# Drone Proliferation

#### Now’s key—window is closing for model of established norms on drones

Kristin Roberts 13, News Editor – National Journal, March 22, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321

“The history of technology development like this is, you never maintain your lead very long. Somebody always gets it,” said David Berteau, director of the International Security Program at the Center for Strategic and International Studies. “They’re going to become cheaper. They’re going to become easier. They’re going to become interoperable,” he said. “The destabilizing effects are very, very serious.” Berteau is not alone. Zenko, of the Council on Foreign Relations, has urged officials to quickly establish norms. Singer, at Brookings, argues that the window of opportunity for the United States to create stability-supporting precedent is quickly closing. The problem is, the administration is not thinking far enough down the line, according to a Senate Intelligence aide. Administration officials “are thinking about the next four years, and we’re thinking about the next 40 years. And those two different angles on this question are why you see them in conflict right now.” That’s in part a symptom of the “technological optimism” that often plagues the U.S. security community when it establishes a lead over its competitors, noted Georgetown University’s Kai-Henrik Barth. After the 1945 bombing of Hiroshima and Nagasaki, the United States was sure it would be decades before the Soviets developed a nuclear-weapon capability. It took four years. With drones, the question is how long before the dozens of states with the aircraft can arm and then operate a weaponized version. “Pretty much every nation has gone down the pathway of, ‘This is science fiction; we don’t want this stuff,’ to, ‘OK, we want them, but we’ll just use them for surveillance,’ to, ‘Hmm, they’re really useful when you see the bad guy and can do something about it, so we’ll arm them,’ ” Singer said. He listed the countries that have gone that route: the United States, Britain, Italy, Germany, China. “Consistently, nations have gone down the pathway of first only surveillance and then arming.” The opportunity to write rules that might at least guide, if not restrain, the world’s view of acceptable drone use remains, not least because this is in essence a conventional arms-control issue. The international Missile Technology Control Regime attempts to restrict exports of unmanned vehicles capable of carrying weapons of mass destruction, but it is voluntary and nonbinding, and it’s under attack by the drone industry as a drag on business. Further, the technology itself, especially when coupled with data and real-time analytics, offers the luxury of time and distance that could allow officials to raise the evidentiary bar for strikes—to be closer to certain that their target is the right one. But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions. A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs. Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists. The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

#### US norm on drone warfare delegitimizes countries who want to proliferate

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In a recent article, David Wood expresses concern over the start of a drone arms race, with China’s People’s Liberation Army beginning to adopt drone technology and Iran possibly supplying drones to Hezbollah in Lebanon. Other reports show that Pakistan has also developed its own set of drones, with offers of assistance from China to help improve their technological sophistication. The proliferation of drone technology is in many ways unsurprising, as technology always spreads across the globe. Yet, the economic and organizational peculiarities of drones may mean their adoption is more likely than other high-tech weapons. Michael C. Horowitz, in his widely praised book The Diffusion of Military Power, notes that states and non-state actors face a number of possible strategic choices when considering military innovations, with the adoption of innovative technology not a foregone conclusion. States will consider both the financial cost of adopting new technology and the organizational capacity required to adopt new technologies — that is, the need to make large-scale changes to recruitment, training, or strategic doctrine. From a financial perspective, drones are an attractive option for state and non-state actors alike, as they are vastly cheaper to build and operate than other forms of aerial technology, with the high level of commercial applications for drone technology helping drive down their cost. Organizationally, drones still require a significant level of training to operate in a combat setting, inhibiting their immediate adoption. Yet, as strategic doctrine in nearly every state prioritizes combating terrorism, drone programs will be easier to integrate into military structures as Horowitz notes that how a military organization defines its critical tasks determines the ease of adopting innovations. Even if the level of organizational capacity needed to operate drones eludes most terrorist organizations, the apparent willingness of states such as Iran to supply militant groups with drones raises the possibility of terrorist groups acquiring tacit knowledge about operating them by networking with sympathising states. If drones are destined to proliferate, the more important issue may become whether American drone doctrine is setting a precedent for other states over how drones are used, and if so, is American drone use weakening the long-standing international norm against assassination? Current US practices include the use of drones in countries without a declaration of war, the routine targeting of rescuers at the scene of drone attacks and the funerals of victims, and the killing of US citizens. **The existence of such practices lends legitimacy to illiberal actions and significantly diminishes the moral authority of the US to condemn similar tactics used by other states, whether against rebellious populations in their own territory or enemies abroad**. While drone advocates such as Max Boot argue that other countries are unlikely to follow any precedents about drone use established by America, **power has an undeniable effect in establishing which norms are respected or enforced**. America used its power in the international system after World War 2 to embed **norms about human rights and liberal political organization**, not only in allies, but in former adversaries and the international system as a whole. Likewise, **the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when using weapons of mass destruction and the practices of colonialism and human intervention**. Therefore, **drones advocates must consider the possible unintended consequences of lending legitimacy to the unrestricted use of drones**. However, with the Obama administration only now beginning to formulate rules about using drones and seemingly uninterested in restraining its current practices, **the US may miss an opportunity to entrench international norms about drone operations**. If countries begin to follow the precedent set by the US, there is also the risk of **weakening pre-existing international norms about the use of violence**. In the summer 2000 issue of International Security, Ward Thomas warned that, while the long-standing norm against assassination has always been less applicable to terrorist groups, the targeting of terrorists is, “likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.” Such an occurrence would represent a deleterious unintended consequence to an already inhumane international system, justifying greater scrutiny of the drone program. Realism cautions scholars not to expect ethical behaviour in international politics. Yet, the widespread use of drones by recent administrations with little accountability and the lack of any normative framework about their deployment on the battlefield could come to be seen as a serious strategic error and moral failing. If the Obama administration was nervous about leaving an amorphous drone policy to a possible Romney Presidency, then surely China or Russia possessing such a program would be terrifying.

#### Statutory clarity key to norms

Maxwell ’12 (Mark David Maxwell, Colonel, Judge Advocate with the U.S. Army, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, <http://www.ndu.edu/press/targeted-killing.html>, Winter 2012)

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

#### Drone prolif escalates and destroys deterrence without strong norms—multiple scenarios for conflict

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An important, but overlooked, strategic consequence of the Obama administration’s embrace of drones is that it has generated a new and dangerous arms race for this technology. At present, the use of lethal drones is seen as acceptable to US policy-makers because no other state possesses the ability to make highly sophisticated drones with the range, surveillance capability and lethality of those currently manufactured by the United States. Yet the rest of the world is not far behind. At least 76 countries have acquired UAV technology, including Russia, China, Pakistan and India.120 China is reported to have at least 25 separate drone systems currently in development.121 At present, there are 680 drone programmes in the world, an increase of over 400 since 2005.122 Many states and non-state actors hostile to the United States have begun to dabble in drone technology. Iran has created its own drone, dubbed the ‘Ambassador of Death’, which has a range of up to 600 miles.123 Iran has also allegedly supplied the Assad regime in Syria with drone technology.124 Hezbollah launched an Iranian-made drone into Israeli territory, where it was shot down by the Israeli air force in October 2012.125 A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before another supplier steps in to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities. The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them.

#### Independently Executive authority ensures the US is drawn into conflicts – WPR restrictions key.

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The Introduction of Technology-Driven Warfare and Shifting Wartime Doctrines The recent actions in Libya illustrate the culmination of a shift toward a new era of warfare, one that upsets the system of social and political checks on presidential military action. Contrary to the series of larger conflicts fought in the twentieth century, this new era has ushered in a system of war devoid of some of the fundamental aspects of war, including the traditional costs discussed above. Specifically, through the advent of military technology, especially in the area of robotics, modern-day hostilities no longer require domestic sacrifices, thereby concealing the burden of war from mainstream consciousness.116 By using fewer troops and introducing drones and other forms of mechanized warfare into hostile areas more frequently,117 an increased number of recent conflicts have managed to avoid many domestic casualties, economic damages, and drafts.118 In a way, less is on the line when drones, rather than people, take fire from enemy combatants, and this reality displaces many hindrances and considerations when deciding whether to use drones in the first place.119 This move toward a limited form of warfare has been termed the “Obama Doctrine,” which “emphasizes air power and surgical strikes, rather than boots on the ground.”120 Under this military framework, as indicated by the recent use of drones in the Middle East, the traditional harms associated with war might become increasingly obsolete as technology replaces the need for soldiers. Indeed, given the increased level of firepower attached to drones, we can imagine a situation where large-scale military engagements are fought without any American soldiers being put in harm’s way, without Americans having to ration their food purchases, and without teenagers worrying about being drafted.121 For example, “[w]ith no oxygen- and sleep-needing human on board, Predators and other [unmanned aerial vehicles] can watch over a potential target for 24 hours or more—then attack when opportunity knocks.”122 Thus, if the recent actions in Libya are any indication of what the future will look like, we can predict a major shift in the way the United States carries out wars .123 The Effects of Technology-Driven Warfare on Politics and Social Movements The practical effects of this move toward a technology-driven, and therefore limited, proxy style of warfare are mixed. On the one hand, the removal of American soldiers from harm’s way is a clear benefit,124 as is the reduced harm to the American public in general. For that, we should be thankful. But there is another effect that is less easy to identify: public apathy. By increasing the use of robotics and decreasing the probability of harm to American soldiers, modern warfare has “affect[ed] the way the public views and perceives war” by turning it into “the equivalent of sports fans watching war, rather than citizens sharing in its importance.”125 As a result, the American public has slowly fallen victim to the numbing effect of technology-driven warfare; when the risks of harm to American soldiers abroad and civilians at home are diminished, so too is the public’s level of interest in foreign military policy.126 In the political sphere, this effect snowballs into both an uncaring public not able (or willing) to effectively mobilize in order to challenge presidential action and enforce the WPR, and a Congress whose own willingness to check presidential military action is heavily tied to public opinion.127 Recall, for example, the case of the Mayaguez, where potentially unconstitutional action went unchecked because the mission was perceived to be a success.128 Yet we can imagine that most missions involving drone strikes will be “successful” in the eyes of the public: even if a strike misses a target, the only “loss” one needs to worry about is the cost of a wasted missile, and the ease of deploying another drone would likely provide a quick remedy. Given the political risks associated with making critical statements about military action, especially if that action results in success,129 we can expect even less congressional WPR enforcement as more military engagements are supported (or, at the very least, ignored) by the public. In this respect, the political reaction to the Mayaguez seems to provide an example of the rule, rather than the exception, in gauging political reactions within a technology-driven warfare regime. Thus, when the public becomes more apathetic about foreign affairs as a result of the limited harms associated with technology-driven warfare, and Congress’s incentive to act consequently diminishes, the President is freed from any possible WPR constraints we might expect ~~him~~ to face, regardless of any potential legal issues.130 Perhaps unsurprisingly, nearly all of the constitutionally problematic conflicts carried out by presidents involved smaller-scale military actions, rarely totaling more than a few thousand troops in direct contact with hostile forces.131 Conversely, conflicts that have included larger forces, which likely provided sufficient incentive for public scrutiny, have generally complied with domestic law.132 The result is that as wars become more limited,133 unilateral presidential action will likely become even more unchecked as the triggers for WPR enforcement fade away. In contrast with the social and political backlash witnessed during the Civil War, World War I, the Vietnam War, and the Iraq War, contemporary military actions provide insufficient incentive to prevent something as innocuous and limited as a drone strike. Simply put, technology-driven warfare is not conducive to the formation of a substantial check on presidential action. THE WAR POWERS RESOLUTION IN THE ERA OF TECHNOLOGY-DRIVEN WARFARE A. Why an Unconstrained Executive Matters Today If public scrutiny acts as a check on presidential action by pressuring Congress into enforcing domestic law (namely, the WPR), then that check has weakened given the increased use of technology-driven warfare abroad.135 As a result, fewer checks on presidential military actions exist, implying that we will see more instances of unilateral presidential initiatives. But if the new era of warfare removes the very issues associated with traditional warfare, should we be concerned about the American public’s increasing numbness to it all? The answer is undoubtedly yes. First, from a practical standpoint, the psychology surrounding mechanized warfare makes it easier for the United States to enter hostilities initially.136 Without having to worry about any of the traditional costs of war (such as a draft, rationing, casualties, etc.), the triggers that have historically made the public wary of war are now gone. When machines, rather than human beings, are on the front lines, the public (and, as a result, politicians and courts) will not act to stop the continued use of drones. In other words, people will simply stop caring about our increased actions abroad, regardless of their validity, constitutionality, or foreign harm. But again one must wonder: should we care? After all, even if we increase the number of military conflicts abroad, the repercussions hardly seem worth worrying about. For example, worrying that WPR violations will cause significant harm to the United States seems somewhat misplaced given the limited nature of technology-driven warfare. Granted, this style of warfare might make it easier to enter hostilities, but the risk of subsequent harm (at least to the United States) is low enough to mitigate any real danger. Furthermore, even if the effects of warfare might become increasingly dulled, any use of force that would eventually require traditional, Vietnam-esque types of harms as the result of technology-driven warfare would in a sense “wake up the populace” in order to check potentially unconstitutional action.137 Thus, if our level of involvement requires machines and only machines, why worry about a restrained level of public scrutiny? The answer is that a very real risk of harm exists nonetheless. War by its very nature is unpredictable.138 Indeed, one of the major grievances concerning the war in Vietnam was that we ended up in a war we did not sign up for in the first place.139 The problem is not the initial action itself but the escalation. Therefore, while drone strikes might not facially involve any large commitment, the true threat is the looming possibility of escalation.140 That threat exists in the context of drones, whether because of the risk of enemy retaliation or because of a general fear that an initial strike would snowball into a situation that would require troops on the ground.141 In both cases, an apparently harmless initial action could eventually unravel into a situation involving harms associated with traditional warfare.142 Worse yet, even if that blowback was sufficient to incentivize the populace and Congress to mobilize, the resulting involvement would only occur after the fact.143 If we want restraints on presidential action, they should be in place before the United States is thrown into a war, and this would require public awareness about the use of drones.144 As such, whether it is unforeseen issues arising out of the drones themselves145 or unforeseen consequences stemming from what was ostensibly a minor military undertaking, there is reason to worry about a populace who is unable to exert any influence on military actions, even as we shift toward a more limited form of warfare.146 Another issue associated with a toothless WPR in the era of technology-drive warfare involves humanitarian concerns. If one takes the more abstract position that the public should not allow actions that will kill human beings to go unchecked, regardless of their legality or underlying rationale, then that position faces serious pressure in the era of technology-driven warfare. As the human aspect of warfare becomes more attenuated, the potential humanitarian costs associated with war will fade out of the collective consciousness, making it easier for the United States to act in potentially problematic ways without any substantial backlash. Rather than take note of whom we target abroad, for example, the numbing effect of technology-driven warfare forces the public to place “enormous trust in our leaders” despite the fact that good faith reliance on intelligence reports does not necessarily guarantee their accuracy.147 Accordingly, as the level of public scrutiny decreases, so too will our ability to limit unwarranted humanitarian damage abroad.148 At the very least, some dialogue should occur before any fatal action is taken; yet, in the technology-driven warfare regime, that conversation never occurs.149 Of course, this Note has argued that the issues associated with technology-driven warfare (an increased level of military involvement abroad, potential for escalation, humanitarian difficulties, etc.) though very real, are less prominent than the harms associated with traditional warfare. But perhaps this premise is incorrect; that is, perhaps technology-driven warfare does present sufficient harm to trigger social and political scrutiny. For example, pecuniary harms are very real contemporary concerns, and they seem to play an increased role in determining a country’s standing.150 In this respect, given the fi nancial costs of drone strikes (and military spending in general),151 perhaps we need not be worried about an absence of public scrutiny. Yet given the traditional costs of war, pecuniary harm hardly seems like the type of concern sufficient to create the type of political checks present in the Civil War, World War I, Vietnam, or Iraq. In all four situations, American lives were at stake, entire households faced life-changing effects of war in a very real way, and the entire country saw major social and political transformations. Economic harm is certainly an issue worth considering, especially as the United States takes on more and more debt; yet, whether that sort of harm rises to the level sufficient to trigger mass citizen mobilization remains to be seen.152 Indeed, if the recent actions in Libya are any indication, financial harm is far too attenuated to create any sort of substantial backlash. Future technology-driven conflicts will likely create a clearer picture of the role of pecuniary damage, but as it stands, this sort of harm fails to “rally the troops” for public attentiveness.

#### Draw in causes great power war.

Eric Posner 13, a professor at the University of Chicago Law School, May 15th, 2013, "The Killer Robot War is Coming," Slate, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/05/drone\_warfare\_and\_spying\_we\_need\_new\_laws.html

Drones have existed for decades, but in recent years they have become ubiquitous. Some people celebrate drones as an effective and humane weapon because they can be used with precision to slay enemies and spare civilians, and argue that they pose no special risks that cannot be handled by existing law. Indeed, drones, far more than any other weapon, enable governments to comply with international humanitarian law by avoiding civilian casualties when attacking enemies. Drone defenders also mocked Rand Paul for demanding that the Obama administration declare whether it believed that it could kill people with drones on American territory. Existing law permits the police to shoot criminals who pose an imminent threat to others; if police can gun down hostage takers and rampaging shooters, why can’t they drone them down too?¶ While there is much to be said in favor of these arguments, drone technology poses a paradox that its defenders have not confronted. Because drones are cheap, effective, riskless for their operators, and adept at minimizing civilian casualties, governments may be tempted to use them too frequently.¶ Indeed, a panic has already arisen that the government will use drones to place the public under surveillance. Many municipalities have passed laws prohibiting such spying even though it has not yet taken place. Why can’t we just assume that existing privacy laws and constitutional rights are sufficient to prevent abuses?¶ To see why, consider U.S. v. Jones, a 2012 case in which the Supreme Court held that the police must get a search warrant before attaching a GPS tracking device to a car, because the physical attachment of the device trespassed on property rights. Justice Samuel Alito argued that this protection was insufficient, because the government could still spy on people from the air. While piloted aircraft are too expensive to use routinely, drones are not, or will not be. One might argue that if the police can observe and follow you in public without obtaining a search warrant, they should be able to do the same thing with drones. But when the cost of surveillance declines, more surveillance takes place. If police face manpower limits, then they will spy only when strong suspicions justify the intrusion on targets’ privacy. If police can launch limitless drones, then we may fear that police will be tempted to shadow ordinary people without good reason.¶ Similarly, we may be comfortable with giving the president authority to use military force on his own when he must put soldiers into harm’s way, knowing that he will not risk lives lightly. Presidents have learned through hard experience that the public will not tolerate even a handful of casualties if it does not believe that the mission is justified. But when drones eliminate the risk of casualties, the president is more likely to launch wars too often.¶ The same problem arises internationally. The international laws that predate drones assume that military intervention across borders risks significant casualties. Since that check normally kept the peace, international law could give a lot of leeway for using military force to chase down terrorists. But if the risk of casualties disappears, then nations might too eagerly attack, resulting in blowback and retaliation. Ironically, the reduced threat to civilians in tactical operations could wind up destabilizing relationships between countries, including even major powers like the United States and China, making the long-term threat to human life much greater.¶ These three scenarios illustrate the same lesson: that law and technology work in tandem. When technological barriers limit the risk of government abuse, legal restrictions on governmental action can be looser. When those technological barriers fall, legal restrictions may need to be tightened.

#### Drone prolif escalates every hotspot including Iran-Israel, Senkakus, and South China Seas

Xiaolin 11/2 (Duan, The Diplomat, “The Rise of the Drones” 11/2/13 http://thediplomat.com/2013/11/02/the-rise-of-the-drones/)

In a broader sense, America’s use of drones may create more strategic dilemmas for regional and global peace and stability: specifically proliferation and a possible arms race involving drones that could leave the world more prone to conflict.¶ Drones are usually deployed and sent to turbulent areas for intelligence collection and targeted assassinations. They rely heavily on remote control and information links. Small technical errors can result in the rapid proliferation of modern weapons and technology. Case in point: In December 2011, Iran hijacked a U.S. Stealth RQ-170 by spoofing its GPS signal. Iranian Revolutionary Guards then reversed-engineered it, decoded the data and software, and produced a copy. Now, Iran has around 17 drones, including six armed UAVs in use. Its Shahed-129 is capable of attacking air and land targets, which “marks a significant technological advance.”¶ America’s use of drones has also prompted many other countries to develop their own or buy drones from the international market, including Britain, Israel, India, Russia, South African and China. Indeed, China is particularly ambitious, having sold Wing Loong UAVs to a number of countries. It is now developing its stealth drone “Li Jian” (Sharp Sword), which makes it the third country capable of producing such weapons, after America’s X-47 and France’s nEUROn.¶ Countries that don’t have drones may feel threatened and less secure, and seek similar or other asymmetrical means to maintain the balance of power. This could lead to an arms race. What’s more, as the adage says, to the man with a hammer everything looks like a nail. Leaders and field commanders may become overconfident in their technology, making them more assertive than prudence would normally dictate.¶ Security experts worry that drones, usually fielded in geopolitically dangerous areas of the world, may contribute to the outbreak of more small wars and conflict escalation. In the Middle East, Iran and Israel are adversaries armed with advanced drones. Israel is now more likely to use drones in strikes against Iran’s nuclear facilities. If that happens, Iran will certainly retaliate, probably using drones, too. In East Asia, China has used drones to monitor the disputed Senkaku/Diaoyu islands in the East China Sea, and Japan has indicated that it plans to do the same. Tokyo has said it may shoot down Chinese drones, prompting a warning by Beijing that this would mean war with China. Taiwan, South Korea, India and a number of ASEAN countries are seeking to buy Global Hawk drones from the U.S., potentially escalating tensions in the South China Sea.

#### SCS conflict causes US-Sino nuclear war

Max Fisher 11, foreign affairs writer and editor for the Atlantic, MA in security studies from Johns Hopkins, Oct 31 2011, “5 Most Likely Ways the U.S. and China Could Spark Accidental Nuclear War,” http://www.theatlantic.com/international/archive/2011/10/5-most-likely-ways-the-us-and-china-could-spark-accidental-nuclear-war/247616

Neither the U.S. nor China has any interest in any kind of war with one other, nuclear or non-nuclear. The greater risk is an accident. Here's how it would happen. First, an unforeseen event that sparks a small conflict or threat of conflict. Second, a rapid escalation that moves too fast for either side to defuse. And, third, a mutual misunderstanding of one another's intentions.¶ This three-part process can move so quickly that the best way to avert a nuclear war is for both sides to have absolute confidence that they understand when the other will and will not use a nuclear weapon. Without this, U.S. and Chinese policy-makers would have to guess -- perhaps with only a few minutes -- if and when the other side would go nuclear. This is especially scary because both sides have good reason to err on the side of assuming nuclear war. If you think there's a 50-50 chance that someone is about to lob a nuclear bomb at you, your incentive is to launch a preventative strike, just to be safe. This is especially true because you know the other side is thinking the exact same thing. In fact, even if you think the other side probably won't launch an ICBM your way, they actually might if they fear that you're misreading their intentions or if they fear that you might over-react; this means they have a greater incentive to launch a preemptive strike, which means that you have a greater incentive to launch a preemptive strike, in turn raising their incentives, and on and on until one tiny kernel of doubt can lead to a full-fledged war that nobody wants.¶ The U.S. and the Soviet Union faced similar problems, with one important difference: speed. During the first decades of the Cold War, nuclear bombs had to be delivered by sluggish bombers that could take hours to reach their targets and be recalled at any time. Escalation was much slower and the risks of it spiraling out of control were much lower. By the time that both countries developed the ICBMs that made global annihilation something that could happen within a matter of minutes, they'd also had a generation to sort out an extremely clear understanding of one another's nuclear policies. But the U.S. and China have no such luxury -- we inherited a world where total mutual destruction can happen as quickly as the time it takes to turn a key and push a button.¶ The U.S. has the world's second-largest nuclear arsenal with around 5,000 warheads (first-ranked Russia has more warheads but less capability for flinging them around the globe); China has only about 200, so the danger of accidental war would seem to disproportionately threaten China. But the greatest risk is probably to the states on China's periphery. The borders of East Asia are still not entirely settled; there are a number of small, disputed territories, many of them bordering China. But the biggest potential conflict points are on water: disputed naval borders, disputed islands, disputed shipping lanes, and disputed underwater energy reserves. These regional disputes have already led to a handful of small-scale naval skirmishes and diplomatic stand-offs. It's not difficult to foresee one of them spiraling out of control. But what if the country squaring off with China happens to have a defense treaty with the U.S.?¶ There's a near-infinite number of small-scale conflicts that could come up between the U.S. and China, and though none of them should escalate any higher than a few tough words between diplomats, it's the unpredictable events that are the most dangerous. In 1983 alone, the U.S. and Soviet Union almost went to war twice over bizarre and unforeseeable events. In September, the Soviet Union shot down a Korean airliner it mistook for a spy plane; first Soviet officials feared the U.S. had manufactured the incident as an excuse to start a war, then they refused to admit their error, nearly pushing the U.S. to actually start war. Two months later, Soviet spies misread an elaborate U.S. wargame (which the U.S. had unwisely kept secret) as preparations for an unannounced nuclear hit on Moscow, nearly leading them to launch a preemptive strike. In both cases, one of the things that ultimately diverted disaster was the fact that both sides clearly understood the others' red lines -- as long as they didn't cross them, they could remain confident there would be no nuclear war.¶ But the U.S. and China have not yet clarified their red lines for nuclear strikes. The kinds of bizarre, freak accidents that the U.S. and Soviet Union barely survived in 1983 might well bring today's two Pacific powers into conflict -- unless, of course, they can clarify their rules. Of the many ways that the U.S. and China could stumble into the nightmare scenario that neither wants, here are five of the most likely. Any one of these appears to be extremely unlikely in today's world. But that -- like the Soviet mishaps of the 1980s -- is exactly what makes them so dangerous.

#### Senkakus causes global nuclear war—US draw-in

**Eland 7/29/**13, Ivan, Senior Fellow and Director of the Center on Peace & Liberty, The Independent Institute, “Why U.S. Policy in East Asia is Dangerous”, http://www.huffingtonpost.com/ivan-eland/why-us-policy-in-east-asi\_b\_3671931.html

Even in the more advanced regions during the Cold War, was it rational for the United States to protect these nations with an American nuclear umbrella-- one that ultimately pledged to incur destruction of American cities to save London, Paris, Berlin, and Tokyo from the communist hordes? A communist takeover of any of these places would have not have been a good day, but incineration of American cities would have been even worse. Yet long after the Cold War is over, the American nuclear shield extends even wider to include a number of countries in Europe and East Asia. In East Asia, the American nuclear backstop protects Japan, South Korea, Australia, and the Philippines formally, and Taiwan and other nations informally. But what if a local conflict between the Chinese and a U.S. ally inadvertently escalates into a nuclear stand off between China and the United States? And it easily could. A rising China is an ally of South Korea's nemesis, North Korea. China also claims Taiwan and has disputes with U.S. allies over islands in the South China Sea (with the Philippines) and in the East China Sea (with Japan). In the last case, China has recently upgraded its coast guard. Meanwhile, a new conservative government in Japan is making noises about scrapping Japan's pacifist constitution and obtaining offensive weapons, and recent dangerous confrontations have occurred between Japanese and Chinese forces near the disputed islands. With a new hawkish and more aggressive government, Japan--like a mouthy little brother standing behind his huge sibling and taunting the opponent--could easily drag the United States into an undesired war with nuclear-armed China. During World War I, outdated alliances dragged the major European powers into a cataclysmic war that nobody wanted. Outdated Cold War alliances could do the same to the United States now in East Asia.

# Drone Culture

Contention 2 is drone culture-

Drones indiscriminately massacre whole families of innocent civilians- this is uniquely unethical and a reason to vote affirmative

Huffington 13 (Arianna, Forbes most 100 influential people and influential women list, founder of Huffington Post, “'Signature Strikes' and the President's Empty Rhetoric on Drones” 7/10/13 http://www.huffingtonpost.com/arianna-huffington/signature-strikes-and-the\_b\_3575351.html)

On March 17, 2011, four Hellfire missiles, fired from a U.S. drone, slammed into a bus depot in the town of Datta Khel in Pakistan's Waziristan border region. An estimated 42 people were killed. It was just another day in America's so-called war on terror. To most Americans the strike was likely only a one-line blip on the evening news, if they even heard about it at all.¶ But what really happened that day? Who were those 42 people who were killed, and what were they doing? And what effect did the strike have? Did it make us safer? These are the questions raised, and answered, in a must-watch new video just released by Robert Greenwald's Brave New Foundation.¶ The attack was what has come to be called a "signature strike." This is when the CIA or the military makes the decision to fire based not on who the targets are but on whether they are exhibiting suspicious patterns of behavior thought to be "signatures" of terrorists (as seen on video from the drone). Given that the CIA is killing people it's never identified based on their behavior, one would assume a certain rigor has gone into defining the criteria for the kinds of behavior that get one killed.¶ So what's a signature behavior? "The definition is a male between the ages of 20 and 40," former ambassador to Pakistan Cameron Munter told the Daily Beast's Tara McKelvey. "My feeling is one man's combatant is another man's -- well, a chump who went to a meeting." The New York Times quoted a senior State Department official as saying that when the CIA sees "three guys doing jumping jacks," the agency thinks it is a terrorist training camp.¶ That day in Datta Khel, the signature behavior was a meeting, or "jirga," which is an assembly of tribal elders who convene to settle a local dispute. In this case, a conflict over a chromite mine was being resolved. And, in fact, the elders had informed the Pakistani army about the meeting 10 days in advance. "So this was an open, public event that pretty much everyone in the community and surrounding area knew about," says Stanford law professor James Cavallaro in the video.¶ Pretty much everyone in the community and surrounding area. But not U.S. intelligence. Or the head of the CIA. Or the president. Or the guy in Virginia or Nevada or some other undisclosed location pressing the button on the drone controller.¶ And so, almost all the tribal elders of the area were killed by the drone missiles. Akbar Ahmed is a retired Pakistani ambassador to the UK and now a professor at American University. "It's feeding into the sense that no one is safe, nowhere is safe, nothing is safe," he says in the video. "Even a jirga, the most cherished, the most treasured institution of the tribal areas. So we cannot even sit down and resolve an issue -- that is not safe anymore." As professor Cavallaro put it, "the loss of 40 leaders on a single day is devastating for that community."¶ And far from building stability in places like Pakistan, something the administration talks a lot about, in fact the strike actually removed, in one fell swoop, the most stabilizing forces in an entire community.¶ Jalal Manzar Khail was at his nearby home that day and remembers the attack, which also claimed four of his cousins. Khail's six-year-old son was later afraid -- not unreasonably -- to sleep in their house. "We cannot go home," Khail recounts his son saying. "We have to spend the night in the tree." Khail adds, "Convey my message to Americans: The CIA and America have to stop ... they're just creating more enemies and this will last for hundreds of years."¶ Khail's message is not uncommon. "At the end of almost every interview I did," Greenwald told me, "the person would say, 'Please tell President Obama I am not a terrorist and he should stop killing my family.'"

#### This permanently destroys entire communities and towns

Hazen 12 (Don, Alternet, “It's Time to Challenge the Propaganda Regarding Who is Killed by U. S. Drones” 12/2/12 http://www.alternet.org/print/world/its-time-challenge-propaganda-regarding-who-killed-u-s-drones)

Robert Greenwald, head of the progressive internet video and documentary film company, Brave New Films [3], recently traveled to Pakistan, supported financially by hundreds of BNF donors, to witness first hand the stories of families who have had innocent loved ones killed by U.S. drone attacks. Greenwald is challenging both the morality and the factual effectiveness of the U.S drone program as we learn more about the failures and questionable policies. The U.S. claims that drone missiles are aimed at potential terrorists but because the ground rules of who can be targeted is both vague and has been loosened, the number of innocents being killed has risen sharply. Furthermore, the information that is used to target people, appears to be the result of a system of bribery at the local level, which is of questionable reliability. It wasn't until April 2012 that John Brennan, White House counter-terrorism adviser admitted for the first time publicly, that our government has been using drones in Pakistan, and later Yemen, to attempt to kill those they consider as potential terrorists. This was the first public acknowledgment, despite the fact that the program had been going for at least several years. Still far more information was withheld in Brennan's announcement about the the program, than was revealed. As The Washington Post [4] reports: "Brennan’s speech was also noteworthy, however, for what he withheld. He did not disclose how many people have been killed, list all the locations where armed drones are being flown or mention the administration’s increasing reliance on 'signature' strikes, which allow the CIA to fire missiles even when it doesn’t know the identities of those who could be killed." The CIA runs the drone program and it is shrouded in secrecy, which enables people like Brennan to characterize the program in glowing terms, which go mainly unchallenged by the media, and contribute to the public assumption that drones are accurate, safe, and taking out the bad guys. Thus Brennan is able to get away with saying, as reported in the Post : Drones’ capability to linger over targets for days enables unprecedented “surgical precision,” Brennan said, “the ability, with laser-like focus, to eliminate the cancerous tumor called an al-Qaeda terrorist while limiting damage to the tissue around it — that makes this counter-terrorism tool so essential.” This despite little evidence that active or powerful elements of Al-Qaeda are operating in the Swat area of Pakistan which has been targeted by drones. Nevertheless, increasingly another story is emerging which raises fundamental questions about the wisdom and the morality of our policy vis a vis Pakistan, and Brennan's effort to pretend that the drone program isn't destructive, and hugely alienating to Pakistan. According to Greenwald, speaking to his staff in a briefing upon his return from Pakistan, people with whom he spoke " said the Drone attacks were a great recruiting tool for the Taliban, because powerless people want to fight back for the losses they have suffered, as their communities and families are attacked. Many businesses have been destroyed in the Swat area, and schools are empty because everyone is afraid of drone attacks. Greenwald explains: Let's assume for a moment the drones can be technically accurate, although that is questionable. What information are they using to establish their targets? Basically it is a form of bribery, where the CIA gives former Pakistani military large sums of money to pass out to sources on the ground in Swat, where the Taliban are most active. Sometimes, -- and it is impossible to tell how much -- these bribes lead to the settling of old and local scores ." So there is another painful and tragic side to the drone story -- not the one of killing so called "militant targets" but rather the slaughter of innocent civilians, as stories of drone victims have emerged in the Fata area of Swat where the drones are targeted. Greenwald recounted one situation, as told to him from people from area of the bombing that there was a group of elders were meeting in a Jirga -- a kind town meeting of elders -- to resolve a community conflict , this one a dispute about mining. But the meeting was interpreted by drone intelligence as a group of men with guns -- obviously not unusual for the region -- and it became a "signature strike" -- and a missile killed between 20 and 40 of the elders. Like with their intense efforts to work to end the war in Afghanistan, Greenwald and Brave New Films started their quest to change U.S. drone policy with heavy odds (and check out his latest efforts at WarCosts.com [5]). But just as the public attitude toward the Afghan war shifted over time, with heavy dosages of strong factual information contrary to the administration's line, Greenwald is confident that thee attitude toward drones will shift. AlterNet spoke with Greenwald in his Culver City California offices on November 26th, just after his return from Pakistan. Don Hazen:Tell us a little bit about what it was like in Pakistan, and what surprised you, and made you think you were doing the right thing by going there and pursuing the drone story. Robert Greenwald:The first-hand experience immediately was that the people couldn't have been more gracious, and that was surprising, given how hated the drones are -- by virtue of all measure of statistics -- in the great majority of the country. Don Hazen:What was their message to you? Did they understand you to be a messenger to the public here in the US? Robert Greenwald:Many of the people asked me to talk to the president of the United States, and to explain to him who they were -- that they were not terrorists; they were farmers, they were peasants, they were poor people, they were working people, they were religious people. I heard that over and over again -- to please explain this to the President how much damage this was doing. And some of them had the belief that just his understanding who they really were would force him to change his mind about the drone attacks. Don Hazen: What is your sense of the Obama policy's effect in Pakistan? What's your thinking about why we have moved to the use of drones as a major policy shift, and is it working? Robert Greenwald: After a trip to the region, is very hard to understand or justify why we're doing it. I feel, like when I went to Afghanistan -- there two minutes after walking around on the streets, and you knew this was a country that invading and occupying was not going to be a security solution. After a short period of time in Pakistan, it's clear that drones are not a security solution either.. If you believe in drones, the original idea was to go after so-called high-value targets, which according to the NYU-Stanford study 2% of the people killed by drones are high-value targets -- now, who are all the rest of the people? Well, it's a secret program, so therefore the CIA doesn't have to tell us anything, yet they claim that with each attack they're getting militants. Now we have people coming forward, saying, actually, no we're not terrorists. One man, he had a picture of a 65 year old woman with grey hair -- his mother. She's not a militant terrorist. So the notion that we're killing terrorists exclusively is fundamentally inaccurate. It has been estimated by the Bureau of Investigative Journalism that as many as 178 children [6] have been killed in drone attacks (Read the full report on child casualties from the drone war [6]on WarCosts.com [6] and watch Greenwald's related video at the bottom of this interview). Don Hazen:Why is the CIA in charge of this? What would they say to argue with you? And Why do they think the drone policy is working? Robert Greenwald:The CIA is in charge, because remember, we're officially not at war with Pakistan. Tell that to the population and in Pakistan, who see this as an extreme violation of their sovereignty. The Pakistan Parliament voted three times unanimously against the use of drones. One of the original justifications by the CIA was that there was this "imminent threat" of terrorism. Well, I defy anyone to prove that the individuals attacked by drones in Pakistan pose an imminent security threat to the security of the United States. I think the CIA would say, and they have said that it's the least-bad solution, but I have concluded it's far from the least bad solution. Basically the CIA has decided that they can unilaterally pick who should be assassinated -- No proof, no evidence, no court of law. A small group of people are deciding who should be assassinated and which countries its OK to do this in, and they are often very very wrong. Don Hazen:And how do we fight that? As more people are mobilized to be against drones, what would be the strategy and tactics to try to change the policy; It seems like there's no access to changing this policy in a democracy, since much of it is secret, and a "matter of national security." Nobody is voting on it. The Congress isn't saying -- Yes , on drones; or No on drones. Robert Greenwald:It's somewhat analogous to Afghanistan -- Congress had to have a series of votes over the years to fund that war, keep it going. I think the first step is to have investigations -- It looks like they're going to have an investigation in the UK, and also now that the United Nations is going to be conducting its own. We need to first know: what exactly is the policy, how is it being decided, and to push for transparency. There's absolutely no reason -- with the exception of avoiding outside scrutiny -- for the CIA to keep this hidden. Everyone knows drones are being deployed outside the US for assassinations. Let's say you even believe in drones. Shouldn't we have a system that would "justify" their use? i.e. we did this attack, because these bad guys were there, and here's what we did. We don't even have that. So that's where we start. We are asking for people to contact Pelosi/Boehner and push for the House Resolution that Dennis Kucinich introduced that calls for an investigation. Don Hazen:Do you have a sense of where this is coming from beyond the CIA? Is Obama and his national security staff all pro-drone? Robert Greenwald: Based on limited information, it appears to be primarily driven by the CIA and especially John Brennan, chief counter-terrorism advisor to Obama. But now we hear that Brennan is trying to rein the program . Don Hazen: Moral issues aside, what do you say to the people who a. believe drones will save American lives, b. cost a lot less than the traditional model of bombers? For example there was a huge issue in Afghanistan of bombing weddings, where part of the celebration involves firing machine guns into the sky -- the proponents of drones say, look we're avoiding a lot more casualties with this approach. Robert Greenwald:Well, the accuracy argument -- whether it's a wedding in Afghanistan or a funeral in Pakistan, it comes down to who was on the ground giving you the information telling you who the attendants were. And we know that the people who give that kind of information are being bribed. So their intelligence is going to be faulty. It's an approach that creates doubts from the outset. Don Hazen:All this is going on in Swat, a semi autonomous area of Pakistan right? How much of a threat are the Taliban there? Robert Greenwald:Yes, the Swat area is part of the nation state of Pakistan, but it follows its own set of rules and regulations. It's semi-autonomous. Highly uneducated, extreme levels of poverty as we understand the word poverty, and highly mountainous. That area is where almost all of the attacks on Pakistan have been unleashed. As far as the he Taliban goes, it is not one unified organization Some of them are brutal to the population, some are less aggressive. But the key is that none of them pose an immediate threat to the U.S. So what's central here, is that it's the drone attacks that are creating the threat, as angry people may try to seek revenge against us, as has already been the case.

#### The affirmative actively shapes the way our community views drone culture opposing excessive government power

Butigan 1/10/2013 (Ken, Director of Pace e Bene, a nonprofit organization fostering nonviolent change through education, community and action, "How can you resist the age of drones?" wagingnonviolence.org/feature/how-can-you-resist-the-age-of-drones/)

A drones culture is a chilling prospect. It promises to dramatically escalate a trend that the United States has been pursuing since the inception of the national security state in the late 1940s: military superiority through surveillance — beginning with U-2 flights, the SR-71 Blackbird and the NAV-STAR satellite system — and land-, sea- and air-based weapons systems. Its logic is to establish a regime of incontestable control and to create a comprehensive, remote and automated war-fighting capability. This has profound geopolitical implications. But it also threatens something even more monumental: the increasing depersonalization and dehumanization not only of warfare but, more generally, of social organization and interaction. The terror of the Atomic Age was the potential for the annihilation of life in a matter of hours or days after a nuclear exchange. The terror of the Drone Age is living under systems of control over the course of one’s whole lifeSuch a regime could operationalize — and give factual bite to — George W. Bush’s pithy declaration, “You are either with us or against us.” The disposition matrix of the near future will have the capacity to more and more finely divide us into “us” and “them.” What is being worked out today over the skies of Pakistan, Afghanistan and Yemen — with all of its attendant horror and bloodshed on the ground — will likely be applied far and wide. All of this will be deemed “legal.” And, if allowed to proceed unhindered, will eventually pass largely out of the hands of human minders. But that’s inherent in its logic. Drones carry on the radical detachment between cause and effect that high-altitude bombers introduced during the Spanish Civil War and World War II. With the horror unseen, one could increasingly accelerate the age-old tactic of dehumanizing the opponent. In the Drone Age, the ultimate dream is to hand this task entirely off to software so that no humans fingerprints are even found on the human wreckage it leaves in its path. But there are still fingerprints — and that may be part of our salvation. My colleague Friar Louie Vitale (one of those arrested but not charged at Beale) has been part of the anti-drones movement for several years. He recently told me about a time he was vigiling at a major drones base as the employees were headed home for the day. While he stood there with a sign, a man on a motorcycle pulled over to chat. He said he was a captain who had flown a lot of missions, and now was “flying” drones sitting at a monitor with a joystick. He spoke matter-of-factly about conducting these operations. Nothing unnerved him about what he was doing, he said — except when what he called CIV CAVS (“civilian casualties”) were involved. When that happens, he told Louie, he couldn’t sleep. Or, as another younger pilot Louie met on another occasion simply said, “I can’t stand what I’m doing!” Do those who order these attacks sleep at night? For that matter, do we? The drone system is designed to keep our sleep untroubled. But there are some among us who have decided to wake up, like the five going to court in April, and to in turn invite us to do the same. What if more of us wiped the sleep from our eyes and decided that we will do everything in our power to pull back from the horrific terrain we have let our policy-makers enter? It is time to deepen and broaden this movement for human rights. We could become part of Drone Watch or Code Pink. We could read Medea Benjamin’s book, Drone Warfare: Killing by Remote Control. We could put ending the “disposition matrix” on the agenda of our organizations. We could ask our religious communities to spend some of their moral capital in standing for a more ethical future, including signing onto “A Call from the Faith-Based Community to Stop Drone Killings.” We could take action like the Beale Five — who will face a maximum sentence of six months in jail and a $5,000 fine when they head to trial in April — or like Brian Terrell, who is currently serving a prison sentence for nonviolently resisting drones. We could also investigate — and begin to resist — our local connections to the drones system. In 1988, as part of the U.S. Central America Peace Movement, the Pledge of Resistance organized the “Military Connections Campaign,” which identified how local military facilities and corporations were supporting this policy. We organized hundreds of coordinated actions with the slogan “Stopping the war starts here.” It may be time to ask, “What’s our local connection to the emerging drones culture?” There are likely many local connections, which could be the basis of a nationwide campaign to help the nation make a decision for a world free of drones and the dehumanizing culture they portend.

#### Academic debate regarding war powers is makes checks on excessive presidential authority effective---college students key

Kelly Michael Young 13, Associate Professor of Communication and Director of Forensics at Wayne State University, "Why Should We Debate About Restriction of Presidential War Powers", 9/4, public.cedadebate.org/node/13

Beyond its obviously timeliness, we believed debating about presidential war powers was important because of the stakes involved in the controversy. Since the Korean War, scholars and pundits have grown increasingly alarmed by the growing scope and techniques of presidential war making. In 1973, in the wake of Vietnam, Congress passed the joint War Powers Resolution (WPR) to increase Congress’s role in foreign policy and war making by requiring executive consultation with Congress prior to the use of military force, reporting within 48 hours after the start of hostiles, and requiring the close of military operations after 60 days unless Congress has authorized the use of force. Although the WPR was a significant legislative feat, 30 years since its passage, presidents have frequently ignores the WPR requirements and the changing nature of conflict does not fit neatly into these regulations. After the terrorist attacks on 9-11, many experts worry that executive war powers have expanded far beyond healthy limits. Consequently, there is a fear that continued expansion of these powers will undermine the constitutional system of checks and balances that maintain the democratic foundation of this country and risk constant and unlimited military actions, particularly in what Stephen Griffin refers to as a “long war” period like the War on Terror (http://www.hup.harvard.edu/catalog.php?isbn=9780674058286). In comparison, pro-presidential powers advocates contend that new restrictions undermine flexibility and timely decision-making necessary to effectively counter contemporary national security risks. Thus, a debate about presidential wars powers is important to investigate a number of issues that have serious consequences on the status of democratic checks and national security of the United States.¶ Lastly, debating presidential war powers is important because we the people have an important role in affecting the use of presidential war powers. As many legal scholars contend, regardless of the status of legal structures to check the presidency, an important political restrain on presidential war powers is the presence of a well-informed and educated public. As Justice Potter Stewart explains, “the only effective restraint upon executive policy and power…may lie in an enlightened citizenry – in an informed and critical public opinion which alone can protect the values of a democratic government” (http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0403\_0713\_ZC3.html). As a result, this is not simply an academic debate about institutions and powers that that do not affect us. As the numerous recent foreign policy scandals make clear, anyone who uses a cell-phone or the internet is potential affected by unchecked presidential war powers. Even if we agree that these powers are justified, it is important that today’s college students understand and appreciate the scope and consequences of presidential war powers, as these students’ opinions will stand as an important potential check on the presidency.

#### Policy focus crucial for drones – ensures public accountability

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http://www.academia.edu/4175561/Why\_policy\_relevance\_is\_a\_moral\_necessity\_Just\_war\_theory\_impact\_and\_UAVs

Just War Theory and Social Criticism This section of the paper considers more generally the need for just war theorists to engage with policy debate about the use of force, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. It draws on John Kelsay’s conception of just war thinking as being a social practice, as well as on Michael Walzer’s understanding of the role of the social critic in society. It argues that the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.” Kelsay argues that: [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just. He also argues that “good just war thinking involves continuous and complete deliberation, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.” This is important as it highlights the need for just war scholars to engage with the ongoing operations in war and the specific policies that are involved. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,” in terms of being able to discuss it and judge it in moral terms. Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. The just war theorist, as a social critic, must be involved with his or her own society and its practices. In the same way that the social critic’s distance from his or her society is measured in inches and not miles, the just war theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted. It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to demonstrate its hypocrisy and to show the gap that exists between its practice and its values. The tradition itself provides a set of values and principles and, as argued by Cian O’Driscoll, constitutes a “language of engagement” to spur participation in public and political debate. This language is part of “our common heritage, the product of many centuries of arguing about war.” These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force. By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis. Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship. This engagement must bring just war theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers, however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition the policy-makers will be forced to account for their decisions and justify them in just war language. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”, it is incumbent upon just war theorists to ensure that the public are informed and are capable of holding their political leaders to account. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda, is a grotesque act of intellectual irresponsibility. As Walzer has argued, it is precisely because it is “our country” that we are “especially obligated to criticise its policies.”

# Plan

#### The United States Congress should determine that the offensive use of combat drones constitutes an introduction of United States Armed Forces into hostilities.

# Solvency

#### WPR key to public accountability – ensures transparency and acts as a bulwark on presidential authority.

John Patera 12 J.D., May 2012, Hamline University School of Law. Spring. 33 Hamline J. Pub. L. & Pol'y 387

To focus on the Resolution's shortcomings, however, is to only tell part of the story because the Resolution does retain one extremely useful feature. The Resolution remains an excellent tool for Congress to control public opinion regarding a president's unilateral deployment of armed forces and, therefore, can still encourage the president to act in accordance with its strictures despite its lack of enforceability in a court of law. n155 The history of the Resolution tells a story of consistent technical violations by the executive branch. A closer look nevertheless reveals that the Resolution has been largely successful at accomplishing its stated purpose: to "fulfill the intent of the [\*418] framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities." n156 Ensuring that Congress has an opportunity to weigh in on any deployment of American armed servicemen begins with the Resolution's requirement that presidents consult with Congress within 48 hours. n157 Every president has complied with the 48-hour requirement and consulted with Congress even though maintaining that the Resolution itself was unconstitutional. n158 President Obama went one step further and for the first time implicitly recognized the constitutionality of the Resolution. n159 Further, it has been effective at encouraging the executive branch to communicate openly with Congress and to not act unilaterally without a substantial showing of support. n160 Indeed, the Resolution was somewhat effective at the conflict's inception as President Obama provided notice of the conflict in compliance with the Resolution's 48-hour rule, and shaped American involvement in the NATO operation to fit its requirements. As previously discussed, the President expressly excluded the possibility of putting "boots on the ground", and from the conflict's inception, specifically defined its limited scope. n161 Compliance with the 48-hour requirement, and providing Congress with information regarding the nature of the conflict reinforces the usefulness of the Resolution because, according to a Senate report, the intent behind Section 8(c) of the Resolution was "to prevent secret, unauthorized military support activities." n162 The Resolution [\*419] has encouraged transparency when a president acts abroad, and in doing so allows the Congress to shape public opinion regarding the conflict. The Resolution was ineffective, however, at restraining President Obama as he sustained the conflict because Congress was largely unsuccessful at shaping public opinion. n163 This can partially be attributed to the operation's successful outcome and relative brevity; however, there is a more fundamental problem. The Obama administration's limited operation and use of drone technology deprived Congress of the opportunity to argue that he was putting American lives at risk. Congress was forced to present to the public an abstract debate over the meaning of "hostilities" for the purposes of the Resolution, without the benefit of concrete language that the President could not avoid. Further, perhaps in an attempt to make the debate less abstract, Congress~~men~~ were relegated to focusing on the fiscal cost of the conflict, rather than its legality. n164 Due to the unique nature of the conflict, the Resolution lost any and all effectiveness once underway. For the first time since the Resolution's passage, however, a president recognized the authority of the Resolution to restrict executive power. n165 Congress should capitalize on this fact and take the opportunity to dull some of the gloss on executive power. This is important because with each passing year, drones become more technologically capable, more deadly, and will be relied upon in greater numbers. The War Powers Resolution was not designed to restrict limited military operations that do not risk American personnel, and drones by their very nature operate in a limited fashion without risk to American servicemen. Therefore, as the [\*420] military transitions into the 21st century, so too must the Vietnam era War Powers Resolution. C. A Solution The Resolution remains an important tool for Congress to shape public opinion and needs to be updated. Therefore, with the advent of new technology that could not have been predicted by its drafters, it should be amended to make it a more effective in the 21st century. The Obama Administration's arguments for why it was not engaging in "hostilities" within the meaning of the Resolution are at the very least supportable and undermine the Resolution's effectiveness as a curb on executive power. As Representative Boehner argued, however, to suggest that one is not engaging in "hostilities" while armed drones are firing upon military targets "defies rational thought." n166 If Congress wishes to use the Resolution as a means of limiting presidential action through public pressure, than it must amend the Resolution to explicitly prohibit the offensive use of drones. As demonstrated by the conflict in Libya, assertions by members of Congress that a president is engaging in "hostilities" by deploying drones are undermined by the limited manner in which they operate, and more importantly, the relative lack of exposure of American personnel to harm. Members of Congress attempted to rectify this by passing funding legislation that would specifically prohibit the offensive use of drones in Libya, but were unsuccessful. n167 Further, if passed, the funding legislation would merely have been an ad hoc veto against the unilateral action taken by the President. This was not the intent of those who drafted the Resolution. The purpose of the Resolution was to ensure Congress' participation in the initial decision to send armed forces abroad. n168 With regards to the operation in Libya, the Resolution provided the [\*421] guidelines that shaped the scope of American involvement. n169 Indeed, it is reasonable to infer that the operation would have been carried out in a different manner, if at all, had the Resolution included a specific prohibition against the offensive use of drone technology. At the very least, should the Libyan conflict prove to be a blueprint for future small-scale military interventions, Congress would have concrete language to point to when attempting to shape public opinion. If Congress wants to ensure its role in the decision to send American military forces abroad, then it must recognize that drones are here to stay. V. Conclusion The War Powers Resolution needs updating. Though it has its critics, the Resolution does still serve a purpose in ensuring that Congress plays a concurrent role in the field of foreign policy, as intended by this Nation's Founders. The Resolution's language does not, however, adequately address the types of small-scale conflicts that are likely to occur in the 21st century. A product of the Vietnam era, the Resolution places too great of an emphasis on the exposure of American servicemen to harm, and gives presidents the freedom to rely on new technologies to skirt its strictures. Drone technology is here to stay. Technological advancements mean that drones will be more agile, more deadly, and more effective. Further, the increase in the numbers of drones utilized by American armed forces mean that they will play an even greater role in future conflicts. The drafters of the Resolution did not, and could not envision the day where American pilots could deliver their aircraft's deadly payload while remaining safely on the ground, far from the conflict. The intent in passing the Resolution was to ensure that Congress has a mechanism to ensure its concurrent participation in the decision to involve the Nation in armed conflict. Congress should therefore amend the Resolution to [\*422] include the offensive use of armed drones within the definition of "hostilities."

#### Public scrutiny through the WPR key – constraint on executive power to use drones is impossible without it.

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B. Why Existing Theories of Presidential Constraint Are No Longer Sufficient Naturally, some have argued that an unchecked President is not necessarily an issue at all. Specifically, in The Executive Unbound, Eric Posner and Adrian Vermeule argue that the lack of presidential constraint is actually a rational development: we want a President who can act with alacrity, especially in a world where quick decisions may be necessary (e.g., capturing a terrorist).153 But rather than worry about this progression, Posner and Vermeule argue that sufficient political restraints remain in place to prevent a president from acting recklessly, making the inability of legal constraints (such as the WPR) to curtail presidential action a moot point.154 Specifically, a mix of “elections, parties, bureaucracy, and the media” acts as an adequate constraint on presidential action, even absent any legal checks on the executive.155 Posner and Vermeule find that presidential credibility and popularity create a deep incentive for presidents to constrain their own power. This restraint does not arise from a sense of upholding the Constitution or fear of political backlash, but from the public itself.156 Because of these nonlegal constraints, the authors conclude that the fear of an unconstrained President (one that has the potential to go so far as tyranny) is unwarranted.157 The problem with such a theory is that the requisite social and political awareness that might have existed in large-scale wars has largely disappeared, allowing the President to act without any fear of diminished credibility or popularity. Specifically, Posner and Vermeule seem to rely on public attentiveness in order to check presidential action but do not seem to consider a situation where public scrutiny fails to materialize. The authors place an important caveat in their argument: “As long as the public informs itself and maintains a skeptical attitude toward the motivations of government officials, the executive can operate effectively only by proving over and over that it deserves the public’s trust.”158 But what happens when such skepticism and scrutiny vanish? The authors premise their argument on a factor that does not exist in a regime that utilizes technology-driven warfare. If credibility is what controls a President, and an apathetic populace does not care enough to shift its political views based on the use of technology-driven warfare abroad, then a President need not worry about public sentiment when deciding whether to use such force. This in turn means that the theory of self-restraint on the part of the President fails to account for contemporary warfare and its social impact, making the problem of public numbing very pertinent.159 CONCLUSION On June 21, 2011, the United States lost contact with a Fire Scout helicopter flying over Libya. Military authorities ultimately concluded that Qaddafi forces shot the helicopter down, adding to the final cost of America’s intervention.160 Yet there would be no outrage back home: no candlelit vigils, no congressional lawsuits, no protests at the White House gates, no demands for change. Instead, few people would even know of the Fire Scout’s plight, and even fewer would care. That is because the Fire Scout helicopter was a drone, a pilotless machine adding only a few digits to the final “cost” of the war, hardly worth anyone’s time or effort. As these situations become more and more common—where postwar assessments look at monetary, rather than human costs—the fear of unilateral presidential action similarly becomes more pertinent. Unlike past larger-scale wars, whose traditional harms provided sufficient incentive for the populace to exert pressure on the President (either directly or via Congress), technology-driven warfare has removed the triggers for checks on presidential action. And though the military actions that have raised WPR issues involved limited, small-scale operations, the volatile and unpredictable nature of warfare itself could eventually put American lives in danger, a risk worth considering given the increased use of drones abroad. Thus, the same conditions are now in place as when the WPR was enacted, creating a need to revisit the importance of the WPR in light of the numbing effect of technology-driven warfare. Although it might be tempting to simply write off the WPR as a failed experiment in aggressive congressional maneuvering given its inability to prevent unilateral presidential action in the past, the new era of warfare and its effects on the populace has created a newfound sense of urgency, one that requires a strong statutory barrier between the President and military action abroad. Thus, we need stronger WPR enforcement as it becomes easier to enter into “hostilities.” While others focus on the WPR itself,161 the emphasis of this Note is on the public’s role in preventing unilateral presidential action. In this respect, the simplest solution for the numbing effect of contemporary warfare is an increased level of public attentiveness and scrutiny concerning military actions abroad, regardless of the lack of visible costs at home. As we have seen, once the public becomes vigilant about our less-visible foreign actions, we can expect our politicians to become receptive to domestic law. But as this Note points out, the issues surrounding a toothless WPR will continue to grow and amplify as society enters a new age of technology-driven warfare. Thus, there is a pressing need for greater public awareness of the new, and perhaps less obvious, consequences of our actions abroad.162 Perhaps taking note of these unforeseen costs will improve the public’s inquiry into potential illegal action abroad and create real incentives to enforce the WPR.

#### Plan’s clarity ensures judicial enforcement and deters circumvention.

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Effective accountability mechanisms constrain policymakers' freedom to choose to use force by increasing the costs of use-of-force decisions and imposing barriers on reaching use-of-force decisions. The accountability mechanisms discussed here, when effective, reduce the likelihood of resorting to force (1) through the threat of electoral sanctioning, which carries with it a demand that political leaders explain their resort to force; (2) by limiting policymakers to choosing force only in the manners authorized by the legislature; and (3) by requiring policymakers to adhere to both domestic and international law when resorting to force and demanding that their justifications for uses of force satisfy both domestic and international law. When these accountability mechanisms are ineffective, the barriers to using force are lowered and the use of force becomes more likely. Use-of-force decisions that avoid accountability are problematic for both functional and normative reasons. Functionally, accountability avoidance yields increased risk-taking and increases the likelihood of policy failure. The constraints imposed by political, supervisory, fiscal, and legal accountability "make[] leaders reluctant to engage in foolhardy military expeditions... . If the caution about military adventure is translated into general risk-aversion when it comes to unnecessary military engagements, then there will likely be a distributional effect on the success rates of [democracies]." n205 Indeed, this result is predicted by the structural explanation of the democratic peace. It also explains why policies that rely on covert action - action that is necessarily less constrained by accountability mechanisms - carry an increased risk of failure. n206 Thus, although accountability avoidance seductively holds out the prospect of flexibility and freedom of action for policymakers, it may ultimately prove counterproductive. In fact, policy failure associated with the overreliance on force - due at least in part to lowered barriers from drone-enabled accountability avoidance - may be occurring already. Airstrikes are deeply unpopular in both Yemen n207 and Pakistan, n208 and although the strikes have proven critical [\*421] to degrading al-Qaeda and associated forces in Pakistan, increased uses of force may be contributing to instability, the spread of militancy, and the failure of U.S. policy objectives there. n209 Similarly, the success of drone [\*422] strikes in Pakistan must be balanced against the costs associated with the increasingly contentious U.S.-Pakistani relationship, which is attributable at least in part to the number and intensity of drone strikes. n210 These costs include undermining the civilian Pakistani government and contributing to the closure of Pakistan to NATO supplies transiting to Afghanistan, n211 thus forcing the U.S. and NATO to rely instead on several repressive central Asian states. n212 Arguably the damage to U.S.-Pakistan relations and the destabilizing influence of U.S. operations in Yemen would be mitigated by fewer such operations - and there would be fewer U.S. operations in both Pakistan and Yemen if U.S. policymakers were more constrained by use-of-force accountability mechanisms. From a normative perspective, the freedom of action that accountability avoidance facilitates represents the de facto concentration of authority to use force in the Executive Branch. While some argue that such concentration of authority is necessary or even pragmatic in the current international environment, n213 it is anathema to the U.S. constitutional system. Indeed, the founding generation's fear of foolhardy military adventurism is one reason for the Constitution's diffusion of use-of-force authority between Congress and the President. n214 That generation recognized that a president vested with an unconstrained ability to go to war is more likely to lead the nation into war. Among the relevant accountability-holders, Congress is best positioned to strengthen the U.S. accountability system for use-of-force decisions. Congress can both define the limits of presidential authority to [\*423] use force and compel adherence to those limits. Moreover, Congress need not wait for an election or a plaintiff with standing to employ its accountability mechanisms. Congress should reinvigorate the WPR regime by insisting on presidential compliance. Congress should no longer tolerate scenarios like Kosovo or Libya in which the President uses force beyond the sixty-day window without congressional authorization. Moreover, Congress should not allow such a scenario to arise in the first place. When the President uses force abroad, Congress should take up the matter immediately and determine well before the expiration of the sixty-day clock whether the United States will go to war. This determination is Congress's constitutional responsibility. Earlier determinations will also avoid the spectacle of last-minute congressional ratification of a president's decision to go to war simply to avoid the appearance of marginalization, as was the case during the 1991 Gulf War. Obviously, merely approving or disapproving of a president's decision to use force is not enough. Congress must be willing to enforce its determination through its appropriations authority. Having actually employed its supervisory accountability mechanism in the manner described here, Congress will more likely be able to rely on judicial support and enforcement. Congress should strengthen the WPR regime by defining hostilities in a manner that links hostilities to the scope and intensity of a use of force, irrespective of the attendant threat of U.S. casualties. Without defining hostilities, Congress has ceded to the President the ability to evade the trigger and the limits of the WPR. The President's adoption of a definition of hostilities that is tied to the threat of U.S. casualties or the presence of U.S. ground troops opens the door to long-lasting and potentially intensive operations that rely on drones - at least beyond the sixty-day window - that escape the WPR by virtue of drones being pilotless (which is to say, by virtue of drones being drones). Tying hostilities to the intensity and scope of the use of force will limit the President's ability to evade Congressional regulation of war. It will curtail future instances of the United States being in an armed conflict for purposes of international law but not for purposes of domestic law, as was the case in Libya. Finally, a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR - assuming the future existence of a plaintiff able to surmount the various prudential doctrines that have counseled against entertaining WPR cases thus far. Finally, Congress should insist that force used under the covert action legal regime actually be covert. That is, force used under covert action's permissive accountability regime should demonstrate an objective intent to avoid the apparent or publicly acknowledged role of the U.S. government. [\*424] Where a use of force is extensive and U.S. involvement is apparent, that use of force should be subject to the more rigorous WPR regime. The U.S. drone campaign over Pakistan may present just such a case - those strikes ceased being covert in any meaningful way years ago. Thus, the current regime reduces the barriers to a more permissive accountability scheme to a mere labeling exercise. Of course, there are other methods by which accountability for the use-of-force decisions - particularly, use-of-force decisions employing drones - might be increased. Some have suggested the establishment of a "drone court," modeled on the Foreign Intelligence Surveillance Court, to provide ex ante judicial review of targeted strikes, at least. n215 Others have suggested the creation of a new cause of action for the families of drone strike targets who argue their family members were wrongly targeted, and the imposition of ex post accountability. n216 Each suggestion has merit; however, neither suggestion will impose substantially greater accountability on the President as long as the judiciary maintains its historical deference to the President in matters implicating use of force. Regardless, these new judicially-focused schemes require Congressional action, too. Thus, even these schemes require Congress to do what it has so far been unwilling to do: legislate mechanisms that enhance accountability for policymakers charged with deciding when and how force is used.

#### WPR solves – Norm of executive compliance and it ensures public scrutiny.

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For all its efforts, the WPR has received mostly criticism. n43 From concerns over the constitutionality of the legislative veto provisions, n44 concerns that have proven to be warranted, n45 to the [\*869] vagueness of the statutory text n46 and the WPR's lack of practical effect, n47 the WPR has been regarded as a failure. The WPR has also been criticized for applying only to actions involving U.S. armed forces, leaving operations involving U.S. intelligence agencies conspicuously unregulated. n48 Thus, even if the WPR were to be interpreted as being consistent with the Constitution, opponents of the WPR would still likely consider it to be nothing but a sixty-day "blank check" for the Executive. n49 This Note contends, however, that the WPR is undeserving of such criticism. To review presidential unilateral uses of force since 1973 is to find a spirit of compliance with the WPR. This success is the result of the Executive heeding the U.S. public's distaste for bloody and protracted conflict - a public sentiment that the WPR codifies. The WPR is interesting because its success has come in an unorthodox fashion: Of its four main provisions, two are easily avoidable and two are unconstitutional. n50 The fact that the WPR has still affected presidential decisionmaking makes it a fascinating legislative accomplishment. Some have argued, however, that the great difference in conflicts since Vietnam is related solely to political constraints on the Executive and not the WPR. n51 This argument fails for two reasons. The first is its inability to explain the Executive's historical compliance with the WPR's consulting and reporting requirements. n52 The second is more subtle: opponents of the WPR fail to recognize that, because of the WPR's impotency, it is only a political constraint. The WPR's normative force thus exceeds its bare textual requirements. [\*870] Indeed, it is the WPR's cognizance of a broad public sentiment that fuels its strength. One cannot downplay its significance as a product of the nation's legislature. As Justice Holmes so eloquently and so forcefully stated: What proximate test of excellence can be found except correspondence to the actual equilibrium of force in the community - that is, conformity to the wishes of the dominant power. [Be it] wise or not, the proximate test of a good government is that the dominant power has its way. n53 This concept is especially salient given that the WPR was passed over President Nixon's veto. n54 In sum, an outrageous unilateral presidential use of force may prompt a legislator to cite the WPR and argue that to flout the will of the legislature is to flout the will of the people, and that to flout the will of the people is to ignore a central tenet of representative government. Thus, even if the Executive can defy the WPR in a court of law, it cannot avoid losing to the WPR in a court of public opinion.