's appetite to take over that mission may not run very deep.**

The military operates its own drones, of course, and has launched hundreds of lethal strikes in Iraq and Afghanistan. But the CIA is more "agile," another former official said, and has a longer track record of being able to sending drones into places where U.S. combat forces cannot go.

CP is binding and durable

Graham Dodds, Ph.D., Concordia professor of political science, 2013, Take Up Your Pen: Unilateral Presidential Directives in American Politics, p. 10

If executive orders, proclamations, memoranda, and other unilateral presidential directives merely expressed the president's view, then they would be important but not necessarily determinative. **However, these directives are not mere statements of presidential preferences; rather, they establish** binding policies and have the force of law**, ultimately** backed by the full coercive power of the state. In Armstrong v. United States, 80 U.S. (13 Wall.) 154 (1871), the Supreme Court considered the legal status of a proclamation and decided that such directives are public acts to which courts must “give effect.” In other words, in the eyes of the judiciary, unilateral presidential directives are just as binding as laws. In 1960, Senator Robert Byrd (D-WV) advised his colleagues, “Keep in mind that an executive order is not statutory law.” 46 Politically, that may be true, as unilateral presidential directives represent the will only of the chief executive and lack the direct endorsement of congressional majorities. But constitutionally and legally**, a unilateral presidential directive is** as authoritative and compulsory as a regular law, at least until such time as it is done away with by Congress, courts, or by a future unilateral presidential directive.

### terrorism

Pentagon causes blowback—CIA and a slow transition solve

Hirsh 2-25

Hirsh 2/25/14 (Michael, National Journal, “Is the CIA Better Than the Military at Drone Killings?”, <http://www.nationaljournal.com/magazine/is-the-cia-better-than-the-military-at-drone-killings-20140225>)

But a funny thing happened on the way back to cloak-and-dagger. According to intelligence experts and some powerful friends of the CIA on Capitol Hill, including Sen. Dianne Feinstein, the agency **may simply be much better than the military at killing people in a targeted, precise way—and, above all, at ensuring that the bad guys they're getting are really bad guys**. And that distinction has become more important than ever at a time when Obama is intent on moving away from a "permanent war footing" and on restricting targeted killings exclusively to a handful of Qaida-linked senior terrorists. No public data exist on the accuracy and reliability of the strikes launched by the CIA versus those by the Pentagon, says Bill Roggio of The Long War Journal, who has tracked drone attacks. And the administration has insisted that all targeted killings must meet the same threshold. Obama said in a landmark speech at the National Defense University last year, "Before any strike is taken, there must be near-certainty that no civilians will be killed or injured—the highest standard we can set." Nonetheless, the Pentagon's most recent botched hit in Yemen, a territory shared by the CIA and the Defense Department, **pointed up problems with the military-run program that have long worried detractors**. The strike in December killed a dozen people in an 11-vehicle convoy that tribal leaders later said was part of a wedding procession. In extraordinarily blunt but little-noted remarks last year about the covert programs, Feinstein, chairwoman of the Senate Intelligence Committee, worried that **the Pentagon simply incurs too much "collateral damage" and too often acts on bad intelligence**. **While the CIA exercises "patience and discretion,"** she said, "the military program has not done that nearly as well.… That causes me concern." Some intelligence experts insist **the key difference is tradecraft, especially the "long intelligence tail"—an extensive dossier justifying action**—the agency insists on compiling on potential targets before they are hit. "Because of the blowback that's occurring, the agency is extremely cautious in terms of its intelligence justification," says Philip Giraldi, a former CIA counterterrorism official. "They're being very, very careful." **CIA officials tend to collect human and electronic intelligence for longer periods on the ground, and they use on-the-ground assets to help identify and mark targets.** **The military, by contrast, is focused more broadly on its traditional mission of force protection, with looser rules of engagement and fewer worries** about justifying its actions to Congress, which the CIA is required to do under Title 50 of the National Security Act. "The military is always driven by protection of forces," says Giraldi, as opposed to the usually small-scale tracking of senior terrorists that the CIA specializes in. "They are seeing a different kind of target, and they are tending for that reason to be more proactive than the agency would be. **They see a threat over the horizon, and** they're going to whack it." **Yet the president has increasingly expressed** a preference for less whacking**—lethal force—and more nuanced ways of dealing with potential enemies.** Administration officials have grown much more mindful of warnings that the anger and potential **radicalization of local populations arising from collateral damage could** outweigh any success coming out of the drone programs. This is especially true as new jihadist splinter groups emerge in Syria and other chaotic parts of the Middle East that may not now have designs on U.S. targets but could, with sufficient motivation, buy into a new anti-American narrative. Perhaps that is why there has apparently been little pushback in the administration on the halting moves to check the CIA out of the killing business. Still, the administration says Obama is determined to continue the transition, and is putting in place new policy standards and procedures for targeted killing. "**The plan is to transition to these standards and procedures over time,** in a careful, coordinated, and deliberate manner," says National Security Council spokeswoman Caitlin Hayden. "I'm not going to speculate on how long the transition will take, but we're going to ensure that it's done right and not rushed." On Capitol Hill, **some legislators are pushing the Pentagon to certify that U.S. Joint Special Operations Command, which conducts the military strikes, can match the CIA's capabilities and targeting methodology** before the shift to the Defense Department goes forward.

Drones are sustainable—US government won’t react to backlash

Benjamin Wittes, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/13, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

This view has currency among European allies, among advocacy groups, and in the legal academy. **Unfortunately for its proponents, it has no currency among the three branches of government** of the United States. The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force and despite many opportunities, has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency—much less to clarify that the AUMF does not, any longer, authorize the use of military force at all. Congress has been repeatedly briefed on U.S. targeting decisions, including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. Not only has it taken neither of these steps, but Congress has also funded the relevant programs. Moreover, as I noted above, Congress’s recent reaffirmation of the AUMF in the 2012 NDAA with respect to detention, once again contains no geographical limitation. There is, in other words, a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

Backlash is inevitable

Groves, senior research fellow – Institute for International Studies @ Heritage, 1/25/’13

(Steven, “The U.S. Should Ignore U.N. Inquiry Into Drone Strikes,” http://blog.heritage.org/2013/01/25/the-u-s-should-ignore-u-n-inquiry-into-drone-strikes/)

Various international legal academics and human rights activists have regularly made these and other similar allegations ever since the Obama Administration stepped up the drone program in 2009. While drone strikes cannot be viewed alone as an effective counterterrorism strategy, the Administration has repeatedly defended the legality of the program. Emmerson and his fellow U.N. special rapporteurs Philip Alston and Christof Heyns have repeatedly demanded that the U.S. provide more information on drone strikes—and the U.S. has repeatedly complied, issuing public statement after public statement defending every aspect of the drone program. Public statements detailing the legality and propriety of the drone program have been made by top Administration officials, including State Department Legal Adviser Harold Koh, Attorney General Eric Holder, Deputy National Security Advisor John Brennan, General Counsel for the Department of Defense Jeh Johnson, and CIA General Counsel Stephen Preston. Increased transparency will, of course, be deemed by human rights activists as insufficient where their true goal is to stop the U.S. drone program in its entirety. Unless and until the U.S. can somehow promise that no civilian casualties will result from drone strikes, such strikes will be considered violations of international law. Ignoring the U.N. probe will not make it go away, but the Obama Administration should not be so naive as to expect that its cooperation will substantively alter the investigation’s findings and conclusions.

AQ dead—affiliates are hype and not a threat

Zachary Keck, associate editor of The Diplomat, 3/17/14, Al Qaeda's Brand is Dead, nationalinterest.org/print/commentary/al-qaedas-brand-dead-10059

As Al Qaeda’s operational capability has withered, [3]some observers have sought [3] to reframe the terrorism threat to the U.S. and the West in terms of Al Qaeda’s ideological appeal. According to this perspective, Al Qaeda continues to be a potent threat to the United States and the Western world because its ideology is spreading across the Arab world, and inspiring new groups that will attack the West.

Framing the threat in this way has the advantage of ensuring the Global War on Terror’s longevity. Indeed, by this measurement the U.S. is still embroiled in WWII given that neo-Nazi groups continue to exist, and sometimes carry out terrorist attacks in the West.

But the larger problem with the argument that Al Qaeda’s ideology is spreading is that it is completely inaccurate. The “Al Qaeda brand” was never as popular in the Arab world as it was portrayed in the West, and far from growing, its popularity has been rapidly declining in recent years. In fact, there are signs that **Al Qaeda itself no longer believes in it.**

Much of the confusion about Al Qaeda’s popularity is rooted in the Western tendency to conflate Al Qaeda with Islamic terrorism more generally. If one defines Al Qaeda’s brand as simply being any terrorist attack or insurgency carried out in the name of Islam, an argument could be made that the threat is growing. But, of course, this is not what Al Qaeda’s ideology is, nor is it what made Al Qaeda such a threat to the United States and its Western allies.

Islamic-inspired terrorism long predated the formation of Al Qaeda. It was, for instance, a constant reality in the Arab world during the Cold War thanks to the many groups that were inspired by the writings of Sayyid Qutb. These groups sought to be vanguard movements that used terrorism and leadership assassinations to overthrow Arab regimes [the “near enemy”] that they viewed as insufficiently Islamic.

Al Qaeda was an entirely different story, as a few astute individuals in the U.S. national security establishment realized during the 1990s. Al Qaeda had a very precise ideology, which was seen as a competitor to the ideology espoused by the domestic jihadists.

Like the domestic jihadists, Al Qaeda’s ultimate goal was to topple local regimes and replace them with ones based on Sharia Law (and ultimately a single Caliphate). However, Al Qaeda leaders claimed that the domestic jihadists were failing in this goal because of the support the local regimes received from the United States and its Western allies. According to Al Qaeda, the U.S. and its Western allies would never allow their allied governments in the Arab world to be toppled. Therefore, in order for jihadists to overthrow these hated regimes, and set up more Islamic governments in their place, they must first target the far enemy—the U.S. and the West. Only when the jihadists had forced the U.S. to stop supporting these local regimes could the latter be overthrown.

Ayman al-Zawahiri, the current leader of Al Qaeda, explained this ideological argument nicely in his [4]famous 2005 letter to [4]Al Qaeda [5] in Iraq’s leader [4], Abu Musab al-Zarqawi. In the letter, al-Zawahiri wrote:

“It is my humble opinion that the Jihad in Iraq requires several incremental goals:

The first stage: Expel the Americans from Iraq.

The second stage: Establish an Islamic authority or emirate [in Iraq]….

The third stage: Extend the jihad wave to the secular countries neighboring Iraq.”

Al Qaeda’s ideology was also evident in the way it operated before 9/11. Specifically, the group set up shop in countries like Sudan and Afghanistan, where sympathetic governments existed. Although Al Qaeda provided some limited support to these regimes to shore up support, and provided some funds to domestic jihad groups, living in friendly territory allowed bin Laden and Al Qaeda to concentrate the bulk of their energies and resources on attacking the United States. Even after 9/11, Al Qaeda Central has operated primarily from Pakistan, where the government at least supports its allies, the Afghan Taliban.

**None of the so-called Al Qaeda franchises have replicated this model**. Only Al Qaeda in the Arabian Peninsula (AQAP) in Yemen has shown any real commitment to attacking the U.S. or other Western homelands. Even so, **this commitment has been extremely limited**, particularly when compared with AQAP’s commitment to fighting the Yemeni government.

For the most part, the attacks in the U.S. that are often attributed to AQAP consisted of homegrown terrorists who contacted Anwar al-Awlaki, the Yemin-born American cleric killed by a U.S. drone strike in 2011, to get his approval for their attacks. Although al-Awlaki was happy to encourage these homegrown terrorists, AQAP didn’t devote any of its own resources to support them. Similarly, al-Awaki and some of his associates published an English-language publication, Inspire Magazine, which urged Muslims living in Western countries to orchestrate their own attacks.

One of the exceptions to this model is Umar Farouk Abdulmutallab, the Nigerian who unsuccessfully tried to down a commercial airplane flying to Detroit on Christmas Day 2009. Abdulmutallab had been in Yemen studying Arabic when he decided to join the international jihad. After making contact with AQAP, the group built him a specially designed underwear bomb that would not be detected by airport security. Thus, the group did devote some resources to the attack—namely, building the bomb and possibly financing Abdulmutallab’s airfare—but it wasn’t willing to sacrifice any of its own members to attacking the U.S. Furthermore, the original impetus for the attack came from Abdulmutallab, who contacted the group on his own initiative.

Another exception to AQAP’s usual model came in 2010, when the group attempted to ship two cargo bombs to Chicago. Tipped off by Saudi intelligence, the packages were discovered before the bombs exploded. Unlike the previous attacks, the initial impetus to launch this attack didn’t come from outside the group. Still, the amount of resources AQAP devoted to the attack were minimal, a fact that the group publicly bragged about.

While these events demonstrate that AQAP does pose some threat to the U.S. homeland, they hardly suggest the group is modeling itself off Al Qaeda’s ideology. In contrast to the limited resources it has devoted to attacking the United States, the group has spent the bulk of its energies on waging war against the Yemeni government. This has at times included launching conventional style attacks in south Yemen, and holding territory, which they have tried to govern. Clearly, then, AQAP is far more invested in attacking the near enemy, and only casually interested in attacks on the far enemy.

All the other Al Qaeda affiliates have focused exclusively on trying to overthrow local regimes and establishing Sharia governments in their place—which is **a direct refutation to Al Qaeda’s ideology**. This cannot be attributed entirely to a lack of viable options for attacking the West. For years now Somali Americans have traveled to Somalia to join al-Shabaab in its fight for control over that country. [6]According to U.S. intelligence estimates [6], the group counted at least fifty U.S.-passport holders as members in 2011, and as many as twenty today. Al-Shabaab leaders could have directed any one of these members to return to the United States to carry out attacks there given the ease with which they could gain entry into America.

Yet there is no evidence al-Shabaab has decided to use a single one of these members for the purpose of attacking the United States. Instead, it has felt they are of more use staying in Somalia to fight in the civil war there. The only external attacks it has precipitated have been against African countries that have troops in Somalia fighting al-Shabaab. The goal of these attacks is to force those African countries to withdraw their troops from Somalia, and therefore increase the chances that al-Shabaab will prevail in its effort to seize control of the country.

The actions of Al Qaeda in Iraq (AQI) are also telling. The group publicly claimed it was established to defend Iraq against the U.S.-led occupation, and for years it had easy access to U.S. and coalition troops in Iraq. True to its word, AQI did carry out brutal attacks against the U.S. and other international troops stationed in Iraq. Still, the bulk of AQI’s efforts went towards attacking the Iraqi government and the country’s Shi’a populations, despite al-Zawahiri’s plea that it focus instead on the infidels. Once again, in contrast to Al Qaeda’s ideology, AQI chose the near enemy over the far one. It has since expanded into Syria, where it once again is battling a near enemy rather than the West.

More recently, even Al Qaeda Central has seemingly abandoned its own ideology, as evidenced by al-Zawahiri calling on Muslims wage jihad everywhere from Syria to Russia. While it’s far too early to proclaim that the remnants of Al Qaeda Central are no longer interested in attacking the U.S. homeland, the fact that the group’s public statements now seem to be gravitating towards focusing on the near enemy or different far enemies suggest that even it is amending its ideology.

Symbolic of the [7] lack of support for Al Qaeda’s mission is the fact that newer Islamist groups with supposed Al Qaeda links haven’t adopted the Al Qaeda name. Even groups that formerly took the Al Qaeda name, such as AQAP and AQI (long before being disavowed by Al Qaeda Central), have dropped Al Qaeda from their names.

Instead of Al Qaeda’s ideology spreading, then, what we are seeing is Islamist groups revert back to the domestic-jihad model that was prevalent in the Cold War but had lost steam in the 1990s. Al Qaeda had always considered itself an ideological competitor to these domestic jihadists. Increasingly, it is becoming one of them.

None of this should be surprising for at least two reasons. First, the Arab Spring unequivocally refuted Al Qaeda’s central premise that the U.S. would never allow one of its local allies to be toppled by domestic uprisings. Al Qaeda leaders trying to make this argument today would sound absurd and gain few followers. The larger implication of this, however, is that **it makes little sense for terrorist groups** seeking to govern Muslim states **to attack the U.S**. Far from being necessary to achieve their ultimate objective, it is almost certainly counterproductive given that it attracts the attention of the formidable counterterrorism capabilities the U.S. has amassed since 9/11. This may explain why AQAP hasn’t attempted to attack the U.S. homeland **since the Arab Spring began**.

The other reason it is not surprising that Al Qaeda has increasingly adopted the domestic jihadist ideology is because al-Zawahiri is now the leader of Al Qaeda Central. [8]According to many accounts [8], even during the pre-9/11 years al-Zawahiri was always far more interested in trying to seize control of his native Egypt than attacking the United States, which was bin Laden’s main preoccupation. Reportedly, al-Zawahiri only joined bin Laden’s global jihad out of desperation after the group he was running at the time, Egyptian Islamic Jihad, had run out of resources to fight the Egyptian government. With bin Laden no longer in charge, al-Zawahiri can now use Al Qaeda’s resources to focus on what was always his true ambition in life, overthrowing local regimes.

Terrorists won’t use WMD

Forest 12 (James, PhD and Director of Terrorism Studies and an associate professor at the United States Military Academy, “Framework for Analyzing the Future Threat of WMD Terrorism,” Journal of Strategic Security, Volume 5, Number 4, Article 9, Winter 2012, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1193&context=jss>) \*\*NOTE---CBRN weapon = chemical, biological, radiological or nuclear weapon

The terrorist group would additionally need to consider whether a WMD attack would be counterproductive by generating, for example, condemnation among the group's potential supporters. This possible erosion in support, in turn, would degrade the group's political legitimacy among its constituencies, who are viewed as critical to the group's long-term survival. By crossing this WMD threshold, the group could feasibly undermine its popular support, encouraging a perception of the group as deranged mass murders, rather than righteous vanguards of a movement or warriors fighting for a legitimate cause.16 The importance of perception and popular support—or at least tolerance—gives a group reason to think twice before crossing the threshold of catastrophic terrorism. A negative perception can impact a broad range of critical necessities, including finances, safe haven, transportation logistics, and recruitment. Many terrorist groups throughout history have had to learn this lesson the hard way; the terrorist groups we worry about most today have learned from the failures and mistakes of the past, and take these into consideration in their strategic deliberations. Furthermore, a WMD attack could prove counterproductive by provoking a government (or possibly multiple governments) to significantly expand their efforts to destroy the terrorist group. Following a WMD attack in a democracy, there would surely be a great deal of domestic pressure on elected leaders to respond quickly and with a massive show of force. A recognition of his reality is surely a constraining factor on Hezbollah deliberations about attacking Israel, or the Chechen's deliberations about attacking Russia, with such a weapon.

No risk of nuclear terror

**Mueller 10** (John, professor of political science at Ohio State, Calming Our Nuclear Jitters, Issues in Science and Technology, Winter, <http://www.issues.org/26.2/mueller.html>)

Politicians of all stripes preach to an anxious, appreciative, and very numerous choir when they, like President Obama, proclaim atomic terrorism to be “the most immediate and extreme threat to global security.” It is the problem that, according to Defense Secretary Robert Gates, currently keeps every senior leader awake at night. This is hardly a new anxiety. In 1946, atomic bomb maker J. Robert Oppenheimer ominously warned that if three or four men could smuggle in units for an atomic bomb, they could blow up New York. This was an early expression of a pattern of dramatic risk inflation that has persisted throughout the nuclear age. In fact, although expanding fires and fallout might increase the effective destructive radius, the blast of a Hiroshima-size device would “blow up” about 1% of the city’s area—a tragedy, of course, but not the same as one 100 times greater. In the early 1970s, nuclear physicist Theodore Taylor proclaimed the atomic terrorist problem to be “immediate,” explaining at length “how comparatively easy it would be to steal nuclear material and step by step make it into a bomb.” At the time he thought it was already too late to “prevent the making of a few bombs, here and there, now and then,” or “in another ten or fifteen years, it will be too late.” Three decades after Taylor, we continue to wait for terrorists to carry out their “easy” task. In contrast to these predictions, 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, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.” If terrorists were somehow successful at obtaining a sufficient mass of relevant material, they would then probably have to transport it a long distance over unfamiliar terrain and probably while being pursued by security forces. Crossing international borders would be facilitated by following established smuggling routes, but these are not as chaotic as they appear and are often under the watch of suspicious and careful criminal regulators. If border personnel became suspicious of the commodity being smuggled, some of them might find it in their interest to disrupt passage, perhaps to collect the bounteous reward money that would probably be offered by alarmed governments once the uranium theft had been discovered. Once outside the country with their precious booty, terrorists would need to set up a large and well-equipped machine shop to manufacture a bomb and then to populate it with a very select team of highly skilled scientists, technicians, machinists, and administrators. The group would have to be assembled and retained for the monumental task while no consequential suspicions were generated among friends, family, and police about their curious and sudden absence from normal pursuits back home. Members of the bomb-building team would also have to be utterly devoted to the cause, of course, and they would have to be willing to put their lives and certainly their careers at high risk, because after their bomb was discovered or exploded they would probably become the targets of an intense worldwide dragnet operation. Some observers have insisted that it would be easy for terrorists to assemble a crude bomb if they could get enough fissile material. But Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland‘s Spiez Laboratory, bluntly conclude that the task “could hardly be accomplished by a subnational group.” They point out that precise blueprints are required, not just sketches and general ideas, and that even with a good blueprint the terrorist group would most certainly be forced to redesign. They also stress that the work is difficult, dangerous, and extremely exacting, and that the technical requirements in several fields verge on the unfeasible. Stephen Younger, former director of nuclear weapons research at Los Alamos Laboratories, has made a similar argument, pointing out that uranium is “exceptionally difficult to machine” whereas “plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed.“ Stressing the “daunting problems associated with material purity, machining, and a host of other issues,” Younger concludes, “to think that a terrorist group, working in isolation with an unreliable supply of electricity and little access to tools and supplies” could fabricate a bomb “is farfetched at best.” Under the best circumstances, the process of making a bomb could take months or even a year or more, which would, of course, have to be carried out in utter secrecy. In addition, people in the area, including criminals, may observe with increasing curiosity and puzzlement the constant coming and going of technicians unlikely to be locals. If the effort to build a bomb was successful, the finished product, weighing a ton or more, would then have to be transported to and smuggled into the relevant target country where it would have to be received by collaborators who are at once totally dedicated and technically proficient at handling, maintaining, detonating, and perhaps assembling the weapon after it arrives. The financial costs of this extensive and extended operation could easily become monumental. There would be expensive equipment to buy, smuggle, and set up and people to pay or pay off. Some operatives might work for free out of utter dedication to the cause, but the vast conspiracy also requires the subversion of a considerable array of criminals and opportunists, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals competent and capable enough to be effective allies are also likely to be both smart enough to see boundless opportunities for extortion and psychologically equipped by their profession to be willing to exploit them. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if with great difficulty, overcome each obstacle and that doing so in each case is “not impossible.” But although it may not be impossible to surmount each individual step, the likelihood that a group could surmount a series of them quickly becomes vanishingly small. Table 1 attempts to catalogue the barriers that must be overcome under the scenario considered most likely to be successful. In contemplating the task before them, would-be atomic terrorists would effectively be required to go though an exercise that looks much like this. If and when they do, they will undoubtedly conclude that their prospects are daunting and accordingly uninspiring or even terminally dispiriting. It is possible to calculate the chances for success. Adopting probability estimates that purposely and heavily bias the case in the terrorists’ favor—for example, assuming the terrorists have a 50% chance of overcoming each of the 20 obstacles—the chances that a concerted effort would be successful comes out to be less than one in a million. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds that they will be able to pull off the deed drop to one in well over three billion. Other routes would-be terrorists might take to acquire a bomb are even more problematic. They are unlikely to be given or sold a bomb by a generous like-minded nuclear state for delivery abroad because the risk would be high, even for a country led by extremists, that the bomb (and its source) would be discovered even before delivery or that it would be exploded in a manner and on a target the donor would not approve, including on the donor itself. Another concern would be that the terrorist group might be infiltrated by foreign intelligence. The terrorist group might also seek to steal or illicitly purchase a “loose nuke“ somewhere. However, it seems probable that none exist. All governments have an intense interest in controlling any weapons on their territory because of fears that they might become the primary target. Moreover, as technology has developed, finished bombs have been out-fitted with devices that trigger a non-nuclear explosion that destroys the bomb if it is tampered with. And there are other security techniques: Bombs can be kept disassembled with the component parts stored in separate high-security vaults, and a process can be set up in which two people and multiple codes are required not only to use the bomb but to store, maintain, and deploy it. As Younger points out, “only a few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon.” There could be dangers in the chaos that would emerge if a nuclear state were to utterly collapse; Pakistan is frequently cited in this context and sometimes North Korea as well. However, even under such conditions, nuclear weapons would probably remain under heavy guard by people who know that a purloined bomb might be used in their own territory. They would still have locks and, in the case of Pakistan, the weapons would be disassembled. The al Qaeda factor The degree to which al Qaeda, the only terrorist group that seems to want to target the United States, has pursued or even has much interest in a nuclear weapon may have been exaggerated. The 9/11 Commission stated that “al Qaeda has tried to acquire or make nuclear weapons for at least ten years,” but the only substantial evidence it supplies comes from an episode that is supposed to have taken place about 1993 in Sudan, when al Qaeda members may have sought to purchase some uranium that turned out to be bogus. Information about this supposed venture apparently comes entirely from Jamal al Fadl, who defected from al Qaeda in 1996 after being caught stealing $110,000 from the organization. Others, including the man who allegedly purchased the uranium, assert that although there were various other scams taking place at the time that may have served as grist for Fadl, the uranium episode never happened. As a key indication of al Qaeda’s desire to obtain atomic weapons, many have focused on a set of conversations in Afghanistan in August 2001 that two Pakistani nuclear scientists reportedly had with Osama bin Laden and three other al Qaeda officials. Pakistani intelligence officers characterize the discussions as “academic” in nature. It seems that the discussion was wide-ranging and rudimentary and that the scientists provided no material or specific plans. Moreover, the scientists probably were incapable of providing truly helpful information because their expertise was not in bomb design but in the processing of fissile material, which is almost certainly beyond the capacities of a nonstate group. Kalid Sheikh Mohammed, the apparent planner of the 9/11 attacks, reportedly says that al Qaeda’s 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 documents and other information that were uncovered by intelligence agencies and the media in Afghanistan. They uncovered no credible information that al Qaeda had obtained fissile material or acquired a nuclear weapon. Moreover, they found 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.” Just a day or two before al Qaeda was to flee from Afghanistan in 2001, bin Laden supposedly told a Pakistani journalist, “If the United States uses chemical or nuclear weapons against us, we might respond with chemical and nuclear weapons. We possess these weapons as a deterrent.” Given the military pressure that they were then under and taking into account the evidence of the primitive or more probably nonexistent nature of al Qaeda’s nuclear program, the reported assertions, although unsettling, appear at best to be a desperate bluff. Bin Laden has made statements about nuclear weapons a few other times. Some of these pronouncements can be seen to be threatening, but they are rather coy and indirect, indicating perhaps something of an interest, but not acknowledging a capability. And as terrorism specialist Louise Richardson observes, “Statements claiming a right to possess nuclear weapons have been misinterpreted as expressing a determination to use them. This in turn has fed the exaggeration of the threat we face.” Norwegian researcher Anne Stenersen concluded after an exhaustive study of available materials that, although “it is likely that al Qaeda central has considered the option of using non-conventional weapons,” there is “little evidence that such ideas ever developed into actual plans, or that they were given any kind of priority at the expense of more traditional types of terrorist attacks.” She also notes that information on an al Qaeda computer left behind in Afghanistan in 2001 indicates that only $2,000 to $4,000 was earmarked for weapons of mass destruction research and that the money was mainly for very crude work on chemical weapons. Today, the key portions of al Qaeda central may well total only a few hundred people, apparently assisting the Taliban’s distinctly separate, far larger, and very troublesome insurgency in Afghanistan. Beyond this tiny band, there are thousands of sympathizers and would-be jihadists spread around the globe. They mainly connect in Internet chat rooms, engage in radicalizing conversations, and variously dare each other to actually do something. Any “threat,” particularly to the West, appears, then, principally to derive from self-selected people, often isolated from each other, who fantasize about performing dire deeds. From time to time some of these people, or ones closer to al Qaeda central, actually manage to do some harm. And occasionally, they may even be able to pull off something large, such as 9/11. But in most cases, their capacities and schemes, or alleged schemes, seem to be far less dangerous than initial press reports vividly, even hysterically, suggest. Most important for present purposes, however, is that any notion that al Qaeda has the capacity to acquire nuclear weapons, even if it wanted to, looks farfetched in the extreme. It is also noteworthy that, although there have been plenty of terrorist attacks in the world since 2001, all have relied on conventional destructive methods. For the most part, terrorists seem to be heeding the advice found in a memo on an al Qaeda laptop seized in Pakistan in 2004: “Make use of that which is available … rather than waste valuable time becoming despondent over that which is not within your reach.” In fact, history consistently demonstrates that terrorists prefer weapons that they know and understand, not new, exotic ones. Glenn Carle, a 23-year CIA veteran and once its deputy intelligence officer for transnational threats, warns, “We must not take fright at the specter our leaders have exaggerated. In fact, we must see jihadists for the small, lethal, disjointed, and miserable opponents that they are.” al Qaeda, he says, has only a handful of individuals capable of planning, organizing, and leading a terrorist organization, and although the group has threatened attacks with nuclear weapons, “its capabilities are far inferior to its desires.” Policy alternatives The purpose here has not been to argue that policies designed to inconvenience the atomic terrorist are necessarily unneeded or unwise. Rather, in contrast with the many who insist that atomic terrorism under current conditions is rather likely— indeed, exceedingly likely—to come about, I have contended that it is hugely unlikely. However, it is important to consider not only the likelihood that an event will take place, but also its consequences. Therefore, one must be concerned about catastrophic events even if their probability is small, and efforts to reduce that likelihood even further may well be justified. At some point, however, probabilities become so low that, even for catastrophic events, it may make sense to ignore them or at least put them on the back burner; in short, the risk becomes acceptable. For example, the British could at any time attack the United States with their submarine-launched missiles and kill millions of Americans, far more than even the most monumentally gifted and lucky terrorist group. Yet the risk that this potential calamity might take place evokes little concern; essentially it is an acceptable risk. Meanwhile, Russia, with whom the United States has a rather strained relationship, could at any time do vastly more damage with its nuclear weapons, a fully imaginable calamity that is substantially ignored. In constructing what he calls “a case for fear,” Cass Sunstein, a scholar and current Obama administration official, has pointed out that if there is a yearly probability of 1 in 100,000 that terrorists could launch a nuclear or massive biological attack, the risk would cumulate to 1 in 10,000 over 10 years and to 1 in 5,000 over 20. These odds, he suggests, are “not the most comforting.” Comfort, of course, lies in the viscera of those to be comforted, and, as he suggests, many would probably have difficulty settling down with odds like that. But there must be some point at which the concerns even of these people would ease. Just perhaps it is at one of the levels suggested above: one in a million or one in three billion per attempt.

No escalation

**Cook 7** – fellow at the Council on Foreign Relations

Steven A., and Ray Takeyh (fellow at the Council on Foreign Relations), Suzanne Maloney (senior fellow at Saban Center) Brookings Institution, International Herald Tribune, “Why the Iraq war won't engulf the Mideast,” 6-28, www.iht.com/articles/2007/06/28/opinion/edtakeyh.php

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.

Byman = 2006 about surge

Malik = 2012, no quals

Unified Iraq inevitably doomed—rising violence and resistance to centralization are alt causes.

Carpenter 1-14-14 (Ted Galen, senior fellow at the Cato Institute and a contributing editor to The National Interest) “Can Iraq Survive?” National Interest <http://nationalinterest.org/commentary/can-iraq-survive-9703>

The explosion of fighting in Iraq’s Anbar province is creating consternation in U.S. foreign policy circles, as worries increase about the possibility of civil war and the final collapse of Washington’s once-fond hopes for a stable, democratic, pro-Western country. Recriminations are especially loud among the usual neoconservative suspects, including Senators John McCain and Lindsey Graham, who argue that the Obama administration’s fecklessness has opened Iraq to an Al Qaeda offensive that could unravel all that Washington achieved, at great cost in blood and treasure, with and following the overthrow of Saddam Hussein.

But the fighting in Anbar does not simply constitute an Al Qaeda initiative. That explanation is as dangerously simplistic as the tendency of U.S. hawks during the initial years of the U.S. occupation of Iraq to attribute all armed resistance to “Saddam dead enders.” The roots of the latest conflict are far deeper and more complex than a case of Al Qaeda troublemaking; they reflect Iraq’s bitter ethno-religious divisions and weak national cohesion. Indeed, the new turmoil in Anbar is merely the most recent development that raises serious questions about whether Iraq is a viable country. Overall violence there during 2013 was the worst since 2008, most of it political or sectarian in nature.

The events that have taken place since the initial stunning victories by insurgents, who took control of most of Fallujah and portions of Ramadi, confirm the complexity of the power struggle in Iraq. Anbar, Iraq’s Sunni heartland, has seethed for years against the policies of prime minister Nouri al Maliki’s Shiite-dominated government. Nevertheless, some Sunni tribes have demanded that Al Qaeda forces withdraw from their positions, and some fighting has occurred between more moderate elements and the Islamic militants.

It is even an oversimplification to attribute the latest struggle in Iraq solely to Sunni-Shiite sectarian animosity. Long-standing religious differences are indeed a major factor, as they are next door in Syria, Bahrain, and other areas of the Middle East. But as in those other countries, the ancient Sunni-Shiite religious feud is not the only relevant source of Iraq’s violence. Sunni anger at the Maliki government is also fueled by a generalized resentment of their group’s loss of power and perks. During the British colonial period, Sunnis dominated the ruling elite in Iraq, even though they constituted barely 20 percent of the population, and their domination continued after Iraq became independent. The majority Shiites, as well as the Kurds, were decidedly second-class citizens. The rise of the ruling Ba’ath Party, especially once Saddam became the supreme leader, increased the Sunni stranglehold in both the political and economic arenas.

The U.S. invasion and occupation upended that social order, elevating the Shiites and their Kurdish allies to pre-eminence. A generous policy by the new ruling elite, with the goal of national reconciliation, might have placated the displaced Sunnis, but the Maliki government has been anything but generous. The regime rivals its Ba’ath predecessor in terms of corruption, and its increasingly repressive policies are largely directed against Sunni critics and political opponents. That conduct has fed the resentment in Anbar and other areas, and what is emerging now appears to be a full-blown insurgency aimed at either restoring Sunni dominance on a national level, or more likely, achieving extensive autonomy (perhaps even independence) for the majority Sunni portion of Iraq.

If that is the case, it does not bode well for the notion of Iraq as a unified country. Indeed, that notion is already more fiction than reality. The Kurdish population in the north successfully used Washington’s blood feud with Saddam Hussein to establish an independent country in all but name. Iraqi Kurdistan not only has its own government, but its own military (the Peshmerga), flag, and currency. Despite the continuing complaints from the national government in Baghdad, the Kurdish Regional Government (KRG) in Erbil routinely bypasses that authority and concludes lucrative agreements with foreign corporations, especially in the energy field. Indeed, Kurdish oil has begun to flow through a major pipeline to Turkey, giving the KRG yet another source of independent revenue. It is a major stretch of the truth to contend that the Baghdad government exercises any meaningful authority in Kurdistan. Indeed, the Peshmerga openly confronted Iraqi military forces last year when the Maliki government moved those forces northward, supposedly to repel terrorist elements infiltrating Iraq from the fighting in Syria.

If Baghdad now loses control of the Sunni heartland, U.S. and other Western governments may need to accept that “Iraq” is increasingly a geopolitical fiction. At a minimum, Washington ought to ponder that scenario and not be blindsided. As a hedging strategy, U.S. officials at least should evaluate how to strengthen diplomatic and economic ties with the KRG. It is probably not too early even to establish productive contacts with Sunni tribal leaders in Anbar and its environs, rather than ignoring them or dismissing them as Al Qaeda fronts.

That sort of advance planning is more fruitful than a knee-jerk reaction of providing U.S. military hardware, intelligence, and other assistance to help the Maliki government suppress the insurgents. Even without U.S. aid, the Baghdad regime may be able to survive this latest challenge to its authority, but the long-term prospects for the country’s unity are not encouraging. The overall rise in the level of violence in Iraq over the past year, Kurdistan’s increasingly blatant de facto independence, and now the Anbar insurgency, all suggest that no one should assume Iraq’s continuing survival as a country. Wise policymakers prepare for contingencies, including undesired contingencies, before events spiral out of control. U.S. leaders need to adopt that approach now with regard to Iraq.

No impact

Fettweis, Asst Prof Poli Sci – Tulane, Asst Prof National Security Affairs – US Naval War College, ‘7

(Christopher, “On the Consequences of Failure in Iraq,” *Survival*, Vol. 49, Iss. 4, December, p. 83 – 98)

Without the US presence, a second argument goes, nothing would prevent Sunni-Shia violence from sweeping into every country where the religious divide exists. A Sunni bloc with centres in Riyadh and Cairo might face a Shia bloc headquartered in Tehran, both of which would face enormous pressure from their own people to fight proxy wars across the region. In addition to intra-Muslim civil war, cross-border warfare could not be ruled out. Jordan might be the first to send troops into Iraq to secure its own border; once the dam breaks, Iran, Turkey, Syria and Saudi Arabia might follow suit. The Middle East has no shortage of rivalries, any of which might descend into direct conflict after a destabilising US withdrawal. In the worst case, Iran might emerge as the regional hegemon, able to bully and blackmail its neighbours with its new nuclear arsenal. Saudi Arabia and Egypt would soon demand suitable deterrents of their own, and a nuclear arms race would envelop the region. Once again, however, none of these outcomes is particularly likely.

Wider war

No matter what the outcome in Iraq, the region is not likely to devolve into chaos. Although it might seem counter-intuitive, by most traditional measures the Middle East is very stable. Continuous, uninterrupted governance is the norm, not the exception; most Middle East regimes have been in power for decades. Its monarchies, from Morocco to Jordan to every Gulf state, have generally been in power since these countries gained independence. In Egypt Hosni Mubarak has ruled for almost three decades, and Muammar Gadhafi in Libya for almost four. The region's autocrats have been more likely to die quiet, natural deaths than meet the hangman or post-coup firing squads. Saddam's rather unpredictable regime, which attacked its neighbours twice, was one of the few exceptions to this pattern of stability, and he met an end unusual for the modern Middle East. Its regimes have survived potentially destabilising shocks before, and they would be likely to do so again.

The region actually experiences very little cross-border warfare, and even less since the end of the Cold War. Saddam again provided an exception, as did the Israelis, with their adventures in Lebanon. Israel fought four wars with neighbouring states in the first 25 years of its existence, but none in the 34 years since. Vicious civil wars that once engulfed Lebanon and Algeria have gone quiet, and its ethnic conflicts do not make the region particularly unique.

The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration. Iraq's neighbours will likely not prove eager to fight each other to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. As much as the Saudis and Iranians may threaten to intervene on behalf of their co-religionists, they have shown no eagerness to replace the counter-insurgency role that American troops play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?17

Common interest, not the presence of the US military, provides the ultimate foundation for stability. All ruling regimes in the Middle East share a common (and understandable) fear of instability. It is the interest of every actor - the Iraqis, their neighbours and the rest of the world - to see a stable, functioning government emerge in Iraq. If the United States were to withdraw, increased regional cooperation to address that common interest is far more likely than outright warfare.

### norms

No China war - they'll be restrained

Stutter 3/19/14

Robert Sutter is Professor of Practice of International Affairs at George Washington University, China-US Focus, March 19, 2014, "Why China Avoids Confronting the U.S. in Asia", http://www.chinausfocus.com/foreign-policy/why-china-avoids-confronting-the-u-s-in-asia-2/

Forecasts talk of U.S. retreat from domineering China or an inevitable U.S.-China conflict. However, enduring circumstances hold back Chinese leaders from confronting America, the regional leader.

Domestic preoccupations

Chinese economic growth and one-party rule require stability. And protecting Chinese security and sovereignty remains a top concern. Though China also has regional and global ambitions, domestic concerns get overall priority.

President Xi Jinping is preoccupied with uncertain leadership legitimacy, pervasive corruption, widespread mass protests, and unsustainable economic practices. Beijing’s reform agenda requires strong leadership for many years. Under these circumstances, Xi was unusually accommodating in meeting President Obama in California in 2013; he seeks a new kind of major power relationship. Xi also presides over China’s greater assertiveness on territorial issues that involve the United States, but thus far Chinese probes avoid direct confrontation with the superpower.

Mutual interdependence

Growing economic and other U.S.-China interdependence **reinforces constructive relations.** Respective “Gulliver strategies” tie down aggressive, assertive, or other negative policy tendencies through webs of interdependence in bilateral and multilateral relationships.

China’s insecurity in Asia

Nearby Asia is China’s top foreign priority. It contains security and sovereignty issues (e.g. Taiwan) of highest importance. It is the main arena of interaction with the United States. Its economic importance far surpasses the rest of world (China is Africa’s biggest trader but it does more trade with South Korea). Asian stability is essential for China’s economic growth—the lynch pin of Communist rule. Facing formidable American presence and influence and lacking a secure periphery, China almost certainly calculates that seriously confronting the United States poses grave dangers.

China won’t use drones offensively

Erickson, associate professor – Naval War College, associate in research – Fairbank Centre @ Harvard, 5/23/’13

(Andrew, China Has Drones. Now What?", www.foreignaffairs.com/articles/136600/andrew-erickson-and-austin-strange/china-has-drones-now-what)

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. What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Myanmar drug criminal underscores its caution. According to Liu Yuejin, the director of the anti-drug bureau in China's Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham's mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham's capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators. The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorisation is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and anti-piracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorisation, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries' sovereignty - something Beijing regularly decries when others do it. The limitations on China's drone use are reflected in the country's academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -such as a conflagration with Taiwan or the need to attack a US aircraft carrier - which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China's contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas. 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. Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military's tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. Beijing's overarching approach remains one of caution - something Washington must bear in mind with its own drone programme.

Plan’s norm doesn’t solve the key issues in Asia

AARON STEIN is an Associate Fellow at the Royal United Services Institute, 12/19/13 [“Drone Decrees,” Foreign Affairs, http://www.foreignaffairs.com/articles/140584/aaron-stein/drone-decrees]

The United States has never had a monopoly on drones. It was the Israeli Air Force’s use of drones during its war in Lebanon in the 1980s that first prompted a skeptical U.S. military to support fully the development of remote-controlled systems. The decision to arm them came later, during the hunt for Osama bin Laden after 2001 and the war on terrorism. By now, U.S. drone strikes are a regular occurrence in areas where terrorist organizations have taken root.¶ Drone technology and drone use **have also proliferated in other countries**. And even more are seeking to develop their own systems**. These systems are likely to be more local affairs than those of the United States**. **Most** of the emerging **drone states** -- including China -- **lack the United States’ worldwide network of military bases and satellites, which allow it to operate drones far from its own borders**. And, like the United States, emerging drones states are eager to develop armed drones for counterterrorism operations and surveillance. With more drones in more places come more security and policy challenges for the United States. To deal with them, it will have to come up with a new drone policy.¶ The tensions between China and Japan over the Senkaku (Diaoyu) Islands are a good example of how drones introduce new diplomatic questions. Chinese manned and unmanned surveillance flights routinely violate Japan’s 12-nautical-mile zone around the islands. Japan has dispatched fighter jets to intercept a Chinese manned surveillance plane and is **reported to have even contemplated shooting down Chinese drones**. In response, Wang Hongguang, the former deputy commander of China’s Nanjing Military Region, wrote in early November that **China should attack Japanese manned planes should Japan shoot down Chinese surveillance drones**. Things have become even tenser since China declared a so-called Air Defense Identification Zone over part of the East China Sea. Japan’s Nikkei reports that the United States plans to use Global Hawk drones for surveillance in the area in conjunction with increased Japanese manned E-2C Hawkeye early-warning aircraft.¶ Although there has always been a risk of unintended escalation in the East China Sea, the **emergence of unmanned systems adds a new twist**. For example, the 2001 aerial collision near Hainan Island in the South China Sea involved manned aircraft operating in international airspace. The American plane was flying a surveillance mission when two Chinese fighter jets began to tail it. One of the Chinese fighter jets accidently bumped the U.S. plane, prompting an emergency landing at a Chinese military facility on Hainan Island. China then detained the U.S. crew and inspected the plane, despite warnings that the aircraft was U.S. sovereign territory. The incident touched off a diplomatic row between two great world powers and was an early diplomatic test for the recently elected George W. Bush administration.¶ The rules of engagement are relatively clear for the intentional downing of a manned aircraft, but the potential response to the shooting down of an unmanned system -- as Japan seems ready to do -- is far murkier. On the one hand, such an act could escalate and lead to a conflict. On the other, since downing a drone would pose no danger to human life, China or Japan could conclude that the provocative use of drones -- or the intentional targeting of U.S. drones -- carries less risk of retaliation and is therefore a low-stakes means of coercion.¶ That idea is not so far off base: In the Persian Gulf, Iran has fired on U.S. drones and was even successful in spoofing the Global Positioning System (GPS) signal of the advanced RQ-170 drone flying over its territory. An Iranian engineer told The Christian Science Monitor, “By putting noise [jamming] on the communications, you force the bird into autopilot. This is where the bird loses its brain.” The U.S. Government Accountability Office has acknowledged the risk of GPS spoofing and recommends the introduction of spoof-resistant navigation systems on drones.¶ In the Gulf, the United States has sporadically opted to escort its surveillance drones with manned fighter jets, which raises the cost of such operations as well as the risk of escalation. Absent a clear norm on the response to shooting down an unmanned system, incidents involving drones could snowball quickly. And that is why the United States should develop a clear policy about the targeting of drones. It should be designed to prevent unintended escalation by defining the cost of provocatively using or targeting unmanned systems. These rules would need to apply to all parties, including the United States.¶ First, the United States should signal that it would hold the operator responsible for the actions of unmanned systems. Any retaliation need not target the actual operator, given the complexity of locating the pilot, but could include the air base from which the drone was launched. The goal would be to reintroduce the prospect of casualties and escalation into the drone equation by clearly laying out the potential American response if an adversary considers using unmanned systems in a coercive way against the United States or its allies and partners. In short, U.S. policy should be to treat drones like their manned cousins. Similarly, in the cases where a potential adversary targets a U.S. drone, Washington should make clear that it regards such an act as akin to the downing of a manned aircraft. The response, therefore, could include the use of force or strong diplomatic action.¶ In setting out this policy, the United States would tacitly accept that its own drone program could invite retaliation and that bases from which it flies drones could be targeted. Yet in most cases, the United States receives overflight rights for its drone operations, which should thereby protect the United States from potential retaliation from the countries in which it currently uses drones. The policy would, therefore, weigh more heavily on new drone-operating nations while keeping in place many of the United States’ own drone programs.¶ Holding drone bases responsible could help minimize the ways in which emerging drone states use drones coercively against U.S. interests, as well as push them to reach similar overflight arrangements to those that the United States keeps with its partners. The new policy would not address the legality of targeted killings, but such legal questions can be dealt with separately.¶ The United States should begin to prepare for a world in which it no longer has a monopoly on drone technology. Still, it should do so knowing that, for now, it will retain the unique capability to use military force on a global scale. **For the foreseeable future, potential adversaries will mostly use unmanned systems locally and in ways that affect the security of U.S. allies**. As the United States increases its own use of drones, it should be taking steps to map out a strategy to respond to provocations. Doing so would help establish new norms for everyone.

No drone prolif—too slow

Kreps and Zenko 14 (SARAH KREPS is Stanton Nuclear Security Fellow at the Council on Foreign Relations and Assistant Professor of Government at Cornell University. MICAH ZENKO is Douglas Dillon Fellow in the Center for Preventive Action at the Council on Foreign Relations., March/April, "The Next Drone Wars", www.foreignaffairs.com/articles/140746/sarah-kreps-and-micah-zenko/the-next-drone-wars)

Drone technology is also more complex than it may appear. There is a qualitative difference between the rudimentary unmanned aircraft used as far back as World War II -- and even the unarmed Predators that flew in the Balkans in the mid-1990s -- and the armed drones that the United States deploys over Afghanistan, Pakistan, and elsewhere today. These advanced drones require far more than a pilot at a base in the Horn of Africa or the Nevada desert to make them effective. They need actionable intelligence, sophisticated communications, access to satellite bandwidth, and complex systems engineering -- all assets presently beyond the reach of most states.

It is no coincidence that the countries that possess advanced drones have also already mastered other complex military technologies, such as nuclear weapons and satellite communications. But even some states that have developed such technologies are having difficulties with drones. Russia, for example, has seen its drone efforts derailed by sharp reductions in aerospace funding and a long-declining aerospace industry. France and Italy have also been unable to pursue their own programs and have had to settle for an unarmed variant of the U.S.-made Reaper, which France has been using for reconnaissance missions in Mali.

A third explanation for the slow spread of drones is diplomatic. Conducting drone strikes in foreign countries, as the United States does, requires bilateral relations that are good enough to get the host nations to grant basing and overflight rights. Drone strikes in Somalia and Yemen require the use of airfields in Djibouti, Ethiopia, Saudi Arabia, and the Seychelles, which the United States has secured with aid (both overt and covert) and security commitments. Few other countries have such reliable access to foreign bases. And the oceans do not offer an alternative. The United States should be able to conduct drone strikes from its ships within five years, but it will take other countries decades to have that capability.

Domestic opposition to the development or use of drones creates additional problems in other states, even some with the technological capacity to build and field them. Officials in Washington take relatively little flak for supporting the U.S. targeted-killing program, but the politics of drones are considerably different in other countries. In Germany, for example, politicians who advocate drones have faced harsh criticism from a public worried about compromising Germany’s long-standing defense-only national security policies. Developing lethal drone capabilities, many German critics contend, could increase the prospects of military interventions more generally.

Defense budgets are a final factor. The worldwide civilian and military drone market, which researchers predict will reach $8.4 billion by 2018, accounts for only a fraction of global defense spending, which estimates say will hit $1.9 trillion by the end of 2017. But drones’ costs are still prohibitive at a time when austerity dominates military spending decisions in most countries. Unless they discover unforeseen threats that require the use of armed drones, most states will not reallocate precious defense dollars to unmanned systems anytime soon.

HOSTILE ACTS

These obstacles will likely keep the number of drone powers low, but even a few more states fielding a few armed drones could seriously threaten international security. Drones have already been used in ways that go beyond their originally intended applications. For example, the U.S. Customs and Border Protection at first deployed drones to watch the Canadian and Mexican borders, but it has since repurposed them so that other agencies could use them for surveillance missions, and they have, for nearly 700. And drones themselves have created new and unforeseen missions: actual human forces must protect and recover downed drones, for example. It would therefore be myopic and misguided to assume that other states will use drones in the future only in the way the United States has.

The mere possession of drones will not make traditional interstate warfare, which is already relatively rare these days, more likely. Having armed drones, given their limitations, is unlikely to convince states to go to war, attempt to capture or control foreign territory, or try to remove a foreign leader from power. But armed drones could still increase the possibility of more limited military conflicts, especially in disputed areas where the slightest provocation could lead to strife.

Existing norms solve and precedent isn’t key

Anderson, professor of international law – American University, ‘13

(Kenneth, "The Case for Drones", https://www.commentarymagazine.com/articles/the-case-for-drones/)

The objection to civilian deaths draws out a related criticism: Why should the United States be able to conduct these drone strikes in Pakistan or in Yemen, countries that are not at war with America? What gives the United States the moral right to take its troubles to other places and inflict damage by waging war? Why should innocent Pakistanis suffer because the United States has trouble with terrorists? The answer is simply that like it or not, the terrorists are in these parts of Pakistan, and it is the terrorists that have brought trouble to the country. The U.S. has adopted a moral and legal standard with regard to where it will conduct drone strikes against terrorist groups. It will seek consent of the government, as it has long done with Pakistan, even if that is contested and much less certain than it once was. But there will be no safe havens. If al-Qaeda or its affiliated groups take haven somewhere and the government is unwilling or unable to address that threat, America’s very long-standing view of international law permits it to take forcible action against the threat, sovereignty and territorial integrity notwithstanding. This is not to say that the United States could or would use drones anywhere it wished. Places that have the rule of law and the ability to respond to terrorists on their territory are different from weakly governed or ungoverned places. There won’t be drones over Paris or London—this canard is popular among campaigners and the media but ought to be put to rest. But the vast, weakly governed spaces, where states are often threatened by Islamist insurgency, such as Mali or Yemen, are a different case altogether. This critique often leads, however, to the further objection that the American use of drones is essentially laying the groundwork for others to do the same. Steve Coll wrote in the New Yorker: “America’s drone campaign is also creating an ominous global precedent. Ten years or less from now, China will likely be able to field armed drones. How might its Politburo apply Obama’s doctrines to Tibetan activists holding meetings in Nepal?” The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But the United States does not use drones in this fashion and has claimed no special status for drones. The U.S. government uses drone warfare in a far more limited way, legally and morally, and **entirely within the bounds of** international law. The problem with China (or Russia) using drones is that they might not use them in the same way as the United States. The drone itself is a tool. How it is used and against whom—these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be.

The US can’t set drone norms

Wright, Pulitzer-winning journalist, former writer and editor – The Atlantic, 11/14/’12

(Robert, citing Max Boot, senior fellow @ CFR, “The Incoherence of a Drone-Strike Advocate,” http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond. Boot started out with this observation: I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means. That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right? As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said: You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

No Asia war

Bisley 3/10/14

Nick Bisley, Professor, is Executive Director of La Trobe Asia at La Trobe University, The Conversation, March 10, 2014, "It’s not 1914 all over again: Asia is preparing to avoid war", http://theconversation.com/its-not-1914-all-over-again-asia-is-preparing-to-avoid-war-22875

Asia is cast as a region as complacent about the risks of war as Europe was in its belle époque. Analogies are an understandable way of trying to make sense of unfamiliar circumstances. In this case, however, the historical parallel is deeply misleading.

Asia is experiencing a period of uncertainty and strategic risk unseen since the US and China reconciled their differences in the mid-1970s. Tensions among key powers are at very high levels: Japanese prime minister Shinzo Abe recently invoked the 1914 analogy. But there are very good reasons, notwithstanding these issues, why Asia is not about to tumble into a great power war.

China is America’s second most important trading partner. Conversely, the US is by far the most important country with which China trades. Trade and investment’s “golden straitjacket” is a basic reason to be optimistic.

Why should this be seen as being more effective than the high levels of interdependence between Britain and Germany before World War One? Because Beijing and Washington are not content to rely on markets alone to keep the peace. They are acutely aware of how much they have at stake.

Diplomatic infrastructure for peace

The two powers have established a wide range of institutional links to manage their relations. These are designed to improve the level and quality of their communication, to lower the risks of misunderstanding spiralling out of control and to manage the trajectory of their relationship.

Every year, around 1000 officials from all ministries led by the top political figures in each country meet under the auspices of the Strategic and Economic Dialogue.

The dialogue has demonstrably improved US-China relations across the policy spectrum, leading to collaboration in a wide range of areas. These range from disaster relief to humanitarian aid exercises, from joint training of Afghan diplomats to marine conservation efforts, in which Chinese law enforcement officials are hosted on US Coast Guard vessels to enforce maritime legal regimes.

Unlike the near total absence of diplomatic engagement by Germany and Britain in the lead-up to 1914, today’s two would-be combatants have a deep level of interaction and practical co-operation.

Just as the extensive array of common interests has led Beijing and Washington to do a lot of bilateral work, Asian states have been busy the past 15 years. These nations have created a broad range of multilateral institutions and mechanisms intended to improve trust, generate a sense of common cause and promote regional prosperity.

Some organisations, like the Asia-Pacific Economic Cooperation (APEC), have a high profile with its annual leaders’ meeting involving, as it often does, the common embarrassment of heads of government dressing up in national garb.

Others like the ASEAN Regional Forum and the ASEAN Defence Ministers’ Meeting Plus Process are less in the public eye. But there are more than 15 separate multilateral bodies that have a focus on regional security concerns.

All these organisations are trying to build what might be described as an infrastructure for peace in the region. While these mechanisms are not flawless, and many have rightly been criticised for being long on dialogue and short on action, they have been crucial in managing specific crises and allowing countries to clearly state their commitments and priorities.

Again, this is in stark contrast to the secret diplomatic dealings in the lead-up to 1914.

# 2NC

## wp da

### 2nc impact

Quick threat proliferation makes nuclear escalation inevitable absent executive flexibility—that’s Paul

Executive conflict authority is a conflict dampener---prevents escalation of their impacts

Royal ‘11

John-Paul, Institute of World Politics, Class of 2011 Valedictorian, “War Powers and the Age of Terrorism,” <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more **difficult to detect** and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

### 1nc 4th gen warfare

Executive primacy prevents 4th gen warfare

Li 9 (Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)

A. The Emergence of Non-State Actors

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

Bioterror causes extinction

Mhyrvold 13 (Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series Research paper NO . 2 – 2013)

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.12, 13 Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

### at: syria

Only constrains humanitarian operations

Goldsmith 8/31/13

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Peter Spiro at OJ, and David Rothkopf of FP whom he cites, both say that President Obama’s request for congressional authorization for Syria will allow Congress to hamstring future Presidents from using military force. Rothkopf exaggerates when he says that President Obama reversed “decades of precedent regarding the nature of presidential war powers” by going to Congress here, and Spiro exaggerates when he says that this is “a huge development with broad implications . . . for separation of powers.” What would have been unprecedented, and a huge development for separation of powers, is a unilateral strike in Syria. Seeking congressional authorization here in no way sets a precedent against President using force in national self-defense, or to protect U.S. persons or property, or even (as in Libya) to engage in humanitarian interventions (like Libya) with Security Council support. Moreover, the President and his subordinates have been implying for a while now that they will rely on Article II to use force without congressional authorization against extra-AUMF terrorist threats (and for all we know they already are). There is no reason to think that unilateral presidential military powers for national self-defense are in any way affected by the President’s decision today. That is as it should be. To the extent that Spiro is suggesting that **pure humanitarian interventions** might be harder for presidents to do unilaterally after today (I think this is what he is suggesting, but I am not sure), I agree. Kosovo is the only other real precedent here, and the Clinton administration never explained why it was lawful as an original matter. The constitutional problem with pure humanitarian interventions – and especially ones (like Kosovo and Syria) that lack Security Council cover, and thus that do not implicate the supportive Korean War precedent – is that Presidents cannot easily articulate a national interest to trigger the Commander in Chief’s authority that is not at the same time boundless. President Obama, like President Clinton before him in Kosovo, had a hard time making that legal argument because it is in fact a hard argument to make. That is one reason (among many others) why I think it was a good idea, from a domestic constitutional perspective, for the President in this context to seek congressional approval.

Syria is a link magnifier—it only constrains Obama with the plan

Bradley 9/2/13

Curtis, William Van Alstyne Professor of Law, Professor of Public Policy Studies, and Senior Associate Dean for Academic Affairs. He joined the Duke law faculty in 2005, after teaching at the University of Virginia and University of Colorado law schools. His courses include International Law, Foreign Relations Law, and Federal Courts. He was the founding co-director of Duke Law School’s Center for International and Comparative Law and serves on the executive board of Duke's Center on Law, Ethics, and National Security. Recently, he was appointed to serve as a Reporter on the American Law Institute's new Restatement project on The Foreign Relations Law of the United States., “War Powers, Syria, and Non-Judicial Precedent,” <http://www.lawfareblog.com/2013/09/war-powers-syria-and-non-judicial-precedent/>

One claim that is being made about President Obama’s decision to seek congressional authorization for military action in Syria is that it is likely to weaken the authority of the presidency with respect to the use of force. Peter Spiro contends, for example, that Obama’s action is “a watershed in the modern history of war power” that may end up making congressional pre-authorization a necessary condition for even small-scale military operations. David Rothkopf states even more dramatically that “Obama’s decision may have done more—for better or worse—to dial back the imperial presidency than anything his predecessors or Congress have done for decades.” If this claim is correct, it will be welcome news to those concerned about the growth of executive power and a matter of concern for those who are fans of robust executive unilateralism. Unfortunately, the commentators making this claim do not identify **the mechanism** through which the weakening of presidential war authority will occur and have relied instead only on vague intuitions. As an initial matter, we need to bracket the issue of whether Obama’s action will weaken his own power as a political matter. This is a complicated issue: on the one hand, it may signal weakness both to Congress and to other nations; on the other hand, if he obtains congressional authorization, he may be in an ultimately stronger political position, as Jack Goldsmith has pointed out. As I understand it, the claim being made by Spiro, Rothkopf, and others is that the power of the presidency more generally is being weakened. How might this happen? Not through an influence on judicial doctrine: Although courts sometimes take account of historic governmental practices when assessing the scope of presidential authority, they have consistently invoked limitations on standing and ripeness, as well as the political question doctrine, to avoid addressing constitutional issues relating to war powers. In the absence of judicial review, what is the causal mechanism by which the “precedent” of Obama seeking congressional authorization for the action in Syria could constrain future presidential action? When judicial review is unavailable, the most obvious way in which the President is constrained is through the political process—pressure from Congress, the public, his party, etc. In an extreme case, this pressure could take the form of impeachment proceedings, but it does not take such an extreme case for the pressure to have a significant effect on presidential decisionmaking. Indeed, it is easy to think of political considerations that might have motivated Obama to go to Congress with respect to Syria. That’s all fairly clear, but what is unclear is how a non-judicial precedent, such as Obama’s decision to seek congressional authorization for Syria, will have an effect on later decisions with respect to the use of force. The intuition, I think, is that Obama’s action will strengthen the hand of critics of later efforts by presidents to act unilaterally. It will give the critics more “ammunition,” so to speak. But why is this so, and what is meant, specifically, by “ammunition”? Obama claims that he is seeking congressional authorization for policy reasons, not because he is required to do so, and a later president is likely to reiterate that explanation. Moreover, if Obama is seeking congressional authorization for Syria because of political considerations (weak international and domestic support, public weariness about war, etc.), why would a later president feel compelled to follow that precedent when those political considerations do not apply? It is easier to imagine a constraining precedential effect, I think, if Congress votes down an authorization bill on Syria, and the President then declines to take action. After all, Obama has already stated that **he has made a decision as Commander in Chief to use force.** If he responds to a negative vote in Congress by not doing so, it might seem like a concession against interest that he lacks authority to act when Congress is opposed. Even if this did produce a constraining precedent, it would have limited effect, since it would not apply when (as is often the case) Congress does not take action one way or the other. But even here, the mechanism of the constraint is uncertain: Obama would likely claim that he was declining to take action for political reasons, such as the reduced likelihood of success created by the disunity between the branches, or the passage of time, or the lack of sufficient international support. Why would a future president facing different circumstances feel constrained by Obama’s inaction?

Syria doesn’t undermine war powers

Jack Goldsmith, 8/31/13, Obama’s Request to Congress Will Not Hamstring Future Presidents (Except for Some Humanitarian Interventions), www.lawfareblog.com/2013/08/obamas-request-to-congress-will-not-hamstring-future-presidents-except-for-some-humanitarian-interventions/

Peter Spiro at OJ, and David Rothkopf of FP whom he cites, both say that President Obama’s request for congressional authorization for Syria will allow Congress to hamstring future Presidents from using military force. Rothkopf exaggerates when he says that President Obama reversed “decades of precedent regarding the nature of presidential war powers” by going to Congress here, and Spiro exaggerates when he says that this is “a huge development with broad implications . . . for separation of powers.” What would have been unprecedented, and a huge development for separation of powers, is a unilateral strike in Syria. Seeking congressional authorization here in no way sets a precedent against President using force in national self-defense, or to protect U.S. persons or property, or even (as in Libya) to engage in humanitarian interventions (like Libya) with Security Council support. Moreover, the President and his subordinates have been implying for a while now that they will rely on Article II to use force without congressional authorization against extra-AUMF terrorist threats (and for all we know they already are). There is no reason to think that unilateral presidential military powers for national self-defense are in any way affected by the President’s decision today. That is as it should be.

Net-strengthens executive power

Charles Kels, major in the U.S. Air Force Reserve and an attorney for the Department of Homeland Security. His views do not reflect those of the Department of Homeland Security, Air Force or Defense, 9/2/13, Syria Insta-Symposium: Charles Kels–At the Intersection of Legal Regimes, opiniojuris.org/2013/09/02/syria-insta-symposium-charles-kels-intersection-legal-regimes/

As such, I am inclined to disagree with Professor Spiro that the President’s announcement constitutes a “constitutional surrender.” If President Obama has indeed set a precedent with his decision, I believe it is something much less consequential than requiring future commanders-in-chief to seek congressional authorization for any limited military strike. Rather, it stands for the proposition that when American lives and property are not immediately at stake, and when there is no straight-face self-defense argument under Article 51 of the UN Charter, and when the UNSC has not authorized force, and when there’s no NATO mission to latch onto, the President is on much firmer ground going to Congress. Far from enervating the President and his successors, I tend to agree with Professor Goldsmith that this course of action actually strengthens the administration and the U.S. cause in the event of a military intervention.

Syria doesn’t impact the war powers disad

Philip Bobbitt, Herbert Wechsler professor of federal jurisprudence at Columbia Law School, a senior fellow at the Strauss Center for International Security and Law at the University of Texas, and a member of the Hoover Institution's Task Force on Law and National Security at Stanford University, 9/2/13, The War Precedent, www.foreignpolicy.com/articles/2013/09/01/obama\_syria\_intervention\_congress\_constitution?page=full

Perhaps the most important arguments in this area are not doctrinal, historical, or textual, but prudential. In the current strategic context, does it make practical sense to require a joint resolution of Congress before the president can act? For example, with respect to extended deterrence -the vow to treat an attack on our allies as an attack on ourselves -I would think the answer is clearly no. A treaty -which must win the consent of the Senate -would suffice (as it did in Korea). How about the rescue of American nationals when force is required? Again, my sense is no: that the statutes providing such capabilities, and the extensive hearings about these contingencies which precede the adoption of those statutes by Congress, are sufficient. (This is in accord with the Adams precedent, by the way, which used three acts of Congress that appropriated funds as the basis for prosecuting the war.) What about an attack on a nascent nuclear capability sought by a hostile state? This is more doubtful, but I would be inclined to conclude that the Congress that appropriated funds, after extensive hearings over several years, for "bunker-busting" munitions could hardly claim to have been surprised when those weapons were used in the very contexts discussed at the time of the authorization and appropriations process.

These examples all have in common a certain urgency and the necessity for stealth. When there is time, the prudential calculus changes. Little is lost and much is gained by a fresh congressional debate over Syria, where there are no good tactical options that would be jeopardized by such a debate, and where the public has yet to be satisfied that the administration has good reasons for its decision.

President Obama's situation in some respects resembles that of President George H. W. Bush in the run-up to the first Gulf War. Overruling his national security advisor, Bush went to Congress for a joint resolution authorizing the U.S. invasion of Iraq. It was a daring gamble that the president finessed by announcing that he believed he had the authority to proceed in any case. This tactic seems to have narrowly won the day, with the consequence that -although the victory in the Senate was razor-thin -there was eventually broad public support. On Saturday, the president took a roughly similar position, saying, "while I believe I have the authority to carry out this military action without specific congressional authorization, I know that the country will be stronger if we take this course, and our actions will be even more effective."

As to whether the president is correct in his assessment that he does not, as a constitutional matter, need further congressional authorization, I am as yet undecided. The constitutional arguments for presidential intervention in Syria, absent either a North Atlantic Council endorsement or perhaps a vote by the members of the Arab League (for whose security Congress has provided extensive military assistance), are weaker than some recent precedents. In any case, I doubt it matters now. It is most unlikely that the president will use force in the face of an explicit congressional rejection of his request for authorization to use force. He carefully announced on Saturday that he had "decided that the United States should take military action against Syrian regime targets" -not that he will.

But the really important points are that the president be seen as following the law and that we try to reform the law to reflect the changing strategic context. With regard to the first of these imperatives, I do not believe the president's position will create case law that compromises the powers of the executive any more than the actions of presidents who have reported to Congress "in accordance with" rather than "pursuant to" the War Powers Resolution that they rightly believe to be unconstitutional.

Congressional authorization through presidential request key

Andrew Rudalevige, The Monkey Cage, 9/1/13, A Win for the WPR? No, but…, themonkeycage.org/2013/09/01/a-win-for-the-wpr-no-but/?utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+themonkeycagefeed+(The+Monkey+Cage)

The reaction shows the extent to which presidents have claimed—and Congress has abdicated— authority in this area, as I posted earlier today. The WPR has only been invoked formally once by a president (Ford, back in 1975). There are many reasons for this, ranging from presidents’ claim of inherent war powers to the drafting imprecisions of the WPR itself. (On the latter, see my earlier summary here, and a longer discussion in a book chapter, here – go to Ch. 6, p. 192.) No president—starting with Nixon, in his overridden veto message—has accepted the WPR as binding.

And nor did Obama, with respect to Syria.

Indeed, in his Rose Garden statement of August 31, the president argued that “I believe I have the authority to carry out this military action without specific congressional authorization.” In this he followed past precedent. The first Gulf War in 1991, the Afghanistan war in 2001 (including, albeit controversially, the much broader “global war on terror”), and the Iraq war in 2003 all received congressional sanction at presidential request—but in none of these cases did the president say he needed congressional authorization to act. Most colorfully, George H.W. Bush said in 1992 that “I didn’t have to get permission from some old goat in Congress to kick Saddam Hussein out of Kuwait.” (If the gentlemanly Bush thought the relatively friendly 102nd Congress was full of goats, one wonders what Obama might call their contemporary counterparts…)

To be sure, the Syria intervention, as discussed publicly to date, is far less broad in its intent than these wars. On the other hand, the draft resolution the administration sent to Congress is not particularly constrained. It would give the president the authority, without time limit, to “prevent or deter the use or proliferation” of chemical weapons or weapons of mass destruction as well as to “protect the United States and its allies and partners” from them. It mentions the WPR, yes, but only to say the resolution is “consistent with” it (not, say, “required by” it.)

## CP

### Goldsmith

Says plan doesn’t solve

**Goldsmith 13** (5/1, Jack, Henry L. Shattuck Professor at Harvard Law School, former Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003, member of the Hoover Institution Task Force on National Security and Law, “How Obama Undermined the War on Terror,” http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism)

The administration has floated the idea of "[shifting] the CIA's lethal targeting program to the Defense Department," as The Daily Beast reported last month. Among other potential virtues, this move might allow greater public transparency about the way of the knife to the extent that it would eliminate the covert action bar to public discussion. But JSOC's non-covert targeted killing program is no less secretive than the CIA's, and its congressional oversight is, if anything, less robust.

CP does

Goldsmith 13 (Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003. Professor Goldsmith is a member of the Hoover Institution Task Force on National Security and Law, “The Intersection of Vague Disclosure and Reduced Drone Strikes” May 27, 2013, Lawfare Blog)

This is starting to happen with the abstractions that the President used to describe his ostensible curtailment of the war. Ryan Goodman and Sarah Knuckey have a careful analysis of the speech that note its **ambiguities** and uncertainties on the geographical scope of the war, the continued use of signature strikes, the meaning of non-feasible captures as prerequisite for strikes, whether Americans “not specifically targeted” (in the President’s words) were targeted as part of a signature strike or some other reason that prevented the president from describing their deaths as accidental, whether any member of a terrorist organization or only its leaders are targetable, and the crucial meaning of phrases like “near certainly,” “imminence,” and “associated forces.” Goodman and Knuckey conclude that these ambiguities and uncertainties make it “impossible for the public to, in the President’s words: “make informed decisions and hold the Executive Branch accountable,” and note that “**until the White House releases the legal memos** that explain its understanding of such terms and its legal justification for the drone program more broadly[,] there is reason to remain deeply skeptical.” Along similar lines, Lesley Clark and Jonathan S. Landay at McClatchy compare the President’s speech with past administration speeches and conclude that the speech might imply an expansion of drone killings. Pushing in the other direction, however, is the reality that drone strikes (and their consequences) are in some senses **verifiable**, and the rate of strikes in both Pakistan and Yemen have dropped this year (and having been dropping for a few years in Pakistan). In the end, the credibility of the government’s new standards might turn less on the President’s words, which by themselves cannot establish credibility, but rather on how he is perceived to use drones (and other forms of fire) in fact. It does not follow, of course, that reduced drone strikes mean that the new standards have bite, or are constraining. As David Cole notes in a good if perhaps-too-hopeful NYRB essay: [**The reduction in drone strikes**] may reflect a diminishing number of appropriate targets. It may **suggest that the administration has for some time been employing more restrictive standards**. Or it may reflect increasing acceptance of the view that drone strikes have become counterproductive—a point made publically by former counterterrorism intelligence chief Dennis Blair and retired General Stanley McChrystal, who headed the US forces in Afghanistan. **There is** at present a **correlation between reduce-the-war rhetoric and** at least the **verifiable elements of Obama’s stealth war**. But as Ben suggested at the end of this post, the causes of drone strike reduction, and the duration of their reduction, and the relationship between the reduction and the rhetoric, remain unclear.

### CP 2NC

CP resolves the aff---it allows Obama to execute his mission of transitioning gradually from the CIA to the DOD by unblocking funding and opposition---they have NO REASON why immediate restraint of authority is key

The phased transition is sufficient to solve the whole aff---gut check makes sense here they have no cards from this year—their ev is about a theoretical shift that OBAMA WANTS TO DO, but no ev defends the plan text’s congressional MANDATE as necessary to that

The 1AC cx is clear that they solve program sustainability and norms through ACCOUNTABILITY---transparency alone can solve that-their author

Kreps and Zenko 14 (SARAH KREPS is Stanton Nuclear Security Fellow at the Council on Foreign Relations and Assistant Professor of Government at Cornell University. MICAH ZENKO is Douglas Dillon Fellow in the Center for Preventive Action at the Council on Foreign Relations., March/April, "The Next Drone Wars", www.foreignaffairs.com/articles/140746/sarah-kreps-and-micah-zenko/the-next-drone-wars)

UNMANNED ACCOUNTABILITY¶ Given drones’ allure, proliferation, and security implications, the key question is what Washington and other governments can do to mitigate the worst consequences of drones’ growing popularity. The answer is a combination of unilateral and multilateral actions.¶ As the only country to have used drones extensively, the United States must take the lead in regulating their use and export. So far, the United States has kept its exports of armed drones to a minimum (much to the chagrin of the defense industry), sending them only to the United Kingdom. Washington should maintain such restraint.¶ It should also revisit its own targeted-killing policies, lest other countries follow the United States’ example. The U.S. government has articulated its drone policy to the public only in an ad hoc manner. Behind closed doors, the White House reportedly oversees targeting decisions in a regular review process that includes the Pentagon, the State Department, and other agencies, but it ignores bigger strategic questions about the impact that unilateral measures on the part of the United States to restrain its own drone use could have on other states. A separate, independent review panel should be formed to answer these questions, and an unclassified version of the findings should be made available to the public. It could be modeled on the Guantanamo Review Task Force, which was charged with determining which detainees could be released or prosecuted and brought together the Departments of Justice, Defense, State, and Homeland Security; the director of national intelligence; and the Joint Chiefs of Staff. Or it could be modeled on the panel set up by the White House last summer to review the National Security Agency’s surveillance operations. Those two panels are good precedents for how to deal with the U.S. drone program since they brought together both outside experts and experts from across various government agencies to review sensitive U.S. national security policies -- and they recommended meaningful reforms.¶ Congress, which has deferred to the executive branch on drone policy, should take a more active role by holding extensive hearings on drones’ unique use in counterterrorism and other strikes. These hearings should continue to scrutinize the Authorization for the Use of Military Force, which the Obama administration has cited as its legal justification for drone strikes on suspected terrorists, including the U.S. citizen Anwar al-Awlaki in Yemen. But they should also focus on how drones are used in disputed areas and across borders and against publicly undefined targets, such as militants and criminals -- the most common and the most dangerous scenarios.¶ The United States should also come clean about how it has used armed drones, which could prompt Israel and the United Kingdom to do the same. The United States and the United Kingdom have released some overall strike data, but little regarding civilian casualties, with the British military claiming it cannot collect such data “because of the immense difficulty and risks that would be involved.” Last summer, the Obama administration responded to a Freedom of Information Act request by declaring that there is “no information that can be provided at the unclassified level.” Israel has been even more reticent, refusing to acknowledge that it has conducted any drone strikes. More transparency could correct some misconceptions about drones, such as that the United States violates sovereign airspace and does not take precautions to mitigate civilian harm. Greater openness would generate public confidence in the legitimacy of drone use and could shape how other states conducted and justified their own lethal missions.

### at: harris

**Not a solvency deficit ---**

**First --- Their card is talking about CIA recommendations that are thousands of pages and vague. The CP is short. It establishes a CLEAR boundary between CIA and DOD. No rational explanation of why their cards discussing cold war apply**

**Harris 05** – (2005, Grant, JD candidate at time of publication, expected same year, post-graduation: Special Assistant to the President and Senior Director for African Affairs, former Deputy Chief of Staff and Counselor to Susan E. Rice, the U.S. Ambassador to the United Nations and a member of President Obama’s Cabinet, “The CIA Mandate and the War on Terror,” Yale Law & Policy Review Vol. 23:529, 2005)

The thousands of pages of reports and recommendations made by the various commissions of the 1970s suggest that the vague terminology of the CIA mandate was an important cause of CIA abuses perpetrated during the Cold War. The lack of clear boundaries of authority provided no clear guideposts to prevent good-faith efforts to protect the nation's security from crossing the line to become overzealous and unnecessarily infringe civil liberties. Similarly, statutory ambiguity provided fertile ground for political abuse of the Agency at the behest of the highest levels of government. The abuses were caused by a mix of convenient and disingenuous interpretations of the CIA mandate and outright violations of the law. For these reasons, clarified statutory limits as proposed in Part IV of this Note would provide better boundaries for well-intentioned activities as well as a more meaningful shield by which the CIA could ward off bad-faith directives intended to serve personal or political ends.

**This links to the plan**

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Vague statutory language proved all too malleable in the face of the nation's overriding fear of communism. The drive to win the Cold War and undefined prohibitions with ambiguous parameters opened the door to creative interpretations of authority. CIA excesses during the Cold War were excused if not encouraged by the drive to defeat communism, which emanated from the country's highest levels of political leadership. This created a situation of lax oversight of CIA activities and a "climate of tolerance" in which there was a "let them do what they need to do to get the job done" ethic in place from the passage of the National Security Act in 1947 until the congressional inquiries of the 1970s. n64

**its net worse**

**Harris, their ev, 5** (2005, Grant, JD candidate at time of publication, expected same year, post-graduation: Special Assistant to the President and Senior Director for African Affairs, former Deputy Chief of Staff and Counselor to Susan E. Rice, the U.S. Ambassador to the United Nations and a member of President Obama’s Cabinet, “The CIA Mandate and the War on Terror,” Yale Law & Policy Review Vol. 23:529, 2005)

Legislative reconsideration of the CIA mandate is not without risk. There may be benefits to retaining a certain level of ambiguity (more often cast as "flexibility" by supporters of this argument) in the language of the National [\*569] Security Act. According to the IC21 Commission: "There is no need to further clarify the National Security Act of 1947, as amended, or the subsequent Executive Orders" because "there is a flexibility in these laws that permits a reasonable, but well-bounded, range of interpretation that will allow for improved cooperation and coordination between law enforcement and intelligence without blurring important demarcations between the missions and authorities of the two communities." n213 Yet this IC21 recommendation predated September 11 by five years, and the fight against terrorism (as well as other post-Cold War national security priorities) is making such "important demarcations" increasingly difficult to discern. n214 Furthermore, the IC21 Commission conceded that one of the outcomes of the intelligence scandals of the 1970s was a sometimes overly conservative approach toward cooperation between the law enforcement and intelligence communities. n215 Additionally, this "range of interpretation" in the CIA mandate led to interpretations of convenience in the Cold War and leaves us more vulnerable to abuse. n216

Clarification of the CIA mandate could be "overlawyered" and therefore reduce the effectiveness of cooperation between intelligence and law enforcement. A similar result occurred in the aftermath of two banking scandals in the 1980s involving Bank of Credit and Commerce International (BCCI) and Banca Nazionale del Lavoro (BNL). The BCCI and BNL scandals resulted largely from problems in the sharing and management of information between the CIA and law enforcement officials. n217 In the early 1990s, a high-level interagency task force produced recommendations to improve communication between intelligence and law enforcement and created several interagency working groups, including the Joint Task Force on Intelligence and Law Enforcement (JICLE), to further develop those recommendations. JICLE produced memoranda of understanding in the wake of the banking scandals but, according to Jeffrey Smith, General Counsel of the CIA at the time, the JICLE process had "overlawyered it" and "the product was going to "gum up the works' and make cooperation [between intelligence and law enforcement] more difficult." n218 Statutory revision could similarly open the door to overregulation [\*570] or hamper cooperation between law enforcement and intelligence if not done correctly.

### At: gradual bad

Transparency makes CIA strikes legitimate, so it solves any downside to the exemption in terms of norms

Anderson, professor of law – American University, 3/3/’12

(Kenneth, “CIA, Drones and Proxy Forces, and the Exit from Afghanistan,” Lawfare)

As drone warfare, targeted killing, discrete and discriminating uses of force through advanced technology become the new normal, however, they will not remain in the shadows, neither will they be justified by some immediate exigency – they will become, and are rapidly becoming, the standard of a certain form of counterterrorism uses of force. It will not be unknown, and the traditional alternative to explaining the basis in law – secrecy and deniability – will not be available. The American public will want to know that there is a grounding in law, domestic and international, for these activities. Since the senior leadership and lawyers believe that there is such a basis, they should start articulating it now. Harold Koh has taken some important steps forward in that direction; likewise John Brennan and most recently DOD General Counsel Jeh Johnson. The civilian intelligence agencies likewise need to start publicly articulating the US government’s interpretation of the law that underlies these activities. This is not a call to cave to the ACLU or other advocacy groups whose agendas will never be satisfied (the “if you give a mouse a cookie” problem). The NGO advocates fundamentally (i) oppose the CIA ever using force, (ii) oppose targeted killing outside of some legally novel concept of a “hot battlefield” as a violation of human rights law, (iii) do not accept that a process is governed by the rule of law unless an Article III judge has ruled on it (and depending on the outcome, not necessarily even then), rather than any process of accountability among the political branches alone, and (iv) have grave qualms about drones as technologies that enable the first two without putting US personnel at risk. Cave on anything beyond statements of legal principles and process, and the result will not be “institutional settlement,” but instead merely moving the goal posts; there isn’t really room for “dialogue,” let alone negotiation, but simply and necessarily one-sided articulation. That said, the articulation is important, because there is a problem when even a Kimberly Dozier story cannot resist a mild intimation of unsavory lack of accountability: But a CIA-run war would mean that the U.S. public would not be informed about funding or operations, as they are in a traditional war. Oversight would fall to the White House, top intelligence officials, and a few congressional committees. Embedding journalists would be out of the question. None of that is true, at least not necessarily. Nothing in the law requires that because the CIA runs it, the operation must be “covert” in those ways. The executive branch can use the CIA without in every matter invoking the shell of secrecy; Congress, if it wanted, could do the same. In any case, the actual problems of legal and policy legitimacy would likely be much worse than this, though not one of accountability as such. It would be, rather, that vast amounts of operations could not be conducted in secrecy – not as a practical matter. The CIA might be running not just special operations forces, but proxy forces of Afghans, for example, and drone programs, and much else besides. These activities wouldn’t be secret, they wouldn’t be beyond reporting – but attempts to conduct policy by leaks to journalists, on the one hand, and official “neither confirm nor deny,” on the other, would surely undermine its public legitimacy. If not in a second Obama term, then in some future administration: things would inevitably fall apart; the mish-mash cannot hold.

### At: do cp

The plan says restrict by statute---the CP says that Congress should support the President’s existing plan---it puts NO FURTHER CONSTRAINTS on the president’s plan for a gradual transition

These competition arguments would make sense if we were a delay CP but we test the link btween their aff and the topic which you all know is beyond contrived. This is key neg ground—this aff is strategic because they get to say the pres has a plan that’s consistent---we’re the logical cost

“Statutory” restrictions are authorized by statute

Dictionary of Environment and Conservation 2007

(“statutory,” Oxford University Press via Oxford Reference, Georgetown University Library)

statutory

A legal requirement, authorized by statute.

Statutes require compliance

Dictionary of Environment and Conservation 2007

(“statutory,” Oxford University Press via Oxford Reference, Georgetown University Library)

statute

An act that is passed by a legislative branch of government, which declares, commands, or prohibits something, and which describes law and defines the time **within which parties must take action to comply**.

“Restrictions on authority” must be openly enforced

Opala, justice of the Supreme Court of Oklahoma, majority opinion, 1979

(J., Oaks v. Motor Insurance Corporation, 1979 OK 77, Lexis)

Insurer also contends that any authority its agent may have had to extend time for payment of premium on renewal of the policy was limited by a certain express provision in the policy. 5 Though the powers of an agent may be limited by definite **restrictions on his authority**, the determination of their extent and consequently of the rights of the insured must rest, in the final analysis, on the principle that such powers are prima facie coextensive with the business entrusted to his care, **and will not be narrowed by limitations not communicated to the person with** [\*792] **whom he deals**. 6 The policy, silent as to the time for payment of premium, did not put Oaks on notice as to any limitation on agent's authority. **The ultimate question is not what power the agent had**, **but what power the company had held him out as having**. This, too, is a fact issue to be resolved by the trier.

“Restriction on war powers authority” must limit presidential discretion

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

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

“Authority” is the ex-ante allocation of decision rights

Garfagnini, ITAM School of Business, 10/15/2012

(Umberto, italics emphasis in original, “The Dynamics of Authority in Innovating Organizations,” <https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=MWETFall2012&paper_id=62>)

Why do organizations change their internal allocation of authority over time? We propose a simple theory in which innovation with a new technology generates an *endogenous need for coordination* among divisions. A division manager has private information about the expected productivity of new technologies, which can be communicated strategically to headquarters. The organization has an advantage in coordinating technologies across divisions and can only commit to **an ex-ante allocation of decision rights** (**i.e.**, ***authority***). When the importance of cross-divisional externalities is small and the organization's coordination advantage is moderate, we show that an organization can optimally delegate authority to a division manager initially and then later centralize authority.

### Speech 1NC

Executive speeches clarify the CP’s position—locks-in durability and credible signal

Rebecca Ingber, Associate Research Scholar, Columbia Law School; 2011-2012 Council on Foreign Relations International Affairs Fellow and Hertog National Security Law Fellow, Columbia Law School, Summer 2013, Article: Interpretation Catalysts and Executive Branch Legal Decisionmaking, 38 Yale J. Int'l L. 359

The prior two sections discussed interpretation catalysts that are primarily driven by external factors. But internally-triggered events can also operate as compelling interpretation catalysts. Decisions to take a particular action or implement a policy can fall under this category, as can determinations to make a speech to express publicly the Administration's views on a given matter. Speechmaking is a particularly interesting interpretation catalyst as it can be provoked by a combination of internal and external factors. And as a somewhat more pliable tool than those that are more formally responsible to external [\*398] bodies like courts or treaty-reporting bodies, it can be employed strategically by officials within the government seeking to shape the decisionmaking process. n186

The decision to give a speech on a matter of international law and national security is rarely a decision made casually or unilaterally by the particular speechmaker herself, and the impetus to do so can be driven by a range of internal and external factors. There may exist external pressure, such as calls upon the executive - by media, Congress, or others - to explain its position in a given area. For example, there have been widespread calls in recent years for greater clarity from the Obama Administration regarding its legal position on targeting killing, which have resulted in a number of speeches by government officials explaining the policy and legal framework in ever greater detail. n187 Pressure to make public a set of legal views may also come from within the Administration, from actors who wish to explain the government's position in an effort to mollify criticism about either the substantive decisions or the lack of transparency about the decisionmaking process. n188

Speechmaking may simply reveal to the public the pre-existing legal rationale for executive policies or programs; it can also be an action-forcing mechanism driving the executive to crystallize and finally bind itself to a position on a matter. n189 As with other interpretation catalysts, speechmaking can shape the parameters of a particular decisional moment - its timing and the context in which the decision is made - and it can create greater leverage for the speechmaker and related officials at the decisionmaking table. There are numerous other means officials employ to create leverage, including strategic leaking and resignation threats, both of which are unilateral means to influence decisionmaking. Speechmaking is distinct in that it actually creates a different decisionmaking forum - the process of drafting and coordinating a position and language for the speech itself in a very specific context - and thus influences [\*399] substance by transforming the process, shaping the contextual pressures, and ensuring specific coordination.

1. Who Has the Pen?

Unlike litigation and treaty-reporting, which are ongoing processes that may cross administrations and can be channeled to some degree by the career bureaucracy, speechmaking is inherently top-down, involving high-level, politically-appointed officials. Career officials may be involved but just as often it may be the political assistants surrounding the speechmaker who assist substantively in the process.

Which official volunteers or is asked to take on a speech is critical because speechmaking - whether intended for this purpose or not - gives that official, and those working for her, the pen on the public representation of an issue, and it can thus be an opportunity for an official to gain inclusion in a matter to which she might otherwise not have access. n190 Speechmaking may grant to an official otherwise out of the loop not only a seat at the decisionmaking table, but also a place of significant influence. n191 Once a key administration official is slated to give a speech, her views cannot be disregarded. She cannot be left out of the speechwriting room. The words will be hers to say or to refuse to say, and this provides some degree of leverage over the position and over what will be made public. Going forward, these statements are generally taken to be the considered views of the U.S. government, and cannot easily be reversed. n192 Indeed, they are likely to be referred to in other contexts where U.S. officials are required to explain the government's position. n193 Of course, it is unlikely that speechmaking could be used to draw into the conversation an official who has no relevance to a particular area, but it may be effective in pulling up a critical chair to the table for an individual with both expertise and a structural connection to the matter at hand.

The elevated seat at the table does not come cheaply for the speechmaker. The speechmaking-as-strategy process operates as a two-way street. By presenting the U.S. views on a topic in a public forum, the speechmaking official is sanctioning those views and signing on quite publicly to the U.S. position, in a way that will be difficult, if not impossible, to walk away from at a later date. n194 It is this legitimizing effect that the speechmaker often brings to the table in exchange for greater influence in the cultivation of the views that [\*400] will be presented. n195 This phenomenon may be most palpable in areas where an official may have greater legitimacy with a particular population that the Administration hopes to sway in large part because she is seen - rightly or wrongly - as potentially holding views in tension with the Administration's policies in that area. In such cases, the official both may desire greater leverage internally in order to influence decisionmaking, and may have an important legitimizing power in sanctioning the resulting views. Thus, both the speechmaking official and others in the Administration have something to gain in finding a compromise that permits the official to give a public speech on the matter.

By way of example, State Department Legal Advisers - and even Secretaries of State n196 - have often been deployed to explain the U.S. government's legal position on matters affecting international law and national security, to both international and domestic audiences. Harold Koh's 2010 speech at the American Society of International Law, in which he discussed the Obama Administration's views toward targeting and detention in the conflict with al Qaeda, n197 received enormous public attention in part because of his stature as a leading human rights advocate. Thus, Koh's willingness to support the Administration's legal position was a boon to the Administration in facing criticism from the human rights community, and Koh presumably may have gained greater influence than he might otherwise have had in crafting the public statement of the Administration's position on wartime targeting and detention. Previously, under the Bush Administration, Legal Adviser John Bellinger gave a number of speeches explaining the U.S. government's understanding of its legal obligations under international law in the conflict with al Qaeda. n198 He publicly presented, explained, and defended the executive's positions - and in so doing worked toward trying to legitimize them - despite the fact that, as it is now widely known, he had had many disagreements with other Bush officials over many of the prevailing policies throughout the early years of the [\*401] Administration. n199 Considering the willingness of those other officials to cut the State Department out of the decisionmaking loop, as revealed years later by Legal Adviser Taft and others, n200 the ability to act as speechmaker and public face of the Administration's views of its authority likely elevated L's role in addressing these matters to some degree. At a bare minimum it ensured the State Department had a seat at the position-drafting table, which it might otherwise not have had.

### XO Signal – 2NC

CP sends the most powerful signal (while avoiding Congressional confrontation)

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

Self-restraint creates a credible signal

Eric Posner, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

Our aim in this Article is to identify this dilemma of credibility that afflicts the well-motivated executive and to propose mechanisms for ameliorating it. We focus on emergencies and national security but cast the analysis within a broader framework. Our basic claim is that the credibility dilemma can be addressed by executive signaling. Without any new constitutional amendments, statutes, or legislative action, law and executive practice already contain resources to allow a well-motivated executive to send a credible signal of his motivations, committing to use increased discretion in public-spirited ways. By tying policies to institutional mechanisms that impose heavier costs on ill-motivated actors than on well-motivated ones, the well-motivated executive can credibly signal his good intentions and thus persuade voters that his policies are those that voters would want if fully informed. We focus particularly on mechanisms of executive self-binding that send a signal of credibility by committing presidents to actions or policies that only a well-motivated president would adopt.

Bipartisan independent commission solves credibility

Eric Posner, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

2. Independent commissions.

We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal's idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan. n83

We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. For example, the president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it.

Consider whether George W. Bush's credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush [\*900] shared that knowledge, the public could have inferred that Bush's professed motive -elimination of weapons of mass destruction -was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one.

The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction. n84 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event -by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future, but merely a plausible inference that the president's future behavior will track his past behavior.

3. Bipartisan appointments.

In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office. n85 A number of statutes require partisan balance on multimember commissions; presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place. n86 For similar reasons, presidents may consent to restrictions on the removal of agency officials, [\*901] because the restriction enables the president to commit to giving the agency some autonomy from the president's preferences. n87

Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. n88 Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades, and groupthink; n89 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president's privileged access to information, (2) ensuring that policy is partly controlled by officials whose preferences differ from the president's, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress.

No need for formal restrictions – CP’s signal is just as good

Eric Posner, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

For presidents, credibility is power. With credibility, the formal rules of the separation of powers system can be bargained around or even defied, as Lincoln and FDR demonstrated. Without credibility, a nominally all-powerful president is a helpless giant. Even if legal and institutional constraints are loose and give the president broad powers, those powers cannot effectively be exercised if the public believes that the president lies or has nefarious motives.

But presidential credibility can benefit all relevant actors, not just presidents. The decline of congressional and judicial oversight has not merely increased the power of ill-motivated executives, the typical worry of civil libertarians. It also threatens to diminish the power of well-motivated presidents, with indirect harms to the public. Such presidents would, if credibly identified, receive even broader legal delegations and greater informal trust -from legislators, judges, and the public -than presidents as a class actually have. Absent other credibility-generating mechanisms, such as effective congressional oversight, presidents must bootstrap themselves into credibility through the use of signaling mechanisms. In this Article, we suggest a range of such mechanisms, and suggest that under the conditions we have tried to identify, those mechanisms can make all concerned better off.

Outweighs legal restrictions

Bradley, professor of law at Duke, and Morrison, professor of law at Columbia, May 2013

(Curtis A. and Trevor W., PRESIDENTIAL POWER, HISTORICAL PRACTICE, AND LEGAL CONSTRAINT, 113 Colum. L. Rev. 1097, Lexis)

To be sure, some executive branch actors involved in assessing the law of presidential power might themselves claim to focus on some version of legal correctness. As noted above and discussed in greater detail below, OLC is an example. n77 But OLC is not a typical executive legal office, and only a small fraction of all the legal questions arising within the executive branch go to OLC. Moreover, whatever the orientation of the executive actor in question, **relevant audiences** (whether **in Congress**, **the press**, or **the informed public more generally**) **might be more attuned to whether the President operates within the bounds of legal reasonableness** or plausibility than to whether he adheres to a single **"**correct**"** view of the law. If nothing else, it seems likely that the negative consequences to a President of appearing to exceed the boundaries of what is plausible would be more severe than the negative consequences of asserting a plausible but not ultimately persuasive view of the law.

### DRONES Signal – 2NC

Transparency XO creates accountability---that solves norms and program sustainability

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

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

It is time for a new approach. And all that is required of the President is to do the thing that he does perhaps best of all: to speak.

Obama has a unique opportunity — in fact, an urgent obligation — to create a new doctrine, unveiled in a major presidential speech, for the use and deployment of these new tools of war.

While the Republicans tried to paint the President as weak on security issues in the 2012 elections, history will record instead that his administration pushed into new frontiers of war, most especially in the new class of technologies that move the human role both geographically and chronologically further from the point of action on the battlefield.

The U.S. military’s unmanned systems, popularly known as “drones,” now number more than 8,000 in the air and 12,000 on the ground. And in a parallel development, the U.S. Cyber Command, which became operational in 2010, has added an array of new (and controversial) responsibilities — and is set to quintuple in size.

This is not just a military matter. American intelligence agencies are increasingly using these technologies as the tips of the spear in a series of so-called “shadow wars.” These include not only the more than 400 drone strikes that have taken place from Pakistan to Yemen, but also the deployment of the Stuxnet computer virus to sabotage Iranian nuclear development, the world’s first known use of a specially designed cyber weapon.

Throughout this period, the administration has tried to have it both ways — leaking out success stories of our growing use of these new technologies but not tying its hands with official statements and set policies.

This made great sense at first, when much of what was happening was ad hoc and being fleshed out as it went along.

But that position has become unsustainable. The less the U.S. government now says about our policies, the more that vacuum is becoming filled by others, in harmful ways.

By acting but barely explaining our actions, we’re creating precedents for other states to exploit. More than 75 countries now have military robotics programs, while another 20 have advanced cyber war capacities. Rest assured that nations like Iran, Russia and China will use these technologies in far more crude and indiscriminate ways — yet will do so while claiming to be merely following U.S. footsteps.

In turn, international organizations — the UN among them — are pushing ahead with special investigations into potential war crimes and proposing new treaties.

Our leaders, meanwhile, stay mum, which isolates the U.S. and drains its soft power.

The current policy also makes it harder to respond to growing concerns over civilian casualties. Indeed, Pew polling found 96% levels of opposition to U.S. drones in the key battleground state of Pakistan, a bellwether of the entire region. It is indisputable than many civilians have been harmed over the course of hundreds of strikes. And yet it is also indisputable that various groups have incentives to magnify such claims.

Yet so far, U.S. officials have painted themselves into a corner — either denying that any collateral losses have occurred, which no one believes, or reverting to the argument that we cannot confirm or deny our involvement, which no one believes, either.

Finally, the domestic support and legitimacy needed for the use of these weapons is in transition. Polling has found general public support for drone strikes, but only to a point, with growing numbers in the “not sure” category and growing worries around cases of targeting U.S. citizens abroad who are suspected of being terrorists.

The administration is so boxed in that, even when it recently won a court case to maintain the veil of semi-silence that surrounds the drone strike program, the judge described the current policy as having an “Alice in Wonderland” feel.

The White House seems to be finally starting to realize the problems caused by this disconnect of action but no explanation. After years of silence, occasional statements by senior aides are acknowledging the use of drones, while lesser-noticed working level documents have been created to formalize strike policies and even to explore what to do about the next, far more autonomous generation of weapons.

These efforts have been good starts, but they have been disjointed and partial. Most important, they are missing the much-needed stamp of the President’s voice and authority, which is essential to turn tentative first steps into established policy.

Much remains to be done — and said — out in the open.

This is why it’s time for Obama’s voice to ring loud and clear. Much as Presidents Harry Truman and Dwight Eisenhower were able keep secret aspects of the development of nuclear weapons, even as they articulated how and when we would use them, Obama should publicly lay out criteria by which the United States will develop, deploy and use these new weapons.

The President has a strong case to make — if only he would finally make it. After all, the new weapons have worked. They have offered new options for military action that are more accurate and proportionate and less risky than previously available methods.

But they have also posed many new complications. Explaining our position is about embracing both the good and the bad. It is about acknowledging the harms that come with war regardless of what technology is being used and making clear what structures of accountability are in place to respond.

It’s also about finally defining where America truly stands on some of the most controversial questions. These include the tactics of “signature” strikes, where the identity is not firmly identified, and “double tap” strikes, where rescuers aiding victims of a first attack are also brought under fire. These have been reported as occurring and yet seem to run counter to the principles under which the programs have been defended so far.

The role of the President is not to conduct some kind of retrospective of what we have done and why, but to lay out a course of the future. What are the key strategic goals and ethical guidelines that should drive the development and use of these new technologies? Is current U.S. and international law sufficient to cover them?

There are also crucial executive management questions, like where to draw the dividing line between military and civilian intelligence agency use of such technologies, and how to keep a growing range of covert actions from morphing into undeclared and undebated wars.

And, finally, the President must help resolve growing tensions between the executive branch and an increasingly restive Congress, including how to handle situations where we create the effect of war but no U.S. personnel are ever sent in harm’s way.

Given the sprawling complexity of these matters, only the President can deliver an official statement on where we stand. If only we somehow had a commander in chief who was simultaneously a law professor and Nobel Peace Prize winner!

The President’s voice on these issues won’t be a cure-all. But it will lay down a powerful marker, shaping not just the next four years but the actions of future administrations.

CP solves global signal and drone sustainability

Brannen et al, senior fellow in the International Security Program at the Center for Strategic and International Studies, 14 [Samuel J. Brannen is a senior fellow in the International Security Program at the Center for Strategic and International Studies (CSIS), where his research focuses on U.S. defense and national security strategy and policy, Turkey, and unmanned systems. Colonel Ethan Griffin is a U.S. Air Force fellow at CSIS, following a two-year joint tour as military assistant for the executive secretary to the secretary of defense, and Rhys McCormick is a research assistant with the National Security Program on Industry and Resources (NSPIR) at CSIS, “Sustaining the U.S. Lead in Unmanned Systems: Military and Homeland Considerations through 2025,” A Report of the CSIS International Security Program, February (2014), https://csis.org/files/publication/140227\_Brannen\_UnmannedSystems\_Web.pdf]

The following recommendations are considered by the CSIS study team to be highest¶ impact in sustaining the U.S. lead in unmanned systems but also the most realistic in¶ the expectation they can be executed with relative ease by senior decisionmakers.¶ These recommendations do not require legislative changes and do not require¶ additional resources (though, in some cases, could lead to reprioritization of existing¶ resources).¶ The president should declassify and release civilian casualty figures from UAS¶ strikes, and provide comparison between strikes using UAS and those using¶ traditional manned air assets. The success of UAS in helping to address the first¶ significant threat of the 21st century endangers the future of the technology¶ because of U.S. inability to effectively engage in public communications regarding¶ the advantages of UAS in target discrimination. The U.S. military and intelligence¶ community deserve credit for the professionalism they demonstrate each day in¶ their use of this new technology as they prosecute a war to defend our nation from¶ a determined enemy. So, too, Americans deserve objective facts at a time of¶ growing mistrust of government programs related to counterterrorism. What was¶ meant to be a covert program has become global front-page news, and the lack of¶ transparency by the United States has allowed others to shape the narrative,¶ damaging U.S. international reputation and ability to lead in setting standards for¶ responsible use of unmanned systems (norms). The burden of proof now rests on¶ the United States to factually demonstrate the care it has taken to prevent civilian¶ casualties in operations against an enemy that intentionally hides among a civilian¶ population while at war with the United States. In his May 23, 2013, speech,¶ President Barack Obama created demand for greater transparency on the program¶ that has become deeply associated with his administration.40¶  The secretary of defense should establish within the Office of the Secretary of Defense¶ (OSD) a Defense Unmanned Systems Office (DUSO) to report directly to the deputy¶ secretary of defense. This office would be led by a two-star general or flag officer¶ and would monitor and advise the deputy secretary regarding the cross-DoD¶ research, development, testing and evaluation (RDT&E) budget as it relates to¶ unmanned systems. The director for DUSO would have a civilian SES deputy and¶ be staffed by a mix of civilian and military officers with technical and operational¶ expertise in unmanned systems and related technologies. This office would ensure¶ high-level focus within the department, create an effective coordinating function¶ between military departments on investment decisions, and tie the compelling¶ vision and strategy outlined in the OSD Unmanned Systems Integrated Roadmap to¶ the PPBE process. A primary mission of the new office would be—in coordination¶ with OSD Acquisition, Technology, and Logistics (AT&L) and DARPA—to closely¶ collaborate with the defense industry, national research laboratories, and broader¶ commercial sector to understand relevant ongoing RDT&E and appropriately¶ identify priority research areas and direct resources, including through¶ publication of a classified technology annex to the Unmanned Systems Integrated¶ Roadmap. In its first year, the office should conduct a review across existing DoD¶ roles and missions to determine potential areas where unmanned systems¶ technology could create military advantage and where cost-benefit (and cost¶ imposition on adversaries) could be greatest. This would energize the use and¶ development of unmanned systems beyond an ISR-only or niche counterterrorism¶ role. This office would also collaborate with Joint Staff J7 and relevant military¶ components to inform experimentation with new concepts of operation to fully¶ explore the potential of unmanned systems.¶  The DoD comptroller should compel standardization of budget data regarding UAS,¶ and the director of OSD Cost Assessment and Program Evaluation (CAPE) should¶ conduct comprehensive cost-benefit analysis between manned, unmanned, and¶ “optionally manned” systems. Current metrics available to understand the cost of unmanned systems (including associated manpower) are at best confusing, and at¶ worst misleading. Except in a handful of cases where specific cost studies were¶ mandated (for instance, the next-generation long-range bomber), realistic cost¶ estimates have not been available for defense decisionmakers to compare metrics¶ such as cost-per-flight-hours on an “apples to apples” basis. Unmanned systems are¶ not a silver bullet, but they are a new and important technology, and¶ decisionmakers should better understand what tradeoffs and savings may be¶ available to implement in the context of fiscal austerity, not to mention the ability¶ to consider multiple platforms at multiple cost levels to achieve the same¶ battlefield effects.¶  The United States should export armed UAS (including those classified under the¶ Missile Technology Control Regime (MTCR) as Category 1 systems) to treaty allies¶ and should continue to export unarmed MTCR Category 2 UAS to all trusted allies¶ and partners. The inability to date by the executive and legislative branches to¶ develop coherent policy with regard to the export of UAS has negatively affected¶ trust, hurt U.S. defense industry, and withheld capabilities vital to future coalition¶ operations and burden sharing. In the next five years, armed and increasingly¶ sophisticated unarmed UAS will be available from a growing number of supplier¶ countries. Continued indecision by the United States regarding export of this¶ technology will not prevent the spread of these systems; but it will deny the ability¶ of the United States to ensure interoperability and encourage responsible use¶ among allies and partners (including through end-use monitoring of systems). The¶ United States should not self-restrict exports based on the largely unintended¶ “capture” of UAS in the MTCR, which does not outweigh these more strategic¶ considerations. U.S. export is unlikely to undermine the MTCR, which faces a¶ larger set of challenges in preventing the proliferation of ballistic and cruise¶ missiles, as well as addressing more problematic UAS-cruise missile hybrids such¶ as so-called loitering munitions (e.g., the Israeli-made Harop).¶  The director for national intelligence should make a first-tier priority the collection¶ of intelligence on the development of unmanned systems technologies by other¶ countries (including in the commercial sector) and their development of new roles¶ and missions, and concepts of operation for the technology, particularly regarding¶ potential use as a delivery system for nuclear, chemical, or biological weapons.¶ Other nations will seek to exploit unmanned systems in ways that increase their¶ military edge against U.S. conventional dominance, and they may push ethical¶ boundaries in ways that the United States and its allies and partners will not. The¶ United States must monitor these developments as closely as it does the spread of¶ technologies such as ballistic and cruise missiles for the potential threat posed to¶ the U.S. homeland and forces operating abroad. Early understanding of these¶ threats could allow U.S. policymakers time to determine appropriate responses in¶ the diplomatic sphere.¶  The Department of Homeland Security (DHS) should publicly articulate a set of¶ principles under which it will continue to operate unmanned systems technology.¶ DHS should acknowledge public concern with unmanned systems in an overall¶ debate about privacy and make transparent the process it has enacted to ensure¶ all applicable laws in the use of the technology are followed. A statement of¶ principles to reassure the public of the care DHS and its components take— proportionate to the use of any “manned” technology—would be important to¶ build public confidence and avoid overreaction that could limit future use. The¶ Department of Justice and other U.S. domestic agencies could then follow closely¶ DHS’s example in this regard.

### --- Solves Modeling

Solves drone modeling

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

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

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

On 7 March 2013, members of the European Parliament expressed deep concern about the “unwelcome precedent” the programme sets, citing its “destabilising effect on the international legal framework” that “destroys ... our common legal heritage.” This 'destabilising effect' arises from the classified and seemingly amorphous substantive legal basis for the programme and the apparent lack of procedural standards in place. It remains to be seen if the classified 'rulebook' will be released for public scrutiny, and allay these concerns.

Reliance on international law in world order is based on consent, consensus, good faith and, crucially in this instance, reciprocity. The US programme may harbour short term gains in the pursuit of al-Qaeda operatives, however, if the aforementioned substantive legal justifications continue to be invoked, it risks engendering long term disadvantages. Pursuing this policy encourages other States to adopt similar policies. Administration officials have cited particular concern about setting precedent for Russia, Iran and China, all of which are developing their own remote targeting technology.

It is therefore suggested that the Administration should take this opportunity to codify the rules, clarify terms where ambiguity may currently allow for broader interpretations, and to bring its regulations in line with the existing framework of international law. This legal framework should then be made available to the public, with covert operational necessities redacted. This could set a valuable legal precedent, of particular importance at this turning point wherein international law must adapt to the 21st century model of warfare, a model which lacks a clear enemy and a demarcated battlefield.

### --- Solves Backlash

Solves backlash to the drone program

Washington Post, 3/24/’12

(“Additional review for drone killings,” Editorial Board)

DOMESTIC AND international strictures empower the president to use lethal force, including targeted drone strikes, to protect the country against attack. That is so whether the target is a foreign national or a U.S. citizen; and it is true whether the target is located on a traditional battlefield or ensconced in a foreign country that is unwilling or unable to assist in capture.

President Obama was on solid ground in relying on such authorities when he reportedly ordered a drone strike in Yemen last fall that took the life of Anwar al-Aulaqi. Mr. Aulaqi was a U.S. citizen, a radical cleric and, according to the administration, an operational leader of al-Qaeda in the Arab Peninsula. We supported dismissal of a lawsuit brought by Mr. Aulaqi’s father that sought to force the administration to disclose the criteria for placing someone on the “kill list” — a legal gambit that would have invited unprecedented judicial intervention into battlefield decisions in the absence of congressional or legal authorization.

But the legitimacy of such targeted strikes against U.S. citizens would be bolstered by additional review. That’s especially so when the government decides, not in a moment of urgency but with due deliberation, essentially to sentence an American to death. Most Americans may well feel there is something odd about insisting that America’s enemies have rights the instant they are detained, while targets of assassination have no protections at all.

Preempts backlash

Kreps and Zenko 14 (SARAH KREPS is Stanton Nuclear Security Fellow at the Council on Foreign Relations and Assistant Professor of Government at Cornell University. MICAH ZENKO is Douglas Dillon Fellow in the Center for Preventive Action at the Council on Foreign Relations., March/April, "The Next Drone Wars", www.foreignaffairs.com/articles/140746/sarah-kreps-and-micah-zenko/the-next-drone-wars)

The United States should also come clean about how it has used armed drones, which could prompt Israel and the United Kingdom to do the same. The United States and the United Kingdom have released some overall strike data, but little regarding civilian casualties, with the British military claiming it cannot collect such data “because of the immense difficulty and risks that would be involved.” Last summer, the Obama administration responded to a Freedom of Information Act request by declaring that there is “no information that can be provided at the unclassified level.” Israel has been even more reticent, refusing to acknowledge that it has conducted any drone strikes. More transparency could correct some misconceptions about drones, such as that the United States violates sovereign airspace and does not take precautions to mitigate civilian harm. Greater openness would generate public confidence in the legitimacy of drone use and could shape how other states conducted and justified their own lethal missions.

### At: no transition

Gradual transition solves CIA’s focus on drone strikes

Miller, national security reporter – Washington Post, 7/23/’13

(Greg, “CIA closing bases in Afghanistan as it shifts focus amid military drawdown,” Washington Post)

Washington — The CIA has begun closing clandestine bases in Afghanistan, marking the start of a drawdown from a region that transformed the agency from an intelligence service struggling to emerge from the Cold War to a counterterrorism force with its own prisons, paramilitary teams and armed Predator drones. The pullback represents a turning point for the CIA as it shifts resources to other trouble spots. The closures were described by U.S officials as preliminary steps in a plan to reduce the number of CIA installations in Afghanistan from a dozen to as few as six over the next two years — a consolidation to coincide with the withdrawal of most U.S. military forces from the country by the end of 2014. Senior U.S. intelligence and administration officials said the reductions are overdue in a region where U.S. espionage efforts are now seen as out of proportion to the threat posed by al-Qaida’s diminished core leadership in Pakistan. The CIA faces an array of new challenges beyond al-Qaida, such as monitoring developments in the Middle East and delivering weapons to insurgents in Syria. John Brennan, the recently installed CIA director, has also signaled a desire to restore the agency’s focus on traditional espionage. “When we look at post-2014, how does the threat in Afghanistan and Pakistan measure against the threat in North Africa and Yemen?” said a senior administration official who spoke on the condition of anonymity to discuss government deliberations. “Shouldn’t our resources reflect that?”

### 2nc conditionality

Conditionality is the most logical – [they dropped it and are out of constructives] – that outweighs – you make logical decisions every day

2AC pressure forces strategic thinking – considering argument interaction and tactical choices is a key skill.

Encourages research – rewards multiple good strategies and punishes bad affs – balances the quality and quantity of arguments

Creates rigorous advocacy skills – the aff must defend the plan from all sides

Neg ground requires flexibility – 2AR depth, 1AR leeway, no topic DAs, inevitably blippy 2ACs

Skews are inevitable – we could read more T or case arguments

[Block and] 2NR check – narrows the debate for more depth

CI – \_\_\_\_\_\_\_\_ advocacies – checks regression.

[Dispo is condo – aff will always perm]

Reasonability – Competing interpretations for theory is arbitrary and crowds out substance – we don’t justify contradictions or 10 CPs

## Terrorism

### 2NC CIA Good

CIA’s better at drones than the DOD. The Pentagon acts on bad intelligence—they’re impatient, have looser rules of engagement, and don’t worry about congressional notification. The CIA is deliberate and collects more intelligence before strikes. That solves collateral damage.

And, it’s not just decision-making—

Limited resources

Robinson 13

Linda Robinson, Senior International Policy Analyst, RAND Corporation, CFR, April 2013, "The Future of U.S. Special Operations Forces", http://www.cfr.org/special-operations/future-us-special-operations-forces/p30323

The most glaring and critical operational deficit is the fact that, according to doctrine, the theater special operations commands are supposed to be the principal node for planning and conducting special operations in a given theater—yet they are the most severely underresourced commands. Rather than world-class integrators of direct and indirect capabilities, theater special operations commands are egregiously short of sufficient quantity and quality of staff and intelligence, analytical, and planning resources. They are also supposed to be the principal advisers on special operations to their respective geographic combatant commanders, but they rarely have received the respect and support of the four-star command. The latter often redirects resources and staff that are supposed to go to the theater special operations commands, which routinely receive about 20 percent fewer personnel than they have been formally assigned.12 Furthermore, career promotions from TSOC staff jobs are rare, which makes those assignments unattractive and results in a generally lower-quality workforce. Finally, a high proportion of the personnel are on short-term assignment or are reservists with inadequate training. Because of this lack of resources, theater special operations commands have been unable to fulfill their role of planning and conducting special operations.

The second operational shortfall is the lack of unity of command. Special operations forces have been routinely employed for the past decade under separate organizations that operate under separate chains of command, even within the same country. Unity of command, which holds that all forces should operate under a single command structure to best employ them in pursuit of a common objective, is a basic principle of military operations. Only once, in Afghanistan beginning in July 2012, have all special operations units in one country been brought together under one command. This should become standard procedure in new theaters such as Yemen and Africa, as the ideal means to cooperate internally and with other partners. Except for large-scale special operations efforts such as in Afghanistan, the logical entities to exercise command over all special operations units are the theater special operations commands. This should be standard for any units operating in a persistent manner. Even discrete, time-limited operations by special mission units should be coordinated and their potential effects on the wider effort assessed. The existence of two separate special operations organizations with headquarters in the field creates internal frictions and makes coordination with conventional commanders, U.S. embassies, and host-nation governments even more complex and fraught with potential misunderstandings.

The third operational shortfall is the lack of a mechanism to ensure that sustained special operations activities in a given country are funded consistently. It makes little difference if a coherent special operations plan is devised if its component activities to achieve lasting effect over time lack consistent funding. Most special operations—even those conducted in a single country—are funded in piecemeal fashion to support a given activity with a given partner force for a certain mission or time period.13 Additionally, proposals for a given training or advisory activity must compete in a lottery for funding each year, creating a degree of uncertainty that can disrupt operations and partnerships. Some of these authorities require the approval of the Department of State, which can take up to two years to secure. Developing and operating with partners is a long-term endeavor that requires a sustained commitment if it is to produce the desired results, such as those achieved in Colombia and the Philippines.

In addition to these internal operational shortfalls, special operations forces and conventional military forces have failed to combine routinely in ways that would increase the U.S. capacity to conduct small-footprint operations. Special operations forces lack enablers (such as airlift, combat aviation, logistics, intelligence, surveillance, and reconnaissance, and special functions such as judge advocates and provost marshals), additional infantry, and command relationships. By design and doctrine, special operations forces rely on the conventional military. Conventional forces do not readily provide small, scalable units because their systems are geared toward providing larger units. This is a consequence of preparing to fight large, conventional wars and is a primary impediment to the agility needed in this era of dynamic, hybrid threats. The problem extends beyond the enabler shortfall. If a more flexible system could be developed, the two forces could combine in creative new ways. For example, in an experiment under way in Afghanistan, two conventional infantry battalions have been attached to special operations forces and split into squads to help carry out the village stability operations. Such blended combinations of special operations and conventional forces would extend the U.S. military’s capacity to conduct small-footprint missions in various places. But the necessary training, command, and habitual relationships among the two forces are lacking—and beneath that is a continuing reluctance to make the changes necessary to institutionalize and improve such innovations.

It would take years before the DOD was effective

Gordon Lubold, National Security Reporter and Shane Harris, Senior Staff writer at Foreign policy, 11/6/13 [“The CIA, Not The Pentagon, Will Keep Running Obama's Drone War,” http://complex.foreignpolicy.com/posts/2013/11/05/cia\_pentagon\_drone\_war\_control#sthash.rWrrCcLt.dpuf]

In May, the White House leaked word that it would start shifting drone operations from the shadows of the CIA to the relative sunlight of the Defense Department in an effort to be more transparent about the controversial targeted killing program. But six months later, the so-called migration of those operations has stalled, and it is now unlikely to happen anytime soo**n**, Foreign Policy has learned.¶ The anonymous series of announcements coincided with remarks President Obama made on counterterrorism policy at National Defense University in which he called for "transparency and debate on this issue." A classified Presidential Policy Guidance on the matter, issued at the same time, caught some in government by surprise, triggering a scramble at the Pentagon and at CIA to achieve a White House objective. The transfer was never expected to happen overnight. But it is now clear the complexity of the issue, the distinct operational and cultural differences between the Pentagon and CIA and the bureaucratic politics of it all has forced officials on all sides to recognize transferring drone operations from the Agency to the Defense Department represents, for now, an unattainable goal.¶ "The physics of making this happen quickly are remarkably difficult," one U.S. official told FP. "The goal remains the same, but the reality has set in."¶ Another U.S. official emphasized that the transfer is still continuing. "This is the policy, and we're moving toward that policy, but it will take some time," the official said. "The notion that there has been some sort of policy reversal is just not accurate. I think from the moment the policy was announced it was clear it was not something that would occur overnight or immediately."¶ The official noted that all involved are mindful not to disrupt the drone program just for the sake of completing the transfer from the CIA to the military. "While we work jointly towards this transition, we also want to ensure that we maintain capabilities."¶ Officials at the CIA and the Defense Department are loathe to try and fix a program that they don't think is broken, even if it has become a political liability for Obama, who has faced constant pressure from human rights activists, his political base, and a growing chorus of libertarian Republicans to scale back the program and subject it to greater public scrutiny. But the pitfalls of transferring operations reside in more practical concerns. The U.S. official said that while the platforms and the capabilities are common to either the Agency or the Pentagon, there remain distinctly different approaches to "finding, fixing and finishing" terrorist targets. The two organizations also use different approaches to producing the "intelligence feeds" upon which drone operations rely. Perhaps more importantly, after years of conducting drone strikes, the CIA has developed an expertise and a taste for them. The DOD's appetite to take over that mission may not run very deep.¶ The military operates its own drones, of course, and has launched hundreds of lethal strikes in Iraq and Afghanistan. But the CIA is more "agile," another former official said, and has a longer track record of being able to sending drones into places where U.S. combat forces cannot go.¶ "The agency can do it much more efficiently and at lower cost than the military can," said one former intelligence official. Another former official with extensive experience in intelligence and military operations said it takes the military longer to deploy drones -- in part because the military uses a larger support staff to operate the aircraft.¶ The military also cannot conduct overt, hostile action in Pakistan, where the drones have been most active and are practically the only means the United States has to attack terrorists and militants in remote regions. Yes, the pace of strikes has significantly decreased since the 2010 peak of an estimated 122 unmanned attacks in Pakistan. But the drones are most certainly still flying. Last week, a drone strike killed the leader of the Pakistani Taliban, Hakimullah Mehsud, who had a $5 million U.S. bounty on his head for his involvement in a 2009 attack in Afghanistan. Over the summer, a spate of drone strikes killed a dozen militants in Yemen.¶

CIA hoards intel

**Hirsh 2/25/14** (Michael, National Journal, “Is the CIA Better Than the Military at Drone Killings?”, http://www.nationaljournal.com/magazine/is-the-cia-better-than-the-military-at-drone-killings-20140225)

Part of the dispute may be about turf, because neither the CIA nor the Pentagon wants to lose funding. In his written answers to the Senate Intelligence Committee before his confirmation, Brennan said targets are picked "on a case-by-case basis through a coordinated interagency process" involving the Pentagon, the CIA, the State Department, and other agencies. But, in fact, behind the scenes the CIA has not always cooperated in sharing the vetting process, especially in Pakistan, intelligence experts say.

Intel key

**Roston 13** (Aram, Defense News, “Targeted Killing: CIA's Fleet of 80+ UAVs Unlikely To Be Transferred To Military”, http://www.defensenews.com/article/20130515/C4ISR/305150026/Targeted-Killing-CIA-s-fleet-80-UAVs-unlikely-transferred-military)

The Obama administration has floated the idea of putting the CIA’s controversial targeted killing operations under the control of the armed services. But sources familiar with the still-classified program, which uses unmanned aircraft to kill suspected terrorists in Pakistan and Yemen, say the shift would be difficult to implement and would make little difference.

**All of the specially outfitted Reaper and Predator UAVs used in the CIA’s program actually belong to the Air Force.**

In all, the CIA controls more than 80 remotely piloted vehicles, or about one-third of the Air Force’s fleet of Reapers and Predators, according to an official familiar with the program. That figure has not previously been disclosed. The Predators, known as MQ-1s, and the Reapers, known as MQ-9s, are manufactured by General Atomics Aeronautical Systems.

The Air Force counts its unmanned aerial force in combat air patrols, or CAPs. Each patrol is made up of about four UAVs, so that one of the drones can always be flying over a target while the other three are being repaired, refueled, or in transit. The Air Force has almost 260 UAVs, which yields 60 patrols; it says it wants to increase that to 65.

The 80 Air Force UAVs assigned to the CIA give the intelligence agency enough airpower to stalk 20 targets persistently, 24 hours a day, seven days a week, for months on end.

Both the CIA and Air Force declined to comment for this story. Air Force Maj. Mary Danner-Jones, a service spokeswoman, said in an email that “The Air Force isn’t going to comment on or discuss the missions of other government agencies.”

“What I can tell you,” she emailed in a separate message, “is that the Air Force is currently flying 60 CAPs.”

The CIA has outfitted its Air Force UAVs with special features, sources say. They say the agency has a more “agile” contracting process than the Air Force.

The refits include a four-bladed propeller, which enable the CIA UAVs to take off from shorter runways and may give them a higher operating ceiling as well. The original propeller on the Predator is two-bladed and on the Reaper three-bladed.

The UAVs assigned to the CIA also carry more advanced sensors. For example, they shoot high-definition, 1080p full-motion video, while the Air Force UAV sensors offer just standard definition. Air Force drones may be used as much to gather intelligence as for airstrikes, where CIA UAVs are configured so they can watch, gather intelligence, and eventually kill.

The CIA’s Predators and Reapers deployed overseas are maintained by contractors, to reduce the military footprint. But during missions, they are controlled by uniformed Air Force officers at Creech Air Force Base, Nev. That’s according to sources and as reported in in “The Way of the Knife”, a new book by Mark Mazzetti. Mark Ambinder, of The Week, has also reported that the CIA drones are flown by Air Force pilots.

People familiar with the UAV program say that when it comes time to pull the trigger on a weapon aimed at a suspected terrorist, no matter whether the mission is run by the CIA or the Air Force, the action is always conducted by military officers. It is U.S. government policy that only uniformed personnel can be the “trigger pullers,” the sources said.

First, the sensor operator, sitting on the right side of the control station at Creech, pinpoints the target, his house or his vehicle, with a laser designator. Then the pilot, sitting on the left side of the controls, presses the trigger to fire the missile.

One former intelligence officer points out that **the most important part of the entire program isn’t the UAVs at all. It’s the intelligence that officials use to pick their targets**. **And that’s the part the Air Force would have the most difficult time getting, if it were not for the CIA.**

“Where is the intelligence going to come from in the first place?” he asked rhetorically. “The targeting? It’s the CTC,” the CIA’s Counterterrorism Center.

**Empirics**

**Usborne 2/28/14** (David, The Independent, “Barack Obama’s choice: to kill or not to kill US-born ‘terrorist’ hiding in Pakistan”, 28 February 2014, http://www.independent.co.uk/news/world/americas/barack-obamaschoice-to-kill-or-not-to-kill-usborn-terrorist-hiding-in-pakistan-9161383.html)

The new guidelines, US officials explained, would transfer most of the responsibility for carrying out drone attacks away from the CIA, which had been widely criticised for high levels of collateral civilian deaths, to the Department of Defence, particularly where US-born targets are involved. The apparent rationale is that the Pentagon can talk more freely about such operations than the spy agency. But the CIA seemingly continues to run all missions in Pakistan. So who would strike Mr Shami, the CIA or the Pentagon? The shift to the Pentagon many not have gone well.

“The ‘new rules’ as they are applied in practice make no sense to me,” Jack Goldsmith, a national security police expert at Harvard University, said yesterday on the Lawfare blog. “By all accounts (though for reasons I do not understand), DOD-controlled drone strikes have for a while resulted in more (perhaps many more) targeting errors than CIA-controlled strikes.

“In fact, government officials do not talk more freely about DOD strikes than about CIA strikes.”

### —AT: CIA Collaboration

CIA collaboration doesn’t solve. Our evidence is about DOD decision-making, not intelligence capabilities. DOD will still act rashly, even with CIA intelligence. CIA caution solves civilian casualties.

#### CIA support sporadic

Nelson 12

Rick "Ozzie" Nelson, Senior Associate in the Homeland Security and Counterterrorism Program, ROBERT WISE is a research assistant, CSIS, April 12, 2012, "The Future of Special Forces", http://csis.org/files/publication/120412\_gf\_nelson\_wise.pdf

Even as SOF leaders work to strengthen capabilities internally, if they are to successfully undertake missions beyond Title 10 areas and meet the requirements set forth in the Defense Department guidance, the force will require greater external support in the form of authorities and resources. SOF relationships with Geographic Combatant Commands (GCCs), which under current authorities dictate how and when SOF are employed in a given region, remain inconsistent. Regional commanders vary in their understanding of the nuanced SOF skill set and often myopically view SOF activities as too risky and problematic. As a result, SOF often find their regional mission objectives and resource requirements lost in the GCCs’ larger set of priorities.

While Admiral William McRaven, commander of U.S. Special Operations Command (USSOCOM), has put forward a vision to enhance SOF’s relationship with the GCCs, his efforts ultimately will be contingent on regional commanders’ willingness to embrace and employ such assets. The most noteworthy challenges, however, extend beyond the Department of Defense. Interagency partners such as the Central Intelligence Agency and the Department of State wield significant power in the environments in which SOF will increasingly operate, yet their willingness to work with and support these forces, while improved during the last decade, remain sporadic. SOF will find it challenging to operate on a global scale if their governing authorities and the resources available to them keep them beholden to both the GCCs and other departments and agencies. Addressing this dearth of authorities and resources will require national-level support and will dictate SOF’s ability to succeed as a global force.

If it wishes SOF to remain optimally effective and relevant, the next administration will not only have to address these internal and external challenges, but do so within a shrinking window of opportunity. Although SOF currently enjoy the support among senior leaders necessary to affect these changes in capabilities, authorities, and resources, memory of recent victories will rapidly fade, and support for SOF along with them. As a result, quick action will be needed to capitalize on SOF’s successes.

### – Civilian Casualties Outweigh

Civilian casualties outweigh operational effectiveness

Stanford and NYU 12 (International Human Rights and Conflict Resolution Clinic at Stanford Law School AND Global Justice Clinic at NYU School of Law, “Living Under Drones”, September 2012, <http://livingunderdrones.org/wp-content/uploads/2012/10/Stanford-NYU-LIVING-UNDER-DRONES.pdf>, ZBurdette)

Admiral Mike Mullen has observed, Each time an errant bomb or a bomb accurately aimed but against the wrong target kills or hurts civilians, we risk setting out strategy back months, if not years. Despite the fact that the Taliban kill and maim far more than we do, civilian casualty incidents such as those we’ve recently seen in Afghanistan will hurt us more in the long run than any tactical success we may achieve against the enemy.726 It is clear from polling and our research team’s interviews that drone strikes breed resentment and discontent toward the US, and there is evidence to suggest that the strikes have aided “militant” recruitment and motivated terrorist activity. US drone strikes are extremely unpopular in Pakistan. A 2012 poll by the Pew Research Center’s Global Attitude project found that only 17% of Pakistanis supported drone strikes. And remarkably, among those who professed to know a lot or a little about drones, 97% considered drone strikes bad policy.727 As numerous analysts have noted, “[i]f the price of the drone campaign that increasingly kills only low-level Taliban is alienating 180 million Pakistanis–that is too high a price to pay.”728 The Waziris interviewed for this report almost uniformly reported having neutral or in some instances positive views of the US before the advent of the drone campaign. One 18-year-old, for example, admitted, “[f]rankly speaking, before the drone attacks, I didn’t know anything about a country called America. I didn’t know where it was or its role in international affairs.”729 But the strikes now foster the development of strongly negative views toward the US. Another interviewee explained: “Before the drone attacks, we didn’t know [anything] about America. Now everybody has come to understand and know about America . . . . Almost all people hate America.”730 Noor Khan, whose father, Daud Khan, a respected community leader, was killed when a drone struck the March 17, 2011 jirga over which he presided, remarked that “America on one hand claims that it wants to bring peace to the world and it wants to bring education. But look at them, what they are doing?”731 One man, who has lost relatives in drone strikes, expressed his deep-seated anger toward the US, declaring that “we won’t forget our blood, for two hundred, two thousand, five thousand years—we will take our revenge for these drone attacks.”732 A Waziri who lost his younger brother in a strike stated that there would be revenge: “Blood for blood. . . . All I want to say to them is . . . why are you killing innocent people like us that have no concern with you?”733 A teenage victim of a drone strike commented: “America is 15,000 kilometers away from us; God knows what they want from us. We are not rich . . . . We don’t have as much food as they do. God knows what they want from us.”734 Unable to find any other explanation for why US strikes have struck innocent people in their community, some Waziris believe that the US actively seeks to kill them simply for being Muslims, viewing the drone campaign as a part of a religious crusade against Islam.735 Recognizing the danger posed by a campaign that breeds such hostility, more than two dozen US congressmen penned a letter to President Obama in June 2012 that described drones as “faceless ambassadors that cause civilian deaths, and are frequently the only direct contact with Americans that targeted communities have.”736 Many of the journalists, NGO and humanitarian workers, medical professionals, and Pakistani governmental officials with whom we spoke expressed their belief that, on balance, drone strikes likely increase terrorism. Syed Akhunzada Chittan, for example, a parliamentarian from North Waziristan, expressed his conviction that “for every militant killed,” many more are born.737 In another interview, a Pakistani professional told us that a professional school classmate had joined the Taliban after a drone strike killed a friend of his.738 Noor Behram is a Waziri-based journalist who has spent years photographing and interviewing victims of drone strikes. Having personally witnessed the immediate aftermath of numerous strikes, he relates: “When people are out there picking up body parts after a drone strike, it would be very easy to convince those people to fight against America.”739 Numerous policy analysts, officials, and independent observers have come to similar conclusions. David Kilcullen, a former advisor to US General David Petraeus, has stated that, “every one of these dead noncombatants represents an alienated family, a new desire for revenge, and more recruits for a militant movement that has grown exponentially even as drone strikes have increased.”740 Der Spiegel has also reported that in Pakistan “militants profit in a gruesome way from the drone missions. After each attack in which innocent civilians die, they win over some of the relatives as supporters—with a few even volunteering for suicide attacks.”741 As a May 2012 New York Times article succinctly put it, “[d]rones have replaced Guantánamo as the recruiting tool of choice for militants.”742 Pakistani Ambassador to the US Sherry Rehman told CNN’s Christiane Amanpour in a recent interview that the drone program “radicalizes foot soldiers, tribes, and entire villages in our region,” and that “[w]e honestly feel that there are better ways now of eliminating Al Qaeda.”743 It is also important to note that similar counter-productive effects have been noted in Yemen.744

Triggers AQ victory

Lindström 12

Frida Lindström, Master's Thesis in Public International Law at Uppsala University, Fall 2012, " Asymmetric warfare and challenges for international humanitarian law", http://www.peacepalacelibrary.nl/ebooks/files/asymmetric\_warfare\_and\_challenges.pdf

There is generally large consensus worldwide that casualties should be kept to a minimum in armed conflicts. Chapter 2 explained the history behind IHL and the reasoning behind protection of civilians, and most people would agree that the civilian population should be left out whenever hostilities is going on. This could be seen as a “casualty aversion policy” shared by most states and shaping the conduct of hostilities. For the non-state actor who uses asymmetric warfare as strategy, however, striking against the civilian society is often seen as a necessary method in order to win the war. The non-state actor can benefit from the state’s fear of casualties in different ways. Firstly, the casualty aversion policy means that the opponent state will be easily coerced if threats are directed towards its citizens. The state will normally do everything possible to avoid the deaths of innocent people. This puts the non-state actor in a more powerful position than it would otherwise have. Secondly, casualty aversion also means that there are time limits for how long a conflict is justifiable.73 The non-state actor is usually well aware that the state will only fight for as long as it has support; otherwise the government runs the risk of not being reelected. Support will be likely to decrease with every single death of an innocent person, regardless of which side fired. This means that as long as the non-state actor avoids open confrontation and is carrying out sustained operations against soft targets such as the civilian population, there is chance of winning the conflict. The non-state actor does of course take the risk of losing support for its own cause when targeting civilians, but generally asymmetric warfare is closely surrounded by propaganda campaigns and strong local support for the non-state actor.

Even if civilian causalities are actually low, the perception still causes recruitment

Cronin 13 (Audrey, Professor of Public Policy at George Mason, author on terrorism, Foreign Affairs, July/August 2013, “Why Drones Fail”, ZBurdette)

But the benefits end there, and there are many reasons to believe that drone strikes are undermining Washington’s goal of destroying al Qaeda. Targeted killings have not thwarted the group’s ability to replace dead leaders with new ones. Nor have they undermined its propaganda efforts or recruitment. Even if al Qaeda has become less lethal and efficient, its public relations campaigns still allow it to reach potential supporters, threaten potential victims, and project strength. If al Qaeda’s ability to perpetuate its message continues, then the killing of its members will not further the long-term goal of ending the group. Not only has al Qaeda’s propaganda continued uninterrupted by the drone strikes; it has been significantly enhanced by them. As Sahab (The Clouds), the propaganda branch of al Qaeda, has been able to attract recruits and resources by broadcasting footage of drone strikes, portraying them as indiscriminate violence against Muslims. Al Qaeda uses the strikes that result in civilian deaths, and even those that don’t, to frame Americans as immoral bullies who care less about ordinary people than al Qaeda does. And As Sahab regularly casts the leaders who are killed by drones as martyrs. It is easy enough to kill an individual terrorist with a drone strike, but the organization’s Internet presence lives on. A more effective way of defeating al Qaeda would be to publicly discredit it with a political strategy aimed at dividing its followers. Al Qaeda and its various affiliates do not together make up a strong, unified organization. Different factions within the movement disagree about both long-term objectives and short-term tactics, including whether it is acceptable to carry out suicide attacks or kill other Muslims. And it is in Muslim-majority countries where jihadist violence has taken its worst toll. Around 85 percent of those killed by al Qaeda’s attacks have been Muslims, a fact that breeds revulsion among its potential followers. The United States should be capitalizing on this backlash. In reality, there is no equivalence between al Qaeda’s violence and U.S. drone strikes -- under the Obama administration, drones have avoided civilians about 86 percent of the time, whereas al Qaeda purposefully targets them. But the foolish secrecy of Washington’s drone program lets critics allege that the strikes are deadlier and less discriminating than they really are. Whatever the truth is, the United States is losing the war of perceptions, a key part of any counterterrorism campaign.

### 2nc drones sustainable

Drone program is sustainable—all three branches back expansive use—there’s a bipartisan consensus for continued usage—that’s Wittes

Our circumvention arguments prove that there’s no mechanism for the drone program to be shut down

Use of proxies and evolving threat environment mean drones are sustainable

Auner, Trend Lines writer @ WPR, former Policy Analyst – Nuclear Security @ American Security Project, 1/21/’14

(Eric, “Congress Resists Pentagon Drone Oversight as U.S. and Partners Continue Targeted Killings,” World Politics Review)

The United States has pursued a range of different types of cooperation with several partner countries in terms of drone strikes, which have taken place in Afghanistan and Pakistan, as well as Yemen, where 450 militants were killed in strikes in 2012 and 119 in 2013, according to the New America Foundation. But Zenko has also cataloged other instances of the U.S. assisting allies in carrying out lethal operations, including assisting the French in Mali and the Ugandan government in its fight against the Lord’s Resistance Army.

The U.S. government has also provided extensive assistance to the Colombian government in its fight against the FARC and ELN rebel groups in the form of precision-guided bombs, helicopters and targeting data, as well as direct assistance from U.S. personnel and contractors. In addition, the United States has provided Colombia with information gleaned from signal intercepts by the National Security Administration, according to an investigation published by the Washington Post last month.

In general, Watts says, this more “hands off” approach won’t be subject to the same level of scrutiny as those targeted killing activities directly carried out by the United States. “Americans tend to be more comfortable with operations carried out by proxy,” he explains.

Going forward, Watts predicts, the use of targeted killings may decrease further. “We’ve already eliminated a lot of the most urgent targets,” he says. Moreover, U.S. counterterrorism efforts may become more focused on capturing high-value targets alive, as was seen in October during a successful operation in Libya and a raid in Somalia that failed to capture its intended target.

Even as U.S. decision-makers show little stomach for costly interventions abroad, there is still broad agreement that al-Qaida and other terrorist and militant groups pose a threat to the United States and its allies. Targeted killings, whether carried out by the U.S. directly or through the efforts of partner governments, will almost certainly remain a tempting alternative.

Empirics are overwhelming

Chesney ’12

(Robert Chesney, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, and Cofounder of the Lawfare Blog, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” August 29, 2012, U Texas School of Law, Public Law and Legal Theory Research Paper No. 227)

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas. The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a **mend-it-don’t-end-it approach** culminating in passage of the Military Commissions Act of 2009, **which addressed a number of key objections** to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is **far more stable today** than at any point in the past decade.51 There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of **using lethal force** not just in contexts of overt combat deployments but also in **areas physically remote from the “hot battlefield.**” Indeed, the Obama administration **quickly outstripped the Bush administration in terms of the quantity and location** of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also **succeeded in fending off a lawsuit challenging the legality of the drone strike program** (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54 The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over **in the form of disruptive judicial rulings, newly restrictive legislation,** or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of **cross-branch and cross-party consensus**, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

Most qualified evidence

Masters, deputy editor – CFR, 10/3/’11

(Jonathan, “US acquires targeted killing as an essential tactic,” The Nation)

Since assuming office in 2009, Barack Obama's administration has escalated targeted killings, primarily through an increase in unmanned drone strikes on Al-Qaeda and Taliban leadership, but also through an expansion of US Special Operations kill/capture missions. The successful killing of Osama bin Laden in a US Navy SEAL raid in May 2011 and the drone strike on Al-Qaeda's number two, Atiyah Abd Rahman, in August 2011 are prime examples of this trend. The White House points to these outcomes as victories, but critics continue to condemn the lethal tactic on moral, legal, and political grounds. Despite the opposition, most experts expect the United States to boost targeted killings in the coming years as military technology improves and the public appetite for large-scale, conventional armed intervention erodes.

The bureaucracy is too invested

Adam Clark Estes, news editor for Huff Post, 2/6/14 [“The Future of Drone Warfare Is Scary,” The Future of Drone Warfare Is Scary, http://www.thewire.com/technology/2013/02/future-drone-warfare-is-frightening/61884/]

By now, everybody realizes that the military — and what would be John Brennan's Central Intelligence agency — has a bunch of unmanned aerial vehicles that it uses to kill people, and it's sort of shady. But how far does the Obama administration — and, more importantly, administrations to come — plan to take this idea of drone warfare? It's tough to say.¶ On one hand, the current administration has been very publicly struggling with the ethics of drone warfare and just agreed to supply Congress' intelligence committees with classified legal advice about the justification for killing American citizens in the war on terror ahead of Thursday's confirmation hearing for John Brennan, Obama's drone czar and new pick to lead the CIA — an agency that Brennan said in a pre-confirmation questionnaire "needs to maintain a paramilitary capability." On the other hand, the mad scientists at DARPA, the Pentagon's often futuristic R&D wing, and the private sector are going to town inventing all kinds of insanely sophisticated, robotic war machines. Clap those hands together, and you're left with an ethically questionable but technologically advanced campaign to change combat as we know it. The future of drone warfare, in other words, is frighteningly futuristic. It's not just happening in the sky either. Soon enough, we'll have four-legged robots on the battlefield and surveillance submarines patrolling the oceans.¶ The ethical side of this scenario is more pressing at the moment. Brennan's confirmation hearing has already provided an unprecedented window to engage the nation in a conversation about a drone program that Brennan, the current top counterterrorism official in the White House, more or less designed. It's a program that we don't know a lot about, besides the fact that it's serious and probably more widespread than people think. "The CIA drone program sure feels like a war: unmanned aircraft incinerating thousands of terrorists we're at war with, as well as some civilians," The Atlantic Wire's Elspeth Reeve explains. "And if you look at the reach of the program — now that everyone seems to be looking at the reach of the program again — well, it's nearly worldwide."

Strategic planning locks them in

Bill Gertz is a national security columnist for The Washington Times, 11/19/13 [“Pentagon: Drone Strikes to Remain Indispensable Weapon Against Terrorists,” http://freebeacon.com/pentagon-drone-strikes-to-remain-indispensable-weapon-against-terrorists/]

Drone strikes against terrorists are extremely effective and will remain an “indispensable” weapon in the war against terrorists for the foreseeable future, according to the Pentagon’s senior intelligence policymaker.¶ Michael G. Vickers, under secretary of defense for intelligence, said unmanned missile-firing aircraft, along with intelligence collectors and targeters, are key elements in the U.S. counterterrorism strategy and operations and will remain a top priority for the next 12 years**.¶** “I would like to assure you that we use this instrument extremely judiciously,” Vickers said in remarks at the Reagan National Defense Forum in California on Saturday.¶ “But it has been our most effective instrument broadly in this counterterrorism campaign that we’ve found ourselves in.”¶ Drone attacks have been “the most precise campaign in the history of warfare,” he said.¶ “And we do everything we can to minimize the noncombatant deaths and we do an extraordinary job,” Vickers said.¶ The public comments were rare public disclosure by a senior official about the covert operations against terrorists that remain one of the Pentagon’s most closely guarded secrets.¶ Armed unmanned aerial vehicles have become cutting edge systems for the U.S. military and the CIA. They are key weapons now being sought by numerous countries, including China and Russia.¶ The United States operates the most advanced drone arsenal in the world. The force includes a variety of short-range, medium-range, and long-range aircraft that can conduct both unarmed intelligence and reconnaissance missions, as well as precision strikes using air-launched missiles—all without risking pilots or ground forces close to the attacks.¶ The best-known weapons are the Predator and Reaper drones armed with Hellfire missiles that have become a key weapon against terrorists operating in remote regions.¶ U.S. counterterrorism forces by 2025 will be modernized but will look similar to current forces used today. The four key elements, according to Vickers, are drone strikes, special operations forces, intelligence gathering and analysis, and cooperation with friends and allies.¶ Vickers said that in addition to intelligence sources and activities, “armed intelligence and surveillance aircraft, or drones as they are popularly known” are premier weapons.¶ “They are indispensable,” Vickers said.¶ Vickers defended the use of drones, a weapon that has been used to kill a large number of al Qaeda’s senior leaders in Pakistan, Afghanistan and elsewhere.¶ Vickers’ remarks on the utility of drone strikes contrast sharply with statements last spring by the president and Obama administration officials who said drone strikes are being curtailed, and that activities surrounding them would become more transparent. Some drone operations will shift from the CIA to the Pentagon. Others will remain secretly conducted by the agency.¶ Sen. Carl Levin (D., Mich.), chairman of the Senate Armed Services Committee who appeared on a panel with Vickers, also defended the use of drone strikes as needed to stop terrorists from attacking Americans.¶ Insurgents in Afghanistan are using Pakistan as a base to launch attacks against U.S. and allied troops and Afghans.¶ “We have the right to go after those people and that’s what those drone attacks are,” Levin said.¶ Levin also said civilian casualties from drone strikes have been reduced sharply in recent years.¶ U.S. drone attacks have come under fire from critics who say it causes too many civilian casualties and violates state sovereignty, as in Pakistan.¶ President Barack Obama, under fire from liberal supporters, said in speech in May at the National Defense University that by next year “the progress we’ve made against core al Qaeda will reduce the need for unmanned strikes.”¶ “Beyond the Afghan theater, we only target al Qaeda and its associated forces,” Obama said. “And even then, the use of drones is heavily constrained.”¶ The president insisted that drone strikes are not conducted when terrorists can be captured. And he defended the use of the covert attacks.¶ “America cannot take strikes wherever we choose; our actions are bound by consultations with partners, and respect for state sovereignty,” Obama said.¶ Pete Hoekstra, former chairman of the House Permanent Select Committee on Intelligence, said he agrees on the use of drone attacks in the war on terror.¶ “If we’re going to be serious about containing, defeating terrorism, you need to use all of the tools in your toolbox,” Hoekstra said in an email. “Especially the ones that make a real difference like drones.”¶ Vickers, in his remarks, said U.S. intelligence activities also will remain the “heart and soul” of the military and other operations against terrorists.¶ “Through 2025 the intelligence community and the department of defense will continue to prioritize counterterrorism as a top responsibility and a mission for our two organizations in protecting the nation,” Vickers said on Saturday. “Intelligence drives operations and that’s what enables us to do what we do,” Vickers said.¶ The intelligence activities include human spying and electronic eavesdropping that supports “targets and analysts that sift through the information and enable us to do the operations,” he said.¶ Spies and drones, together with special operations forces that conduct direct action, and foreign security services, make up the U.S.-led global counterterrorism network, he said.¶ Earlier this month, the Senate Select Committee on Intelligence passed legislation that would force the administration to make public numbers of terrorists and civilians killed collaterally from drones each year.¶ The legislation also would impose new restrictions on the use of drones to kill American terrorists, such as Anwar Awlaki, an al Qaeda operative who was killed in Yemen in 2011. Four other U.S. citizens have been killed by drones in the war on terrorism.¶ Current limits on drone strikes include a requirement that the person or persons being targeted pose an imminent threat to the United States, and that the attack must avoid causing civilian casualties.¶ The CIA has said that its efforts to limit strikes against civilians since the mid-2000s has resulted in far fewer noncombatant deaths.

Won’t collapse the drone program

Masters, deputy editor – CFR, 10/3/’11

(Jonathan, “US acquires targeted killing as an essential tactic,” The Nation)

Blowback from civil liberties and human rights groups is likely to grow in direct proportion to any increase in targeted killings. Organisations such as the ACLU and Human Rights Watch have raised pointed questions regarding the perceived lack of accountability and transparency. Others question if the United States is setting a negative precedent that will be invoked by other nations (WashPost) acquiring similar technology, such as China and Russia. CFR's Bellinger expects targeted killings to become much more politically provocative given the Obama administration's current posture, and asks if drones will "become Obama's Guantanamo?" Nevertheless, analysts point to several factors indicating that an expansion of US targeted killings in the near term is likely. Drone strikes and special operations raids put fewer Americans in harm's way and provide a low-cost alternative to expensive and cumbersome conventional forces. This alternative is further enhanced given the probability of future cuts in the defence budget and a waning public appetite for long, expensive wars. The rise of the so-called "non-state actor," operating in loose transnational networks, as the principal threat to US national security also lends itself to an expansion of US targeted killings. Other experts say technological advances, including precision-guided munitions and enhanced surveillance, have given the United States a greater ability to target these particular individuals while reducing collateral damage. In July 2011, Obama's chief counterterrorism advisor, John Brennan, provided a portent of things to come: "Going forward, we will be mindful that if our nation is threatened, our best offence won't always be deploying large armies abroad but delivering targeted, surgical pressure to the groups that threaten us."

### 1nc at foreign backlash

No foreign backlash

Byman 13 (Daniel, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, Foreign Affairs, “Why Drones Work: The Case for Washington’s Weapon of Choice”, July/August 2013, ZBurdette)

FOREIGN FRIENDS

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.” As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.” Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

### 2nc no escalation

Any regional draw-in would contain the conflict

Hadar, research fellow, foreign policy studies – Cato, 7/28/’10

(Leon, <http://www.cato.org/pub_display.php?pub_id=12011>)

In fact, the expectation for U.S. military pull-out from Iraq has helped produce similar incentives for regional powers like Turkey, Iran and the Sunni Arab states to establish a certain balance of power in that country, with Turkey establishing friendly ties with the Kurds in the North while cooperating with Iran to prevent the emergence of an independent Kurdish state. Similarly, Iran and the Saudis have a common interest in averting a full-blown military confrontation between the Shiites and the Sunnis. There is no reason why India and Pakistan would not cooperate in controlling their clients in Afghanistan in order to avoid a regional military conflagration.

Attacks are contained

Michael **Knights 11**, fellow at the Washington Institute, 9/22/2011, “Iraq's Relentless Insurgency: The Fight for Power ahead of U.S. Withdrawal”, <http://www.washingtoninstitute.org/templateC06.php?CID=1703>

With the exception of anti-U.S. attacks carried out by Iranian-backed groups such as Kataib Hezbollah and Asaib Ahl al-Haq (splinters from the Sadrist movement and the Badr political party with ties to Iranian intelligence services), the vast majority of violent actions in Iraq are no longer targeted against U.S. forces. Indeed, most violent factions are already looking well past the U.S. drawdown; the U.S. withdrawal will probably not unleash more violence because to many Iraqis, particularly insurgents, the U.S. military has already been gone for months, or even years in some areas. The main event in Iraq, which was postponed for many years due to the U.S. presence, is the struggle among Iraqis to control the country. In today's Iraq, the most common forms of low-profile attacks -- far more numerous than the headline-grabbing bombings -- are drive-by shootings and bombs attached to the underside of personal vehicles. These attacks are largely contained within sectarian communities (Sunni against Sunni or Shia against Shia) and reflect the ultra-local struggle for dominance that is broiling throughout Iraq. Such attacks are by definition low-lethality: they are intended to intimidate as much as they are to kill. They are also the inevitable epilogue of a violent and protracted civil war in which some members of each community sided with the Iraqi government and the U.S.-led coalition while others backed the insurgency. Now the scores must be settled. The campaign of assassinations in Iraq shows that the political parties are not immune from the temptation of violent jockeying. After 2003, political parties and movements have been able to slide around on the fringes of the political spectrum at will, with relatively reputable parties able to reach out to affiliates in the insurgency when they needed to get tough. The intense campaign of assassinations in Baghdad began in 2010 as the selective attacks of insurgent groups such as AQI and JRTN against government officials quickly became a free-for-all that drew negative energy from the stagnation of the government formation process. As Prime Minister Nouri al-Maliki admitted at a press conference last April, Iraq's political parties used the cover of large numbers of unsolved killings to undertake "political assassinations." This, in turn, unleashed a wave of score-settling and intimidation attacks. Shiite political factions, including various splinters of Muqtada al-Sadr's movement, the Badr organization, and Maliki's own Dawa party appear to have fought low-profile skirmishes with one another for dominance of various security agencies, key Iraqi Army formations, and regions throughout the southern provinces. As part of these struggles, Shia political parties have carried out a wave of Shia-on-Shia assassination attempts against Iraqi Army division commanders, political party bosses, and local representatives of Grand Ayatollah Ali al-Sistani. By this June, when the assassinations had reached their height, senior Iraqi politicians and bureaucrats were attending multiple funerals per week. Although the pace of these attacks is now slowing due to government raids against assassination gangs, the spring season of assassinations cast a spotlight on the violence lurking just beneath the surface of Iraqi politics. As the crackdown on Baghdad assassinations showed, events can only deteriorate so far before the Iraqi government will act. The government has unacceptable "red lines" for general destabilization that are broadly understood by militant groups. For example, in response to closed-door meetings with government representatives, Sadr has stepped back from his threat to mobilize his militia; Sadrists, meanwhile, have scrupulously avoided taking actions that would trigger a government offensive, such as openly carrying weapons at their parades or mounting armed patrols within their strongholds. In places such as Basra, local political pressure and operations by Iraqi security forces have curtailed armed resistance against U.S. targets, such as the heavy rocketing of the U.S. base at the airport. Likewise, although the violent jockeying within sectarian factions has increased, the government has been sure to take steps to prevent any widespread conflict between sectarian communities in Baghdad and other trouble spots. In other words, there appear to be definite limits to how far security can deteriorate in Iraq. The flip side, however, is that there are probably equally definite limits concerning how much better things can get in the coming years. For a while, Iraq will be stuck on this plateau: a moderate level of insecurity in which the country suffers somewhere between 300 and 500 insurgent attacks per month, including around two dozen attempted mass-casualty attacks. A formal extension of the U.S. military presence will not shorten this period of moderate insecurity. Today, most Iraqis do not interact with U.S. forces, and the U.S. military is no longer the glue holding together many ISF divisions and brigades. Indeed, there is little that a formally extended U.S. presence on Iraq's streets could achieve at this point. An extension would also prove contentious: Iraq's highly fragmented parliament and an equally uncertain public may not be ready to debate and approve a formal security agreement that would modify the December 31, 2011 departure date for U.S. military units.

## Norms

### Acs

They don’t come close to solving norms—geography

Anthony Dworkin 13, senior policy fellow at the European Council on Foreign Relations, “Drones And Targeted Killing: Defining A European Position”, July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>

Two further points are worth noting. First, the administration has acknowledged that in the case of American citizens, even when they are involved in the armed conflict, the US Constitution imposes additional requirements of due process that bring the threshold for targeted killing close to that involved in a self-defence analysis. These requirements were listed in a Department of Justice white paper that became public earlier this year.26 Second, the administration has at times suggested that even in the case of non-Americans its policy is to concentrate its efforts against individuals who pose a significant and imminent threat to the US. For example, John Brennan said in his Harvard speech in September 2011 that the administration’s counterterrorism efforts outside Afghanistan and Iraq were “focused on those individuals who are a threat to the United States, whose removal would cause a significant – even if only temporary – disruption of the plans and capabilities of al-Qaeda and its associated forces”.27

However, the details that have emerged about US targeting practices in the past few years raise questions about how closely this approach has been followed in practice. An analysis published by McClatchy Newspapers in April, based on classified intelligence reports, claimed that 265 out of 482 individuals killed in Pakistan in a 12-month period up to September 2011 were not senior al-Qaeda operatives but instead were assessed as Afghan, Pakistani, and unknown extremists.28 It has been widely reported that in both Pakistan and Yemen the US has at times carried out “signature strikes” or “Terrorist Attack Disruption Strikes” in which groups are targeted based not on knowledge of their identity but on a pattern of behaviour that complies with a set of indicators for militant activity. It is widely thought that these attacks have accounted for many of the civilian casualties caused by drone strikes. In both Pakistan and Yemen, there may have been times when some drone strikes – including signature strikes – could perhaps best be understood as counterinsurgency actions in support of government forces in an internal armed conflict or civil war, and in this way lawful under the laws of armed conflict. Some attacks in Pakistan may also have been directly aimed at preventing attacks across the border on US forces in Afghanistan. However, by presenting its drone programme overall as part of a global armed conflict. the Obama administration continues to set an expansive precedent that is damaging to the international rule of law.

Obama’s new policy on drones

It is against this background that Obama’s recent counterterrorism speech and the policy directive he announced at the same time should be understood. On the subject of remotely piloted aircraft and targeted killing, there were two key aspects to his intervention. First, he suggested that the military element in US counterterrorism may be scaled back further in the coming months, and that he envisages a time in the not-too-distant future when the fight against the al-Qaeda network will no longer qualify as an armed conflict. He said that “the core of al Qaeda in Afghanistan and Pakistan is on the path to defeat” and that while al-Qaeda franchises and other terrorists continued to plot against the US, “the scale of this threat closely resembles the types of attacks we faced before 9/11”.29 Obama promised that he would not sign legislation that expanded the mandate of the AUMF, and proclaimed that the United States’ “systematic effort to dismantle terrorist organizations must continue […] but this war, like all wars, must end”. The tone of Obama’s speech contrasted strongly with that of US military officials who testified before the Senate Committee on Armed Services the week before; Michael Sheehan, the Assistant Secretary of Defence for Special Operations and Low-Intensity Conflict, said then that the endof the armed conflict was “a long way off” and appeared to say that it might continue for 10 to 20 years.30

Second, the day before his speech, Obama set out regulations for drone strikes that appeared to restrict them beyond previous commitments (the guidance remains classified but a summary has been released). The guidance set out standards and procedures for drone strikes “that are either already in place or will be transitioned into place over time”.31 Outside areas of active hostilities, lethal force will only be used “when capture is not feasible and no other reasonable alternatives exist to address the threat effectively”. It will only be used against a target “that poses a continuing, imminent threat to US persons”. And there must be “near certainty that non-combatants will not be injured or killed”.

In some respects, these standards remain unclear: the president did not specify how quickly they would be implemented, or how “areas of active hostilities” should be understood. Nevertheless, taken at face value, they seem to represent a meaningful change, at least on a conceptual level. Effectively, they bring the criteria for all targeted strikes into line with the standards that the administration had previously determined to apply to US citizens. Where the administration had previously said on occasions that it focused in practice on those people who pose the greatest threat, this is now formalised as official policy. In this way, the standards are significantly more restrictive than the limits that the laws of armed conflict set for killing in wartime, and represent a shift towards a threat-based rather than status-based approach. In effect, the new policy endorses a self-defence standard as the de facto basis for US drone strikes, even if the continuing level of attacks would strike most Europeans as far above what a genuine self-defence analysis would permit.32 The new standards would seem to prohibit signature strikes in countries such as Yemen and Somalia and confine them to Pakistan, where militant activity could be seen as posing a cross-border threat to US troops in Afghanistan. According to news reports, signature strikes will continue in the Pakistani tribal areas for the time being.33

However, the impact of the new policy will depend very much on how the concept of a continuing, imminent threat is interpreted. The administration has not given any definition of this phrase, and the leaked Department of Justice white paper contained a strikingly broad interpretation of imminence; among other points, the white paper said that it “does not require the United States to have clear evidence that a specific attack on US persons or interests will take place in the immediate future” and that it “must incorporate considerations of the relevant window of opportunity, the possibility of reducing collateral damage to civilians, and the likelihood of heading off future disastrous attacks on Americans”.34 The presidential policy guidance captures the apparent concerns behind the administration’s policy more honestly by including the criterion of continuing threat, but this begs the question of how the notions of a “continuing” and “imminent” threat relate to each other. Even since Obama’s speech, the US is reported to have carried out four drone strikes (two in Pakistan and two in Yemen) killing between 18 and 21 people – suggesting that the level of attacks is hardly diminishing under the new guidelines.35

It is also notable that the new standards announced by Obama represent a policy decision by the US rather than a revised interpretation of its legal obligations. In his speech, Obama drew a distinction between legality and morality, pointing out that “to say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance”. The suggestion was that the US was scaling back its use of drones out of practical or normative considerations, not because of any new conviction that the its previous legal claims went too far. The background assertion that the US is engaged in an armed conflict with al-Qaeda and associated forces, and might therefore lawfully kill any member of the opposing **forces** wherever they were found, remains in place to serve as a precedent for other states that wish to claim it.

IHL and HRL blurring damages legal norms

Laurie Blank, Director, International Humanitarian Law Clinic, Emory Law School, 2012, Targeted Strikes: The Consequences of Blurring the Armed Conflict and Self-Defense Justifications, http://www.wmitchell.edu/lawreview/Volume38/documents/11.BlankFINAL.pdf

For the past several years, the United States has relied on both armed conflict and self-defense as legal justifications for targeted strikes outside of the zone of active combat in Afghanistan. A host of interesting questions arise from both the use of targeted strikes and the expansive U.S. justifications for such strikes, including the use of force in self-defense against non-state actors, the use of force across state boundaries, the nature and content of state consent to such operations, the use of targeted killing as a lawful and effective counterterrorism measure, and others.7 Furthermore, each of the justifications—armed conflict and self-defense—raises its own challenging questions regarding the appropriate application of the law and the parameters of the legal paradigm at issue. For example, if the existence of an armed conflict is the justification for certain targeted strikes, the immediate follow-on questions include the determination of a legitimate target within an armed conflict with a terrorist group and the geography of the battlefield. Within the self-defense paradigm, key questions include the very contours of the right to use force in self-defense against individuals and the implementation of the concepts of necessity and imminence, among many others.

However, equally fundamental questions arise from the use of both justifications at the same time, without careful distinction delimiting the boundaries between when one applies and when the other applies. From the perspective of the policymaker, the use of both justifications without further distinction surely offers greater flexibility and potential for action in a range of circumstances.8 To the extent such flexibility does not impact the implementation of the relevant law or hinder the development and enforcement of that law in the future, it may well be an acceptable goal. In the case of targeted strikes in the current international environment of armed conflict and counterterrorism operations occurring at the same time, however, the mixing of legal justifications raises significant concerns about both current implementation and future development of the law.

One overarching concern is the conflation in general of jus ad bellum and jus in bello. The former is the law governing the resort to force—sometimes called the law of self-defense—and the latter is the law regulating the conduct of hostilities and the protection of persons in conflict—generally called the law of war, the law of armed conflict, or international humanitarian law. International law reinforces a strict separation between the two bodies of law, ensuring that all parties have the same obligations and rights during armed conflict to ensure that all persons and property benefit from the protection of the laws of war. For example, the Nuremberg Tribunal repeatedly held that Germany’s crime of aggression neither rendered all German acts unlawful nor prevented German soldiers from benefitting from the protections of the jus in bello.9 More recently, the Special Court for Sierra Leone refused to reduce the sentences of Civil Defense Forces fighters on the grounds that they fought in a “legitimate war” to protect the government against the rebels.10 The basic principle that the rights and obligations of jus in bello apply regardless of the justness or unjustness of the overall military operation thus remains firmly entrenched. Indeed, if the cause at arms influenced a state’s obligation to abide by the laws regulating the means and methods of warfare and requiring protection of civilians and persons hors de combat, states would justify all departures from jus in bello with reference to the purported justness of their cause. The result: an invitation to unregulated warfare.11

### 2nc at china impact

No impact to China drones—fear of backlash prevents use—don’t want to set a precedent for use in East Asia—developments are for domestic surveillance Beijing is cautious, not adventurist—that’s Erickson

Drone tensions won’t escalate

Wyne 14 (Ali, Research Assistant, Belfer Center for Science and International Affairs, 1/18/2014, "How Likely is a Sino-Japanese Clash?", www.japantoday.com/category/opinions/view/how-likely-is-a-sino-japanese-clash)

Tensions continue to escalate. What happens if China shoots down a Japanese drone that enters its ADIZ, or vice versa? Chinese Defense Ministry spokesman Geng Yansheng has warned that China would treat the latter incident as “an act of war” and “take firm countermeasures.” What then?

Thankfully, there are many compelling grounds for optimism. For one thing, it is likely that any “war” between China and Japan would actually consist of one or more contained confrontations, with little military power employed and few, if any, casualties.

Second, however much the traumas of the past might color their relationship, the growth in their economic interdependence continues apace. Richard Katz argues that “Chinese-Japanese economic relations…are set to get better” because of “the economic reality that China needs Japan just as much as Japan needs China.”

Finally, the United States would almost certainly intervene in the event of a Sino–Japanese clash. China and Japan understand that no good can conceivably come from tumult between the world’s three largest economies (which accounted for 42% of gross world product in 2012), two of which have nuclear weapons.

Their impact is alarmism—US lead is locked in and other modernization makes their impact inevitable

Moss, writer – The Diplomat, former editor for the Asia-Pacific – Jane’s Defence Weekly, 3/2/’13

(Trefor, “Here Come…China’s Drones,” http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?all=true)

Unmanned systems have become the legal and ethical problem child of the global defense industry and the governments they supply, rewriting the rules of military engagement in ways that many find disturbing. And this sense of unease about where we’re headed is hardly unfamiliar. Much like the emergence of drone technology, the rise of China and its reshaping of the geopolitical landscape has stirred up a sometimes understandable, sometimes irrational, fear of the unknown. It’s safe to say, then, that Chinese drones conjure up a particularly intense sense of alarm that the media has begun to embrace as a license to panic. China is indeed developing a range of unmanned aerial vehicles/systems (UAVs/UASs) at a time when relations with Japan are tense, and when those with the U.S. are delicate. But that hardly justifies claims that “drones have taken center stage in an escalating arms race between China and Japan,” or that the “China drone threat highlights [a] new global arms race,” as some observers would have it. This hyperbole was perhaps fed by a 2012 U.S. Department of Defense report which described China’s development of UAVs as "alarming." That’s quite unreasonable. All of the world’s advanced militaries are adopting drones, not just the PLA. That isn’t an arms race, or a reason to fear China, it’s just the direction in which defense technology is naturally progressing. Secondly, while China may be demonstrating impressive advances, Israel and the U.S. retain a substantial lead in the UAV field, with China—alongside Europe, India and Russia— still in the second tier. And thirdly, China is modernizing in all areas of military technology – unmanned systems being no exception.

Pivot makes it inevitable but no impact

Zhouin 12 (Dillon, graduate of the International Relations Program at the University of Massachusetts Boston, PolicyMic, “China Drones Prompt Fears of a Drone Race With the US”, <http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us>, ZBurdette)

During China’s twice-a-year show, visitors got to see an impressive and, to some, alarming fleet of drones developed by Chinese companies, including many models resembling U.S. drones with their body shape, flight specs, and their missile and surveillance capabilities. It’s evident that China intends to take full advantage of using unmanned aerial vehicles (UAVs) to achieve its national interests – including their territorial disputes over the Senkaku Islands and South China Sea. The U.S. and the World should, therefore, be concerned with this development given that this may lead to a drone race between the top two producers of drones – the U.S. and China. In a world whose militaries and governments are buzzing about the potential of the drones, it is no surprise that China is working to bring their drone program up to speed to compete with America just as President Obama is executing his "Asia Pivot" through strengthening U.S. military, political and economic presence in Asia. China is rising – as evident in its growing economic and military power – but the U.S. should not treat the Chinese drone program as a cause for panic. If the U.S. works towards countermeasures against drones from rival states – like China – the risk posed by the development of competing drone programs can be minimized allowing the U.S. to implement its "Asia Pivot" with one less impediment. The Rise of the Drones Drones are the strategic tools of the future, especially when it comes to the political contests between the major players in global affairs. The Department of Defense’s Defense Science Board (DSB) released a report on the future of drones as a potent tool of great powers like the U.S. and China. The report notes that drones are fast becoming a “tipping point” in global affairs because: “Armed forces in the United States and around the world have actively embraced unmanned systems. The advantages of these systems in terms of persistence, endurance and generally lower costs and deployment footprint have been highlighted in recent conflicts ... Unmanned systems have become an established part of military operations and will play an increasing role in the modern military machine.” The value of the drone lies in its capacity to radically expand a military’s ability to gather intelligence and expand its ability to project its power beyond limits faced by frontline personnel. It can also carry out the unpleasant business of neutralizing enemies, including Anwar al-Awlaki and Abu Yahya al-Libi, Al Qaeda’s last number two leaders, with some civilian casualties. However, the drone is not as precise or accurate as described by the defense industry – as shown by a joint study published by Stanford Law School and NYU School of Law, which detailed the considerable toll taken on civilians in Pakistan – and causes unintended consequences in its search and kill operations in multiple areas of U.S. intelligence operations. The U.S. remains the leading market for drones, but other powers like China, Russia, Europe and the Middle East are also working to develop their own drone capabilities. Unlike the other powers, China is the most prolific developer of a rival drone program to America's program. The DSB report said “[i]n a worrisome trend, China has ramped up research in recent years faster than any other country.” China’s New “Dragons” in the Sky Like the U.S., China has given its new fleet of UAVs unique code names – which often include the character for “dragon” or "long" – and designed them with comparable capabilities as their U.S. counterparts. Many of its newer models – including the CH-4, the Wing Loong and Xianglong – appears to be copies of the U.S. Reaper, Predator and Global Hawk designs. The drone program has had a profound effect on China’s defense industry. The DSB report notes that “[China] displayed its first unmanned system model at the Zhuhai air show five years ago, and now every major manufacturer for the Chinese military has a research center devoted to unmanned systems.” One unique aspect of the Chinese drone program is that the cost of the drones are significantly cheaper than those made by the U.S. and Israel. For example, according to Wired, "[t]he Wing Loong [the Chinese equivalent of the U.S. Reaper] reportedly comes at a rather incredible bargain price of $1 million (£625,000), compared to the Reaper's varying price tags in the $30 million (£18.7 million) range." For China, their nascent drone program provides a valuable tool for projecting its power in Asia, especially in a time when it’s engaged in territorial disputes with its neighbors. More importantly, China feels a need to meet the threat in perceives in President Obama’s so-called “Asia Pivot.” The drones could act as the ideal surveillance tool in tracking U.S. and its Asian allies' military movements in the event of a crisis or international spat and act as a proxy weapon to deter assertive behavior over the South China Sea and Senkaku Islands. At the same time, the cheaper Chinese drones are a hot export product line for the Chinese defense industry. Many African and Asian states have placed orders for the economic Chinese drones. "We've been contacting many countries, especially from Africa and Asia," Guo Qian, a director at a division of the state-owned China Aerospace Science and Technology Corporation. The geostrategic impact of the advent of these new "dragons" is to stoke fears of a drone race between the U.S. and China, which have already manifested at the Pentagon. Worried About the Dragons’ Reach The U.S. is deeply concerned with the speed of the Chinese drone program and the growing resources being devoted to the program. The main concern, according to the DSB report, is as follows: “The military significance of China’s move into unmanned systems is alarming. [China] has a great deal of technology, seemingly unlimited resources and clearly is leveraging all available information on Western unmanned systems development. China might easily match or outpace U.S. spending on unmanned systems, rapidly close the technology gaps and become a formidable global competitor in unmanned systems.” Basically, the U.S. is afraid that it won't be able to keep up with a China that has invested itself in a intensive government-sponsored effort to compete with the U.S. drone program in terms of technical quality, quantity, and as a export product to clients in the developing world. On a strategic level, the Chinese drones could be the "tipping point" for giving the Chinese the edge in possible future disputes in Asia with the U.S. as it attempts to create regional security as part of its "Asia Pivot." There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program. First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present. Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years. Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation. The U.S. shouldn't be alarmed given these facts. Nor should it be overly critical of the Chinese drone program. Scott Shane of The New York Times observes that the U.S. has set the "international norms" for using drones: "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 U.S. needs to take countermeasures against future risks from Chinese drones, but it needs not be overly alarmed or antsy. Clearly, President Obama and the U.S. has a need to work hard to keep the U.S. ahead of the competition from the "dragons" in order to implement the "Asia Pivot" and pursue U.S. interest in a balance of power in the region.

### 2nc asia war

No escalation

Kaplan 3/17/14

Robert D. Kaplan, Chief Geopolitical Analyst for Stratfor, a private intelligence firm. He is a non-resident senior fellow at the Center for a New American Security, Foreign Policy, March 17, 2014, " The Guns of August in the East China Sea", http://www.foreignpolicy.com/articles/2014/03/17/the\_guns\_of\_august\_in\_the\_east\_china\_sea\_world\_war\_one

But before one buys the 1914 analogy, there are other matters to consider. While 1914 Europe was a landscape, with large armies facing one another inside a claustrophobic terrain with few natural barriers, East Asia is a seascape, with vast maritime distances separating national capitals. The sea impedes aggression to a degree that land does not. Naval forces can cross water and storm beachheads, though with great difficulty, but moving inland and occupying hostile populations is nearly impossible. The Taiwan Strait is roughly four times the width of the English Channel, a geography that continues to help preserve Taiwan's de facto independence from China.

Even the fastest warships travel slowly, giving diplomats time to do their work. Incidents in the air are more likely, although Asian countries have erected strict protocols and prefer to posture verbally so as to avoid actual combat. (That said, the new Chinese Air Defense Identification Zone is a particularly provocative protocol.) Since any such incidents would likely occur over open water there will be few casualties, reducing the prospect that a single incident will lead to war. And because of the speed, accuracy, and destructiveness of postmodern weaponry, any war that does break out will probably be short -- albeit with serious economic consequences. Something equivalent to four years of trench warfare is almost impossible to imagine. And remember that it was World War I's very grinding length that made it a history-transforming and culture-transforming event: it caused 17 million military and civilian casualties; the disputes in the Pacific Basin are certainly not going to lead to that.

World War I also featured different and unwieldy alliance systems. Asia is simpler: almost everyone fears China and depends -- militarily at least -- on the United States. This is not the Cold War where few Americans could be found in the East Bloc, a region with which we did almost no trade. Millions of Americans and Chinese have visited each other's countries, tens of thousands of American businessmen have passed through Chinese cities, and Chinese party elites send their children to U.S. universities. U.S. officials know they must steer between the two extremes of allowing China's Finlandization of its Asian neighbors and allowing nationalistic governments in Vietnam, the Philippines, and Japan to lure the United States into a conflict with China.

Nationalistic as these democracies may be, the best way to curb their excesses and make them less nervous is to give them the assurance of a U.S. security umbrella, born of credible air and sea power. A strong U.S.-China relationship can keep the peace in Asia. (South Korea also fears Japan, but the United States is successfully managing that tension.) Unlike empires mired in decrepitude that characterized 1914 Europe, East Asia features robust democracies in South Korea and Japan, and strengthening democracies in Malaysia and the Philippines. An informal alliance of democracies -- that should also include a reformist, de facto ally like Vietnam -- is the best and most stable counter to Chinese militarism. Some of these democracies are fraught, and fascist-cum-communist North Korea could implode, but this is not a world coming apart. Limited eruptions do not equal a global cataclysm.

Yet the most profound difference between August 1914 and now is historical self-awareness. As Modris Eksteins meticulously documents in his 1989 book Rites of Spring: The Great War and the Birth of the Modern Age, European capitals greeted the war with outbursts of euphoria and a feeling of liberation. Because 19th century Europe had been relatively peaceful since the Napoleonic Wars ended in 1815, people had lost the sense of the tragic that enables them to avoid tragedy in the first place. Aging, one-child societies like those of China, Japan, and South Korea, with memories of war, revolution, and famine, are less likely to greet violent struggle with joy and equanimity. And the United States, the paramount military player in Asia, by its very conscious fear of a World War I scenario, will take every measure to avoid it.

A profusion of warships in the Pacific certainly suggests a more anxious, complicated world. But U.S. generals and diplomats need not give in to fate, especially given the differences with a century ago. The United States entered World War I too late. Projecting a strong military footprint in Asia while ceaselessly engaging the Chinese is the way that conflict can be avoided this time around.

[END OF ARTICLE]

Costs of aggression are too high

Porter 14

Dr. Patrick Porter is a reader in War and International Security and Leverhulme Research Fellow at the University of Reading, and a fellow of the UK Chief of the Defence Staff’s Strategic Forum, War on the Rocks, January 28, 2014, "IT’S TIME TO ABANDON THE GLOBAL VILLAGE MYTH", http://warontherocks.com/2014/01/its-time-to-abandon-the-global-village-myth/

Strategic space is not a politically uncontested thoroughfare of climate and terrain simply to be moved through. (That is not even true of tourism!) Space is a medium into which other humans intrude, through which (and for which) violent political struggle takes place. Amidst the white noise of globalisation rhetoric, this distinction has been lost.

Nowhere is this more true than along Asia’s maritime peripheries. New weapons and instruments have widened, rather than shrunk, the Asia-Pacific space. Surveillance assets in the hands of watchful defenders make it harder to inflict a sudden surprise long-range attack like Pearl Harbor. Tools of “access denial”—such as long-range anti-ship missiles—make it easier for states to fend off enemy fleets and raise the costs of aggression. Even weaker enemies can inflict a devastating, even fatal sting on aggressors. This makes it harder for America to intervene in a war with China—but harder also for China to expand. Conquest has become an expensive rarity.

Interdependence and deterrence check

Dibb 3/15/14

Paul Dibb is emeritus professor of strategic studies at the Australian National University in Canberra, The Spectator, March 15, 2014, "2014 won’t be like 1914", http://www.spectator.co.uk/australia/australia-features/9158871/2014-wont-be-like-1914/

The Jeremiah strategists are coming out of the woodwork to predict that Asia in 2014 will be a repeat of Europe in 1914. In other words, that there will be an outbreak of war between the major powers in our region, just like in Europe 100 years ago. This line of reasoning predicts that a rising China will inevitably go to war with the United States, either directly or through conflict with Japan.

Some commentators are even suggesting that the Sarajevo incident that provoked the first world war will be replicated between China and Japan over the Senkaku/Diaoyu islands in the East China Sea. Kevin Rudd has likened this situation to what he calls ‘a 21st-century maritime redux of the Balkans a century ago — a tinderbox on water.’ My colleague Hugh White has proclaimed that the risk of war between China and Japan is now very real.

There is undoubtedly a significant risk that China’s increasing aggressiveness in the East China Sea and the South China Sea over its territorial claims will result in a military confrontation, either by miscalculation or design. But a warship being sunk or military aircraft colliding is a long way from all-out war. These sorts of incidents have occurred in the past and have not escalated — for example, the North Korean sinking in 2010 of the South Korean warship and the Chinese collision in 2001 by one of its fighters with a US reconnaissance aircraft. Unfortunately, however, a military incident between China and Japan might be more serious than this.

The commander of US air forces in the Pacific has said in an interview on 9 February that the recent comments by the leaders of Japan and the Philippines drawing parallels between China’s assertiveness in the region and events in prewar Europe are ‘not helpful’. But he did caution that any move by China to extend unilaterally an air defence identification zone over the South China Sea would be ‘very provocative’.

It is true that whereas a war in Europe these days has become inconceivable that is not the case in Asia. In our region there is a potentially potent combination of rising military capabilities and ugly nationalisms. But, unlike in Europe 100 years ago, there is no sense of the inevitability of war and, unlike in the Kaiser’s Germany in 1914, there is no fear in Beijing that time is not on its side. The distinguished British historian Max Hastings points out in his book, Catastrophe: Europe Goes to War 1914, that there was nothing accidental about the first world war. Germany was bent on launching a European war because of its fears of a rising Russia in the east, a strong France and Britain on its west and unrest at home. From Beijing’s perspective today, the strategic correlation of forces in Marxist-Leninist terms is much more favourable than this. Moreover, China continues to need to give priority to economic development if it is to avoid domestic upheaval.

The current German Foreign Minister Frank-Walter Steinmeier has recently highlighted the diplomatic failures that led to the outbreak of the first world war when there were rash predictions of a swift, successful military campaign that in the event lasted for four years and resulted in 17 million dead. This was a failure of political and military elites, but also of diplomacy.

And this is where there is a concern about Asia. The fact is that the multilateral organisations in our region are immature when it comes to developing arms control and disarmament agreements and concrete approaches to conflict avoidance. There is a lot of talk and plenty of meetings and that in itself is a good thing. But we desperately need such confidence-building measures as an avoidance of naval incidents at sea agreement — along the lines of the one that was agreed between the US and the Soviet Union in 1972.

Even so, the key underpinnings for my confidence about a major power war in Asia being unlikely are twofold. First, there is the iron discipline of nuclear deterrence. For almost 70 years now the fear of nuclear war, even at the most dangerous heights of the Cold War, has prevented a major war. An all-out nuclear war between the US and China would involve the deaths of hundreds of millions of people on both sides in a matter of hours. For all intents and purposes, they would cease to exist as modern functioning societies. This is an existential threat unlike any faced by humankind previously. Once nuclear weapons are used it would be practically impossible to avoid full-blown escalation.

The second factor is the unprecedented economic and technological interdependence that now intertwines all our economies with each other in a way that has never existed before. It is simply untrue to assert that globalisation was even deeper in 1914 than it is today. Global supply chains for almost every product we consume make every country in our region crucially vulnerable to the outbreak of war. And that includes China as much as any other country — or even more so. China is now crucially dependent on imports for its economic security (for example, it accounts for 60 per cent of global seaborne iron ore trade and by 2030 it will have to import 80 per cent of its oil).

So, as the doyen of US international relations studies Joseph Nye argues, we should be wary of analysts wielding historical analogies, particularly if they have a whiff of inevitability. War, he observes, is never inevitable, though the belief that it is can become one of its causes.

No Asia War-trade, regionalism

Goswami 14

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http://www.atimes.com/atimes/World/WOR-01-100114.html

The trend analysis for 2014 coming out these days from think tanks in Washington as well as from much of the Western hemisphere forewarns us living in the eastern hemisphere that conflict in Asia is a real possibility. The signs are rather voluminous, they say: increasing competition for resources between China, Japan, India, and the countries of Southeast Asia; the tumultuous bilateral relationship between China and Japan; India and Pakistan; territorial disputes in the East and South China Seas; border disputes between China and India and rivalry in the Indian Ocean, could spiral out of control, leading to a regional conflict. The conflict "ayes"" have data on their side. The India-China border was rather active last year, with Chinese troops crossing over the Line of Actual Control (LAC) on India's western sector and pitching tent for nearly 20 days on Indian territory before the issue was peacefully managed. Both China and India have modernized their military, are continuing to buy more equipment, and have increased their troop presence across the border. I have spoken and written about this with concern in many forums, weighing on the side of caution, and hoping that both countries establish more robust border management mechanisms and desist from provocative actions. China's announcement of an air defense identification zone over disputed islands in the East China Sea in November raised hackles and I argued that such moves by China only emboldens the "China threat" camp and disturbs the peace. Japan's own actions of buying disputed islands and the visits of its prime ministers - the latest by Shinzo Abe in December - to the Yasukuni Shrine, where 14 Class A war criminals from World War II are buried, always rub China the wrong way. Vietnam and the Philippines have meanwhile expressed anxiety at what they see as a growing assertive Chinese foreign policy bent on projecting its power in the high seas. Chinese aspirations for a blue-water navy only aggravate these concerns. Another sphere of strategic competition is the Indian Ocean region and the Malacca Strait through which most of the trade in Asia flows. West Asia is also rife with conflict between Israel and Palestine, coupled with unstable conditions in Egypt, Libya, Iraq and Syria. The threat of terrorism from countries like Afghanistan and Pakistan, where groups like the Taliban and al Qaeda are still active, is high. Nepal, Burma, Bangladesh and Sri Lanka continue to face severe crises of national integration of minority communities and electoral conflict over their democratic transitions. All of these serve us a recipe for impending conflict in Asia, and 2014 might just be that year. Likely theaters of conflict are West Asia, East Asia and South Asia, which suffer from both internal and external turmoil. Military modernization by China and India, and the presence of nuclear weapons in Asia only darken the atmosphere so much more. The worry is that bickering politicians within India, Pakistan's overtly strong military, and China's authoritarian regime simply may not have the skills to avoid regional conflict, by which I mean all-out war. While this kind of analysis has a certain ring of truth to it, and is a likely scenario, it does not capture a deeper reality of Asia; that of a continent on the curve of hope. Asians are starting to enjoy better living standards, better healthcare, better job opportunities, better purchasing power parity and dreams of a better future. None of the conflicts are the primary indicators of where people in Asia want to be or where they want to go. For Asians, the two things that matter most now are: economy and prosperity, and by that I mean mental and physical wellbeing; a life that offers the basic human needs. Of course, there is rampant inequality, and poverty levels in some of the Asian states are high, but people are coming out in large numbers empowered by the latest communication technologies to speak about the ills in their societies and are willing to act to bring about a change. Protests in Tunisia and Egypt against long-standing authoritarian regimes are these visible changes, while the massive undercurrents of anger against corrupt practices in China and India have seen the new regime in China prioritize fighting corruption within China as its primary goal and the new political party, the Aam Admi Party (Common Man Party), in India winning elections in a strategic state like Delhi on the political platform of bringing about better governance. This is unlike earlier political trends in India - of waging elections in the name of caste, class and ethnicity. These are new phenomenon of people's power which none of the threat analyses could predict. If we check the economic curve of Asia last year, China recorded a 7.6% growth rate, whereas India recorded 4.8% in the second quarter of 2013 while it was 4.4% in the first quarter. While much lower than earlier growth rates of 8% to 9% for China and 6 to 7% for India, the scene is not bad. Southeast Asia registered a growth rate of 5.8% in 2013 despite the typhoon that hit the Philippines and political unrest in Thailand. Central Asia is making steady progress in its development curve, with investments in mining, tourism, oil and other natural resources. So, despite the territorial disputes mixed into the picture of somewhat slow economic growth, military modernization, inequalities, and worrisome trends towards regional hegemony on the part of China, I boldly argue that a hot conflict is not going to happen in Asia - for the simple reason that while governments are bickering and there are serious differences over foreign policy, one thing is common amongst the people of Asia: the desire for peaceful development. Everywhere you go, people's aspirations focus on better education and housing, better entertainment, better travel, better tourism, better music, you name it ... and given that Asia collectively is young - despite perhaps an aging Japan and a future aging China - there is energy, dynamism and creative technology. People in the age group of 20 to 45 are traveling, migrating from one state to another, starting new businesses by being entrepreneurial, and are taking agency into their own hands. Hence, while a Western tourist at a first glimpse of the chaotic streets of Delhi or the smog in Beijing may see chaos, I see dynamism, energy, work ethics, aspirations, hopes, and an unwillingness to give in to war. That is why there is growing support for regional mechanisms for more freer travel, visa on arrival schemes, free-trade zones, and the like.

Caution solves

Bisley 3/10/14

Nick Bisley, Professor, is Executive Director of La Trobe Asia at La Trobe University, The Conversation, March 10, 2014, "It’s not 1914 all over again: Asia is preparing to avoid war", http://theconversation.com/its-not-1914-all-over-again-asia-is-preparing-to-avoid-war-22875

Higher risks, greater caution

States in Asia today are far more cautious about the way they use force than Europeans were in 1914. A century ago, war was seen as not only a legitimate policy choice but was championed by many for its ability to demonstrate national virtue, honour and prowess.

The experiences of war in the 20th century, the legal prohibitions that states have since created and the professionalisation of armed forces have meant that there is not the same taste for war that existed 100 years ago.

Asia is not about to succumb to a great power war because of the existence of nuclear weapons. The destructive power of these armaments focuses the mind of decision-makers on the consequences of using force in any significant way. Their existence acts as a crucial moderating influence on the policies of Asia’s great and aspirant great powers.

This is not a counsel borne out of complacency – the region has very real problems, which require careful and active management. Tensions in the East and South China Seas over tiny islands do have very significant risks of friction and conflict escalation. A nuclear breakout in northeast Asia remains an unlikely but nonetheless real possibility, while the old flash-points of Taiwan and Kashmir remain.

The region will require a great deal of vigilance to keep the peace. But it is an awareness of this effort that marks perhaps the final point of contrast with pre-war Europe.

Asia’s statesmen and women are well aware of the challenge that confronts them. So far we must pay them the credit of being up to that challenge and being capable of taking the necessary steps to ensure devastating war does not return.

We live in difficult times, but Asia is not about to sleepwalk into conflict.

No incentive to escalate

Manning 2/17/14

Robert A. Manning is a senior fellow of the Brent Scowcroft Center for International Security at the Atlantic Council, China-US Focus, February 17, 2014, "Stakes Too High for East Asia to Risk War", http://www.chinausfocus.com/foreign-policy/stakes-too-high-for-east-asia-to-risk-war/

It is sometimes said that history doesn't repeat itself, but it rhymes. There are two very big differences between current tensions in Asia over disputed islands and historical grievances. By far the most ominous difference is the existence of nuclear weapons. If European leaders in 1914 had nuclear weapons, and thus, could see where a conflict might lead, one wonders if WWI would have still occurred.

The second important difference is that in Europe, empires and nations were competing over large pieces of geography, the Ottoman Empire and African colonies. Current disputes in Asia involve tiny, intrinsically worthless and mostly uninhabited little islets significant mainly for the fish and natural resources under them.

No escalation—assumes their warrants

Xudong ‘12

Han, professor at the PLA University of National Defense, “Risk of armed Asian conflict on the rise, but trade links rule out war,” <http://www.globaltimes.cn/content/735653.shtml>

Island sovereignty and maritime interest disputes in the Asia-Pacific region have attracted an increasing amount of global attention recently. With external powers ready to intervene, conflicts among the relevant parties have intensified and the unrest has gotten worse. If the trend cannot be curbed, armed conflicts are more likely. With the US pivot to the Asia-Pacific region and the global economic focus moving toward the region, the region has gradually entered into a troubled period. The US has set the region as the focus of its overseas military deployment and is taking advantage of the unrest in the region so as to adjust the power structure. Moreover, the US has carried out military exercises with relevant countries to create unrest and instigated them to confront neighboring countries. For example, over the Huangyan Island dispute, the US backs the Philippines through holding joint military exercises on island defense, as it has done with Japan over the Diaoyu Islands dispute. This is the usual tactic by the US to back relevant countries' confront actions with China. As the territorial disputes among relevant countries are closely related to core national interests, no involved parties will compromise easily. Relevant countries usually use comprehensive national strength, especially military strength, as a lever to adjust their interests. Take the dispute over the South Kuril Islands between Russia and Japan. Russia has increased its military presence on the islands and used military power to deal with Japanese provocations. Similarly, South Korea has begun to deploy its forces on Dokdo Islands, where it has disputes with Japan. At present, while China has repeatedly advocated a peaceful settlement of the Diaoyu Islands dispute, the nation has sufficient confidence and courage to face up to the challenges and safeguard its sovereignty and interests. All those conflicts mentioned above have the potential to further deteriorate. After all, international politics is the continuation and manifestation of domestic politics. Since the beginning of this year, key players in hot issues of the Asia-Pacific region all have been confronted with the sensitivity of domestic power transition. Russia had its presidential election in March. And South Korea, Japan, the US and China will soon see elections or leadership change. At such a critical moment, attitudes on safeguarding the core interests of the nation had been used as a stake to gain support, as particularly seen in Japan. Currently, the right-wing forces in Japan are promoting the campaigners to form a consistent approach over the Diaoyu Islands dispute, that is, to take an increasingly tough stance and policy. Japan hasn't made a full reflection on its war crimes. The right-wing frequently blusters about the use of force to solve the territorial disputes. This adds to the uncertainty of the security situation in the Asia-Pacific region. But one certain thing is that a war is unlikely in the Asia-Pacific. Even if the parties in a dispute had a collision of forces, it wouldn't develop into full-blown war. The use of force is the highest means but the last resort to maintain core interests of nations. The current situation is totally different from other periods in history. With global economic integration, the expanding of armed conflicts will be no good to any country involved. Therefore, the relevant countries all hope the scale of conflicts could be restrained. Besides, the US is not willing to see a regional war in the Asia-Pacific. A turbulent situation without war is in its best interests. From this perspective, the Asia-Pacific region does face the potential danger of low intensity conflicts and operations. The possibility of an armed collision is on the rise, but the scale will be limited

Doesn’t escalate

Washburn 3/10/13

Taylor, a lawyer studying Northeast Asia at the Johns Hopkins School of Advanced International Studies, “a lawyer studying Northeast Asia at the Johns Hopkins School of Advanced International Studies.,” http://journal.georgetown.edu/2013/03/10/averting-asias-great-war-by-taylor-washburn/

In a recent Financial Times essay, “The Shadow of 1914 Falls Over the Pacific,” Gideon Rachman compares the current situation in East Asia to that in Europe a century ago. Like Germany in the early 20th century, China is a country on the rise, concerned that status quo powers will seek to block its ascent. In prewar Europe, a German military buildup and growing nationalism around the region helped create a dynamic in which the assassination of an obscure Austrian noble could trigger a devastating multinational war. The parallels with East Asia today are clear, Rachman says, and “the most obvious potential spark is the unresolved territorial dispute between Japan and China over the islands known as the Diaoyu to the Chinese and the Senkaku to the Japanese.” There is no denying the gravity of the danger posed by this row. Violent anti-Japanese riots erupted across China last fall after Japan’s government purchased the islands from a private owner, and Tokyo has recently claimed that a Chinese frigate locked its missile-guidance radar on a Japanese destroyer in the East China Sea. With ships and planes from both nations mingling in the vicinity of the islands, peace depends not only on the prudence of politicians in Beijing and Tokyo, but also the temperament and skill of a handful of sailors and pilots. The U.S.-Japan security treaty has played a pivotal role in ensuring Asia’s postwar stability, and will help deter Chinese aggression going forward, but as Rachman observes, the pact also recalls the alliance network that contributed to the expansion of World War I. Nevertheless, it is important to remember that major powers have often clashed without escalation. The example of 1914, in which a seemingly insignificant event forced all of Europe’s great military machines to shudder to life, is the exception rather than the rule. Since the bloody aftermath of their 1947 partition, India and Pakistan have skirmished repeatedly–and even engaged in several limited wars–without descending into full-scale conflict. In the 1960s, China fought with first India and then the Soviet Union over land, yet on neither occasion did combat spread beyond the frontier. Indeed, large interstate wars since World War I have not generally begun with a trigger akin to an assassination or a scuffle between forces on a remote perimeter, but rather with a major attack or colonial collapse.

# 1NR

## case

No impact to China drones—fear of backlash prevents use—don’t want to set a precedent for use in East Asia—developments are for domestic surveillance Beijing is cautious, not adventurist—that’s Erickson

Drone tensions won’t escalate

Wyne 14 (Ali, Research Assistant, Belfer Center for Science and International Affairs, 1/18/2014, "How Likely is a Sino-Japanese Clash?", www.japantoday.com/category/opinions/view/how-likely-is-a-sino-japanese-clash)

Tensions continue to escalate. What happens if China shoots down a Japanese drone that enters its ADIZ, or vice versa? Chinese Defense Ministry spokesman Geng Yansheng has warned that China would treat the latter incident as “an act of war” and “take firm countermeasures.” What then?

Thankfully, there are many compelling grounds for optimism. For one thing, it is likely that any “war” between China and Japan would actually consist of one or more contained confrontations, with little military power employed and few, if any, casualties.

Second, however much the traumas of the past might color their relationship, the growth in their economic interdependence continues apace. Richard Katz argues that “Chinese-Japanese economic relations…are set to get better” because of “the economic reality that China needs Japan just as much as Japan needs China.”

Finally, the United States would almost certainly intervene in the event of a Sino–Japanese clash. China and Japan understand that no good can conceivably come from tumult between the world’s three largest economies (which accounted for 42% of gross world product in 2012), two of which have nuclear weapons.

Their impact is alarmism—US lead is locked in and other modernization makes their impact inevitable

Moss, writer – The Diplomat, former editor for the Asia-Pacific – Jane’s Defence Weekly, 3/2/’13

(Trefor, “Here Come…China’s Drones,” http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?all=true)

Unmanned systems have become the legal and ethical problem child of the global defense industry and the governments they supply, rewriting the rules of military engagement in ways that many find disturbing. And this sense of unease about where we’re headed is hardly unfamiliar. Much like the emergence of drone technology, the rise of China and its reshaping of the geopolitical landscape has stirred up a sometimes understandable, sometimes irrational, fear of the unknown. It’s safe to say, then, that Chinese drones conjure up a particularly intense sense of alarm that the media has begun to embrace as a license to panic. China is indeed developing a range of unmanned aerial vehicles/systems (UAVs/UASs) at a time when relations with Japan are tense, and when those with the U.S. are delicate. But that hardly justifies claims that “drones have taken center stage in an escalating arms race between China and Japan,” or that the “China drone threat highlights [a] new global arms race,” as some observers would have it. This hyperbole was perhaps fed by a 2012 U.S. Department of Defense report which described China’s development of UAVs as "alarming." That’s quite unreasonable. All of the world’s advanced militaries are adopting drones, not just the PLA. That isn’t an arms race, or a reason to fear China, it’s just the direction in which defense technology is naturally progressing. Secondly, while China may be demonstrating impressive advances, Israel and the U.S. retain a substantial lead in the UAV field, with China—alongside Europe, India and Russia— still in the second tier. And thirdly, China is modernizing in all areas of military technology – unmanned systems being no exception.

No escalation

Kaplan 3/17/14

Robert D. Kaplan, Chief Geopolitical Analyst for Stratfor, a private intelligence firm. He is a non-resident senior fellow at the Center for a New American Security, Foreign Policy, March 17, 2014, " The Guns of August in the East China Sea", http://www.foreignpolicy.com/articles/2014/03/17/the\_guns\_of\_august\_in\_the\_east\_china\_sea\_world\_war\_one

But before one buys the 1914 analogy, there are other matters to consider. While 1914 Europe was a landscape, with large armies facing one another inside a claustrophobic terrain with few natural barriers, East Asia is a seascape, with vast maritime distances separating national capitals. The sea impedes aggression to a degree that land does not. Naval forces can cross water and storm beachheads, though with great difficulty, but moving inland and occupying hostile populations is nearly impossible. The Taiwan Strait is roughly four times the width of the English Channel, a geography that continues to help preserve Taiwan's de facto independence from China.

Even the fastest warships travel slowly, giving diplomats time to do their work. Incidents in the air are more likely, although Asian countries have erected strict protocols and prefer to posture verbally so as to avoid actual combat. (That said, the new Chinese Air Defense Identification Zone is a particularly provocative protocol.) Since any such incidents would likely occur over open water there will be few casualties, reducing the prospect that a single incident will lead to war. And because of the speed, accuracy, and destructiveness of postmodern weaponry, any war that does break out will probably be short -- albeit with serious economic consequences. Something equivalent to four years of trench warfare is almost impossible to imagine. And remember that it was World War I's very grinding length that made it a history-transforming and culture-transforming event: it caused 17 million military and civilian casualties; the disputes in the Pacific Basin are certainly not going to lead to that.

World War I also featured different and unwieldy alliance systems. Asia is simpler: almost everyone fears China and depends -- militarily at least -- on the United States. This is not the Cold War where few Americans could be found in the East Bloc, a region with which we did almost no trade. Millions of Americans and Chinese have visited each other's countries, tens of thousands of American businessmen have passed through Chinese cities, and Chinese party elites send their children to U.S. universities. U.S. officials know they must steer between the two extremes of allowing China's Finlandization of its Asian neighbors and allowing nationalistic governments in Vietnam, the Philippines, and Japan to lure the United States into a conflict with China.

Nationalistic as these democracies may be, the best way to curb their excesses and make them less nervous is to give them the assurance of a U.S. security umbrella, born of credible air and sea power. A strong U.S.-China relationship can keep the peace in Asia. (South Korea also fears Japan, but the United States is successfully managing that tension.) Unlike empires mired in decrepitude that characterized 1914 Europe, East Asia features robust democracies in South Korea and Japan, and strengthening democracies in Malaysia and the Philippines. An informal alliance of democracies -- that should also include a reformist, de facto ally like Vietnam -- is the best and most stable counter to Chinese militarism. Some of these democracies are fraught, and fascist-cum-communist North Korea could implode, but this is not a world coming apart. Limited eruptions do not equal a global cataclysm.

Yet the most profound difference between August 1914 and now is historical self-awareness. As Modris Eksteins meticulously documents in his 1989 book Rites of Spring: The Great War and the Birth of the Modern Age, European capitals greeted the war with outbursts of euphoria and a feeling of liberation. Because 19th century Europe had been relatively peaceful since the Napoleonic Wars ended in 1815, people had lost the sense of the tragic that enables them to avoid tragedy in the first place. Aging, one-child societies like those of China, Japan, and South Korea, with memories of war, revolution, and famine, are less likely to greet violent struggle with joy and equanimity. And the United States, the paramount military player in Asia, by its very conscious fear of a World War I scenario, will take every measure to avoid it.

A profusion of warships in the Pacific certainly suggests a more anxious, complicated world. But U.S. generals and diplomats need not give in to fate, especially given the differences with a century ago. The United States entered World War I too late. Projecting a strong military footprint in Asia while ceaselessly engaging the Chinese is the way that conflict can be avoided this time around.

[END OF ARTICLE]

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Drone strikes through the end of Afghan withdrawal are key to stabilize Pakistan and pressure Al Qaeda—an immediate shift away from a CIA-led strategy causes an AQ safe haven and loose nukes—causes a WMD attack and Indo/Pak nuclear war.

Turns Baloch which is in Pakistan

Turns terror safe havens since the 1ac has spotted us the claim that weapons construction and deployment are easy

Any terror attack shatters norms

Inkster, former director of operations and intelligence – British Secret Intelligence Service, and Whalley, IISS Consulting Senior Fellow, ‘9

(Nigel and Robert, “Forum: Europe, Guantanamo and the ‘War on Terror’: An Exchange,” Survival Vol. 51, Issue 3, p. 55-70)

More importantly, there is in Europe a strong though largely unspoken concern that, in the event of another successful al-Qaeda terrorist attack against the United States, the Obama administration may be unable to resist an upsurge of domestic pressure to adopt a disproportionate response such as deploying US ground troops against al-Qaeda in the tribal areas of Pakistan.

Dasgupta says South Asian family values prevent takeover – is highlighted out of existence, says a civil war is possible

Destabilized Pakistan allows for groups of the military to gain control of the nuclear arsenal

Kerr 10 (Paul K. Kerr and Mary Beth Nikitin, Analysts in Nonproliferation, February, 2010, “Pakistan’s Nuclear Weapons: Proliferation and Security Issues”, Congressional Research Service, [http://assets.opencrs.com/rpts/RL34248\_20100223.pdfopencrs.com](http://assets.opencrs.com/rpts/RL34248_20100223.pdf))

Chronic political instability in Pakistan and the current offensive against the Taliban in the northwest of the country have called attention to the issue of the security of the country’s nuclear weapons. Some observers fear that Pakistan’s strategic nuclear assets could be obtained by terrorists, or used by elements in the Pakistani government. Chair of the Joint Chiefs of Staff Admiral Michael Mullen described U.S. concern about the matter during a September 22, 2008, speech: To the best of my ability to understand it—and that is with some ability—the weapons there are secure. And that even in the change of government, the controls of those weapons haven't changed. That said, they are their weapons. They're not my weapons. And there are limits to what I know. Certainly at a worst-case scenario with respect to Pakistan, I worry a great deal about those weapons falling into the hands of terrorists and either being proliferated or potentially used. And so, control of those, stability, stable control of those weapons is a key concern. And I think certainly the Pakistani leadership that I've spoken with on both the military and civilian side understand that. U.S. officials continue to be concerned about the existential threat posed by nuclear weapons in a destabilized Pakistan. General David H. Petraeus, Commander, U.S. Central Command, testified March 31, 2009, that “Pakistani state failure would provide transnational terrorist groups and other extremist organizations an opportunity to acquire nuclear weapons and a safe haven from which to plan and launch attacks.”

And, it spills over to Afghanistan—that’s 1NC Curtis—nuclear war

Morgan 7 (Stephen, Former Member of the British Labour Party Executive committee, “Better another Taliban Afghanistan, than a Taliban NUCLEAR Pakistan!?” <http://www.electricarticles.com/display.aspx?id=639>)

However events may prove him sorely wrong. Indeed, his policy could completely backfire upon him. As the war intensifies, he has no guarantees that the current autonomy may yet burgeon into a separatist movement. Appetite comes with eating, as they say. Moreover, should the Taliban fail to re-conquer al of Afghanistan, as looks likely, but captures at least half of the country, then a Taliban Pashtun caliphate could be established which would act as a magnet to separatist Pashtuns in Pakistan. Then, the likely break up of Afghanistan along ethnic lines, could, indeed, lead the way to the break up of Pakistan, as well. Strong centrifugal forces have always bedevilled the stability and unity of Pakistan, and, in the context of the new world situation, the country could be faced with civil wars and popular fundamentalist uprisings, probably including a military-fundamentalist coup d’état. Fundamentalism is deeply rooted in Pakistan society. The fact that in the year following 9/11, the most popular name given to male children born that year was “Osama” (not a Pakistani name) is a small indication of the mood. Given the weakening base of the traditional, secular opposition parties, conditions would be ripe for a coup d’état by the fundamentalist wing of the Army and ISI, leaning on the radicalised masses to take power. Some form of radical, military Islamic regime, where legal powers would shift to Islamic courts and forms of shira law would be likely. Although, even then, this might not take place outside of a protracted crisis of upheaval and civil war conditions, mixing fundamentalist movements with nationalist uprisings and sectarian violence between the Sunni and minority Shia populations. The nightmare that is now Iraq would take on gothic proportions across the continent. The prophesy of an arc of civil war over Lebanon, Palestine and Iraq would spread to south Asia, stretching from Pakistan to Palestine, through Afghanistan into Iraq and up to the Mediterranean coast. Undoubtedly, this would also spill over into India both with regards to the Muslim community and Kashmir. Border clashes, terrorist attacks, sectarian pogroms and insurgency would break out. A new war, and possibly nuclear war, between Pakistan and India could not be ruled out. Atomic Al Qaeda Should Pakistan break down completely, a Taliban-style government with strong Al Qaeda influence is a real possibility. Such deep chaos would, of course, open a “Pandora's box” for the region and the world. With the possibility of unstable clerical and military fundamentalist elements being in control of the Pakistan nuclear arsenal, not only their use against India, but Israel becomes a possibility, as well as the acquisition of nuclear and other deadly weapons secrets by Al Qaeda. Invading Pakistan would not be an option for America. Therefore a nuclear war would now again become a real strategic possibility. This would bring a shift in the tectonic plates of global relations. It could usher in a new Cold War with China and Russia pitted against the US.

High risk - experts

Twining 9/4/13

Dan Twining is Senior Fellow for Asia with the German Marshall Fund, Foreign Policy, September 4, 2013, "Pakistan and the Nuclear Nightmare", http://shadow.foreignpolicy.com/posts/2013/09/04/pakistan\_and\_the\_nuclear\_nightmare

The Washington Post has revealed the intense concern of the U.S. intelligence community about Pakistan's nuclear weapons program. In addition to gaps in U.S. information about nuclear weapons storage and safeguards, American analysts are worried about the risk of terrorist attacks against nuclear facilities in Pakistan as well as the risk that individual Pakistani nuclear weapons handlers could go rogue in ways that endanger unified national control over these weapons of mass destruction. These concerns raise a wider question for a U.S. national security establishment whose worst nightmares include the collapse of the Pakistani state -- with all its implications for empowerment of terrorists, a regional explosion of violent extremism, war with India, and loss of control over the country's nuclear weapons. That larger question is: Does Pakistan's nuclear arsenal promote the country's unity or its disaggregation? This is a complicated puzzle, in part because nuclear war in South Asia may be more likely as long as nuclear weapons help hold Pakistan together and embolden its military leaders to pursue foreign adventures under the nuclear umbrella. So if we argue that nuclear weapons help maintain Pakistan's integrity as a state -- by empowering and cohering the Pakistani Army -- they may at the same time undermine regional stability and security by making regional war more likely. As South Asia scholar Christine Fair of Georgetown University has argued, the Pakistani military's sponsorship of "jihad under the nuclear umbrella" has gravely undermined the security of Pakistan's neighborhood -- making possible war with India over Kargil in 1999, the terrorist attack on the Indian Parliament in 2001, the terrorist attack on Mumbai in 2008, and Pakistan's ongoing support for the Afghan Taliban, the Haqqani network, Lashkar-e-Taiba, and other violent extremists. Moreover, Pakistan's proliferation of nuclear technologies has seeded extra-regional instability by boosting "rogue state" nuclear weapons programs as far afield as North Korea, Libya, Iran, and Syria. Worryingly, rather than pursuing a policy of minimal deterrence along Indian lines, Pakistan's military leaders are banking on the future benefits of nuclear weapons by overseeing the proportionately biggest nuclear buildup of any power, developing tactical (battlefield) nuclear weapons, and dispersing the nuclear arsenal to ensure its survivability in the event of attack by either the United States or India. (Note that most Pakistanis identify the United States, not India, as their country's primary adversary, despite an alliance dating to 1954 and nearly $30 billion in American assistance since 2001.) The nuclear arsenal sustains Pakistan's unbalanced internal power structure, underwriting Army dominance over elected politicians and neutering civilian control of national security policy; civilian leaders have no practical authority over Pakistan's nuclear weapons program. Whether one believes the arsenal's governance implications generate stability or instability within Pakistan depends on whether one believes that Army domination of the country is a stabilizing or destabilizing factor. A similarly split opinion derives from whether one deems the Pakistan Army the country's most competent institution and therefore the best steward of weapons whose fall into the wrong hands could lead to global crisis -- or whether one views the Army's history of reckless risk-taking, from sponsoring terrorist attacks against the United States and India to launching multiple wars against India that it had no hope of winning, as a flashing "DANGER" sign suggesting that nuclear weapons are far more likely to be used "rationally" by the armed forces in pursuit of Pakistan's traditional policies of keeping its neighbors off balance. There is no question that the seizure of power by a radicalized group of generals with a revolutionary anti-Indian, anti-American, and social-transformation agenda within Pakistan becomes a far more dangerous scenario in the context of nuclear weapons. Similarly, the geographical dispersal of the country's nuclear arsenal and the relatively low level of authority a battlefield commander would require to employ tactical nuclear weapons raise the risk of their use outside the chain of command. This also raises the risk that the Pakistani Taliban, even if it cannot seize the commanding heights of state institutions, could seize either by force or through infiltration a nuclear warhead at an individual installation and use it to hold the country -- and the world -- to ransom. American intelligence analysts covering Pakistan will continue to lose sleep for a long time to come.

Highest probability - secret documents prove

**Miller et al 9/2/13**

Greg Miller, Craig Whitlock and Barton Gellman, staff writers, Washington Post, September 2, 2013, "Top-secret U.S. intelligence files show new levels of distrust of Pakistan", http://www.washingtonpost.com/world/national-security/top-secret-us-intelligence-files-show-new-levels-of-distrust-of-pakistan/2013/09/02/e19d03c2-11bf-11e3-b630-36617ca6640f\_story.html

The $52.6 billion U.S. intelligence arsenal is aimed mainly at unambiguous adversaries, including al-Qaeda, North Korea and Iran. But top-secret budget documents reveal an equally intense focus on one purported ally: Pakistan. No other nation draws as much scrutiny across so many categories of national security concern. A 178-page summary of the U.S. intelligence community’s “black budget” shows that the United States has ramped up its surveillance of Pakistan’s nuclear arms, cites previously undisclosed concerns about biological and chemical sites there, and details efforts to assess the loyalties of counter­terrorism sources recruited by the CIA. Pakistan appears at the top of charts listing critical U.S. intelligence gaps. It is named as a target of newly formed analytic cells. And fears about the security of its nuclear program are so pervasive that a budget section on containing the spread of illicit weapons divides the world into two categories: Pakistan and everybody else. The disclosures — based on documents provided to The Washington Post by former intelligence contractor Edward Snowden — expose broad new levels of U.S. distrust in an already unsteady security partnership with Pakistan, a politically unstable country that faces rising Islamist militancy. They also reveal a more expansive effort to gather intelligence on Pakistan than U.S. officials have disclosed.

Nukes are vulnerable

Miller et al 9/2/13

Greg Miller, Craig Whitlock and Barton Gellman, staff writers, Washington Post, September 2, 2013, "Top-secret U.S. intelligence files show new levels of distrust of Pakistan", http://www.washingtonpost.com/world/national-security/top-secret-us-intelligence-files-show-new-levels-of-distrust-of-pakistan/2013/09/02/e19d03c2-11bf-11e3-b630-36617ca6640f\_story.html

“The discovery of bin Laden [in Pakistan] made the Americans think that the Pakistani state’s ability to know what happens within the country is a lot less than had been assumed,” said Haqqani, who is an international-relations professor at Boston University. That realization may have ratcheted up a long-standing source of concern: Pakistan’s ability to safeguard its nuclear materials and components. U.S. intelligence agencies are focused on two particularly worrisome scenarios: the possibility that Pakistan’s nuclear facilities might come under attack by Islamist militants, as its army headquarters in Rawalpindi did in 2009, and even greater concern that Islamist militants might have penetrated the ranks of Pakistan’s military or intelligence services, putting them in a position to launch an insider attack or smuggle out nuclear material. Pakistan has dozens of laboratories and production and storage sites scattered across the country. After developing warheads with highly enriched uranium, it has more recently tried to do the same with more-powerful and compact plutonium. The country is estimated to have as many as 120 nuclear weapons, and the budget documents indicate that U.S. intelligence agencies suspect that Pakistan is adding to that stockpile. Little is known about how it moves materials among its facilities, an area that experts have cited as a potential vulnerability. “Nobody knows how they truly do it,” said Feroz Khan, a retired Pakistani military officer and director of arms control who lectures at the U.S. Naval Postgraduate School in Monterey, Calif. “Vehicles move in a stealthy manner and move with security. But it’s not clear whether the cores are moved to the warheads or the warheads are moved to the core locations.” Concerns persist that extremists could seize components of the stockpile or trigger a war with neighboring India. Pakistan also has a track record of exporting nuclear technology to countries that are on Washington’s blacklist. Pakistan has accepted some security training from the CIA, but U.S. export restrictions and Pakistani suspicions have prevented the two countries from sharing the most sophisticated technology for safeguarding nuclear components.

Nukes not safe

Grossman 13

Elaine M. Grossman is a special correspondent for National Journal, and executive editor and senior correspondent for Global Security Newswire, Nuclear Threat Initiative, April 3, 2013, "Pakistan's Military Sanguine on Avoiding Wartime Nuclear Calamity", http://www.nti.org/gsn/article/pakistani-military-sanguine-about-avoiding-nuclear-calamity/

After Pakistan first tested nuclear weapons in 1998, India is widely believed to have formulated a so-called “Cold Start” strategy in which it would be prepared to dash across the border and seize key assets -- perhaps even cities, such as Lahore -- within reach. Under the strategy, which Indian officials have at times denied preparing, New Delhi would hope to prevent any use of Pakistani nuclear weapons. In counter-reaction, Pakistan has expanded its atomic arsenal and devised plans to disperse these arms at the outset of any major war so they could not be captured, according to issue experts. This dispersal might also make the use of nuclear arms more likely, some observers say. Specifically, the worry is that spreading nuclear arms throughout Pakistani army units on a chaotic battlefield could make warheads more vulnerable to terrorist theft, unauthorized detonation or approved use based on misunderstanding. “With dispersal, the loss of control is quite easy and that is one great fear,” said Abdul Hameed Nayyar, a retired scholar at Quaid-i-Azam University in Islamabad. The Pakistani military has developed “tactical” or shorter-range nuclear arms for possible battlefield use. It has also planned for a “shoot-and-scoot” tactic in its plans for war against India, which would involve moving atomic-tipped missiles on mobile launchers to help evade enemy targeting, Nayyar said.

High risk

Shams 13

Shamil Shams, Editor, Deutsche Welle, January 16, 2013, "Pakistan's crisis could end in a military coup", http://www.dw.de/pakistans-crisis-could-end-in-a-military-coup/a-16525172

Regional implications Experts say the US, Pakistan's biggest aid donor, is closely observing the deepening crisis in the nuclear-armed state. Recent border clashes between South Asian arch rivals Pakistan and India have also alarmed the US and other Western countries whose armed forces are preparing to leave Afghanistan in 2014. Tensions between India and Pakistan can have a negative impact on the stability of Afghanistan and its peace process. Experts point out that political chaos in a volatile country like Pakistan and its tensions with India are disturbing not only to the region but to the entire international community. "Pakistan's history is marred by these kinds of political crises. The international community does not trust us. The regional situation is very complex. The recent political developments in Pakistan cannot be looked at in isolation," Zaman Khan, a Lahore-based activist, told DW. Nuclear-armed Pakistan is struggling with a weak economy and bloody Islamist insurgency led by the Taliban.

More impact

Parenti 13

Christian Parenti, a Nation contributing editor and visiting scholar at the CUNY Graduate Center, The Nation, April 30, 2013, "With Friends Like These: On Pakistan",

http://www.thenation.com/article/174126/friends-these-pakistan?page=0,1#axzz2escYdVwG

Rashid notes that the core piece of the regional puzzle is Pakistan, because its “geostrategic location, its nuclear weapons, its large population, its terrorist camps, and its enfeebled economy and policy make it more important—and more vulnerable—than even Afghanistan.” But Pakistan’s security elites remain preoccupied with resisting India, a strategy that is one part atomic buildup, one part conventional military face-off, and one part asymmetrical terror campaign using assets that the Pakistani state does not always fully control. “As long as the ISI protects key Afghan insurgent groups,” writes Rashid, “a peaceful settlement in Afghanistan is out of the question, and the deepening of democracy and economic reform in Pakistan has no chance.” To emphasize that a crisis born of foreign relations can threaten the very stability of the state, Rashid quotes the eminent Pakistani historian Farzana Shaikh: “Pakistan is, of course, no stranger to chaos. But what makes this moment in Pakistan’s history exceptional is the threat it is seen to pose, simultaneously to the security of its own citizens, to the welfare of its regional neighbors, and to the stability of the wider international community. These new concerns bear little or no comparison to the more ‘contained’ moments of chaos that have scarred Pakistan.”

## link wall

Obama’s policy guidance says there’s a specific exemption for the year 2014 where the CIA can still carry out covert strikes in Pakistan – the plan fiats past that with it’s restriction

Mir says no risk of the civilian casualty turn

Beginning of their article

TOKYO: The American CIA chief John Owen Brennan has completed his first year in office, with not even a single civilian casualty from a drone strike in Pakistan since the launching of the deadly campaign in 2004.

No strikes now doesn’t answer our impact because the plan signals open season

We can still attack if we need to – the plan precludes that

TIN 3-28, The International News, [http://www.thenews.com.pk/article-142791-US-has-not-announced-an-end-to-drone-attacks:-Sartaj-Aziz-](http://www.thenews.com.pk/article-142791-US-has-not-announced-an-end-to-drone-attacks%3A-Sartaj-Aziz-)

ISLAMABAD: Prime Minister’s Advisor on Foreign Affairs and National Security Sartaj Aziz says the United States has not formally announced to stop drone attacks in Pakistan.

Speaking at Geo News program Jirga, he said that the US was also facing pressure from international community over drone attacks.

Aziz said that Nawaz Shahrif had told President Obama during his visit to the US that the drones were causing damage instead of any benefit.

He said US officials had not informed Pakistan about as to how long the drone attacks would not be launched.

Cole aff is neg uniqueness – says both DoD and CIA can do strikes now, doesn’t answer authority which forces disclosure and operational hesitancy – that’s how they get to zenko

**That’s key to Pakistan**

**Gorman 14** (Siobhan, “CIA’s Drones, Barely Secret, Receive Rare Public Nod”, http://blogs.wsj.com/washwire/2014/02/11/cias-drones-barely-secret-receive-rare-public-nod/)

The CIA’s drone program, which operates in Pakistan and Yemen, has been the subject of news reports for years. But U.S. officials have continued to steer clear of publicly acknowledging the program, glossing over CIA’s role, because it has remained officially covert. That covert status allows the CIA to operate in countries where local governments don’t support the strikes.

The U.S. military also operates a drone program, which is not covert.

**DOD can’t access the interim-turn --- cause they’ll no longer let us carry out strikes**

**Goldsmith 13** (Jack, Harvard Law prof, Lawfare, “No More Drones For CIA”, March 20, http://www.lawfareblog.com/2013/03/no-more-drones-for-cia/#.UvR17\_ldXDU)

(3) Relatedly, one cost of the transition from CIA to DOD, at least in terms of removing options to the USG, is that drone strikes can no longer be covert. (Technically, Title 50 permits DOD to do covert actions. But despite DOD participation in the Bin Laden raid, there are powerful cultural aversions in DOD to covert, as opposed to clandestine, operations.) Might that mean USG drone strikes in fewer countries, because some countries will not permit such strikes on any other than strictly deniable terms? I obviously do not know. But recall what Robert Gates said in the context of wikileaks: “The fact is, governments deal with the United States because it’s in their interest, not because they like us, not because they trust us, and not because they believe we can keep secrets. ”

**Shifting would place drones on a less legally stable footing**

**Goldsmith 14** (Jack, Professor at Harvard Law School, former OLC and DOD lawyer, Lawfare, “Reactions to Stories on Possible New U.S. Citizen Strike”, http://www.lawfareblog.com/2014/02/reactions-to-stories-on-possible-new-u-s-citizen-strike/)

The WSJ also says: “Some officials believe that while a military strike has a stronger legal basis, a CIA strike would be easier to carry out in a country that won’t accede to a U.S. strike.” We have discussed this point before and I still don’t get it. Assuming that the same targeting rules apply, including the same jus in bello scrutiny, I do not see why a DOD strike would have a stronger legal basis under domestic or international law. Perhaps a hint lies in this statement in the WSJ: “The military can only conduct strikes in countries where the government assents.” That statement is clearly false – Iraq did not assent in 2003, nor did Yugoslavia in 1999; and moreover, Special Operations forces operate in many countries, and DOD sometimes operates covertly. **But perhaps the statement is getting at this difference between CIA and DOD strikes**: **DOD will not act in ways that it believes violate the UN Charter, while the CIA will do so**. Does that mean that concerns about the differential legality of a DOD as opposed to a CIA strike in Pakistan implies that the USG lacks Pakistan consent or an adequate self-defense argument under the UN Charter, and thus thinks it would be violating international law (the Charter) in carrying out such a strike?

**Calibration is key --- the plan messes up the process and turns the case**

**Klaidman 13** (Daniel, The Daily Beast, “Exclusive: No More Drones for CIA”, Mar 19, 2013, <http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html>)

At a time when controversy over the Obama administration’s drone program seems to be cresting, the CIA is close to taking a major step toward getting out of the targeted killing business. Three senior U.S. officials tell The Daily Beast that the White House is poised to sign off on a plan to shift the CIA’s lethal targeting program to the Defense Department.

The move could potentially toughen the criteria for drone strikes, strengthen the program’s accountability, and increase transparency. Currently, the government maintains parallel drone programs, one housed in the CIA and the other run by the Department of Defense. The proposed plan would unify the command and control structure of targeted killings and create a uniform set of rules and procedures. The CIA would maintain a role, but the military would have operational control over targeting. **Lethal missions would take place under Title 10 of the U.S. Code,** which governs military operations, **rather than Title 50**, which sets out the legal authorities for intelligence activities and covert operations. “This is a big deal,” says one senior administration official who has been briefed on the plan. “It would be a pretty strong statement.”

**Officials anticipate** a phased-in transition in which the CIA’s drone operations would be gradually shifted over to the military, a process that could take as little as a year. Others say it might take longer but would occur during President Obama’s second term. “You can’t just flip a switch, but it’s on a reasonably fast track,” says one U.S. official. **During that time, CIA and DOD operators would begin to work more closely together to** ensure a smooth hand-off. The CIA would remain involved in lethal targeting, at least on the intelligence side, but would not actually control the unmanned aerial vehicles. Officials told The Daily Beast that a potential downside of the agency’s relinquishing control of the program was **the loss of a decade of expertise that the CIA has developed** since it has been prosecuting its war **in Pakistan** and beyond. At least for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists.

The plan destroys the CIA carve-out—undermines drone strikes

Zakaria and Hosenball, Reuters, 5/23/’13

(Tabassum and Mark, “U.S. drone guidelines could reduce 'signature strikes',” http://www.reuters.com/article/2013/05/24/us-usa-obama-speech-guidelines-idUSBRE94N03520130524)

Under Obama's new guidelines, signature attacks are expected to decline, especially after U.S. forces withdraw from Afghanistan in 2014, when the need for drone strikes to protect U.S. ground forces will be gone. The reason for signature strikes is often to help a country like Yemen fight well-organized groups of militants, and targets are frequently brought to the attention of the United States by the Yemeni government, said Kenneth Anderson, a law professor at American University. "That's the biggest thing that it appears that they have given up, that we won't be striking on behalf of allies fighting their own wars," he said. The New America Foundation think tank, which collects data on drone strikes, said 355 drone attacks in Pakistan had killed between 2,010 and 3,336 people, among whom 258 to 307 were civilians. In Yemen, 69 drone strikes have killed between 586 and 819 people, of whom 548 to 748 were militants. VAGUE WORDING Faced with criticism about civilian casualties, Obama said the United States would only use those drone strikes when a threat was "continuing and imminent," a nuanced change from the previous policy of launching strikes against a significant threat. Paul Pillar, a former CIA analyst, said that was too vague. "It still leaves questions and doubts. One piece of phraseology that should raise questions is the somewhat oxymoronic 'continuing, imminent threat.' If a threat is continuing, how can it be imminent, except maybe at one particular time before it is finally executed? " he said. The new Obama drone policy also states a preference for having future strikes conducted by the military. Until now, the CIA had been the main agency conducting drone strikes outside war zones in places like Pakistan. The administration made public few details about how the shift in control of drone operations would be carried out. But government sources told Reuters earlier this week that shifting operations to the Pentagon would be done in stages and that the CIA would keep conducting strikes in Pakistan for the time being. One government source said that for the moment, the decision as to which agency conducts a drone attack would likely be determined on a case-by-case basis rather than a hard rule based on geography.

The aff restricts TK authority in Pakistan, or it doesn’t solve

Nigel Inkster, former director of operations and intelligence – British Secret Intelligence Service, and Whalley, IISS Consulting Senior Fellow, ‘9

(Nigel and Robert, “Forum: Europe, Guantanamo and the ‘War on Terror’: An Exchange,” Survival Vol. 51, Issue 3, p. 55-70)

For Europeans, Pakistan is not part of a designated combat zone On the face of it President Barack Obama has done much to address European concerns about how the United States will in future combat terrorism, in his first days in office signing several executive orders, requiring the closure of Guantanamo Bay and the ending of military tribunals, ending CIA's use of black detention facilities, forbidding the use of enhanced interrogation techniques and establishing a high-level review of the handling of detainees. But statements by senior administration officials have raised doubts about whether interrogation techniques over and above those permitted in the US Army Field Manual might still be permitted.6 And what is clear is that detention of suspects overseas and rendition will still be allowed. It has also been made clear that missile strikes against terrorist targets in Pakistan will continue. These missile strikes epitomise the difference between the American and European approaches. For the United States, al- Qaeda is seen as a hostile force to be dealt with globally by military means, including pre-emptive strikes. Such strikes are permitted under the law of armed conflict and have taken place in Afghanistan in circumstances where alternatives such as capture were not deemed realistic. But for Europeans Pakistan, in contrast to Afghanistan, is not part of a designated combat zone. In the (admittedly unlikely) event that a European intelligence service had access to location intelligence on senior al-Qaeda targets in Pakistan, passing such intelligence to the Americans in the knowledge that this would result in a lethal attack might render them liable to prosecution as accessories to an unlawful killing. (In the case of the UK, such an attack could in principle be authorised by a secretary of state under Section 7 of the Intelligence Services Act. But in practice it is hard to envisage such authorisation being given, except possibly if there were compelling evidence that it would be the only way to prevent a specific terrorist attack against the UK or UK interests – which would include an attack against a UK ally.)

Small risk of a link is enough—terrorists will notice a change in policy and actively move to Pakistan

Geoffrey Corn, South Texas College of Law, Professor of Law and Presidential Research Professor, J.D., 2013, Geography of Armed Conflict: Why it is a Mistake to Fish for the Red Herring http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2179720

Of course, it also fueled criticism of the armed conflict characterization. Critics, relying on the “organization” and “intensity” test for assessing the existence of non-international armed conflict adopted in the Tadic appeals judgment by the International Criminal Tribunal for the former Yugoslavia, insisted that TAC was a legal nullity.37 In contrast, the United States has adopted more of a totality-of-the-circumstances approach to assess the existence of armed conflict, relying on the intense risk presented by al Qaeda and that organization’s objective of inflicting harm on the United States and its interests wherever and whenever possible to offset the organization element of the Tadic test.38 Such an approach is justified when the effectiveness of operations against an opponent disables the ability of that opponent to manifest traditional organizational characteristics. Indeed, proponents of TAC (a typology of armed conflict frequently associated with this author) implicitly understand that a strict two-prong test for assessing armed conflict produces a perverse windfall for the transnational terrorist enemy: **as their operations become more** unconventional and **dispersed, the authority of the State to press the attack dissipates**. Recent speeches by Obama administration officials seem to indicate that the assessed risk of future terrorist attacks is driving the decision to mount unrelenting pressure on al Qaeda.39 **Depriving the State of legal freedom of maneuver to press the advantage against a degraded non-State enemy is ultimately inconsistent with its strategic and operational imperative**. At a minimum, it raises the complex issue of assessing the point at which a noninternational armed conflict recedes back into a category of non-conflict and nullifies LOAC applicability—an issue lacking clear and consistent standards.40 Where the United States presses this advantage has been and remains the other major source of consternation with the TAC concept. Critics assert an inherent invalidity to a claim of armed conflict authority that exceeds the geographic bounds of a “hot zone” of operations.41 While tactical spillover operations into contiguous States may be tolerable in limited circumstances, extending combat operations to the territory of States far removed from a traditional battle space is condemned as the ultimate manifestation of an overbroad conception of armed conflict. This criticism cuts to the core of the TAC concept. Expansive geographic scope was the very genesis of TAC, an invocation of LOAC principles to address a transnational non-State belligerent threat.42 What these criticisms seem to overlook is a critical strategic foundation for TAC itself: the relationship between the scope of counter–terror military operations and the evolution of the TAC concept reveals that like other evolutions of armed conflict typologies, **threat dynamics and strategic realities drove the law applicability assessment, and not vice versa**. The U.S. response to the September 11 terrorist attacks indicated the intent to leverage military power to maximum effect whenever and wherever the opportunity arose.43 Employing combat power in a manner indicative of armed conflict—by targeting terrorist operatives as a measure of first resort—would not be the exclusive modality to achieve this objective. However, unlike previous counter-terror efforts it did become a significant, and in many cases primary, modality. Of course, selecting between military force and other capabilities involved a complex assessment of a variety of considerations, including the feasibility of alternate means to disable the threat—a classic illustration of national security policy making. What was clear, however, was that the nature of the threat drove a major shift in the response modality. While the TAC typology seemed to defy accepted international law categorizations of armed conflict, it was never really remarkable. **National security strategy is always threat driven:** intelligence defines the risk created by various threats; and strategy is developed to prioritize national effort to protect the nation from these threats, including defining the tools of national power that will be leveraged to achieve this objective. When national security policy makers determine that military power must be used as one of these tools, this is translated into a military mission. That mission is then refined in the form of military strategy, which seeks to identify threat vulnerabilities and match combat capabilities to address them.44 Once again, the nature of the threat becomes the dominant driving force in this strategic analysis. Thus, when the threat capability and/or vulnerability is identified outside a “hot zone,” it in no way nullifies the imperative of addressing the threat. In short, as others have noted, once the armed conflict door is open, threat-based strategy—focusing military action in response to threat dynamics in order to destroy or disable threat capabilities—is essentially opportunity driven: the conflict follows the belligerent target.45 In conventional inter-State armed conflict, this process is almost axiomatic. One need only consider events such as the sinking of the Bismarck in the South Atlantic during the opening phase of World War II46 or the “small war” in East Africa between Great Britain and Germany during World War I.47 These episodes, like countless others throughout history, indicate that the scope of armed conflict is threat driven. But the more unconventional the threat becomes, the less comfortable this concept feels. When non-international armed conflicts were almost exclusively internal in nature, this produced very little concern. It is a mistake, however, to assume this was the result of some inherent international legal invalidity of extending such conflicts beyond the territory of one State or perhaps the border regions of geographically contiguous States. Instead, like all armed conflicts, it was the combined impact of threat dynamics and diplomatic and policy considerations that drove the natural geographic constraint associated with internal armed conflicts. Indeed, examples of cross-border spillover operations bolster this conclusion. From Vietnam, to Turkey, to South Africa, to Angola, to Rwanda, to Afghanistan, when States perceived the strategic necessity of expanding an internal armed conflict into the territory of a neighboring State based on the threat dynamics, they have always done so.48

## 2014 key

They have dropped 2014 is the key window – it’s sufficient to buy time for stability

Drones key to finish off the Taliban before the 2014 drawdown—solves terror, Pakistan and Afghanistan stability

Waraich, Middle East reporter – TIME, 5/29/’13

(Omar, “After Obama’s Speech on Drones, CIA Allegedly Kills Pakistani Taliban Commander,” http://world.time.com/2013/05/29/after-obamas-speech-u-s-drones-still-cast-shadow-over-pakistan/#ixzz2kUUbcQaa)

Since then, drone strikes in Pakistan have dropped in frequency and are reported to claim dramatically fewer civilian casualties. This year, there have only been around 13 drone strikes, according to a New America Foundation tally, compared with over 120 in 2010. Over the past year, the Pakistan government has been in discussions with the Obama administration about how to bring an end to the drones program. Obama’s speech last week signaled that the current program run by the CIA will run its course next year, after the withdrawal of U.S. troops from Afghanistan. The program will eventually pass from the CIA to the Department of Defense, in a move to bring about greater legal transparency. “Pakistan sees the strikes as an egregious violation of sovereignty,” says Sherry Rehman, the outgoing Pakistani ambassador to the U.S. “There is no appetite for drone strikes at the official and popular level, in fact, quite the contrary.” In the recent election campaign, former cricket legend turned politician Imran Khan won the highest number of seats in the northwest province of Khyber Pakhtunkhwa partly because of his hostility to U.S. policies in the region. Khan courted the votes of the conflict-weary population there by vowing to end drone strikes and the involvement in the so-called “war on terror” there. In a country where levels of anti-American sentiment have soared to 92% according to a poll last year, hostility to drones has become nearly universal. Faced with popular pressure, the next government led by Nawaz Sharif will have to be seen to be standing up to the U.S. on the issue. The change of government, says a senior Sharif aide, provides an opening to reset the terms of Pakistan’s relationship with the U.S. “There is an opening for Pakistan to cease the drone strikes altogether,” says Khurram Dastgir-Khan, a leading member of Sharif’s Pakistan Muslim League-Nawaz party. “We want to show that we can deal with this issue on our own. We will pursue a full range of options that includes not just force, but negotiations, how the tribal areas are governed, and how the civilian government’s relationship with the military can be improved to deal with this issue. This will give the U.S. the confidence that we can deal with our problems on our own.” But while drone strikes like Wednesday’s have successfully eliminated several senior militants from al-Qaeda, the Afghan Taliban and the Pakistani Taliban, there are still others from among them that continue to skulk in the mountainous terrain and pose a threat to the U.S., Pakistan and Afghanistan. To be able to act against them, the U.S. still wants to retain the ability to mount drone strikes if the intelligence is reliable enough, at least for the next year and a half. And until then, drones will continue to be a source of tension between Washington and Islamabad in a relationship that continues to show few signs of improvement.

The CP’s key to continuing CIA drone strikes against lower level operatives and ensures state stability

Bergen and Rowland, director and associate – National Security Studies Program @ New America Foundation, ‘13

(Peter and Jennifer, “Drone Wars,” The Washington Quarterly 36:3 p. 7-26)

In September 2012, President Obama told CNN that drone strikes were only used in ‘‘[situations] in which we can’t capture the individual before they move forward on some sort of operational plot against the United States.’’7 Clearly, the threshold to mount drone strikes is far lower than this standard would suggest, given that the victims of the strikes are overwhelmingly lower-level militants who do not have the capacity to plot effectively against the United States. Under Bush, about a third of all drone strikes in Pakistan killed a militant leader, compared to less than 13 percent from the time Obama took office to early June 2013. Drone attacks called ‘‘signature strikes’’strikes based merely on patterns of suspicious activity by a group of men, rather than against particular militantshave become a hallmark of Obama’s drone war.8 And they have decimated the ranks of lower-level combatants, killing somewhere between 1,567 and 2,713 reported militants in Pakistan as of early June 2013. In addition to signature strikes, Obama has demonstrated a willingness to use drones to target groups less directly threatening to the United States. On October 11, 2012, for example, a drone strike killed at least sixteen militants in Orakzai Agency, a tribal district near North and South Waziristan. The sixteen were believed to be loyal to the Tehreek-e-Taliban (TTP) commander, Hafiz Gul Bahadar. U.S. military officials have linked Bahadur’s fighters to cross-border attacks on Afghan and NATO troops in eastern Afghanistan. Not only was this strike a rare deviation from the usual target areas of the Waziristan Agencies, but it was also an example of President Obama’s willingness to target Pakistani militant groups who are less likely to pose a concrete threat to the U.S. homeland than their al-Qaeda brethren. While under President Bush, the drone program looked like a decapitation strategy aimed at al-Qaeda leaders; under President Obama it appears to be intended to take the legs out from under the entire amorphous insurgent movement in Pakistan’s tribal regions by killing off hundreds of low-level fighters. To the extent that we can ascertain the targets of drone attacks, it appears the Bush administration killed or identified al-Qaeda members as the likely target for 25 percent of all drone strikes, compared to 40 percent for the Taliban. Under Obama, al-Qaeda militants seem to represent only 10 percent of targets, compared to just over 40 percent for the Taliban. Despite recent Pakistani officials’ vehement protests about the strikes, some of the drone attacks under Obama were designed to help Pakistani interests. In the first eight months of 2009, the United States carried out nineteen drone strikes targeting affiliates of Baitullah Mehsud, the TTP leader who carried out an extensive campaign of attacks against Pakistani police officers, soldiers, ordinary civilians, and politicians, including former Prime Minister Benazir Bhutto. Mehsud, who likely had the blood of hundreds, if not thousands, of Pakistanis on his hands, was finally killed on August 5, 2009 . . . by a CIA drone strike.

Lower-level operatives key to beating AQ

Neumann et al 11

PETER NEUMANN, Professor of Security Studies at the War Studies Department @ Georgetown, RYAN EVANS, Assistant Director of the Center for the National Interest, Fellow of the Inter-University Seminar on Armed Forces and Society, RAFFAELLO PANTUCCI, associate fellow at the International Centre for the Study of Radicalisation, Studies in Conflict and Terrorism, October 25, 2011, " Locating Al Qaeda’s Center of Gravity: The Role of Middle Managers", http://www.tandfonline.com/doi/pdf/10.1080/1057610X.2011.611936

Conceptualizing Al Qaeda’s Middle Management

The empirical part of this article will show that—in many instances—**Al Qaeda’s middle management has been critical in** holding the group together and making its terrorist campaign work. But who are these middle managers? What do they do? And why is their role believed to be important? This section develops a conceptual framework that distinguishes the middle management from other parts of the organization and explains its contribution to how Al Qaeda works. **It is useful to begin** by **saying what** the **middle managers are not**. They are not part of what experts and security practitioners have variously referred to as “core Al Qaeda,” **“Al Qaeda Central,” or the “top leadership**.” According to intelligence reports cited by Peter Bergen, the (**top**) **leadership of Al Qaeda consists of 100 to 150 individuals**.27 Based in the tribal areas of Pakistan, **they are assisted by “a couple of hundred more ‘free agent’ foreigners” who serve as their staff**.28 **Members of the leadership are experienced and ideologically committed jihadists**, who—having sworn an oath of allegiance (bayat)—have a personal relationship with Osama bin Laden. They feel responsible for the group’s survival in the tribal areas as well as promoting its aims and activities around the world. **The top leadership**, in other words, embodies the popular notion of Al Qaeda as a professional terrorist group with global ambitions and global reach. **Equally, middle managers must not be conﬂated with Al Qaeda’s “foot soldiers.”** The foot soldiers (or grass-roots) consist of individuals who are inspired by Al Qaeda and often “participate” through Internet forums (so-called jihobbyists);29 low-level members of jihadist cells and their activist leaders;30 and those who have been to a training camp and returned to their home countries without having developed lasting ties to the leadership.31 **With rare exceptions, they are lower skilled and have not participated in ﬁghting**. **They may talk about wanting to join a foreign battlefront and subscribe to the idea of a globaljihad, yet their focus is mostly local** and/or national. Most importantly, they are not normally known to the leadership, nor do their real world networks extend far beyond their places of origin. The **middle management combines several of the characteristics of the top leadership and the grass-roots**. **Like** the **top leadership, middle managers are experienced and skilled**, and maintain contact with members of the leadership. They may have met bin Laden, but do not necessarily have a close, personal relationship. Importantly, **they are** not permanently based in the tribal areas **but have returned to their home countries or other** non-battlefront states, sometimes travelling back and forth, **building support networks and raising money for the global jihad**. Like the grass-roots, then, their outlook and ideology is global but most of their activities are focused locally. It is easy to see, therefore, how **middle managers** can **provide both top leadership and grass-roots with valued resources**: • From the grass-roots’ perspective, **middle managers** are the most senior Al Qaeda associates they will have come across and are likely to command respect because of their experience and the people they know. In practical terms, they can **provide skills and expertise, and** may facilitate access to ﬁnance and training camps.32 Also, being connected to the top leadership, **middle managers offer strategic direction and**—critically—**give grass-roots members a sense** that **they are part of Al Qaeda**. • For the top leadership, the middle managers’ value lies in the grass-roots connections they can broker. After all, **it is only by reaching out to** jihadist **foot soldiers that** the **leadership can** turn its strategy into practice. **Middle managers provide a**n efﬁcient and **trusted channel** through which **to facilitate connections**, weed out “timewasters,” **and reduce the risks involved in reaching out to** the movement’s **grass-roots**. The middle managers, in short, are the only members of the group who are connected to both grass-roots and top leadership. As a result, **they become critical to** forging linkages as well as **facilitating** the **ﬂow of** information, resources, skills, and strategic direction **between the top and the bottom** of the organization. It is **for this reason** that **the** middle managers represent an operational center of gravity. If the middle management is removed, the top leadership—despite their experience, expertise, and sense of strategic direction—will lack the reach and opportunities for implementing their global designs. The **grass-roots, on the other hand**, may have great intentions but **will fail to acquire the needed resources**—such as skills and access to strategic direction—to carry out an effective campaign of terrorism. **It is** only through their mutual connection to middle managers that **the grass-roots and the top leadership become one** (more or less) **coherent strategic entity**. The middle managers, in other words, are the connective tissue that makes Al Qaeda work. In Clausewitz’s words, they are “the hub of all power and movement, on which everything depends.”33

The withdrawal window is key to Pakistan stability

Hussain, Islamabad correspondent – McClatchy, 6/5/’12

(Tom, “Afghanistan withdrawal fuels fears in neighboring Pakistan,” http://www.mcclatchydc.com/2012/06/05/151216/afghanistan-withdrawal-fuels-fears.html)

ISLAMABAD — The impending withdrawal of U.S.-led NATO combat troops from Afghanistan is raising worries next door in Pakistan, where a growing number of experts are warning that the forces’ departure could reinvigorate a domestic insurgency that Pakistan’s military is barely keeping at bay. As President Barack Obama winds down U.S. involvement in the war, the Pakistani commentators argue that NATO’s withdrawal will embolden Pakistani militants, perhaps creating a territorial vacuum that will enable the militants to set up bases in Afghanistan from which they could launch operations in Pakistan. The fears reflect uncertainty about the stability of nuclear-armed Pakistan, a vital if deeply troublesome U.S. ally in the region. In recent months, against the backdrop of a seven-month freeze in relations between Islamabad and Washington, the experts are challenging a long-dominant narrative here that blames the U.S. military presence in Afghanistan for Pakistan’s insurgency. The first to express the changing perception was Ayaz Amir, Pakistan’s leading English-language columnist and an opposition member of Parliament, who wrote in March in The News International: “Those who think that the American presence is the sole cause of militancy are living in a world of their own. . . . Our nightmare will not end. With the American withdrawal, another phase of it, perhaps a more dangerous one, will begin.” Since then, other commentators have followed suit as 150,000 Pakistani counter-terrorism forces have struggled to keep a lid on domestic militant groups such as the Pakistani Taliban, an organization that’s separate from but allied with the Taliban in Afghanistan.

## at: civilian turn

No anti-drone backlash in Pakistan

Fair, assistant professor – Georgetown, Kaltenthaler, professor of political science – U Akron, and Miller, assistant professor of public administration – Flagler College, 1/23/’13

(Christine, Karl, and William J., “You Say Pakistanis All Hate the Drone War? Prove It,” The Atlantic)

Observers of Pakistani politics say Pakistanis universally loathe the American drone strikes against Islamist militants in Pakistan's tribal belt. The view is based on anecdotal accounts of Pakistanis, but not the ones most affected by the strikes who live in the tribal areas where the drones fly. Most of these informants have no personal knowledge of the tribal areas and the political situation that prevails there. Despite these limitations, observers such as Murtaza Haider confidently avow that " if there is a consensus in Pakistan on any one matter, it is the unanimous opposition to the American drone strikes on Pakistan's territory ." This conventional wisdom is wrong. Yes, drone strikes are not very popular among a large section of Pakistani society. But Pakistanis are not united in opposition to drone strikes. In fact, many Pakistanis support the drone strikes. This suggests that there is room for the United States to engage in a public diplomacy campaign to win over more Pakistanis to the idea that drone strikes are not the bringers of carnage that is so often portrayed in the Urdu-language media in Pakistan if the United States could be persuaded to bring this worst-kept secret out of the closet and into embassy briefings in Islamabad. Writers critical of the drone program have mobilized various public opinion polls to buttress their claims, notably those conducted by the Pew Research Center as a part of its Global Attitudes Project. Pew asks Pakistanis whether they believe that the drone strikes are conducted with consent of the Pakistani government and whether they believe the strikes kill civilians in large numbers, among other sensitive topics. Drone opponents have used the responses as evidence that the program is being forced on Pakistanis by the United States, which has decided to engage in these extrajudicial killings as the way to best conduct its own war against Islamist militants who are ensconced in Pakistan's tribal areas. Pew's 2010 report on the drone war declared: "There is little support for U.S. drone strikes against extremist leaders -- those who are aware of those attacks generally say they are not necessary, and overwhelmingly they believe that the strikes kill too many civilians." Drone foes have seized upon these and subsequent survey results and marshaled them as iron-class proof that Washington's drone program faces a wall of Pakistani public opposition. Fortifying opinion with data is a welcome thing. Unfortunately, drone critics have been highly selective in their use of the data, with a tendency to rely on survey answers that cast Pakistani opinion as being overwhelmingly hostile to drones. When one examines all of the data gathered by Pew on drones in Pakistan, a very different and much more complex picture emerges about Pakistani attitudes toward various aspects of the American drone program. A more detailed look at the data suggests that that even while some Pakistanis think drones kill too many innocent Pakistanis, they are still necessary. The Landscape of Pakistani Opinion To get a more complete understanding of Pakistani public opinion, we studied the full range of answers related to drones from the 2010 Pew Global Attitudes Project survey, looking at the respondent-level data. Public commentary has been based upon selective stories about misleading tabulations. For example, a large majority of Pakistanis indicated that the drone strikes killed too many innocents. Drone opponents use this and other questions to link collateral damage to their claim that drone strikes are unpopular. In fact, most Pakistanis were either unaware of the drone program or declined to answer questions about them in 2010. Only 35 percent of the sample professed knowledge of the drone program -- compared to 43 percent who said they knew nothing. The difference is comprised of persons who chose not to answer the question for whatever reason. Most of the drone-critical commentary based upon these 2010 data does not acknowledge that conclusions are being drawn from a minority of all respondents. Data from subsequent Pew surveys show that knowledge of the drone program has grown slightly, as has opposition to it. Spring 2012 data demonstrate that 56 percent of Pakistanis have heard something about the drone program and 21 percent knew nothing about it at all despite the extensive media coverage in Pakistan and beyond. Another 23 percent of respondents declined to say whether they had heard of the drone strikes. Among those who had heard of the program in 2012, 17 percent said that drone strikes are necessary to defend Pakistan from extremist groups (when done in conjunction with the Pakistani government), whereas 44 percent opposed the strikes. While 41 percent who were familiar with the program believe that they are being conducted without their government's approval; 47 percent correctly believe that their government has given its approval for these strikes. Clearly, Pakistani public opinion is not as informed and much less unanimous as commentators often presume. There is not a wall of opposition to drone strikes in Pakistan but a vocal plurality that merely gives that impression. The question arises: who are those Pakistanis that support, or alternatively, oppose America's use of armed drones? Who Opposes the Drones? Who Supports Them? To understand why people oppose or support drone strikes in Pakistan, you have to start with their sources of information about drones. Clearly, by the large numbers who are not aware of the drone strikes, many Pakistanis have no information about the program. This is not surprising, given the high illiteracy rate in Pakistan and the lack of access poorer Pakistanis have to television and the Internet. In fact, in a statistical analysis we did on Pakistani attitudes toward the drone strikes, we found that the people who were more likely to know about drone strikes in Pakistan were male, more educated, and had access to the Internet. So that tells us something about who at least is knowledgeable about the drone program. This is a fundamental issue that all public commentary has ignored: it is not random who does or does not know about the program. In short, there are important selection biases in the data. This is in addition to the more general problem with Pew's data on Pakistan that it is overwhelmingly urban. Once we have identified an underlying bias in the respondents who know about the program and thus express their views about it, what can we say about who opposes and supports them? We had the hunch that education would be key to understanding where people stand on the drone strike issue in Pakistan, in addition to explaining who has knowledge of the program in the first place. This hunch was based on the widely accepted idea in political science that people with higher levels of education are generally more interested in politics and global affairs than those with less education and the more educated typically have better and more diverse access to information than the less well-educated. In a developing country like Pakistan, the greater the level of education, the more likely they would be able to read English and have the wealth and knowledge to access the Internet and other sources of electronic media. Access to media alone does not shape views about drones alone; rather respondents vary in their knowledge base and ability to discern between credible stories and arguments about drones and those that are based on conjecture and rumors. More educated persons may be more discerning about the arguments floating around Pakistan about the drone strikes happening in the tribal belt. Our analysis of the Pew data on the question of whether Pakistanis supported drone strikes to kill militants confirmed our suspicions about the role of education. Among those who were aware of the drone program, less-educated respondents were more likely to oppose it whereas the better-educated were more likely to support it. The average Pakistani has minimal education and is conversant in a regional language and/or Urdu, the national language. A slender majority of men (69 percent) can read and write and only a minority of women (45 percent) can. Thus, the average Pakistani will either not care about issues such as drones or only have access to Urdu-language media, if they do know about the drones and care enough to follow stories on them. This is very important because there is a pervasive anti-drone discourse in Pakistan's boisterous Urdu-language media (private television, radio, and print), which tends to be more jingoistic. More-educated Pakistanis have access to more-nuanced reporting about the drones and the terrorism issue in Pakistan. While the reporting on drones may still be relatively negative, there is some positive commentary in the English-language press in Pakistan. The more-educated are also more likely to read stories in sources that address the terrorism problem arising from the tribal areas. Drones in those sources are presented not just as a reason many Pakistanis are killed, but also as one possible tool to fight a very serious security threat. As we alluded to above, there is a very important gender component to this story. While men were more likely to be in the sample of people who knew about drones in the first place, those women who knew about the drones were less-educated and more likely to oppose the drones compared to men who knew of the program. Interestingly, political Islam did not play a role in shaping attitudes toward the drone strikes in Pakistan. Beliefs about al Qaeda, for instance, did not predict Pakistanis' beliefs about drones. Respondents who identified with political Islam and even Islamist militancy were not more vocal in their opposition to -- or in their favor of -- drone strikes. This may be because the Islamist spectrum in Pakistan is rather broad and the Taliban militants the drone strikes have been targeting do not enjoy widespread support.

Most recent evidence

Economist, 10/19/’13

(“A surprising number of Pakistanis are in favour of drone strikes”)

**A surprising number** of Pakistanis are in favour of drone strikes NATIONAL surveys find that Pakistanis are overwhelmingly opposed to CIA drone strikes against suspected militants in the tribal badlands close to the Afghan border. The strikes are seen by many as an abuse of sovereignty, a symbol of American arrogance and the cause of civilian deaths. So when Sofia Khan, a school administrator from Islamabad, travelled with hundreds of anti-drone campaigners to a ramshackle town bordering the restive Federally Administered Tribal Areas (FATA) last October she was stunned by what some tribesmen there had to say. One man from South Waziristan heatedly told her that he and his family approved of the remote-controlled aircraft and wanted more of them patrolling the skies above his home. Access to the tribal regions is very difficult for foreign journalists; but several specialists and researchers on the region, who did not want to be identified, say there is at least a sizeable minority in FATA who share that view. Surveys are also notoriously difficult to carry out in FATA. A 2009 poll in three of the tribal agencies found 52% of respondents believed drone strikes were accurate and 60% said they weakened militant groups. Other surveys have found much lower percentages in favour. But interviews by The Economist with twenty residents of the tribal areas confirmed that many see individual drone strikes as preferable to the artillery barrages of the Pakistani military. They also insisted that the drones do not kill many civilians—a view starkly at odds with mainstream Pakistani opinion. “No one dares tell the real picture,” says an elder from North Waziristan. “Drone attacks are killing the militants who are killing innocent people.” American claims about the accuracy of its drone attacks are hard to verify. The best estimate is provided by monitoring organisations that track drone attacks through media reports, an inexact method in a region where militants block access to strike sites. However, the most thorough survey, by the Bureau of Investigative Journalism, suggests a fall in civilian casualties, with most news sources claiming no civilians killed this year despite 22 known strikes.

It’s non-unique – perception of past strikes are locked in

Zeb 7/16/13

Jahan Zeb is a Research and Communications Intern with the Security Governance Group, Peace & Collaborative Development Network, July 16, 2013, "Drone Attacks: A Challenge for Pakistan's New Government", http://www.internationalpeaceandconflict.org/profiles/blogs/drone-attacks-a-challenge-for-pakistan-s-new-government#.UhOBZZLVCSo

The newly elected government in Pakistan has spoken of halting the contentious unmanned US aerial vehicle (UAV) or drone attacks on Pakistani soil. However, these hopes were delivered a blow in recent weeks, when the US targeted al-Qaeda and Taliban fighters with a drone strike in the North Waziristan Agency of the Federal Administered Tribal Area (FATA), killing six suspected militants including “some high value targets” . The government of Pakistan immediately summoned the US envoy to Pakistan in order to protest the strike. Imran Khan, of the Pakistan Tehreek-e-Insaf (PTI) or justice party, has since pushed for a debate in the National Assembly of Pakistan on the issue of drones, calling for military action against US drones operating in Pakistani airspace. Since 18 June 2004, drone strikes have killed several senior ranking Taliban and al-Qaeda leaders, including Nek Mohammad, Baitullah Mehsud, Baddrudin Haqqani, Mullah Nazir, Maulvi Dadullah, Wali-ur-Rehman, Abu Kasha Al-Iraqi and Saleh Al-Turki. But it has also killed, according to varying and often disputed estimates, scores of civilians.

Other covert ops cause backlash

Saulino, JD and MPP – Harvard, ‘11

(James J., 2 Harv. Nat'l Sec. J. 247)

Finally, in the debates over both the legality and the effectiveness of drones, it should be noted that drones are but one of the covert action capabilities utilized by the U.S. government in Pakistan for CT purposes. U.S. special opera-tions forces have also been involved in conducting more traditional covert actions in Pakistan. For example, it was re-ported that in September 2008, U.S. special forces conducted a cross-border raid from Afghanistan into Pakistan target-ing al Qaeda and Taliban targets. The operation centered on Jalal Khel, a village in South Waziristan less than a mile from the Afghan Border. According to one account, the attack involved three U.S. helicopters. Two hovered overhead, while special operators landed in the other, executing their mission on foot. n153 Accounts differ on the extent of civilian casualties associated with the operation. n154 Like drone strikes, however, it is the perception, not necessarily the reality, of civilian casualties that ultimately matters for the U.S.-Pakistani relationship, and the assault was criticized by Pakistani officials for just that reason. A spokesman for the Pakistani military said that, following the raid, there was a greater risk of uprising by tribesman who had previously been supportive of Pakistani soldiers stationed in the border area. "Such actions are completely counter-productive and can result in huge losses, because it gives the civilians a cause to rise against the Pakistani military," he told the New York Times. n155

Drones not the cause of radicalism

Javaid 11

Dr. Umbreen Javaid is Director Centre for South Asian Studies & Chairperson. Department of Political Science, University of the Punjab, South Asian Studies, January 2011, "Thriving Fundamentalism and Militancy in Pakistan: An Analytical Overview of their Impact on the Society", Vol. 26, No. 1, Proquest

Conclusion

‘The recent increase of violence by jihadi groups, including suicide bombing of innocent bystanders as well attacks on the police and military, has perhaps brought more Pakistanis to consider how to strike a new balance between Islam and politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their attitude, especially their outlook on religion. Suffered with anti-Americanism and religious fervor, Pakistanis are filtering their worldview through the prism of religion and the tensions between Islam and the West, making them to the radical propaganda and paralyzing their will to act against forces of extremism’ (Hussain, 2009: 11). It is not only the task of the government to control this growing fundamentalism but the whole society needs to completely shun off these extremists. The political parties, intellectuals, sectarian and religious parties and the masses all have to openly condemn the extremists, so that they do not find any space to flourish. ‘Much still needs to be done on the home front curb religious zealotry and sectarianism, policies towards minorities, revision of school curricula, reconstructing ‘official’ history, promotion of universal education, and overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look deeply into its causes. The whole society and especially the government needs to put in serious efforts in controlling on checking the causes if not diminishing them. It should also be understand that the issue of fundamentalism is very complex which entails number of factors which are playing their part. These include economic disparity, lack of education, religious ignorance, unemployment, extremism, judicial system, poor governance, ethnicity and sectarianism, corruption and alignment with United States, each of these have played their role separately and also a combined mix of all in flourishing militant fundamentalism in Pakistan. To control fundamentalism is not an easy task especially when it is now combined with militancy. Another major challenge for the government is that earlier the various militant extremist groups were operating separately and had divergent aims and objectives from each other but lately various local groups, Al-Qaeda and Taliban have all joined hands and helping each other irrespective of their particular objectives. These alignments have made these militant groups more lethal, thus making things more difficult for the government. Militant fundamentalism not only has the ability to destabilize Pakistan but it can, if not controlled, bring about serious security concerns for the region and also towards the global security and peace.

No blowback

ICG, International Crisis Group, 5/21/’13

(“Drones: Myths And Reality In Pakistan”)

Neither is it possible to gauge the real feelings of civilians who live in the areas of drone operations. Fearing retaliation from the militants or the military, respondents choose their words carefully. For the same reasons, it is hard to determine with any precision the strategic impact of the drone campaign. While reported signature strikes may in particular fuel local alienation, at the same time, the deaths of senior, highly experienced commanders are certainly a hard blow for the militants. Pakistan’s attitude towards drones borders on the schizophrenic. Rather than inherently opposing the strikes, its leadership, in particular its military, seeks greater control over target selection. This is often to punish enemies, but sometimes, allegedly, to protect militants who enjoy good relations with, or support from, the military – leaders of the Haqqani network, for example, or some Pakistani Taliban groups with whom the military has made peace deals. Ample evidence exists of tacit Pakistani consent and active cooperation with the drone program, contradicting the official posture that it violates the country’s sovereignty. This includes acknowledgements by former President Pervez Musharraf in April 2013 and by then-Prime Minister Yousuf Raza Gilani in 2008 and 2010. After the October 2001 U.S.-led intervention in Afghanistan, Musharraf’s military regime permitted a substantial CIA presence in at least two airbases, Shamsi in southern Balochistan and Shahbaz in Sindh’s Jacobabad district, for intelligence gathering and collaboration; both were used to gather intelligence for drone strikes and possibly even to conduct them. This cooperation and collaboration signified Pakistan’s assent to the program. It was not until the November 2011 NATO air raid that killed 24 Pakistani soldiers near the Afghan border and months after the U.S. raid that killed Osama bin Laden in Abbottabad, vitiating relations with Washington, that Islamabad demanded the U.S. vacate one of the bases. While drones have not themselves caused the political falling out between Washington and Islamabad, the Pakistani military has attempted to take advantage of downturns in the relationship to leverage greater control over drone targets. Even after the U.S. vacated the Shamsi base in December 2011, some level of Pakistani sanction for the strikes continues. While condemning attacks against its anti-Afghanistan-oriented jihadi allies, such as the August 2012 killing of Badruddin Haqqani, the Haqqani network’s third in command, it supports strikes against its internal enemies, such as Maulvi Dadullah, the leader of the Pakistani Taliban in Bajaur Agency, killed in a drone strike in Afghanistan’s Kunar province that same month. The U.S. hit list now reportedly includes Mullah Fazlullah, the leader of a Pakistani Taliban faction in Khyber Pakhtunkhwa’s (KPK’s) Malakand region, ousted in a military operation in 2009, and now operating out of Afghanistan’s Nuristan province.

Their studies are biased

Qazi 13

Muatasim Qazi is the Assistant Editor of The Baloch Hal, Balochistan’s first online English newspaper, Seattle Globalist, June 3, 2013, "The 6 big myths that turned us against drone strikes", http://www.seattleglobalist.com/2013/06/03/six-myths-about-drone-strikes-in-pakistan/13558

Drones kill civilians

Critics argue that drones are counterproductive and lead to civilian casualties, mainly children and women. Their argument is based on research and surveys conducted with direct or indirect influence from Pakistani military. Independent journalists and rights groups are not allowed to confirm if there are civilian casualties and on what scale. Local journalists from the tribal region who have tried to provide a glimpse into Pakistan military’s close relations with the militants have been targeted. Civilian casualties are a terrible thing. But even this incomplete data clearly shows that the number of civilians killed by drones pales in comparison to the number killed by the militants the drone strikes are targeting. Drones displace people A large number of people in these regions have been forced to leave their homes and move to safer parts of the country. People in rest of Pakistan believe drones have chased these internally displaced persons out of their homes in the mountains. But the fact is that these people are tired of Taliban’s atrocities in their villages. The latter have grabbed their land and destroyed the tribal structure that was both a source of pride and a peaceful way of living for the tribal people. They have killed Maliks, the tribal chiefs who held the tribal society altogether. Dr. Akbar Ahmed, a professor at Washington DC’s American University, has recently published a remarkable book, The Thistle and the Drone, highlighting how the Pakistani central government and the tribal militants’ activities have ruined the lives of the tribal people. While Dr. Ahmed criticizes the drones, he admits that the Pakistani central government and the militants equally contribute to the sufferings of the tribal people. Drone strikes create more terrorists The impression that drone strikes create additional terrorists is not entirely grounded in reality. The truth is that Islamist extremism is midwifed by the ideology of global jihad and political Islam. The bulk of the Taliban fighters come from the Punjab province that has become a hub of extremism in recent years. These fighters come from urban, middle class families. Neither the Punjab province faces drone strikes nor have these militants ever lost a relative and family member in any of the drone strikes. The history of Islamic extremism in Pakistan dates back to days much earlier the use of the drone technology.

## 2ac iran impact

They have dropped the internal link to Taliban takeover

Collapses Pakistan, causes terror and emboldens Iran

Thiessen 12 (Marc, A member of the White House senior staff under President George W. Bush, Marc A. Thiessen served as chief speechwriter to the president and to Secretary of Defense Donald Rumsfeld. Prior to joining the Bush administration, Thiessen spent more than six years as spokesman and senior policy adviser to Senate Foreign Relations Committee chairman Jesse Helms (R-N.C.). He is a weekly columnist for the Washington Post, and his articles can be found in many major publications., 3/19/2013, "Five disasters we’ll face if U.S. retreats from Afghanistan", www.aei.org/article/politics-and-public-opinion/five-disasters-well-face-if-us-retreats-from-afghanistan/)

2. The risk that Pakistan (and its nuclear arsenal) falls to the extremists grows. With the pressure from the United States lifted, al-Qaeda and the Pakistani Taliban would be free to ramp up their efforts to destabilize Pakistan. In a worst-case scenario, they could topple the government and take control of Pakistan’s nuclear arsenal. In a “best-case” scenario, those within the Pakistani government who supported cooperating with the United States will be weakened, while those who have long argued for supporting the Islamists and terrorists against the United States will be strengthened. Either way, Pakistan becomes a facilitator of terror. 3. Al-Qaeda will regain its Afghanistan sanctuary. The purpose of our mission in Afghanistan, what American troops have fought and died for, is to drive al-Qaeda out and ensure they never reconstitute the Afghan safe haven they used to plan the 9/11 attacks. If the United States retreats now, al-Qaeda will be free to do so. Afghanistan will descend into civil war, and at least some swaths of Afghan territory will return to the control of the Taliban and Islamist radicals. They will not hesitate to allow al-Qaeda to return to its old Afghan sanctuary, where the terrorists can begin recruiting, planning and training again. We’ll be back to the pre-9/11 status quo antebellum. 4. Al-Qaeda would be emboldened to strike the United States again. Osama bin Laden made clear that he was inspired to carry out the 9/11 attacks by the U.S. retreats from Beirut and Somalia, and he promised his followers that this country would eventually retreat from Afghanistan in similar fashion. A precipitous withdrawal would fulfill bin Laden’s prophecy. Al-Qaeda will claim that it defeated one superpower in Afghanistan in 1989 and have now defeated another (a claim that will be bolstered by videos of al-Qaeda leaders setting up shop in former American outposts in Afghanistan). For the past decade, the al-Qaeda narrative has been one of defeat. That narrative would be transformed by a U.S. retreat. Instead of being seen as a failed leader hunted down by American forces, bin Laden will be viewed as a martyred prophet who did not live to see his vision fulfilled. Al-Qaeda and its affiliates will have a powerful new recruiting tool and will be emboldened to carry out new attacks on our homeland. 5. Iran would be strengthened. Iran has already achieved one of its major strategic objectives in the region — the complete withdrawal of U.S. forces from Iraq. A precipitous U.S. withdrawal from Afghanistan would allow Iran to achieve another. If the United States is seen as running from the fifth-poorest country in the world, it will send a signal of weakness that will undermine our ability to isolate Iran and prevent it from acquiring a nuclear weapon. Iran won’t fear us, our allies won’t trust us, and fence sitters will have no reason to stand with us — all of which will make a diplomatic solution harder and military action more likely.

Extinction

Lindsay and Takeyh 10 (James M. Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations, and Ray, Senior Fellow at the Council on Foreign Relations, “After Iran Gets the Bomb,” Foreign Affairs, [March/April 2010](http://www.foreignaffairs.com/issues/2010/89/2), <http://www.foreignaffairs.com/articles/66032/james-m-lindsay-and-ray-takeyh/after-iran-gets-the-bomb?page=show>)

The dangers of Iran's entry into the nuclear club are well known: emboldened by this development, Tehran might multiply its attempts at subverting its neighbors and encouraging terrorism against the United States and Israel; the risk of both conventional and nuclear war in the Middle East would escalate; more states in the region might also want to become nuclear powers; the geopolitical balance in the Middle East would be reordered; and broader efforts to stop the spread of nuclear weapons would be undermined. The advent of a nuclear Iran -- even one that is satisfied with having only the materials and infrastructure necessary to assemble a bomb on short notice rather than a nuclear arsenal -- would be seen as a major diplomatic defeat for the United States. Friends and foes would openly question the U.S. government's power and resolve to shape events in the Middle East. Friends would respond by distancing themselves from Washington; foes would challenge U.S. policies more aggressively.

## 2ac heg / indo-pak impact

Crushes heg and causes indo pak conflict

Thiessen 12 (Marc, A member of the White House senior staff under President George W. Bush, Marc A. Thiessen served as chief speechwriter to the president and to Secretary of Defense Donald Rumsfeld. Prior to joining the Bush administration, Thiessen spent more than six years as spokesman and senior policy adviser to Senate Foreign Relations Committee chairman Jesse Helms (R-N.C.). He is a weekly columnist for the Washington Post, and his articles can be found in many major publications., 3/19/2013, "More disasters America will face if we retreat from Afghanistan", www.aei-ideas.org/2012/03/more-disasters-america-will-face-if-we-retreat-from-afghanistan/)

These only scratch the surface of what might befall our country if we retreat now before the mission is complete. Here are some additional consequences of an American failure in Afghanistan: 1. Tensions, and the risk of conflict, between India and Pakistan will grow. Before September 11, 2001, Pakistan was one of only three countries that recognized the Taliban regime, and the Pakistani ISI had a long history of covert cooperation with Islamic militants. After 9/11, President Bush delivered a blunt message to Pakistan’s leaders: you are either with us or with the terrorists. They chose wisely and began cooperating with the United States in the war on terror. In the ensuing years, that cooperation has deteriorated. If the U.S. retreats from Afghanistan, it would end all but completely. Those in Pakistan who were behind the policy of cooperation with the United States would be marginalized, while those who have advocated for cooperation with Islamic radicals and terrorists would be strengthened. Tensions between Pakistan and India would grow. If there were another major terrorist attack, like the 2008 Mumbai bombings, which could be traced back to Islamabad, America’s ability to influence the situation would decline. India would rightly conclude that we are not reliable partners, and had lost our ability to restrain Pakistan—increasing the chances of Indian retaliation, and the risk of war between these two nuclear powers. 2. American global prestige would take a major blow. No matter how the Obama administration tried to spin it, an American withdrawal from Afghanistan would be perceived by friend and foe alike as a retreat. And it would not be taken in isolation, but viewed in the broader context of President Obama’s dramatic cuts in defense spending, his decision to pull out of Iraq, his approach of “leading from behind” in Libya, and his failure to lead at all in Syria. All this in concert would do tremendous damage to our reputation, creating an impression of weakness that would affect U.S. security interests not only in South Asia but across the globe. Potential adversaries won’t fear us, friends and allies won’t trust us, and the fence sitters will be more nervous than ever. 3. The morale of the U.S. military would be decimated. An American retreat would allow a resurgent Taliban to regain lost territory, and they would in turn almost certainly permit al Qaeda to use that territory to restore their lost sanctuary in Afghanistan. Preventing this outcome is the mission for which nearly three thousand Americans gave their lives, and many thousands more were injured. The terrorists would not only set up training camps in Afghanistan again, they could very well use abandoned American military posts for this purpose. One can only imagine the devastating effect this would have on the morale of our Armed Forces.

War won't be contained – causes nuclear winter

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Tom Hundley is senior editor at the Pulitzer Center on Crisis Reporting, Pulitzer Center, September 5, 2012, "Pakistan and India: Race to the End", http://pulitzercenter.org/reporting/pakistan-nuclear-weapons-battlefield-india-arms-race-energy-cold-war

Nevertheless, military analysts from both countries still say that a nuclear exchange triggered by miscalculation, miscommunication, or panic is far more likely than terrorists stealing a weapon -- and, significantly, that the odds of such an exchange increase with the deployment of battlefield nukes. As these ready-to-use weapons are maneuvered closer to enemy lines, the chain of command and control would be stretched and more authority necessarily delegated to field officers. And, if they have weapons designed to repel a conventional attack, there is obviously a reasonable chance they will use them for that purpose. "It lowers the threshold," said Hoodbhoy. "The idea that tactical nukes could be used against Indian tanks on Pakistan's territory creates the kind of atmosphere that greatly shortens the distance to apocalypse." Both sides speak of the possibility of a limited nuclear war. But even those who speak in these terms seem to understand that this is fantasy -- that once started, a nuclear exchange would be almost impossible to limit or contain. "The only move that you have control over is your first move; you have no control over the nth move in a nuclear exchange," said Carnegie's Tellis. The first launch would create hysteria; communication lines would break down, and events would rapidly cascade out of control. Some of the world's most densely populated cities could find themselves under nuclear attack, and an estimated 20 million people could die almost immediately. What's more, the resulting firestorms would put 5 million to 7 million metric tons of smoke into the upper atmosphere, according to a new model developed by climate scientists at Rutgers University and the University of Colorado. Within weeks, skies around the world would be permanently overcast, and the condition vividly described by Carl Sagan as "nuclear winter" would be upon us. The darkness would likely last about a decade. The Earth's temperature would drop, agriculture around the globe would collapse, and a billion or more humans who already live on the margins of subsistence could starve. This is the real nuclear threat that is festering in South Asia. It is a threat to all countries, including the United States, not just India and Pakistan. Both sides acknowledge it, but neither seems able to slow their dangerous race to annihilation.