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**A. Definition – the Oxford Dictionary in 2013, defines restriction is “a rule or law that limits what you can do or what can happen.”**

Oxford Advanced Learner’s Dictionary – 2013, <http://oald8.oxfordlearnersdictionaries.com/dictionary/restriction>

restriction NOUN

1. a rule or law that limits what you can do or what can happen

* import/speed/travel, etc. restrictions
* restriction on something to impose/place a restriction on something
* The government has agreed to lift restrictions on press freedom.
* There are no restrictions on the amount of money you can withdraw.

#### And, restriction requires prohibition

Northglenn 11

(City of Northglenn Zoning Ordinance, “Rules of Construction – Definitions”, http://www.northglenn.org/municode/ch11/content\_11-5.html)

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the term "restriction" shall mean a prohibitive regulation. Any

use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and no such use, activity, operation, building, structure or thing shall be authorized by any permit or license.

**B. Violation: The plan does not substantially increase restrictions on the war powers authority of the President. Our interpretation requires the aff to place a prohibition on the war powers authority of the President. In context, that means the aff can prohibit all targeted killings, or only certain targeted killings. But the aff must be a prohibition. The aff violate this interpretation for several reasons:**

1. **Liability is not punitive—the aff compensates victims, but not does limit what the President can do or how he can do it.**
2. **Liability is not a restriction so long as the defendant is willing to pay compensation each time – the aff is just a tax on injuring people.**

**Abelkop ’13**

(Adam, JD, PhD candidate in public policy and political science at Indiana University School of Public and Environmental Affairs, “Tort Law as an Environmental Policy Instrument,” forthcoming Oregon Law Review, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2297105##)

Under a strict liability standard, a court may find a defendant liable regardless of whether she exercised reasonable care.85 Thus, whereas a negligence rule operates as a type of regulatory standard, strict **liability functions** more **like a judicially imposed** Pigouvian **tax: the defendant must pay the penalty for every injury she causes**.86 Strict liability therefore provides redress for harms caused by activities for which due care cannot mitigate the risk.87

1. **Damages liability for collateral *injuries* is not the same as liability for *violations of the law*. A topical version of the aff would apply criminal liability for violations of the law.**

**Their aff still allows illegal targeted killing so long as there are no collateral injuries.**

**Abelkop ’13**

(Adam, JD, PhD candidate in public policy and political science at Indiana University School of Public and Environmental Affairs, “Tort Law as an Environmental Policy Instrument,” forthcoming Oregon Law Review, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2297105##)

Thus, micro-economic theories of tort law generally recognize the two primary functions of the liability establishment as optimal deterrence of risky activity and corrective justice through compensation.44 Some scholars characterize these as “competing theories”45 and situate scholars into “camps.”46 Law and economics scholars as well as Progressive Realist scholars emphasize the deterrence theory of tort law—that tort law is a public policy instrument that can be used to spread losses, compensate victims, and reach the efficient balance between risky activity and precautionary measures.47 An opposing group of notable scholars maintains that tort law is primarily private law intended to provide victims of wrongful injury a means of redress.48 Ernest Weinrib, for example, rejects the deterrence theory on the basis that a plaintiff only has a cause of action for **actual injuries** suffered at the fault of the defendant, **not *risks* taken by the defendant**.49[EMPHASIS IN ORIGINAL]

**At best, the aff is a *potential* increase; but that is not *substantial*.**

**Words and Phrases 64** (40W&P 759)

The words" outward, open, actual, visible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain: absolute: real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

**C. Standards**

1. **Predictable Limits – Allowing new enforcement mechanisms unreasonably unlimits the topic, and civil damages is not even a predictable enforcement mechanism because it doesn’t require any change from the status quo other than that we compensate victims of collateral injury every time we harm them during an illegal targeted killing. Their plan justifies affs that place any kind of tax on violations of the AUMF, LOAC, or any other existing law in any of the areas.**
2. **Core Ground – Disad links comes from the aff requiring the President to stop using targeted killing or specifying new circumstances in which the President cannot use targeted killing. Debates should not be about new enforcement mechanisms. Their interpretation makes the topic bidirectional because they can claim to make drone use better when “drones good” should be negative ground.**

**D. Topicality is a voting issue for fairness, education, and jurisdiction.**

## Accountability CP

#### The Executive branch should publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection. The United States Congress should enact a resolution and issue a white paper stating that, in the conduct of its oversight it has reviewed ongoing targeted killing operations and determined that the United States government is conducting such operations in full compliance with relevant laws, including but not limited to the Authorization to Use Military Force of 2001, covert action findings, and the President’s inherent powers under the Constitution. The United States federal government should provide necessary compensation to those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings.

#### There is money allocated for victims of drones strikes the administration just needs to give it to them

Medea Benjamin, cofounder of Global Exchange and CODEPINK: Women for Peace, is the author of Drone Warfare: Killing by Remote Control,.$40 million allocated for drone victims never reaches them , http://codepink.org/blog/2013/10/40-million-allocated-for-drone-victims-never-reaches-them/

The peace group CODEPINK recently discovered that every year for the past four years, a pot of $10 million has been allocated for Pakistani drone strike victims. That would make a total of $40 million, quite a hefty sum to divide among a few hundred families. But it appears that none of this money has actually reached them. The Pakistani Civilian Assistance Fund was modeled after the ones that exist in Iraq and Afghanistan, where money was allocated to help alleviate the suffering of civilians harmed by US military operations as part of a strategy to “win hearts and minds.” In the case of Pakistan, where the CIA operates its drones, the money is supposed to go directly to the families of innocent drone victims, or for needs like medical expenses or rebuilding homes. But Tim Rieser, the long-time staffer for Senator Patrick Leahy who has worked to get this Pakistani civilian assistance fund included in the yearly Foreign Operations budget, expressed his exasperation about the use of the funds. “It’s been like hitting a brick wall every time we push the administration to use these funds for drone victims, since for years they wouldn’t even acknowledge the existence of drone strikes,” said Rieser. “I seriously doubt that any of this money has reached the victims it was intended to help.” Instead, it appears that the Conflict Victims Support Fund gets farmed out to US-based non-governmental organizations like International Relief and Development that, after taking their cut, provide humanitarian assistance for Pakistanis who are not drone victims and are not even living in the tribal areas of Waziristan where the US is carrying out the strikes.

#### The CP’s the best middle ground---preserves the vital counter-terror role of targeted killings while resolving all their downsides

Daniel **Byman 13**, 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, July/August 2013, “Why Drones Work,” Foreign Affairs, Vol. 92, No. 4

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

#### Solves---the combination of executive disclosure and Congressional support boosts accountability and legitimacy

Gregory **McNeal 13**, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Perhaps the most obvious way to add accountability to the targeted killing process is for someone in government to describe the process the way this article has, and from there, defend the process. The task of describing the government’s policies in detail should not fall to anonymous sources, confidential interviews, and selective leaks. Government’s failure to defend policies is not a phenomenon that is unique to post 9/11 targeted killings. In fact, James Baker once noted "In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…"519 Publicly defending the process is a natural fit for public accountability mechanisms. It provides information to voters and other external actors who can choose to exercise a degree of control over the process. However, a detailed public defense of the process also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). However, the Executive branch, while wanting to reveal information to defend the process, similarly recognizes that by revealing too much information they may face legal accountability mechanisms that they may be unable to control, thus their caution is understandable (albeit self-serving).520 It’s not just the Executive branch that can benefit from a healthier defense of the process. Congress too can bolster the legitimacy of the program by specifying how they have conducted their oversight activities. The best mechanism by which they can do this is through a white paper. That paper could include: A statement about why the committees believe the U.S. government's use of force is lawful. If the U.S. government is employing armed force it's likely that it is only doing so pursuant to the AUMF, a covert action finding, or relying on the President's inherent powers under the Constitution. Congress could clear up a substantial amount of ambiguity by specifying that in the conduct of its oversight it has reviewed past and ongoing targeted killing operations and is satisfied that in the conduct of its operations the U.S. government is acting consistent with those sources of law. Moreover, Congress could also specify certain legal red lines that if crossed would cause members to cease believing the program was lawful. For example, if members do not believe the President may engage in targeted killings acting only pursuant to his Article II powers, they could say so in this white paper, and also articulate what the consequences of crossing that red line might be. To bolster their credibility, Congress could specifically articulate their powers and how they would exercise them if they believed the program was being conducted in an unlawful manner. Perhaps stating: "The undersigned members affirm that if the President were to conduct operations not authorized by the AUMF or a covert action finding, we would consider that action to be unlawful and would publicly withdraw our support for the program, and terminate funding for it." A statement detailing the breadth and depth of Congressional oversight activities. When Senator Feinstein released her statement regarding the nature and degree of Senate Intelligence Committee oversight of targeted killing operations it went a long way toward bolstering the argument that the program was being conducted in a responsible and lawful manner. An oversight white paper could add more details about the oversight being conducted by the intelligence and armed services committees, explaining in as much detail as possible the formal and informal activities that have been conducted by the relevant committees. How many briefings have members attended? Have members reviewed targeting criteria? Have members had an opportunity to question the robustness of the internal kill-list creation process and target vetting and validation processes? Have members been briefed on and had an opportunity to question how civilian casualties are counted and how battle damage assessments are conducted? Have members been informed of the internal disciplinary procedures for the DoD and CIA in the event a strike goes awry, and have they been informed of whether any individuals have been disciplined for improper targeting? Are the members satisfied that internal disciplinary procedures are adequate? 3) Congressional assessment of the foreign relations implications of the program. The Constitution divides some foreign policy powers between the President and Congress, and the oversight white paper should articulate whether members have assessed the diplomatic and foreign relations implications of the targeted killing program. While the white paper would likely not be able to address sensitive diplomatic matters such as whether Pakistan has privately consented to the use of force in their territory, the white paper could set forth the red lines that would cause Congress to withdraw support for the program. The white paper could specifically address whether the members have considered potential blow-back, whether the program has jeopardized alliances, whether it is creating more terrorists than it kills, etc. In specifying each of these and other factors, Congress could note the types of developments, that if witnessed would cause them to withdraw support for the program. For example, Congress could state "In the countries where strikes are conducted, we have not seen the types of formal objections to the activities that would normally be associated with a violation of state's sovereignty. Specifically, no nation has formally asked that the issue of strikes in their territory be added to the Security Council's agenda for resolution. No nation has shot down or threatened to shoot down our aircraft, severed diplomatic relations, expelled our personnel from their country, or refused foreign aid. If we were to witness such actions it would cause us to question the wisdom and perhaps even the legality of the program."

#### Drones prevent Pakistan collapse

**Curtis 7/15**/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.

## SpecOps PIC

#### The United States Federal Government should limit the President's war powers authority to assert, on behalf of the United States, immunity from judicial review by establishing a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations with the exception of cases involving Special Operations forces, their heirs, or their estates in security cleared legal proceedings.

#### Judicial review would result in all targeted killings being ruled unconstitutional

Benjamin **McKelvey 11**, J.D., Vanderbilt University Law School, November 2011, “NOTE: Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, 44 Vand. J. Transnat'l L. 1353

In the alternative, and far more broadly, the DOJ argued that executive authority to conduct targeted killings is constitutionally committed power. n101 Under this interpretation, the President has the authority to defend the nation against imminent threats of attack. n102 This argument is not limited by statutory parameters or congressional authorization, such as that under the AUMF. n103 Rather, the duty to defend the nation is inherent in the President's constitutional powers and is not subject to judicial interference or review. n104

The DOJ is correct in arguing that the President is constitutionally empowered to use military force to protect the nation from imminent attack. n105 As the DOJ noted in its brief in response, the Supreme Court has held that the president has the authority to protect the nation from "imminent attack" and to decide the level of necessary force. n106 The same is true in the international context. Even though Yemen is not a warzone and al-Qaeda is not a state actor, international law accepts the position that countries may respond to specific, imminent threats of harm with lethal force. n107 [\*1367] Under these doctrines of domestic and international law, the use of lethal force against Aulaqi was valid if he presented a concrete, specific, and imminent threat of harm to the United States. n108

Therefore, the President was justified in using lethal force to protect the nation against Aulaqi, or any other American, if that individual presented a concrete threat that satisfied the "imminence" standard. n109 However, the judiciary may, as a matter of law, review the use of military force to ensure that it conforms with the limitations and conditions of statutory and constitional grants of authority. n110 In the context of targeted killing, a federal court could evaluate the targeted killing program to determine whether it satisfies the constitutional standard for the use of defensive force by the Executive Branch. Targeted killing, by its very name, suggests an entirely premeditated and offensive form of military force. n111 Moreover, the overview of the CIA's targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval. n112 While the President has exclusive authority over determining whether a specific situation or individual presents an imminent threat to the nation, the judiciary has the authority to define "imminence" as a legal standard. n113 These [\*1368] are general concepts of law, not political questions, and they are subject to judicial review. n114

Under judicial review, a court would likely determine that targeted killing does not satisfy the imminence standard for the president's authority to use force in defense of the nation. Targeted killing is a premeditated assassination and the culmination of months of intelligence gathering, planning, and coordination. n115 "Imminence" would have no meaning as a standard if it were stretched to encompass such an elaborate and exhaustive process. n116 Similarly, the concept of "defensive" force is eviscerated and useless if it includes entirely premeditated and offensive forms of military action against a perceived threat. n117 Under judicial review, a court could easily and properly determine that targeted killing does not satisfy the imminence standard for the constitutional use of defensive force. n118

#### Judicial review of targeted killings would destroy unit cohesion, cause risk aversion, undermine mission effectiveness, and disclose key intel sources---all of those destroy effective drone ops

Larry **Maher 10**, Quartermaster General, Veterans of Foreign Wars, et al, 9/30/10, BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL, Nasser al-Aulaqi, Plaintiff, vs. Barack H. Obama, et al., Defendants, <http://www.lawfareblog.com/wp-content/uploads/2010/10/VFW_Brief_PACER.pdf>

As a member organization comprised of individual veterans who have served this nation in war, and who continue to do so around the world, the VFW has a strong interest in protecting the operations of the U.S. armed forces from unwarranted or inappropriate judicial intrusion, as it believes is the case here. Such judicial interference with the Executive Branch and its constitutional war powers has dangerous implications for national security and our armed forces. Litigation over combat activities would undermine unit cohesion, the core of combat effectiveness at the small unit level. Judicial scrutiny of combat decision making—including strategic, operational and tactical decisions—would induce risk aversion and second-guessing among America’s military leaders, degrading their effectiveness. And, in the sensitive field of special operations, cases such as this may compromise the sources and methods used by America’s elite warriors, potentially threatening both their mission and their safety. Because of the importance of these issues, and the serious threat that this suit and similar litigation pose to national defense, the VFW is submitting this amicus curiae brief in order to share with the Court its perspective on the reasons why this action should be dismissed for lack of subject-matter jurisdiction.

SUMMARY OF ARGUMENT

The VFW agrees with the Government’s arguments regarding why this suit is barred, including by the political question doctrine. Rather than repeating those arguments, this amicus brief seeks to add perspective to the reasons why suits like the present action would threaten national security by interfering with ongoing military operations. Allowing this case to proceed would contravene the core military principle of “unity of command,” and undermine the military’s chain of command, creating uncertainty for subordinate leaders and soldiers. Such litigation also would adversely affect unit cohesion, the glue which binds small units together in the heat of battle, and enables them to survive and accomplish their missions. Further, litigation of cases such as this would undermine battlefield decisionmaking by subjecting tactical, operational and strategic decisions to second-guessing by courts far removed from the battlefield. And, to the extent this case will involve the activities of special operations forces, the VFW urges the Court to tread with particular caution, because of the need to protect the extremely sensitive sources and methods utilized by our nation’s elite forces.

#### Targeted killing’s vital to CT

Kenneth **Anderson 13,** Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

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

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

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

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

#### Plan would collapse the effectiveness of Special Forces missions

Larry **Maher 10,** Quartermaster General, Veterans of Foreign Wars, et al, 9/30/10, BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL, Nasser al-Aulaqi, Plaintiff, vs. Barack H. Obama, et al., Defendants, <http://www.lawfareblog.com/wp-content/uploads/2010/10/VFW_Brief_PACER.pdf>

Finally, the VFW’s membership includes many current and former members of the U.S. armed forces’ elite special operations forces—Army Rangers and Special Forces, Navy SEALs, Air Force parajumpers and combat controllers, and Marine Corps Force Reconnaissance personnel, among others. These elite warriors conduct highly dangerous missions today in Iraq, Afghanistan, and other countries around the world. By definition, special operations “are operations conducted in hostile, denied, or politically sensitive environments to achieve military, diplomatic, informational, and/or economic objectives employing military capabilities for which there is no broad conventional force requirement. These operations often require covert, clandestine, or low-visibility capabilities.” U.S. Joint Chiefs of Staff, Joint Pub. 3-05, Doctrine for Joint Special Operations, at I-1 (2003), available at http://www.dtic.mil/doctrine/new\_pubs/jp3\_05.pdf.

Special operations are differentiated from conventional operations in many ways, but foremost among these are their “degree of physical and political risk, operational techniques, mode of employment, independence from friendly support, and dependence on detailed operational intelligence and indigenous assets.” Id. “Surprise is often the most important principle in the conduct of successful [special operations] and the survivability of employed [special operations forces],” and the very nature of special operations requires “high levels of security . . . to protect the clandestine/covert nature of missions.” Id. at I-6. More than mission accomplishment is at stake—“[g]iven their operating size, [special operations teams] are more vulnerable to potential hostile reaction to their presence than larger conventional units,” and therefore the protection of sources and methods is essential for the survival of special operations forces. Id. To preserve this element of surprise, special operations forces must broadly conceal their tactics, techniques and procedures, including information about unit locations and movements, targeting decisions, and operational plans for future missions. Disclosure of this information would allow this nation’s adversaries to defend themselves more effectively, potentially inflicting more casualties upon U.S. special operations forces. Such disclosure would also provide information about how the U.S. military gathers information about its adversaries, enabling terrorist groups like Al Qaeda to alter its communications and activities in order to evade future detection and action by the U.S. Government. Such harm would not be limited to just this instance or terrorist group group; these disclosures would also provide future terrorist adversaries and military adversaries with insight into U.S. special operations capabilities which would enable them to counter such capabilities in future conflicts. Cf. Public Declaration of Robert M. Gates, Secretary of Defense, Govt. Exhibit 4, September 23, 2010, at ¶¶ 6-7.

#### Special forces’ effectiveness is key to counter-prolif

Jim **Thomas 13,** Vice President and Director of Studies at the Center for Strategic and Budgetary Assessments, and Chris Dougherty is a Research Fellow at the Center for Strategic and Budgetary Assessments, 2013, “BEYOND THE RAMPARTS THE FUTURE OF U.S. SPECIAL OPERATIONS FORCES,” http://www.csbaonline.org/wp-content/uploads/2013/05/SOF-Report-CSBA-Final.pdf

WMD do not represent new threats to U.S. security interests, but as nascent nuclear powers grow their arsenals and aspirants like Iran continue to pursue nuclear capabilities, the threat of nuclear proliferation, as well as the potential for the actual use of nuclear weapons, will increase. Upheaval in failing or outlaw states like Libya and Syria, which possess chemical weapons and a range of missiles, highlights the possibility that in future instances of state collapse or civil war, such weapons could be used by failing regimes in an act of desperation, fall into the hands of rebel forces, or be seized by parties hostile to the United States or its interests. SOF can contribute across the spectrum of counter-WMD efforts, from stopping the acquisition of WMD by hostile states or terrorist groups to preventing their use. The global CT network SOF have built over the last decade could be repurposed over the next decade to become a global counter-WMD network, applying the same logic that it takes a network to defeat a network. Increasing the reach and density of a global counter-WMD network will require expanding security cooperation activities focused on counter-proliferation. Finally, SOF may offer the most viable strategic option for deposing WMD-armed regimes through UW campaigns should the need arise.

#### Special forces are key to disarm rogues’ nuclear programs---the alternative is U.S. counterforce nuclear strikes

Jim **Thomas 13,** Vice President and Director of Studies at the Center for Strategic and Budgetary Assessments, and Chris Dougherty is a Research Fellow at the Center for Strategic and Budgetary Assessments, 2013, “BEYOND THE RAMPARTS THE FUTURE OF U.S. SPECIAL OPERATIONS FORCES,” http://www.csbaonline.org/wp-content/uploads/2013/05/SOF-Report-CSBA-Final.pdf

Finally, if the United States goes to war with a nuclear-armed adversary, SOF may offer the least-worst option for regime change. In 2011, former Secretary of Defense Robert Gates famously said that, “…future defense secretary who advises the president to again send a big American land army into Asia or into the Middle East or Africa should ‘have his head examined,’ as General MacArthur so delicately put it.” 209 While current and future American political leaders may be reluctant to dispatch large-scale forces to conduct regime change operations akin to Operation Iraqi Freedom, SOF offer a viable strategic option for deposing WMD-armed regimes through UW campaigns should the need arise. Using UW may represent the best alternative to using nuclear weapons or large ground forces to invade and occupy a country possessing WMD. The traditional downside of UW is that preparations for such campaigns could take years to put in place, if not longer. The United States would do well to begin developing limited UW options in advance - by using SOF and intelligence assets to build relationships with groups that could threaten WMD-armed regimes - so that future presidents have a viable unconventional regime-change option when confronting WMD-armed adversaries.

#### Rogues will locate their WMD in cities---U.S. nuclear strikes cause mass casualties

**Gormley** 9 – Dennis Gormley, Senior Fellow in the James Martin Center for Nonproliferation Studies at the Monterey Institute for International Studies, Fall 2009, “The Path to Deep Nuclear Reductions: Dealing with American Conventional Superiority,” online: http://www.ifri.org/files/Securite\_defense/PP29\_Gormley.pdf

Attacking strategic underground targets seems superficially to be the role for which nuclear weapons are most indispensable. According to the U.S. Intelligence Community, there are roughly 2,000 of these targets of interest to U.S. military planners. Due to their burial depth, a good number of these facilities are beyond the reach of existing conventional earth-penetrator weapons.24 Many are susceptible to destruction by one or more nuclear earth penetrators, but not without unwanted consequences. Because more than half of these strategic underground targets are located near or in urban areas, a nuclear attack could produce significant civilian casualties (depending on yield, between thousands and more than a million, according to the U.S. National Academy of Sciences); even in more remote areas, casualties could range between a few hundred to hundreds of thousands, depending on yield and wind conditions.25 A new nuclear earthpenetrator weapon, which the Bush administration favored studying and their NPR endorsed but Congress rejected, would effectively capture a few hundred of these strategic underground targets but some uncertain number would presumably remain beyond reach, and such weapons would still produce unwanted collateral effects.26

## Acc

#### Yemen is unstable now – humanitarian crisis, political transition and migrants – UN envoy proves – all alt causes to drones

Africa News 7/4

Africa News July 4, 2013 Africa; ¶ Dire Humanitarian Crisis Could Impede Political Transition in Yemen - UN Envoy http://www.lexisnexis.com/lnacui2api/results/docview/docview.do?docLinkInd=true&risb=21\_T17765466568&format=GNBFI&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29\_T17765466572&cisb=22\_T17765466571&treeMax=true&treeWidth=0&csi=8320&docNo=16

As Yemen presses ahead with its transition, a United Nations humanitarian envoy in the region expressed serious concern today about the plight of millions needing urgent emergency and early recovery assistance, without which, the country's political achievements will never gain traction.¶ "There can be no sustainable transition unless their basic humanitarian needs are met, said the Secretary-General's Humanitarian Envoy for Kuwait, Abdullah Al-Matouq in a press statement summing up on his three-day visit to Yemen.¶ Mr. Al-Matouq visited Yemen from 1-4 July to sound the alarm about the severity and scale of humanitarian crisis in the country. He also aimed to assess the impact of recent political developments on the humanitarian situation and encourage greater integration of international and regional organizations and Governments in the humanitarian response.¶ Yemen has been undergoing a democratic transition led by President Abdrabuh Mansour Hadi, who came to power in a February 2012 election. A major milestone was achieved in March of this year with the opening of the national dialogue conference that will feed into a constitution-making process and pave the way for general elections in 2014.¶ "The humanitarian situation remains serious...This crisis could affect the recent political achievements unless it is comprehensively addressed," the envoy said, noting that during his visit, he had met with relief organizations, donors and senior Government officials, including President Hadi.¶ Mr. Al-Matouq also visited Haradh in the northern Hajjah Governorate to see first han the plight and needs of thousands of internally displaced Yemenis and migrants from the Horn of Africa.¶ Almost 300,000 Yemenis remain internally displaced in the north, while migrants from the Horn of Africa continue to arrive in search of economic opportunities in the Gulf region, and suffer a wide range of abuses.¶ He said that some 25,000 migrants are stranded in Haradh after failing to cross into Saudi Arabia. The internally displaced, stranded migrants as well as their host communities are in urgent need of improved access to health care, food, nutrition, shelter, clean water, proper sanitation facilities and protection////

.¶ While in the south, improved stability has led to the return of over 160,000 internally displaced people (IDPs), he said that they need support to rebuild their lives, and there is now a window of opportunity to provide assistance for livelihoods, capacity-building and sustainable solutions which can help build people's resilience to future crisis.¶ "Humanitarian agencies are working with the Government of Yemen to address these and a wide range of other needs nationwide, but many are facing funding gaps which has affected their operations," he said, explaining that halfway through the year, the 2013 Humanitarian Response Plan is only 38 per cent funded, "with critical gaps in life-saving services such as health, water, sanitation and protection, as well as significant funding shortages for livelihoods and early recovery programmes."¶ While acknowledge the contribution of the Friends of Yemen, including its neighbours in the Gulf region to support alleviation of human suffering, he underscored that adequate funding for the humanitarian response across all sectors in Yemen is crucial.¶ "I am very concerned that more than half the Yemen's population of 24 million people do not have access to clean water and sanitation, 10 million do not have sufficient access to food, and more than 6 million lack access to basic health care, including life-saving reproductive health services," Mr. Al-Matouq said.¶ "As the region sees continued conflict and instability, it is vital that we all work together - the Yemeni Government, United Nations agencies, international, regional and local NGOs as well as donors - to end the suffering of the people in Yemen," he concluded.

#### Can’t solve without totally ending drone strikes

The News 13 (“Obama's drone speech could improve Pakistan ties”, 5/24/13, <http://www.thenews.com.pk/article-102381-Obamas-drone-speech-could-improve-Pakistan-ties>)

‘‘Obama has finally responded to the popular sentiment in this country, which is fiercely against the drones, and I think that shows a certain sensitivity,’’ said Mushahid Hussain, chairman of the defense committee in Pakistan’s Senate. ‘‘But for the people of Pakistan, that is not good enough unless there is a cessation of drone attacks.’’ Pakistan’s Foreign Ministry reiterated this point. ‘‘The government of Pakistan has consistently maintained that the drone strikes are counterproductive, entail loss of innocent lives, have human rights and humanitarian implications and violate the principles of national sovereignty, territorial integrity and international law,’’ the ministry said in a statement.

#### Blowback is false, no data- and Pakistan is worse

Anderson, 13- “The Case for Drones”. Kenneth Anderson, writer for Real Clear Politics. May 24, 2013. http://www.realclearpolitics.com/articles/2013/05/24/ the\_case\_for\_drones\_118548-2.html

It is sharply contested, to say the least, whether and to what extent drone strikes are creating blowback among villagers, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the American drones are undertaking strikes that the Pakistani government might otherwise undertake. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the tribal areas fear the Pakistani army far more than they fear U.S. drones, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that as the counterinsurgency era ends for U.S. forces, narrow blowback concerns about whether villages might be sufficiently provoked against American infantry are subsiding. That leaves the broader claim of global blowback—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up. From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario. There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully. Blowback is a form of the precautionary principle. But it’s awfully difficult to conduct war, after all, on the basis of “first do no harm.” As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

## Norms

#### Drone prolif inevitable – it is impossible to rein in their drones – they can’t be put back in the box

**Steigerwald 13** (Lucy Steigerwald, “The Inevitability of Drones in the US and Abroad,” April 29, 2013, <http://antiwar.com/blog/2013/04/29/the-inevitability-of-drones-in-the-u-s-and-abroad/>)

The RCP article also notes that the Department of Homeland Security — serving as the umbrella that covers both war and police issues and helps make them troublingly indistinguishable –will be offering grants to police departments in order to ease purchase of their own drones. No doubt this will prove irresistible to police departments. DHS has already [played a generous part](http://www.vice.com/read/the-cops-military-toys-arent-just-for-catching-terrorists) in the militarization of police in the last ten years with its grants for Bearcat armored vehicles and other SWAT-ready tech. The power of drones abroad is obviously a more frightening animal. Today The Atlantic published an article headlined [“Living in Terror Under a Drone-Filled Sky in Yemen”.](http://www.theatlantic.com/international/archive/2013/04/living-in-terror-under-a-drone-filled-sky-in-yemen/275373/) If that exploration of the psychological (and physical) toll that the drone war puts on civilians looks familiar, perhaps you caught the recent study of the grim effects 24/7 hovering death-robots have on the collective psyche of [Pakistani people.](http://www.livingunderdrones.org/) Drone use abroad continues to be supported by the majority of adult Americans, [however.](http://www.politico.com/blogs/media/2013/04/obamas-drones-eisenhowers-poison-162853.html) The proliferation of drones will not long be an American issue alone. “The number of countries that have acquired or developed drones expanded to more than 75, up from about 40 in 2005, according to the Government Accountability Office, the investigative arm of Congress,” USA Today [reported](http://www.usatoday.com/story/news/world/2013/01/08/experts-drones-basis-for-new-global-arms-race/1819091/) in January. In spite of some heartening legislative attempts to rein in drones here at home, as well as [protests over their international use](http://nodronesnetwork.blogspot.com/2012/12/national-anti-drone-group-calls-for.html), they cannot be fully put back into the box. That’s why endlessly rehashing the concerns that are fundamentally tied in with this technology is a good thing to do, even if it brings up a sense of Deja Vu for anyone even halfway paying attention. The RCP article contains no breaking news about drones, but the moment that such articles disappear, we’re in real trouble. That’s when drones have been fully accepted as the most efficient killing machines abroad, and the ideal mechanisms for surveillance at home.

#### Drone prolif is happening now and is inevitable – US drone policy isn’t modeled

**Anderson 10** (Kenneth Anderson is a law professor at Washington College of Law, American University, a research fellow of the Hoover Institution at Stanford University and a Non-Resident Visiting Fellow at the Brookings Institution, April 10th 2010, “Acquiring UAV Technology”, http://www.volokh.com/2010/04/09/acquiring-uav-technology/, AB)

I’ve noticed a number of posts and comments around the blogosphere on the spread of UAV technology. Which indeed is happening; many states are developing and deploying UAVs of various kinds. The WCL National Security Law Brief blog, for example, notes that India is now acquiring weaponized UAVs: India is reportedly preparing to have “killer” unmanned aerial vehicles (UAVs) in response to possible threats from Pakistan and China. Until now India has denied the use of armed UAVs, but they did use UAVs that can detect incoming missile attacks or border incursions. The importance of obtaining armed UAVs grew enormously after the recent attack on paramilitary forces in Chhattisgarh that killed 75 security personnel. Sources reveal that the Indian Air Force (IAF) has been in contact with Israeli arms suppliers in New Delhi recently. The IAF is looking to operate Israeli Harop armed UAVs from 2011 onwards, and other units of the armed forces will follow. I’ve also read comments various places suggesting that increased use of drone technologies by the United States causes other countries to follow suit, or to develop or acquire similar technologies. In some cases, the dangling implication is that if the US would not get involved in such technologies, others would not follow suit. In some relatively rare cases of weapons technologies, the US refraining from undertaking the R&D, or stopping short of a deployable weapon, might induce others not to build the same weapon. Perhaps the best example is the US stopping its development of blinding laser antipersonnel weapons in the 1990s; if others, particularly the Chinese, have developed them to a deployable weapon, I’m not aware of it. The US stopped partly in relation to a developing international campaign, modeled on the landmines ban campaign, but mostly because of a strong sense of revulsion and pushback by US line officers. Moreover, there was a strong sense that such a weapon (somewhat like chemical weapons) would be not deeply useful on a battlefield – but would be tremendously threatening as a pure terrorism weapon against civilians. In any case, the technologies involved would be advanced for R&D, construction, maintenance, and deployment, at least for a while. The situation is altogether different in the case of UAVs. The biggest reason is that the flying-around part of UAVs – the avionics and control of a drone aircraft in flight – is not particularly high technology at all. It is in range of pretty much any functioning state military that flies anything at all. The same for the weaponry, if all you’re looking to do is fire a missile, such as an anti-tank missile like the Hellfire. It’s not high technology, it is well within the reach of pretty much any state military. Iran? Without thinking twice. Burma? Sure. Zimbabwe? If it really wanted to, probably. So it doesn’t make any substantial difference whether or not the US deploys UAVs, not in relation to a decision by other states to deploy their own./////////

The US decision to use and deploy UAVs does not drive others’ decisions one way or the other. They make that decision in nearly all cases – Iran perhaps being an exception in wanting to be able to show that they can use them in or over the Iraqi border – in relation to their particular security perceptions. Many states have reasons to want to have UAVs, for surveillance as well as use of force. It is not as a counter or defense to the US use of UAVs. The real issue is not flying the plane or putting a missile on it. The question is the sensor technology (and related communication links) – for two reasons. One is the ability to identify the target; the other is to determine the level, acceptable or not, of collateral damage in relation to the target. That’s the technologically difficult part. And yet it is not something important to very many of the militaries that might want to use UAVs, because not that many are going to be worried about the use of UAVs for discrete, targeted killing. Not so discrete and not so targeted will be just fine – and that does not require super-advanced technology. China might decide that it wants an advanced assassination platform that would depend on such sensors, and in any case be interested in investing in such technology for many reasons – but that is not going to describe Iran or very many other places that are capable of deploying and using weaponized UAVs. Iran, for example, won’t have super advanced sensor technology (unless China sells it to them), but they will have UAVs. (The attached weaponry follows the same pattern. Most countries will find a Hellfire type missile just fine. The US will continue to develop smaller weapons finally capable of a single person hit. Few others will develop it, partly because they don’t care and partly because its effectiveness depends on advanced sensors that they are not likely to have.) Robots are broadly defined by three characteristics – computation, sensor inputs, and gross movement. Movement in the case of a weaponized robot includes both movement and the use of its weapon – meaning, flying the UAV and firing a weapon. The first of those, flying the UAV, is available widely; primitive weapons are available widely as well, and so is the fundamental computational power. Sensors are much, much more difficult – but only to the extent that a party cares about discretion in targeting. But it is not the case that they are making these decisions on account of US decisions about UAVs; UAVs are useful for many other reasons for many other parties, all on their own.

# 2NC

## SpecOps DA

### 2NC Overview

#### SOF also prevent proliferation Martinage 09 – Senior Fellow at the Center for Strategic and Budgetary Assessments, an expert on defense strategy, military modernization, special operations, and military revolutions, he has over fourteen years of experience designing, conducting, and analyzing wargames for the Department of Defense (DoD), former consultant to the Defense Advanced Research Projects Agency (Robert, March 3, “Special Operations Forces Challenges Opportunities” <http://www.csbaonline.org/wp-content/uploads/2011/02/2009.03.03-Special-Operations-Forces-Challenges-Opportunities.pdf> )

Preventing the spread and potential use of WMD, especially nuclear weapons, by state and non-state actors alike is likely to become an increasingly important — and increasingly difficult — national security challenge.87 SOF could potentially conduct unconventional warfare to bring about regime change in states aspiring to develop WMD. In rare circumstances, they might be called upon to undertake counterproliferation operations against critical WMD-related infrastructure that cannot be reliably and safely targeted by other means, including sites in denied, deep inland areas. SOF would likely also play a role in retaliatory attacks against those who employ WMD. Their primary contribution to the US government’s response to this challenge, however, will likely be in tracking down and rendering safe “loose” WMD material or devices. The same globally distributed network of forward-deployed/forward-based SOF units that are conducting partner-capacity building, manhunting, and other missions associated with the war against Salafi-Takfiri/Khomeinist terrorist groups could simultaneously support the counterproliferation mission. They could not only provide a valuable source of intelligence collection, but could also serve as an in-situ, highly responsive force to interdict the movement of WMD-related materiel over land or sea. The development and fielding of improved sensors for the stand-off detection of WMD-related materiel would be extremely beneficial operationally. Only selected JSOC units are equipped and trained in the requisite tactics, techniques, and procedures for conducting “render safe” missions overseas. Accordingly, if the US government intercepted a device, JSOC would, by necessity, be called upon to disarm it. Given the prospective need for additional capacity in this area, the 2006 QDR called for an expansion in the “number of U.S. forces with advanced technical render-safe skills,” as well as an improvement in their “speed of response.” Since the details are classified, it is impossible to say whether or not this slated increase in capacity is adequate to meet anticipated demand for this unique SOF skill set.

#### We will strike their arsenal – locating them is key – stops war from going nuclear

**Lieber and Press 09** (Keir A.,  Associate Professor @ Georgetown University,  Daryl G., Associate Professor of Government, Dartmouth College, Foreign Affairs, Nov/Dec)

MODELING THE UNTHINKABLE To illustrate the growth in U.S. counterforce capabilities, we applied a set of simple formulas that analysts have used for decades to estimate the effectiveness of counterforce attacks. We modeled a U.S. strike on a small target set: 20 intercontinental ballistic missiles (ICBMs) in hardened silos, the approximate size of China's current long-range, silo-based missile force. The analysis compared the capabilities of a 1985 Minuteman ICBM to those of a modern Trident II submarine-launched ballistic missile. [The technical details of the analysis presented in this essay are available online [2].] In 1985, a single U.S. ICBM warhead had less than a 60 percent chance of destroying a typical silo. Even if four or five additional warheads were used, the cumulative odds of destroying the silo would never exceed 90 percent because of the problem of "fratricide," whereby incoming warheads destroy each other. Beyond five warheads, adding more does no good. A probability of 90 percent might sound high, but it falls far short if the goal is to completely disarm an enemy: with a 90 percent chance of destroying each target, the odds of destroying all 20 are roughly 12 percent. In 1985, then, a U.S. ICBM attack had little chance of destroying even a small enemy nuclear arsenal. Today, a multiple-warhead attack on a single silo using a Trident II missile would have a roughly 99 percent chance of destroying it, and the probability that a barrage would destroy all 20 targets is well above 95 percent. Given the accuracy of the U.S. military's current delivery systems, the only question is target identification: silos that can be found can be destroyed. During the Cold War, the United States worked hard to pinpoint Soviet nuclear forces, with great success. Locating potential adversaries' small nuclear arsenals is undoubtedly a top priority for U.S. intelligence today. The revolution in accuracy is producing an even more momentous change: it is becoming possible for the United States to conduct low-yield nuclear counterforce strikes///

that inflict relatively few casualties. A U.S. Department of Defense computer model, called the Hazard Prediction and Assessment Capability (HPAC), estimates the dispersion of deadly radioactive fallout in a given region after a nuclear detonation. The software uses the warhead's explosive power, the height of the burst, and data about local weather and demographics to estimate how much fallout would be generated, where it would blow, and how many people it would injure or kill. HPAC results can be chilling. In 2006, a team of nuclear weapons analysts from the Federation of American Scientists (FAS) and the Natural Resources Defense Council (NRDC) used HPAC to estimate the consequences of a U.S. nuclear attack using high-yield warheads against China's ICBM field. Even though China's silos are located in the countryside, the model predicted that the fallout would blow over a large area, killing 3-4 million people. U.S. counterforce capabilities were useless, the study implied, because even a limited strike would kill an unconscionable number of civilians. But the United States can already conduct nuclear counterforce strikes at a tiny fraction of the human devastation that the FAS/NRDC study predicted, and small additional improvements to the U.S. force could dramatically reduce the potential collateral damage even further. The United States' nuclear weapons are now so accurate that it can conduct successful counterforce attacks using the smallest-yield warheads in the arsenal, rather than the huge warheads that the FAS/NRDC simulation modeled. And to further reduce the fallout, the weapons can be set to detonate as airbursts, which would allow most of the radiation to dissipate in the upper atmosphere. We ran multiple HPAC scenarios against the identical target set used in the FAS/NRDC study but modeled low-yield airbursts rather than high-yield groundbursts. The fatality estimates plunged from 3-4 million to less than 700 -- a figure comparable to the number of civilians reportedly killed since 2006 in Pakistan by U.S. drone strikes. One should be skeptical about the results of any model that depends on unpredictable factors, such as wind speed and direction. But in the scenarios we modeled, the area of lethal fallout was so small that very few civilians would have become ill or died, regardless of which way the wind blew. Critics may cringe at this analysis. Many of them, understandably, say that nuclear weapons are -- and should remain -- unusable. But if the United States is to retain these weapons for the purpose of deterring nuclear attacks, it needs a force that gives U.S. leaders retaliatory options they might actually employ. If the only retaliatory option entails killing millions of civilians, then the U.S. deterrent will lack credibility. Giving U.S. leaders alternatives that do not target civilians is both wise and just. A counterforce attack -- whether using conventional munitions or low- or high-yield nuclear weapons -- would be fraught with peril. Even a small possibility of a single enemy warhead's surviving such a strike would undoubtedly give any U.S. leader great pause. But in the midst of a conventional war, if an enemy were using nuclear threats or limited nuclear attacks to try to coerce the United States or its allies, these would be the capabilities that would give a U.S. president real options.

### Turns Heg

#### SOF Key to heg

**Serafino 11**, Marissa, studies IR at Anselm College in Manchester, [“U.S. Military: Invest in Special Ops, Not in Drones,” August, <http://www.policymic.com/articles/u-s-military-invest-in-special-ops-not-in-drones>]

As intelligence and defense departments enter a new era with reduced spending, special operations forces provide some stability to the security of the U.S. Special ops forces are a key component of the war in Afghanistan and have a high rate of military success, so **even in an economic recession**, people remain the greatest asset to the military. These forces operate a network of secret prisons across the world and engage in: counter-terrorist activities; assassinations; long-range reconnaissance; intelligence analysis; foreign troop training; and weapons of mass destruction counter-proliferation operations. Critics have continually cried foul about the secrecy of counterterrorism operations and have raised concerns with the influence of the U.S. Special Operations Command (SOCOM). Critics also contend that with a global presence in roughly 60% of the world's nations, counterterrorism strike forces are evidence of a rising clandestine pentagon power elite waging secret wars across the world. The real question here is whether you trust our defense experts to authorize missions they deem necessary, such as the killing of bin Laden. While the lack of transparency of SOCOM is cause for debate, ultimately, secrecy is crucial to protecting the interests of the United States and its citizens. Covert missions were officially established during the Cold War under President Truman, who saw a need for secrecy even then. In order **to continue U.S. hegemony today, special ops forces must be expanded**. They protect U.S. interests while drawing the least amount of attention. Their job is to be inconspicuous. The United States needs discretion, especially in a fragile and nuclear world. While oversight is important for any special operation, broad oversight, such as congressional oversight, will endanger officers and counter the success of missions. Special operations forces have been an invaluable weapon of the past and will be an asset in the future for counterterrorism. America is smart to invest in them. Cuts to the defense budget should be in outdated technology and weaponry. The technological and strategic race for the security of our state depends on special operations, research, and innovations in order to move us forward.

### 2NC Judicial Review

#### Judicial review of tactical targeting decisions collapses unit cohesion which is the core of military effectiveness---cohesion depends on military unity of command---i.e., the idea that military orders are final and won’t be subjected to second-guessing after the fact. Judicial review causes risk aversion and fear of legal scrutiny which both destroy the effectiveness of TK missions---that’s Maher.

#### Judicial review of TKs compromises unity of command---that’s fundamental to warfighting and successful operations---the plan injects devastating legal uncertainty into battlefield decisionmaking

Larry **Maher 10**, Quartermaster General, Veterans of Foreign Wars, et al, 9/30/10, BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL, Nasser al-Aulaqi, Plaintiff, vs. Barack H. Obama, et al., Defendants, <http://www.lawfareblog.com/wp-content/uploads/2010/10/VFW_Brief_PACER.pdf>

A. Adjudication Of This Case Would Compromise The Military Principle Of “Unity Of Command,” And Undermine The Chain Of Command

“Unity of command,” and its corollary, “unity of effort,” are fundamental principles of warfare which are central to the effectiveness of Western militaries. See Carl von Clausewitz, On War 200-210 (Michael Howard & Peter Paret, ed. and trans., Princeton University Press 1976) (1832) (hereinafter “Clausewitz”). There “is no higher and simpler law of strategy” than to apply this principle in order to concentrate a nation’s military power its adversaries’ “center of gravity.” Id. at 204. This principle was first embraced by the American military during the 19th Century, and has subsequently shaped the organizational structure of American warfighting through two world wars and countless other conflicts. See James F. Schnabel, History of the Joints Chiefs of Staff, Vol. 1 at 80-87 (1996); Russell F. Weigley, History of the United States Army at 422-423 (Bloomington: Indiana University Press, 1984). Unity of command requires the integration of all combat functions into a single organizational element, with command authority vested in a single individual. See U.S. Joint Chiefs of Staff, Joint Pub. 3-0, Joint Operations at Appx. A, p. A-2 (2010), available at http://www.dtic.mil/doctrine/new\_pubs/jp3\_0.pdf.

The U.S. military implements “unity of command” through its chain of command—a hierarchical organizational structure which transmits command authority from the President through the Secretary of Defense, through subordinate military officers, down to the lowest ranking soldier, sailor, airman or Marine on the frontlines of America’s armed conflicts. This chain of command serves important organizational purposes, by vesting command authority in individual officers who are responsible for specific missions, and are empowered to command their personnel to achieve those missions. The chain of command also supports important normative and legal policy purposes, such as the doctrine of “command responsibility,” which renders battlefield commanders responsible for all their units do or fail to do, whether they knew about such conduct, or should have known about it. See Application of Yamashita, 327 U.S. 1, 14-16 (1946); see also Army Field Manual 27-10, The Law of Land Warfare at ¶ 501 (1956) (stating U.S. Army doctrine on “command responsibility”).

“Everything in war is very simple,” Clausewitz noted, “but the simplest thing is difficult.” Clausewitz at 119. The dangers of war, the fatigue of close combat, and the uncertainty which lurks within the fog of war, all combine to create a kind of “friction” which impedes the progress of armies. Id. A more contemporary author and veteran describes this fog:

For the common soldier, at least, war has the feel, the spiritual texture, of a great ghostly fog, thick and permanent. There is no clarity. Everything swirls. The old rules are no longer binding, the old truths no longer true. Right spills over into wrong. Order blends into chaos, love into hate, ugliness into beauty, law into anarchy, civility into savagery. The vapor sucks you in. You can’t tell where you are, or why you’re there, and the only certainty is overwhelming ambiguity . . . . You lose your sense of the definite, hence your sense of truth itself.

Tim O’Brien, The Things They Carried 88 (1990).

The military chain of command is designed to counteract this fog and friction of war, by providing clarity of orders and purpose to individual soldiers and their units. Similarly, this organizational structure exists to impose some order on the behavior and actions of soldiers and units, aligning their conduct with national goals, framing their actions in the context of strategic and operational campaigns, and focusing their efforts on the missions which support these broader endeavors. It is this structure which differentiates the armed forces of a nation from an armed group of thugs, and which ensures that national armed forces conduct themselves in accordance with the laws of armed conflict. Cf. Annex to the Convention, Hague Convention No. IV Respecting the Laws and Customs of War on Land, art. 1, Oct. 18, 1907, 36 Stat. 2277, 205 Consol. T.S. 277; Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 4, Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. No. 3364.

Our nation’s military personnel depend on their chain of command to provide them with certainty, clarity and authority in the heat of battle. Into this ordered system, Plaintiff wishes to inject the uncertainty of the American adversarial litigation process, by seeking, inter alia, that this Court declare there is no armed conflict in Yemen, and that orders issued by the President in response to that conflict should be enjoined. Not only would this force the court to go far beyond the “limited institutional competence of the judiciary” by involving it in sensitive matters of national security, cf. Arar v. Ashcroft, 585 F.3d 559, 576 (2d Cir. 2009) (citations omitted), but this also would undermine the chain of command by literally interposing this Court between the President and his subordinate officers, thereby contravening the core doctrinal principle of “unity of command,” which has served American military forces in good stead since the Civil War.

In asking the Court to hear this case, and to entertain the extraordinary remedy of injunctive relief against the President and his cabinet, the Plaintiff is asking the court to overturn the political judgment of the President and Congress that the nation is at war; that this war is an armed conflict against Al Qaeda; and that it is appropriate to use a blend of military, intelligence and diplomatic force to wage this war. All three branches of Government have decided that “[w]e are [] at war with al Qaeda and its affiliates.” Remarks of the President on National Security, May 21, 2009; see also Authorization for Use of Military Force (“AUMF”), Pub. L. No. 107-40, 115 Stat. 224 (2001); Hamdan v. Rumsfeld, 548 U.S. 557, 628-31 (2006). Political leaders from both political parties, over the course of two presidencies and five elected Congresses, have agreed upon, authorized, and appropriated funds for this war against Al Qaeda.

It is a fundamental axiom among American strategists that, “[a]s a nation, the United States wages war employing all instruments of national power – diplomatic, informational, military, and economic.” U.S. Joint Chiefs of Staff, Joint Pub. 1, Doctrine for the Armed Forces of the United States at I-1 (2009), available at http://www.dtic.mil/doctrine/new\_pubs/jp1.pdf. Plaintiff would seek to overturn the considered judgment of this nation’s political leaders in choosing the national strategy for this war, including the Attorney General of the United States, who has written that, in this war against Al Qaeda, “we must use every weapon at our disposal . . . [including] direct military action, military justice, intelligence, diplomacy, and civilian law enforcement.” See Letter from Attorney General Eric H. Holder, Jr. to Sen. Mitch McConnell, February 3, 2010 (emphasis added). The relief requested by plaintiff is both extraordinary and inappropriate, and completely inconsistent with the strategic imperative for “unified action [which] ensures unity of effort focused on [national] objectives and leading to the conclusion of operations on terms favorable to the United States.” See Joint Pub. 1 at I-1.

#### Judicial review decks unit cohesion---undermines authority of orders and makes units turn against themselves in litigation

Larry **Maher 10**, Quartermaster General, Veterans of Foreign Wars, et al, 9/30/10, BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL, Nasser al-Aulaqi, Plaintiff, vs. Barack H. Obama, et al., Defendants, <http://www.lawfareblog.com/wp-content/uploads/2010/10/VFW_Brief_PACER.pdf>

B. Adjudication Also Would Adversely Affect Unit Cohesion

Throughout military history, from the Spartan warriors at Thermopylae to today’s American infantrymen in Afghanistan, soldiers have been motivated by comradeship and unit cohesion to sacrifice, persevere, and fight. See generally Richard Holmes, Acts of War (1986) (describing role of unit cohesion in mitigating fear and combat stress in World Wars I and II); James MacPherson, For Cause and Comrades (1997) (chronicling the motivations of American soldiers during the Civil War); Nancy Sherman, The Untold War (2010) (describing the emotional landscape of soldiering in Iraq and Afghanistan) Although war brings many emotions to the surface, unit cohesion matters more than any other motivating factor in the heat of battle. “[Unit] cohesion exists in a unit when the primary day-to-day goals of the individual soldier, of the small group with which he identifies, and of unit leaders, are congruent--with each giving his primary loyalty to the group so that it trains and fights as a unit with all members willing to risk death and achieve a common objective.” William Darryl Henderson, Cohesion: The Human Element in Combat, (1985), available at http://www.au.af.mil/au/awc/awcgate/ndu/cohesion/. Studies of wars throughout the 20th Century have shown unit cohesion to be the critical ingredient for the success or failure of small units. See Edward A. Shils and Morris Janowitz, “Cohesion and Disintegration in the Wehrmacht in World War II,” Public Opinion Quarterly 12 (Summer 1948) 280-315 (finding that unit cohesion translated into higher battlefield effectiveness, survivability and hardiness); Charles C. Moskos, Jr., The American Enlisted Man: The Rank and File in Today’s Military 144-46 (1970) (finding that close bonds between soldiers played a key role in determining unit effectiveness and survival in the Vietnam War); Samuel Rolbant, The Israeli Soldier: Profile of an Army 200-210 (1970) (finding that Israeli soldiers had “a very strong sense of mutual affection and attraction among unit members,” and that this cohesion contributed significantly to their exemplary combat performance); William Darryl Henderson, Why the Vietcong Fought: A Study of Motivation and Control in a Modern Army in Combat 107-118 (1979) (finding that a combination of “very strong cohesion” and simple logistics enabled the North Vietnamese Army to persevere against overwhelming firepower); Leonard Wong, “Combat Motivation in Today’s Soldiers,” 32 Armed Forces & Soc. No. 4, 659- 663 (2006) (concluding that, in Iraq and Afghanistan, American soldiers are primarily motivated by unit cohesion and comradeship, among other factors); Army Field Manual 6-22.5, Combat and Operational Stress Control Manual for Leaders and Soldiers, at ¶ 2-3 (2009) (“Unit cohesion and morale is the best predictor of combat resiliency within a unit or organization. Units with high cohesion tend to experience a lower rate of [combat stress] casualties than units with low cohesion and morale.). “I hold it to be one of the simplest truths of war that the thing which enables an infantry soldier to keep going with his weapons is the near presence or the presumed presence of a comrade.” S.L.A. Marshall, Men Against Fire 42 (1947). In this lawsuit, Plaintiff asks this Court to declare that the U.S. Government is not engaged in an armed conflict in Yemen, and that U.S. personnel may not therefore use lethal force against individuals in Yemen absent “circumstances in which they present concrete, specific, and imminent threats to life or physical safety, and there are no means other than lethal force that could reasonably be employed to neutralize the threats.” Further, plaintiff seeks disclosure of the allegedly classified criteria used to designate U.S. citizens for targeting. And, in this suit’s most extraordinary request, Plaintiff asks this Court to enjoin the President, his advisers, and his generals, from conducting certain parts of the nation’s war against Al Qaeda. As described above, judicial action of the sort requested by Plaintiff would have a deleterious effect on the chain of command. Judicial action also would, necessarily, affect unit cohesion by undermining both the vertical bonds among leaders and followers, and the horizontal bonds among comrades. These bonds depend on the clarity of orders and authorities which are the sine qua non of the military organizational structure. A judicial order on the lawfulness of the armed conflict in Yemen, or the appropriateness of U.S. military actions there, would cast doubt upon the orders of the President and his subordinate military officers, and introduce uncertainty into the military structure. Further, should this suit be allowed to proceed, it may eventually result in litigation relating to actions taken by military forces in Yemen. Such litigation may require units and soldiers to participate in the production of documents, interrogation of witnesses, and presentation of evidence at trial in an adversarial proceeding. Such litigation would rip apart the military units it touched, by pitting comrades against each other as potential witnesses, and creating the risk that every uttered or written word could eventually be used in a future courtroom, making every battlefield act susceptible to secondguessing and criticism. At its core, unit cohesion reflects a core trust among comrades so powerful that it would motivate a soldier to sacrifice his or her life for another, such that “[c]ombat soldiers describe the bond, hesitantly or openly, as love.” See Army Field Manual 22- 51, Leaders’ Manual for Combat Stress Control, at ¶ 3-7 (1994). Judicial intervention in this matter would erode that bond for the units touched by this process, undermining their effectiveness and our national security.

#### Op Tempos internal link

**Malvesti 10**¸Michele, served more than five years on the National Security Council staff, including as the Senior Director for Combating Terrorism Strategy [“To Serve the Nation U.S. Special Operations Forces in an Era of Persistent Conflict,” June, <http://www.cnas.org/files/documents/publications/CNAS_To%20Serve%20the%20Nation_Malvesti.pdf>]

Endowed with greater resources and in light of their success in recent years, the community is likely to experience increasing demands from senior government officials and other stakeholders who have invested in SOF, benefitted from their accomplishments, or both. In general, demands for greater SOF employment in helping to defeat imminent threats and prevent or deter other security challenges, particularly outside theaters of combat, should be embraced, given SOF’s value to the nation in this regard. But not all demands placed upon SOF will be in their best interests over the long term. For example, SOF have been invaluable in helping the United States achieve its national security objectives in Iraq and Afghanistan, and demand for SOF contributions will continue for the foreseeable future. While SOF have gained unprecedented combat experience in these two countries, there also could be downsides to this experience. First, SOF could be at risk of growing accustomed to operating in relatively permissive and highly enabled environments. This could take a toll on SOF’s trademark unorthodox thinking over the long term if a generation of SOF develops an operating mentality that tilts toward technology and brawn to the detriment of ingenuity, imagination, and cunning.99 Additionally, these relatively permissive and primitive environments may not prove to be the best training grounds for possible future SOF missions, such as for operations against or within a more technology-enabled and capable state.100 Second, with more than half of today’s Special Operators entering the community after 9/11, SOF are now more operationally adept than at any other time in the modern era. Yet even while recognizing the aptitude of the force, the current SOCOM commander has said, “Most recent SOF combat experience is not Special Operations specific; rather, it has tended to be more conventionalized experience.”101 The modern SOF force may be more skilled and combat-capable, and given the right resources, it is likely to adapt to virtually any situation. Yet current combat experience may not be directly fungible to all types of Special Operations, especially if it contributes to a potential degradation in SOF innovation or hinders operating proficiency in less mature environments—where little support is available and SOF encounter a sophisticated defense against their access to the area of operations.

### 2NC Ex-Post

#### Ex-post review would involve rulings on fundamental questions of overall TK legality like the scope of armed conflict with Al-Qaeda and the executive’s interpretation of imminence

Jonathan Hafetz 13, Associate Professor of Law, Seton Hall University School of Law, 3/8/13, “Reviewing Drones,” http://www.huffingtonpost.com/jonathan-hafetz/reviewing-drones\_b\_2815671.html

The better course is to ensure meaningful review after the fact. To this end, Congress should authorize federal damages suits by the immediate family members of individuals killed in drone strikes.

Such ex post review would serve two main functions: providing judicial scrutiny of the underlying legal basis for targeted killings and affording victims a remedy. It would also give judges more leeway to evaluate the facts without fear that an error on their part might leave a dangerous terrorist at large.

For review to be meaningful, judges must not be restricted to deciding whether there is enough evidence in a particular case, as they would likely be under a FISA model. They must also be able to examine the government's legal arguments and, to paraphrase the great Supreme Court chief justice John Marshall, "to say what the law is" on targeted killings.

Judicial review through a civil action can achieve that goal. It can thus help resolve the difficult questions raised by the Justice Department white paper, including the permissible scope of the armed conflict with al Qaeda and the legality of the government's broad definition of an "imminent" threat.

Judges must also be able to afford a remedy to victims. Mistakes happen and, as a recent report by Columbia Law School and the Center for Civilians in Conflict suggests, they happen more than the U.S. government wants to acknowledge.

Errors are not merely devastating for family members and their communities. They also increase radicalization in the affected region and beyond. Drone strikes -- if unchecked -- could ultimately create more terrorists than they eliminate.

Courts should thus be able to review lethal strikes to determine whether they are consistent with the Constitution and with the 2001 Authorization for Use of Military Force, which requires that such uses of force be consistent with the international laws of war. If a drone strike satisfies these requirements, the suit should be dismissed.

### A/T: No Link

#### Alston 11 - ev. proves targeted killing is Special Operations forces and Drone Strikes -

*[Philip, is the John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “The CIA and Targeted Killings Beyond Borders,” Accessed: 8-14-13, SpS]*

Because the United States inevitably contributes disproportionately to the shaping of global regime rules, and because it is making more extensive overt use of targeted killings than other states, its approach will heavily influence emerging global norms. This is of particular relevance in relation to the use of drones. There are strong reasons to believe that a permissive policy on drone-fired targeted killings will come back to haunt the United States in a wide range of potential situations in the not too distant future.

In 2011 a senior official noted that while for the past two decades the United States and its allies had enjoyed “relatively exclusive access to sophisticated precision-strike technologies,” that monopoly will soon be ended.574 In fact, in the case of drones, some 40 countries already possess the basic technology. Many of them, including Israel, Russia, Turkey, China, India, Iran, the United Kingdom and France either have or are seeking drones that also have the capability to shoot laser-guided missiles. Overall, the United States accounts for less than one-third of worldwide investment in UAVs.575 On ‘Defense Industry Day’, August 22, 2010, the Iranian President unveiled a new drone with a range of 1,000 kilometers (620 miles) and capable of carrying four cruise missiles.576 He referred to the drones as a ‘messenger of honour and human generosity and a saviour of mankind’, but warned ominously that it can also be ‘a messenger of death for enemies of mankind’.577

To date, the United States has opted to maintain a relatively flexible and open-ended legal regime in relation to drones, in large part to avoid setting precedents and restricting its own freedom of action.578 But this policy seems to assume that other states will not acquire lethal drone technology, will not use it, or will not be able to rely upon the justifications invoked by the United States. These assumptions seem questionable. American commentators favoring a permissive approach to targeted killings abroad are generally very careful to add that such killings would under no circumstances be permitted within the United States.579

Thus when the United States argues that targeted killings are legitimate when used in response to a transnational campaign of terror directed at it, it needs to bear in mind that other states can also claim to be so afflicted, even if the breadth of the respective terrorist threats is not comparable. Take Russia, for example, in relation to terrorists from the Caucasus. It has characterized its military operations in Chechnya since 1999 as a counter-terrorism operation and has deployed ‘seek and destroy’ groups of army commandoes to “hunt down groups of insurgents”.580 It has been argued that the targeted killings that have resulted are justified because they are necessary to Russia’s fight against terrorism.581 Although there are credible reports of targeted killings conducted outside of Chechnya, Russia has refused to acknowledge responsibility for, or otherwise justify, such killings. It has also refused to cooperate with any investigation or prosecution.582

In 2006 the Russian Parliament passed a law permitting the Federal Security Service (FSB) to kill alleged terrorists overseas, if authorized to do so by the President.583 The law defines terrorism and terrorist activity extremely broadly, including “practices of influencing the decisions of government, local self-government or international organizations by terrorizing the population or through other forms of illegal violent action,” and also any “ideology of violence.”584

Under the law, there appears to be no restriction on the use of military force “to suppress international terrorist activity outside the Russian Federation.”585 The law requires the President to seek the endorsement of the Federation Council to use regular armed forces outside Russia, but the President may deploy FSB security forces at his own discretion. According to press accounts, at the time of the law’s passage, “Russian legislators stressed that the law was designed to target terrorists hiding in failed States and that in other situations the security services would work with foreign intelligence services to pursue their goals.”586 There is no publicly available information about any procedural safeguards to ensure Russian targeted killings are lawful, the criteria for those who may be targeted, or accountability mechanisms for review of targeting operations. In adopting the legislation, Russian parliamentarians claimed that “they were emulating Israeli and US actions in adopting a law allowing the use of military and special forces outside the country’s borders against external threats.”587

China is another case in point. It has consistently characterized unrest among its Uighur population as being driven by terrorist separatists. But Uighur activists living outside China are not so classified by other states. That means that China could invoke American policies on targeted killing to carry out a lethal attack against a Uighur activist living in Europe or the United States. The Chinese Foreign Ministry welcomed the killing of Osama bin Laden as “a milestone and a positive development for the international antiterrorism efforts,” adding ominously in reference to the Uighur situation that “China has also been a victim of terrorism”.588 When a journalist asked how American practice in Pakistan compared to possible Chinese external action against a Uighur to a senior United States counter-terrorism official the latter distinguished the situations from one another on the unconvincing grounds of Pakistan’s special relationship with the United States.589

A more realistic note was struck by Anne-Marie Slaughter after bin Laden’s killing when she observed that “having a list of leaders that you are going to take out is very troubling morally, legally and in terms of precedent. If other countries decide to apply that principle to us, we’re in trouble.”590 The conclusion to be drawn is that the United States might, in the not too distant future, need to rely on international legal norms to delegitimize the behavior of other states using lethal drone strikes. For that reason alone, it would seem prudent today to be contributing to the construction of a regime which strictly limits the circumstances in which one state can seek to kill an individual in another state without the latter’s consent and without complying with the applicable rules of international law. To the extent that the United States genuinely believes it is currently acting within the scope of those rules it needs to provide the evidence.

F. Conclusion

This Article has not sought to spell out the options open to the United States in order to bring its conduct within the law. The bottom line is that intelligence agencies, and particularly those that are effectively unaccountable, should not be conducting lethal operations abroad. Beyond that proposition, there is a great deal that the CIA could do if it so wished, including making public its commitment to comply with both IHL and IHRL, disclosing the legal basis on which it is operating in different situations involving potential killings, providing information on when, where and against whom drone strikes can be authorized, and publishing its estimates on the number and rate of civilian casualties. Full transparency is neither sought nor expected, but basic compliance with the standards applied by the US military, and both consistently and insistently demanded of other countries by the United States, is indispensable.Examining the CIA’s transparency and accountability in relation to targeted killings also sheds light on a range of other issues that international human rights law needs to tackle in a more systematic and convincing manner. They include the approach adopted by international law to the activities of intelligence agencies, the (in)effectiveness of existing monitoring mechanisms in relation to killings governed by a mixed IHL/IHRL regime, and the techniques needed to monitor effectively human rights violations associated with new technologies such as unmanned drones and robotics. International human rights institutions need to respond more robustly to the growing chorus of proposals that targeted killings be liberated from the hard-fought legal restraints that apply to them. There is a great deal at stake and these crucial issues have been avoided for too long. The principal focus of this Article has been on the question of CIA accountability for targeted killings, under both United States law and international law As the CIA, often in conjunction with DOD Special Operations forces, becomes ever more deeply involved in carrying out extraterritorial targeted killings both through kill/capture missions and drone-based missile strikes in a range of countries, the question of its compliance with the relevant legal standards becomes even more urgent

Assertions by Obama administration officials, as well as by many scholars, that these operations comply with international standards are undermined by the total absence of any forms of credible transparency or verifiable accountability. The CIA’s internal control mechanisms, including its Inspector-General, have had no discernible impact; executive control mechanisms have either not been activated at all or have ignored the issue; congressional oversight has given a ‘free pass’ to the CIA in this area; judicial review has been effectively precluded; and external oversight has been reduced to media coverage which is all too often dependent on information leaked by the CIA itself. As a result, there is no meaningful domestic accountability for a burgeoning program of international killing. This in turn means that the United States cannot possibly satisfy its obligations under international law to ensure accountability for its use of lethal force, either under IHRL or IHL. The result is the steady undermining of the international rule of law, and the setting of legal precedents which will inevitably come back to haunt the United States before long when invoked by other states with highly problematic agendas.

### A/T: Soft Power

#### No global blowback

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

That leaves the broader claim of global blow-back -- the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes -- or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism -- Mark Mazzetti's new book, The Way of the Knife, is a good example -- because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up.

From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It's the kibitzer's lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blow-back scenario.

There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully.

Blowback is a form of the precautionary principle. But it's awfully difficult to conduct war, after all, on the basis of "first do no harm." As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

**Multiple alt causes to Soft Power-**

* **Debt**
* **Lack of contributions to international institutions**
* **Domestic issues**

**Neu 13** [C. Richard, a senior economist at the nonprofit, nonpartisan RAND Corporation. “U.S. 'Soft Power' Abroad Is Losing Its Punch” <http://www.rand.org/blog/2013/02/us-soft-power-abroad-is-losing-its-punch.html>]//BMitch

The way America flexes it economic muscle around the world is changing dramatically—and not necessarily for the better. In 1997, facing a wave of sovereign debt defaults, the International Monetary Fund asked its member states to pledge lines of credit to support Fund rescue efforts. The United States and other nations did as asked. In 2009, the United States responded again to a call for expanded credit lines. When the Fund sought yet another expansion of these credit lines last April, 39 countries, including China, Russia, Brazil, Mexico, India, and Saudi Arabia, stepped up. Even cash-strapped Italy and Spain pledged support. But the United States was conspicuously absent. A pledge from the United States requires congressional authorization. In the midst of last spring's contentious debate over U.S. government deficits and debts, support for an international body was a political nonstarter. Where the United States had previously demonstrated international leadership, other countries—some of them America's rivals for international influence—now make the running. This is a small example of what may be a troubling trend: America's fiscal predicament and the seeming inability of its political system to resolve these matters may be taking a toll on the instruments of U.S. “soft power” and on the country's ability to shape international developments in ways that serve American interests. The most potent instrument of U.S. soft power is probably the simple size of the U.S. economy. As the biggest economy in the world, America has a lot to say about how the world works. But the economics profession is beginning to understand that high levels of public debt can slow economic growth, especially when gross general government debt rises above 85 or 90 percent of GDP. The United States crossed that threshold in 2009, and the negative effects are probably mostly out in the future. These will come at a bad time. The U.S. share of global economic output has been falling since 1999—by nearly 5 percentage points as of 2011. As America's GDP share declined, so did its share of world trade, which may reduce U.S. influence in setting the rules for international trade. And it's not just the debt itself that may be slowing GDP growth. Economists at Stanford and the University of Chicago have demonstrated that uncertainty about economic policy—on the rise as a result of political squabbling over U.S. fiscal policy—typically foreshadows slower economic growth. Investors may be growing skittish about U.S. government debt levels and the disordered state of U.S. fiscal policymaking. From the beginning of 2002, when U.S. government debt was at its most recent minimum as a share of GDP, to the end of 2012, the dollar lost 25 percent of its value, in price-adjusted terms, against a basket of the currencies of major trading partners. This may have been because investors fear that the only way out of the current debt problems will be future inflation. The dollar has also given up a bit of its dominance as the preferred currency for international reserves among advanced economies. And the renminbi appears to have replaced the dollar as the “reference currency” for most of East Asia. (The good news is that in recent years U.S. banks have increased their share of deposits from foreigners, mostly at the expense of banks in London.) More troubling for the future is that private domestic investment—the fuel for future economic growth—shows a strong negative correlation with government debt levels over several business cycles dating back to the late 1950s. Continuing high debt does not bode well in this regard. But perhaps the worst consequences of U.S. debt are actions not taken. U.S. international leadership has been based, in part, on contributions—political and financial—to major institutions and initiatives—International Monetary Fund, World Bank, General Agreements on Tariffs and Trade (and later World Trade Organization), NATO, North America Free Trade Agreement, the Marshall Plan, and so on. These served U.S. interests and made the world better. But what have we done lately? The Doha round of trade negotiations has stalled. Ditto efforts at coordinated international action on climate change. Countries of the Arab Spring need rebuilding. Little progress is apparent on the Transpacific Partnership, a proposed new free-trade area. And warnings from the U.S. treasury secretary to his European counterparts about the dangers of failing to resolve the fiscal crisis in the eurozone met with public rebukes: Get your own house in order before you lecture us. Have U.S. fiscal problems undermined America's self confidence and external credibility to the extent that it can no longer lead? And what about unmet needs at home—healthcare costs, a foundering public education system, deteriorating infrastructure, and increasing inequality? A strained fiscal situation that limits resources for action and absorbs so much political energy cannot be helping with any of these matters. But without progress on such things, what becomes of the social cohesion necessary for unified action abroad or the moral authority to lead other nations by example? America's fiscal predicament is serious. The problem has become obvious in the last few years, but it has been building for decades, largely the result of promises of extensive social benefits without a corresponding willingness to pay for them. Putting U.S. government financing on a sustainable path will require painful adjustments over a number of years—increased government revenue and painful reductions in government outlays, almost certainly including outlays for defense and international affairs. During the necessary period of fiscal adjustment and constrained government resources, U.S. international influence may decline yet further. But there is no alternative to getting on with the task. The world has not yet found an acceptable substitute for U.S. leadership.

**Can’t change perceptions of America**

**Gray 11** – Professor of International Politics and Strategic Studies at the University of Reading, England, (Colin S., April, “HARD POWER AND SOFT POWER: THE UTILITY OF MILITARY FORCE AS AN INSTRUMENT OF POLICY IN THE 21ST CENTURY.” Published by Strategic Studies Institute)

Moreover, no contemporary U.S. government owns all of America’s soft power—a considerable understatement. Nor do contemporary Americans and their institutions own all of their country’s soft power. America today is the product of America’s many yesterdays, and the worldwide target audiences for American soft power respond to the whole of the America that they have perceived, including facts, legends, and myths.41 Obviously, what they understand about America may well be substantially untrue, certainly it will be incomplete. At a minimum, foreigners must react to an American soft power that is filtered by their local cultural interpretation. America is a futureoriented country, ever remaking itself and believing that, with the grace of God, history moves forward progressively toward an ever-better tomorrow. This optimistic American futurism both contrasts with foreigners’ cultural pessimism—their golden ages may lie in the past, not the future—which prevails in much of the world and is liable to mislead Americans as to the reception our soft power story will have.42 **Many people indeed, probably most people, in the world beyond the United States have a fairly settled view of America, American purposes, and Americans**. This locally held view derives from their whole experience of exposure to things American as well as from the features of their own “cultural thoughtways” and history that shape their interpretation of American-authored words and deeds, past and present.43

## Norms Advantage

### 1NC No Prolif

**No prolif – no major prolif over next 10 years**

**Zenko 13** (Micah Zenko, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). “Reforming U.S. Drone Strike Policies,” CPA at CFR, Council Special Report No. 65, January 2013.

Based on current trends, **it is unlikely that most states will have, within ten years, the complete system architecture required to carry out** distant **drone strikes** that would be **harmful to U.S. national interests**. However, **those candidates** able to obtain this technology **will most likely be states with the financial resources to purchase** or the industrial base to manufacture tactical short-range armed drones with **limited firepower that lack** the **precision** of U.S. laser-guided munitions; the intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and cross- border adversaries who currently face attacks or the threat of attacks by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into Yemen. When compared to distant U.S. drone strikes, these contingen- cies do not require system-wide infrastructure and host-state support. **Given** the **costs** to conduct manned-aircraft strikes with minimal threat to pilots, **it is questionable whether states will undertake the significant investment required for armed drones in the near term**.

### 1NC No Impact to Prolif

**No impact —aggressors don’t have the intel or experience to be capable of attack**

**Blair 13** (Admiral Dennis Blair, Former Director of National Intelligence, “U.S. Drone Strike Policies: Speakers: Admiral Dennis Blair, Former Director of National Intelligence, and Micah Zenko, Douglas Dillon Fellow,” Conversation at CFR, January 22, 2013.

OPERATOR: Our next question comes from KT McFarland with Fox News.¶ QUESTIONER: Hi. Thank you very much for doing this.¶ Has anybody, either you or others, given thought to what happens next? I mean, the United States owns the drone wars now, but technology tends to only trump temporarily. What happens down the road five years from now when other countries get drones, other countries have the ability to target American diplomats traveling around in cars in rural Yemen? Are we -- are we -- have we really thought through what kind of a world it's going to be when we have proliferating drone powers?¶ BLAIR: I think that --¶ MASTERS: (Micah, you want ?) --¶ BLAIR: This is Dennis Blair again.¶ QUESTIONER: Hi, Dennis.¶ BLAIR: I think we've partly thought that -- thought that through, but this is a -- this is a familiar syndrome in the sort of military technology cycle. When a new weapons program comes in, it's often introduced by the more advanced countries, the high-tech ones, and -- who take full advantage of that while they can and don't worry too much about what happens when others -- when others get it.¶ When you -- when you think about it, there are a couple of things that make me believe that this -- **when drones do proliferate, they will not be** as **effective weapons against us as we are able to use them against others right now.**¶ One is that they are -- that **they are very dependent** on a -- **on an intelligence system which is incredibly worldwide, complicated and expensive**. It uses the entire U.S. global intelligence system. **No other country can afford that**. It's not just the -- **it's not just the money; it's the years of practice** it takes to do that.¶ The second one is that -- what I do fear the most, though, is that a terrorist -- and let me say **I don't fear** too much **other nation- states that gain this capability**. It's very -- you know if another country has it and is using it against you and then you can use the full -- the full array of both **defensive systems and** of **retaliation** to keep it **from being used** against you **effectively**.¶ I do fear that -- and **if al-Qaida can develop a drone, its first thought will be to use it to kill** our president, **senior officials**, senior military officers. **And it's possible, without a great deal of intelligence, to be able to do something with a drone that you can't** do **with a** -- with a high-speed -- with a high-powered **rifle o**r with -- driving a **car full of explosives** or the other ways that terrorists now use to try to kill senior officials¶ And I think that there are ways to deal with that that -- but it -- and I also think that **whether we use them or not -- the way in which we use them or not won't affect the zeal of terrorists groups to be able to get them and to be able to kill senior officials** for all of the reasons that we are familiar with.¶ So I think **this is not opening up a huge Pandora's box** which will make us wish that we'd never invented the drone, but **it will cause us to have to take some more defensive measures in the future.**

# 1NR

### Accountability

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

Max Boot 13, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 2/6/13, “Obama Drone Memo is a Careful, Responsible Document,” http://www.commentarymagazine.com/2013/02/06/obama-drone-memo-is-a-careful-responsible-document/

Drone strikes are by no means risk free, the biggest risk being that by killing innocent civilians they will cause a backlash and thereby create more enemies for the U.S. than they eliminate. There is no doubt that some of these strikes have killed the wrong people–as the New York Times account highlights in one incident in Yemen. There is also little doubt, moreover, that drone strikes are no substitute for a comprehensive counterinsurgency and state-building policy designed to permanently safeguard vulnerable countries such as Pakistan, Yemen, Somalia, Libya, and Mali from the incursions of radical jihadists. But drone strikes have been effective in disrupting al-Qaeda operations and they have been conducted with less collateral damage and more precision than in the past.

It is hard to assess what impact they have had on public opinion in countries such as Yemen and Pakistan, but there is at least as much evidence that these strikes are applauded by locals who are terrorized by al-Qaeda thugs as there is evidence that the strikes are reviled for killing fellow clansmen. As the Times notes: “Although most Yemenis are reluctant to admit it publicly, there does appear to be widespread support for the American drone strikes that hit substantial Qaeda figures like Mr. Shihri, a Saudi and the affiliate’s deputy leader, who died in January of wounds received in a drone strike late last year.”

#### No oil shocks – newest research.

Kahn 11 [Jeremy Kahn, Boston Globe, Crude reality Will a Middle Eastern oil disruption crush the economy? New research suggests the answer is no -- and that a major tenet of American foreign policy may be fundamentally wrong. By February 13, 2011 http://www.boston.com/bostonglobe/ideas/articles/2011/02/13/crude\_reality/]

Economists have a term for this disruption: an oil shock. The idea that such oil shocks will inevitably wreak havoc on the US economy has become deeply rooted in the American psyche, and in turn the United States has made ensuring the smooth flow of crude from the Middle East a central tenet of its foreign policy. Oil security is one of the primary reasons America has a long-term military presence in the region. Even aside from the Iraq and Afghan wars, we have equipment and forces positioned in Oman, Saudi Arabia, Kuwait, and Qatar; the US Navy’s Fifth Fleet is permanently stationed in Bahrain. But a growing body of economic research suggests that this conventional view of oil shocks is wrong. The US economy is **far less susceptible** to interruptions in the oil supply than previously assumed, according to these studies. Scholars examining the recent history of oil disruptions have found the worldwide oil market to be **remarkably adaptable** and **surprisingly quick at compensating for shortfalls**. Economists have found that much of the damage once attributed to oil shocks can more persuasively be laid at the feet of bad government policies. The US economy, meanwhile, has become **less dependent** on Persian Gulf oil and less sensitive to changes in crude prices overall than it was in 1973. These findings have led a few bold political scientists and foreign policy experts to start asking an uncomfortable question: If the United States could withstand a disruption in Persian Gulf oil supplies, why does it need a permanent military presence in the region at all? There’s a lot riding on that question: America’s presence in the Middle East exacts a heavy toll in political capital, financial resources, and lives. Washington’s support for Middle East autocrats makes America appear hypocritical on issues of human rights and democracy. The United States spends billions of dollars every year to maintain troops in the Middle East, and the troops risk their lives simply by being there, since they make tempting targets for the region’s Islamic extremists. And arguably, because the presence of these forces inflames radicals and delegitimizes local rulers, they may actually be undermining the very stability they are ostensibly there to ensure. Among those asking this tough question are two young professors, Eugene Gholz, at the University of Texas, and Daryl Press, at Dartmouth College. To find out what actually happens when the world’s petroleum supply is interrupted, the duo analyzed every major oil disruption since 1973. The results, published in a recent issue of the journal Strategic Studies, showed that in almost all cases, the ensuing rise in prices, while sometimes steep, was short-lived and had little lasting economic impact. When there have been prolonged price rises, they found the cause to be panic on the part of oil purchasers rather than a supply shortage. When oil runs short, in other words, the market is usually adept at filling the gap.

### Econ impact

**No war**

**Zakaria 09** – (12/12/09, Fareed, Ph.D. in Political Science from Harvard, Editor of Newsweek, “The Secrets of Stability,” Newsweek, http://www.newsweek.com/id/226425)

Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets. Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization. One year later, how much has the world really changed? Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). Some regional banks have gone bust. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis – soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. The predictions of economic and political collapse have not materialized at all.

#### Even crisis won’t put Pakistan’s nukes at risk

Montgomery ‘9

Evan Braden Montgomery, Research Fellow at the Center for Strategic and Budgetary Assessments, Nuclear Terrorism: Assessing the Threat, Developing a Response, http://www.csbaonline.org/4Publications/PubLibrary/R.20090422.Nuclear\_Terrorism/R.20090422.Nuclear\_ Terrorism.pdf

Several factors do suggest that Pakistan’s nuclear weapons remain secure, although the onset of a massive civil disturbance or full-scale internal conflict could obviously render the effectiveness of any security measures questionable. In recent years, the Pakistani government appears to have undertaken a number of important steps, including the implementation of a more rigorous personal reliability program — one targeted at rooting out religious extremists — for members of its nuclear program and the development of its own PALs, which were apparently absent from its nuclear weapons several years ago.151 The United States has assisted in some of these efforts, spending nearly $100 million to train and equip Pakistani security personnel and bolster physical security at nuclear facilities.152 Perhaps most important, however, is that Pakistan reportedly keeps the fissile cores of its weapons separate from their non-nuclear detonators, which would make it extremely difficult for terrorists to steal an entire nuclear weapon.153 Ultimately, even in the wake of Benazir Bhutto’s assassination and the upheaval that followed, the US intelligence community concluded that “the ongoing political uncertainty in Pakistan has not seriously threatened the military’s control of the nuclear arsenal, but vulnerabilities exist . . . we judge that the Army’s management of nuclear policy issues — to include physical security — has not been degraded by Pakistan’s political crisis.”154

#### Blowback is false, no data- and Pakistan is worse

Anderson, 13- “The Case for Drones”. Kenneth Anderson, writer for Real Clear Politics. May 24, 2013. http://www.realclearpolitics.com/articles/2013/05/24/ the\_case\_for\_drones\_118548-2.html

It is sharply contested, to say the least, whether and to what extent drone strikes are creating blowback among villagers, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the American drones are undertaking strikes that the Pakistani government might otherwise undertake. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the tribal areas fear the Pakistani army far more than they fear U.S. drones, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that as the counterinsurgency era ends for U.S. forces, narrow blowback concerns about whether villages might be sufficiently provoked against American infantry are subsiding. That leaves the broader claim of global blowback—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. ///////

It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up. From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario. There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully. Blowback is a form of the precautionary principle. But it’s awfully difficult to conduct war, after all, on the basis of “first do no harm.” As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

# 2NR

## Prolif Now

**Prolif now – they all risk nuclear war**

**a). Myanmarr**

**SHUALY 09** (Mordchai, Editorial Researcher at FP, Foreign Policy, Oct 20, <http://www.foreignpolicy.com/articles/2009/10/20/the_future_nuclear_powers_you_should_be_worried_about>)

Why you should worry: Suspicions of a nascent Burmese nuclear weapons program are widespread. In July, U.S. Secretary of State Hillary Clinton publicly worried about military cooperation between North Korea and Burma, saying, "It would be destabilizing for the region. It would pose a direct threat to Burma's neighbors." Clinton's worries are validated by the reports of two recent Burmese defectors, one a former business executive involved in Burma's nuclear contracts, and the other an officer in a secret nuclear battalion in the Burmese Army, whose roles in Burma's clandestine nuclear program were described in the Sydney Morning Herald. Tensions have been rising between Burma and Bangladesh since 2 008, with a border dispute and a buildup of military forces along the disputed area. The tension has risen palpably; in the past two weeks, in addition to heavy tanks and artillery, at least five Burmese and four Bangladeshi warships have faced off across the Bay of Bengal. With both countries looking to go nuclear, the prospect of this conflict exploding is only more worrying.

**b). Bangladesh -**

**SHUALY 09** (Mordchai, Editorial Researcher at FP, Foreign Policy, Oct 20, <http://www.foreignpolicy.com/articles/2009/10/20/the_future_nuclear_powers_you_should_be_worried_about>)

Why you should worry: Bangladesh's drive for nuclear power is understandable; years of underinvestment in its energy sector have made severe power outages a frequent occurrence and some estimates predict that the country could go into a total blackout by 2011 if no new plants are built. Despite these concerns and the IAEA imprimatur, domestic critics continue to raise concerns over whether Bangladesh has the infrastructure necessary to safely operate a nuclear plant, particularly because the country's coal- and gas-powered plants are frequently tripped up by poor maintenance.¶ Bangladesh is also not the most politically stable of countries. Since gaining independence in 1971 in a regional war involving Pakistan and India, two of the country's leaders have been assassinated, there have been a series of military coups (both bloody and bloodless), widespread corruption charges, bomb attacks by Islamist militants, and near-constant strikes that have paralyzed the country. In December 2008 a state of emergency ended and elections this January brought an end to interim rule. The election has hardly brought political calm, however; charges of a rigged election were followed by a mutiny of paramilitary border guards in February.¶ Despite relative peace between Pakistan and India in redcent years, incluing high-level talks and appeals to the United States to arbitrate the dispute over Kashmir, the regional arms race continues unabated. Pakistan will have a new plutonium production facility operating within a year, while India is working on cruise missiles designed for nuclear warheads and nuclear submarines. Pakistan's recent push to help Bangladesh develop nuclear capabilities only introduces another potentially devastating factor in an already-volatile mix.