### Adventurism Advantage

#### Contention One – Adventurism

#### Lack of accountability and oversight on drones sets the precedent for unchecked adventurism

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IN democracies like ours, there have always been deep bonds between the public and its wars. Citizens have historically participated in decisions to take military action, through their elected representatives, helping to ensure broad support for wars and a willingness to share the costs, both human and economic, of enduring them. In America, our Constitution explicitly divided the president’s role as commander in chief in war from Congress’s role in declaring war. Yet these links and this division of labor are now under siege as a result of a technology that our founding fathers never could have imagined. Just 10 years ago, the idea of using armed robots in war was the stuff of Hollywood fantasy. Today, the United States military has more than 7,000 unmanned aerial systems, popularly called drones. There are 12,000 more on the ground. Last year, they carried out hundreds of strikes — both covert and overt — in six countries, transforming the way our democracy deliberates and engages in what we used to think of as war. We don’t have a draft anymore; less than 0.5 percent of Americans over 18 serve in the active-duty military. We do not declare war anymore; the last time Congress actually did so was in 1942 — against Bulgaria, Hungary and Romania. We don’t buy war bonds or pay war taxes anymore. During World War II, 85 million Americans purchased war bonds that brought the government $185 billion; in the last decade, we bought none and instead gave the richest 5 percent of Americans a tax break. And now we possess a technology that removes the last political barriers to war. The strongest appeal of unmanned systems is that we don’t have to send someone’s son or daughter into harm’s way. But when politicians can avoid the political consequences of the condolence letter — and the impact that military casualties have on voters and on the news media — they no longer treat the previously weighty matters of war and peace the same way. For the first 200 years of American democracy, engaging in combat and bearing risk — both personal and political — went hand in hand. In the age of drones, that is no longer the case. Today’s unmanned systems are only the beginning. The original Predator, which went into service in 1995, lacked even GPS and was initially unarmed; newer models can take off and land on their own, and carry smart sensors that can detect a disruption in the dirt a mile below the plane and trace footprints back to an enemy hide-out. There is not a single new manned combat aircraft under research and development at any major Western aerospace company, and the Air Force is training more operators of unmanned aerial systems than fighter and bomber pilots combined. In 2011, unmanned systems carried out strikes from Afghanistan to Yemen. The most notable of these continuing operations is the not-so-covert war in Pakistan, where the United States has carried out more than 300 drone strikes since 2004. Yet this operation has never been debated in Congress; more than seven years after it began, there has not even been a single vote for or against it. This campaign is not carried out by the Air Force; it is being conducted by the C.I.A. This shift affects everything from the strategy that guides it to the individuals who oversee it (civilian political appointees) and the lawyers who advise them (civilians rather than military officers). It also affects how we and our politicians view such operations. President Obama’s decision to send a small, brave Navy Seal team into Pakistan for 40 minutes was described by one of his advisers as “the gutsiest call of any president in recent history.” Yet few even talk about the decision to carry out more than 300 drone strikes in the very same country. I do not condemn these strikes; I support most of them. What troubles me, though, is how a new technology is short-circuiting the decision-making process for what used to be the most important choice a democracy could make. Something that would have previously been viewed as a war is simply not being treated like a war. THE change is not limited to covert action. Last spring, America launched airstrikes on Libya as part of a NATO operation to prevent Col. Muammar el-Qaddafi’s government from massacring civilians. In late March, the White House announced that the American military was handing over combat operations to its European partners and would thereafter play only a supporting role. The distinction was crucial. The operation’s goals quickly evolved from a limited humanitarian intervention into an air war supporting local insurgents’ efforts at regime change. But it had limited public support and no Congressional approval. When the administration was asked to explain why continuing military action would not be a violation of the War Powers Resolution — a Vietnam-era law that requires notifying Congress of military operations within 48 hours and getting its authorization after 60 days — the White House argued that American operations did not “involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof.” But they did involve something we used to think of as war: blowing up stuff, lots of it. Starting on April 23, American unmanned systems were deployed over Libya. For the next six months, they carried out at least 146 strikes on their own. They also identified and pinpointed the targets for most of NATO’s manned strike jets. This unmanned operation lasted well past the 60-day deadline of the War Powers Resolution, extending to the very last airstrike that hit Colonel Qaddafi’s convoy on Oct. 20 and led to his death. Choosing to make the operation un~~man~~ned proved critical to initiating it without Congressional authorization and continuing it with minimal public support. On June 21, when NATO’s air war was lagging, an American Navy helicopter was shot down by pro-Qaddafi forces. This previously would have been a disaster, with the risk of an American aircrew being captured or even killed. But the downed helicopter was an unmanned Fire Scout, and the story didn’t even make the newspapers the next day. Congress has not disappeared from all decisions about war, just the ones that matter. The same week that American drones were carrying out their 145th unauthorized airstrike in Libya, the president notified Congress that he had deployed 100 Special Operations troops to a different part of Africa. This small unit was sent to train and advise Ugandan forces battling the cultish Lord’s Resistance Army and was explicitly ordered not to engage in combat. Congress applauded the president for notifying it about this small noncombat mission but did nothing about having its laws ignored in the much larger combat operation in Libya. We must now accept that technologies that remove humans from the battlefield, from unmanned systems like the Predator to cyberweapons like the Stuxnet computer worm, are becoming the new normal in war. And like it or not, the new standard we’ve established for them is that presidents need to seek approval only for operations that send people into harm’s way — not for those that involve waging war by other means. WITHOUT any actual political debate, we have set an enormous precedent, blurring the civilian and military roles in war and circumventing the Constitution’s mandate for authorizing it. Freeing the executive branch to act as it chooses may be appealing to some now, but many future scenarios will be less clear-cut. And each political party will very likely have a different view, depending on who is in the White House. Unmanned operations are not “costless,” as they are too often described in the news media and government deliberations. Even worthy actions can sometimes have unintended consequences. Faisal Shahzad, the would-be Times Square bomber, was drawn into terrorism by the very Predator strikes in Pakistan meant to stop terrorism. Similarly, C.I.A. drone strikes outside of declared war zones are setting a troubling precedent that we might not want to see followed by the close to 50 other nations that now possess the same un~~man~~ned technology — including China, Russia, Pakistan and Iran. A deep deliberation on war was something the framers of the Constitution sought to build into our system. Yet on Tuesday, when President Obama talks about his wartime accomplishments during the State of the Union address, Congress will have to admit that its role has been reduced to the same part it plays during the president’s big speech. These days, when it comes to authorizing war, Congress generally sits there silently, except for the occasional clapping. And we do the same at home. Last year, I met with senior Pentagon officials to discuss the many tough issues emerging from our growing use of robots in war. One of them asked, “So, who then is thinking about all this stuff?” America’s founding fathers may not have been able to imagine robotic drones, but they did provide an answer. The Constitution did not leave war, no matter how it is waged, to the executive branch alone. In a democracy, it is an issue for all of us.

#### Only accountability prevents future intervention and escalation

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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.

#### Conflict escalation is the most likely scenario for war

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The understanding that small but violent acts can spark global conflagration is etched into the world's consciousness. The reverberations from Princip's shots in the summer of 1914 ultimately took the lives of more than 10 million people, shattered four empires and dragged more than two dozen countries into war. This hot summer, as the world watches the violence in the Middle East, the awareness of peace's fragility is particularly acute. The bloodshed in Lebanon appears to be part of a broader upsurge in unrest. Iraq is suffering through one of its bloodiest months since the U.S.-led invasion in 2003. Taliban militants are burning schools and attacking villages in southern Afghanistan as the United States and NATO struggle to defend that country's fragile government. Nuclear-armed India is still cleaning up the wreckage from a large terrorist attack in which it suspects militants from rival Pakistan. The world is awash in weapons, North Korea and Iran are developing nuclear capabilities, and long-range missile technology is spreading like a virus. Some see the start of a global conflict. "We're in the early stages of what I would describe as the Third World War," former House Speaker Newt Gingrich said last week. Certain religious websites are abuzz with talk of Armageddon. There may be as much hyperbole as prophecy in the forecasts for world war. But it's not hard to conjure ways that today's hot spots could ignite. Consider the following scenarios: • Targeting Iran: As Israeli troops seek out and destroy Hezbollah forces in southern Lebanon, intelligence officials spot a shipment of longer-range Iranian missiles heading for Lebanon. The Israeli government decides to strike the convoy and Iranian nuclear facilities simultaneously. After Iran has recovered from the shock, Revolutionary Guards surging across the border into Iraq, bent on striking Israel's American allies. Governments in Syria, Jordan, Egypt and Saudi Arabia face violent street protests demanding retribution against Israel — and they eventually yield, triggering a major regional war. • Missiles away: With the world's eyes on the Middle East, North Korea's Kim Jong Il decides to continue the fireworks show he began earlier this month. But this time his brinksmanship pushes events over the brink. A missile designed to fall into the sea near Japan goes astray and hits Tokyo, killing a dozen civilians. Incensed, the United States, Japan's treaty ally, bombs North Korean missile and nuclear sites. North Korean artillery batteries fire on Seoul, and South Korean and U.S. troops respond. Meanwhile, Chinese troops cross the border from the north to stem the flow of desperate refugees just as U.S. troops advance from the south. Suddenly, the world's superpower and the newest great power are nose to nose. • Loose nukes: Al Qaeda has had Pakistani President Pervez Musharraf in its sights for years, and the organization finally gets its man. Pakistan descends into chaos as militants roam the streets and the army struggles to restore order. India decides to exploit the vacuum and punish the Kashmir-based militants it blames for the recent Mumbai railway bombings. Meanwhile, U.S. special operations forces sent to secure Pakistani nuclear facilities face off against an angry mob. • The empire strikes back: Pressure for democratic reform erupts in autocratic Belarus. As protesters mass outside the parliament in Minsk, president Alexander Lukashenko requests Russian support. After protesters are beaten and killed, they appeal for help, and neighboring Poland — a NATO member with bitter memories of Soviet repression — launches a humanitarian mission to shelter the regime's opponents. Polish and Russian troops clash, and a confrontation with NATO looms. As in the run-up to other wars, there is today more than enough tinder lying around to spark a great power conflict. The critical question is how effective the major powers have become at managing regional conflicts and preventing them from escalating. After two world wars and the decades-long Cold War, what has the world learned about managing conflict?

#### Goes nuclear

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The larger long-term cost of selective engagement is the risk of involvement in faraway great power wars. Great power conflicts will continue to be a rare occurrence, but when they happen, the United States is much better off staying as far away from the combatants as possible. World War II resulted in the deaths of 400,000 Americans, many times that number wounded, and nearly 40 percent of GDP devoted to defense (compared to 4 percent today). A new great power conflict, with the possibility of nuclear use, might exact even higher costs from the participants. World War II was fought to prevent the consolidation of Europe and Asia by hostile, fanatical adversaries, but a new great power war would not raise that specter. The biggest cost of selective engagement is the risk of being drawn into someone else’s faraway great power war. The global economy may be disrupted by war, depending on who is involved, but even in the worst case, the costs would be manageable. Trade accounts for roughly 20 percent of the American economy, and sudden, forced autarky would be devastating for American prosperity. But no great power war could come close to forcing American autarky: essentially all goods have substitute sources of supply at varying marginal increases in cost. Furthermore, wars never isolate the fighting countries completely from external trade. Some dislocation is a real possibility, but these short-term costs would not justify the risks of fighting a great power war. The risk of nuclear escalation is a reason to worry about great power war, but it is a highly suspect reason to favor a military policy that puts U.S. forces between feuding powers. Nuclear weapons may not be used in a future great power war; the fear of retaliation should breed great caution on the part of the belligerents. But the larger point is that the possibility of a faraway nuclear exchange is precisely the reason that America should keep its military forces out of other country’s disputes. An Indo-Pakistani nuclear war would be a terrible thing, but it makes no sense to get in the middle. Distant wars would be costly, but not nearly as costly as the solution that selective engagers propose.

### Terrorism Advantage

#### Contention Two – Al Qaeda

#### We are losing the war on terror – Al Qaeda renaissance threatens homeland attacks

Con Coughlin 8/4/13, Expert on international terrorism and the Middle East, http://www.telegraph.co.uk/news/worldnews/al-qaeda/10222159/This-war-isnt-over-yet.html

For an organisation that is said to be in terminal decline, al-Qaeda will draw immense satisfaction from the events of this past weekend, when it demonstrated its ability to disrupt the work of Western governments by forcing the temporary closure of dozens of diplomatic missions throughout the Arab world. While it is unclear what kind of threat prompted the US government to initiate such radical measures, or the Foreign Office to shut the British mission to Yemen, American intelligence officials are convinced that al-Qaeda is planning a spectacular attack to mark the festival of Eid, which comes at the end of the Muslim holy month of Ramadan. Specifically, they say the intelligence relates to a deadly al-Qaeda cell operating in Yemen, a war-torn country where the writ of the government barely extends beyond the confines of the ancient capital, Sana’a. In recent years, al-Qaeda in the Arabian Peninsula [AQAP] has emerged as one of the more deadly arms of the wider al-Qaeda franchise. This brand of terrorism thrives in Muslim countries with weak governments – and Yemen, which has been afflicted by decades of civil war and instability, was an obvious target for exploitation. Having established a base there at the start of the last decade, the country’s al-Qaeda offshoot gained international notoriety via the so-called “underpants bomber”, Umar Farouk Abdulmutallab. In December 2009, an attempt by this British-educated Nigerian terrorist to blow up a plane as it prepared to land at Detroit only failed when an explosive device hidden in his underwear failed to detonate. Britain and America had another lucky escape the following year, when an explosive device was found hidden in an ink cartridge on a cargo flight due to leave East Midlands Airport for the US. It was primed to detonate as the aircraft approached America’s eastern seaboard. Both these plots are said by intelligence officials to have been the work of Ibrahim al-Asiri, a 31-year-old Saudi who fled to Yemen after being jailed for his association with al-Qaeda. Despite a number of high-profile drone strikes in Yemen that have killed a number of key al-Qaeda leaders, including the group’s American-born founder Anwar al-Awlaki, Asiri still remains at large – and tops the list of America’s most wanted terrorists. The fact that Asiri and his associates, both in Yemen and elsewhere in the Arab world, retain the ability to cause a global security alert suggests that, for all the efforts undertaken by Western counter-terrorism agencies, al-Qaeda remains a considerable threat to our security. The widespread closure of diplomatic missions over the weekend certainly appears to contradict President Obama’s claim last summer that the “war on terror” was drawing to a close, and that the al-Qaeda organisation originally founded by Osama bin Laden no longer had the ability or capacity to cause wholesale carnage in the West. The President made his comments in the wake of the successful mission to eliminate bin Laden at his hideaway in Pakistan in May 2011. Bin Laden’s death – together with the targeted killing by drone strikes of scores of senior al-Qaeda terrorists hiding in the remote mountainous region between Afghanistan and Pakistan – was used to justify the impending withdrawal of American and other Nato forces from Afghanistan. After all, if al-Qaeda no longer had the capacity to terrorise the West, then there was no need for American and British soldiers to continue risking their lives. The impression that America is winding down its long war against al-Qaeda was strengthened last week during a visit by Senator John Kerry, the US Secretary of State, to Pakistan. He dropped a strong hint that America was planning to end its controversial drone strikes in the tribal areas “very, very soon”, because al-Qaeda no longer posed a threat. “I think the programme will end, as we have eliminated most of the threat and continue to eliminate it,” said Mr Kerry. Yet within hours of this statement, the Secretary of State was obliged to authorise an immediate lockdown of all American embassies and consulates in the Arab world, for fear that al-Qaeda might be planning a repeat of last September’s attack on the US consulate in Benghazi in Libya, which claimed the lives of the American ambassador Chris Stevens and three other staff members. The Obama administration faced fierce criticism over the Benghazi attack, particularly when it was revealed that Hillary Clinton, Mr Kerry’s immediate predecessor, had ignored warnings that al-Qaeda was planning to target the compound (Sir Dominic Asquith, Britain’s ambassador to Libya, had survived an al-Qaeda assassination attempt the previous summer). The US government then appeared deliberately to mislead the American public about the nature of the attack, claiming that it was a demonstration that got out of control, rather than a carefully planned al-Qaeda operation. This time, Mr Kerry and his officials are taking no chances. But even if no attack materialises, this episode reflects one of the more frustrating aspects of the decade-long campaign against al-Qaeda and other Islamist terrorists: that no sooner has the threat posed by one group been eliminated, than another pops up to take its place. As the former director of the CIA, General David Petraeus said, the West needed to adopt a “whack-a-mole” policy, so that it could deal with different al-Qaeda cells popping up around the world at the same time. Certainly, to judge by the recent upsurge in al-Qaeda activity, the organisation is currently experiencing something of a renaissance – whether it is organising mass prison breakouts, as have recently taken place in Iraq and Libya, or attempting to exploit the recent wave of Arab uprisings to suit its own Islamist agenda. When anti-government protesters first took to the streets of the major Arab capitals two years ago to demand wholesale reform, it was seen as yet another nail in al-Qaeda’s coffin. The protesters wanted democracy and economic prosperity, not sharia law and a different system of repressive government. Notably, none of those taking part in the protests in places like Tahrir Square carried the black flag of al-Qaeda. But as the protests have faltered, so al-Qaeda has moved quietly to seize the initiative for itself, exploiting the inexperience of newly installed governments in countries like Tunisia, Libya and Egypt. Secular politicians who voice their opposition to Islamist government have been targeted – two prominent secularists have been assassinated in Libya and Tunisia in recent weeks. The chaos created in Libya by the overthrow of the Gaddafi regime has also been to al-Qaeda’s benefit. Apart from acquiring a significant arsenal of hi-tech weaponry from the regime’s stockpiles – including shoulder-fired anti-aircraft missiles – the removal of Gaddafi’s authoritarian government has allowed al-Qaeda cells to flourish with impunity throughout Libya’s vast desert expanse, even allowing its supporters to seize control of large areas of neighbouring Mali. But arguably al-Qaeda’s most impressive recent achievement has been its infiltration of Syria’s moderate opposition movement, and its success in re-establishing a foothold in neighbouring Iraq, where it is once more doing its best to provoke a new round of sectarian conflict. In Syria the al-Nusra Front, which makes no secret of its allegiance to al-Qaeda, has managed to provoke a civil war within a civil war by murdering a prominent commander of the Syrian Free Army. But its main objective remains the removal of President Bashar al-Assad and the establishment of an uncompromising Islamist government in Damascus – especially if it can seize control of Syria’s stockpiles of chemical weapons in the process. For years, one of al-Qaeda’s central aims has been to obtain access to weapons of mass destruction, thereby enabling it to achieve its goal of inflicting widespread carnage against the West. To date, it has failed, but if its allies in Syria or elsewhere in the Arab world ever succeed in getting their hands on such destructive weapons, then the Obama administration and its allies will have rather more to worry about than the security of their diplomatic missions.

#### Specially, Yemen strikes are driving AQAP recruitment.

Spencer Ackerman 8/12/13, National security editor for Guardian, http://www.theguardian.com/world/2013/aug/12/yemen-drone-strikes-us-policy

If the barrage of US drone strikes over the last week weakened al-Qaida's Yemen affiliate, the terrorist organization that has captured Washington's attention isn't acting like it. Not only is it vowing another attack, it has prompted the US to keep its Yemen embassy closed while reopening all the others – implicitly highlighting the weakness of the US policy of launching drone strikes first and asking questions later. Intelligence chatter indicating an imminent attack by al-Qaida in the Arabian peninsula (Aqap) prompted two reactions by Washington. The first was to order a dramatic, temporary shutdown at embassies and consulates throughout the Middle East and Africa. The second was to order a surge in drone strikes in Yemen. A Saturday strike marked the ninth such attack in two weeks. At least 38 suspected "militants" are reported dead. Throughout 2013, the US has launched 21 airstrikes in Yemen, the vast majority from drones; displacing Pakistan as the epicenter of the covert air war, which has seen 18 strikes thus far, according to statistics compiled by the Long War Journal, which tracks the drones closely. Should that trend hold, it would mean there would be more annual US drone strikes in Yemen than in Pakistan, the home of al-Qaida's central leadership, for the first time in the entire post-9/11 era. The steady rise in drone attacks strikes some as an ominous sign about America's true capabilities in Yemen four years after identifying Aqap as a major terrorist threat. "The US doesn't seem to have good human intelligence [in Yemen]. It's essentially bombing and hoping, which is neither sustainable nor wise," said Gregory Johnsen, author of The Last Refuge: Yemen, al-Qaeda, and America's War in Arabia. "It doesn't seem to have an impact on al-Qaida in the Arabian peninsula." The strikes, conducted under parallel programs run by the CIA and the military's Joint Special Operations Command, are significant not only for their intensity and timing. A US official acknowledged to the New York Times that they are no longer targeting simply the top tier of leadership in Aqap – an expansion that may be hard to reconcile with President Obama's May pledge to rein in the drone campaign. "Before, we couldn't necessarily go after a driver for the organization; it'd have to be an operations director," an anonymous official told the Times. "Now that driver becomes fair game because he's providing direct support to the plot." But while Obama indicated he would restrict the drone campaign during a May 23 speech at the National Defense University, his criteria for using lethal force left the CIA and the military with significant leeway. He did not pledge to only kill senior leaders of terrorist organizations – although his reference to "highly skilled al-Qaida commanders, trainers, bomb makers and operatives" may have left that impression. A White House factsheet issued after the speech referred to killing "a senior operational leader of a terrorist organization or the forces that organization is using or intends to use to conduct terrorist attacks" as long as the strike is lawful. Either way, expanding the pool of eligible targets for strikes is rarely a sign that the power launching them believes itself to be winning. Yet such expansion has been a feature of the drone campaigns in Yemen and Pakistan before it: intelligence and military officials have succeeded in both countries to launch strikes against suspected militants without even knowing their names, something known by the shorthand "signature strikes." Any individual strike might perhaps be sound; or have a tactical effect on Aqap. But the organization hardly sounds like it's under stress. On Monday, Aqap's leader, Nasir al-Wuhayshi, vowed in an unusual letter to free Aqap prisoners in Yemen. "Your brothers are about to bring down the walls and thrones of evil," Wuhayshi said in a rare public communication. Not only did Wuhayshi himself break out of a Yemeni jail in 2006, but several recent prison breaks around the Middle East and south Asia have sparked fears of resurgent al-Qaida affiliates, particularly when compared to weak governments in their host countries. Wuhayshi's message came a day after gunmen ambushed and killed five Yemeni soldiers guarding an oil and gas installation in the country's south. Aqap is suspected of involvement – just days after Yemen boasted of disrupting a major Aqap plot; and despite the drone barrage. The US State Department, meanwhile, has reopened all the diplomatic facilities it abruptly shuttered last week in response to fears of an Aqap attack. The exception is in Yemen, where the Sana'a embassy remains closed. State Department representatives did not respond to a request for comment. The human consequences of the interlocking wars in Yemen – Aqap's war against the Yemeni government; the Yemeni government's war to reestablish its control over its population; the US war against Aqap and its support of the Yemeni government– are profound. While it is unknown exactly how many people have died in US drone strikes, cruise missile strikes and raids, several hundred is a consensus range. Then there is the psychological effect. On July 31, a Yemeni man named Faisal bin Ali Jabar wrote to Yemeni president Abdo Rabu Mansour Hadi and Barack Obama to seek answers about the deaths of his brother-in-law and nephew in an August 2012 drone strike. "Our family are not your enemy. In fact, the people you killed had strongly and publicly opposed al-Qaida. Salem was an imam. The Friday before his death, he gave a guest sermon in the Khashamir mosque denouncing al-Qaida's hateful ideology. It was not the first of these sermons, but regrettably, it was his last," Jabar wrote. Earlier this year, a US Senate panel heard for the first time from a Yemeni, activist and journalist Farea al-Muslimi, who sought to explain how deeply drones had affected average Yemenis, even those who never lost anyone in a strike. Muslimi testified that parents now scare their children into behaving by threatening to send a drone after them. He warned that the drone strikes were instilling "psychological fear and terror." Muslimi spent last week tweeting about surveillance planes loitering overhead of his home in Yemen to underscore the fears ordinary Yemenis have during the current emergency. He vented about the way presumption given in the media to the US that anyone killed by a drone was a member of Aqap. "Th # of times media says "suspected militants n #Yemen" makes me thnk All living n yemen, including foreign diplomats, r suspected militants," Muslimi tweeted Sunday. "The US is running to drones every time its counter-terrorism efforts fail," Muslimi wrote in Sunday's Independent. "On each occasion the public rage against al-Qaida in the Arabian peninsula [AQAP] grows and its image is tarnished, and the US – via drone strikes – restores it again. In its recent actions, the US has become al-Qaida's public relations officer." As the US keeps the Sana'a embassy closed and drone-fired missiles keep pounding Yemen, experts are wondering when Washington will develop a strategy for Yemen more sophisticated than bombing and providing a measure of foreign aid. "I don't see the US having a strategy or policy. I see it as having an approach – one that's fluctuating, depending on how severe the threat is," Johnsen said. That being: drones strikes. "I think US has two goals in Yemen," Johnsen explains. "One is: it wants to prevent any sort of Aqap attack on the US homeland or US interests in the Middle East. Second: making sure no official Americans die. Those are both very defensive goals. The two primary, goals when you see what US is doing in Yemen – those are things the US wants to avoid."

#### Aff slows those strikes

Judson Berger 8/12/13, FoxNews, http://www.foxnews.com/politics/2013/08/12/yemen-drone-strikes-could-revive-war-powers-battle-between-administration/

The escalation of drone strikes in Yemen, presumably in response to the ongoing Al Qaeda threat, and other technology-based military options could fuel calls to re-write laws that govern such actions to give Congress greater oversight over the administration's remote-controlled warfare. "Some of these campaigns by the administration clearly constitute an act of war," said Jonathan Turley, an attorney and professor at George Washington University Law School. To date, the administration has claimed broad latitude in its authority to launch limited military operations -- including drone strikes -- without congressional authorization. There's no indication this time will be any different. A total of nine suspected drone strikes reportedly have been recorded in Yemen since late July, taking out dozens of alleged Al Qaeda operatives and other militants. The most recent strike was on Saturday. The Washington Post reported last week that the strikes were authorized by the Obama administration in connection with the ongoing terror threat. If challenged on the strikes, the president is likely to argue that the operation is contained and does not require congressional authorization. He has in the past. This debate flared during the 2011 operation in Libya, when the administration launched a series of air and drone strikes in support of the campaign against Muammar Qaddafi. The Vietnam War-era War Powers Resolution stipulates that the president must receive congressional approval within 60 days of any "hostilities" in order to proceed. But the Obama administration argued that the 1973 resolution is outdated, having been written before drone strikes were a method of modern warfare. "If we are concerned about unmanned uses of weapons that can deliver huge volumes of violence, a statute which only deals with the introduction of U.S. armed forces does not address that situation," State Department legal adviser Harold Koh testified in June 2011 before the Senate Foreign Relations Committee. Koh suggested that Congress re-write the War Powers Resolution if it wants to exercise any oversight over the drone program. "At the time the law was passed ... they were thinking about Vietnam. They weren't thinking about drones or cyber," Koh said.

#### Reducing drones improves civil society—key to economic development and stopping AQAP

Allyson L. Mitchell 12, School of Conflict Analysis and Resolution (S-CAR), George Mason University, http://www.beyondintractability.org/reflection/mitchell-neighbor

The assassination of Anwar al-Awlaki is just one example of a great number of drone attacks that the U.S. has exercised in Yemen. And although it is unlikely to be spoken of by U.S. media outlets, Mr. Awlaki and his circle of subordinates were not the only individuals murdered in the Fall of 2011. Two weeks later, Mr. Awlaki's 16 year old son (a U.S. citizen) and his 17 year old nephew were also killed by a drone attack that was allegedly targeting other AQAP operatives. The two boys were said to have not been the intended targets in the assault and were written off as collateral damage. A recent research study issued by the Bureau of Investigative studies in London found that in Yemen from 2001-2012 there have been between 31-68 attacks resulting in 294-673 deaths; of which 55-105 were civilians, including 24 children.[29] The visual below represents all deaths that have been confirmed; absolute minimum number of casualties.[30] The most deadly U.S. sponsored civilian strike in Yemen occurred on December 17th, 2009 in the southern province of Al-Majala. A U.S. Navy ship launched a Tomahawk cruise missile, intended for known militant Saleh Mohammed al-Anbouri, who had recently been released from prison. Al-Anbouri had told residents that he was preparing to start a new life there and was said to have brought his entire family to the area. He was digging a well with a number of the local men when the missile hit. 41 civilians were killed in the attack, including 22 children ranging from one year old to 17 years. A handful of the women slain were also said to have been pregnant. Additionally, three other civilians' lives were taken after stepping on cluster munitions following the initial blast. This raised the death toll to 44, excluding al-Anbouri and 13 other militants. In the days that followed, the U.S. worked feverishly to cover-up their role in the massacre but Wikileak released cables between General David Petraeus and then-President Saleh confirmed the source of the execution. Yemen's parliament sought answers and established a commission to investigate the slaughter. The commission published its findings on February 7th, 2010 which included the names, ages, relationships, and genders of all 44 civilians killed. The parliament accepted the findings, in full, and called for the government to open a judicial investigation. The same day the Yemeni government is said to have issued a statement apologizing to the survivors, calling the incident a 'mistake' and offering the families monetary compensation for the lives lost and land destroyed.[32] To date, the United States has made no effort to acknowledge its part in the attack, nor express regret for the families that were destroyed. In denial of the aforementioned realities of drone warfare, Chief Counterterrorism Advisor, John Brennan, provided an indication of events to come: "Going forward, we will be mindful that if our nation is threatened, our best offense won't always be deploying large armies abroad but delivering targeted, surgical pressure to the groups that threaten us."[33] Modern day warfare has altered the guidelines of war and changed the way combatants fight; conflicts have been relocated from the classic battlefield location to populated urban centers amongst the daily lives of civilians. This has a tendency to blur the boundaries between civilians and hostiles in a combat environment. That said, the U.S. still has no moral ground to knowingly and purposefully take the lives of the innocent. As Robert Paarlberg, Professor of International Affairs, discovered, "victories that bring resentment will breed resistance, most easily expressed in the form of asymmetric threats against soft targets, including homeland targets".[34] Moreover, by operating drone warfare and murdering civilians, America is creating new enemies that otherwise would not have been a threat. The latest U.S. policy developments raise additional concerns as to the true agenda of the United States. On April 24th, 2012 President Obama approved the use of "signature" attacks following a CIA request to expand their clandestine drone operations in Yemen. Until now, strikes were only sanctioned against known terrorist leaders who appear on the secret targeted kill list and whose locations could be confirmed. This new authority gives the CIA and JSOC (U.S. Joint Special Operations Command) the ability to open fire on targets based exclusively on patterns of behavior; their "signature". The administration's decision has initiated a hot debate in Washington. In particular, "Congressional officials have expressed concern that using signature strikes would raise the likelihood of killing militants who are not involved in plots against the United States, angering Yemeni tribes and potentially creating a new crop of al-Qaeda recruits."[35] This new policy, which has already increased the average number of drone strikes per month, will surely amplify the probability of civilian causalities in future altercations with AQAP. Economic Implications The ongoing civil unrest in Yemen has fractured an already fragile economy. Yemen has relied heavily on its declining oil resources which accounts for roughly 25% of GDP and 70% of total government revenue.[36] In 2006, an economic reform project was set in motion in order to promote direct investment and strengthen non-oil sectors of the economy. This program facilitated the production of liquefied natural gas, which was first exported in 2009. In the past five years, the World Bank and International Monetary Fund have had to suspend disbursements of aid numerous times due to political and economic instability. Yemen has found itself in what economist Paul Collier describes as the Conflict Trap. Collier found that the poorest nations of the world are at the greatest risk of violent civil conflict. In his calculations, once a country partakes in a civil war it experiences 'development in reverse'; meaning the world's poorest are more likely to begin civil wars and those wars further impoverish the people.[37] To substantiate his claim he also studied the middle-income countries of the world and found that they are at almost zero risk of civil war. He argues that the only way out of the Conflict Trap, is through vigorous economic development. Unfortunately, natural resources serve as an important function in development efforts, and Yemen has very few of them. Outside of petroleum, Yemen's strongest resources include fish, rock salt, and marble.[38] During the 2011 unrest in Yemen, strikes on oil pipelines and electrical facilities created severe shortages and electrical outages throughout the nation. To aid, in April 2012, the IMF granted Yemen a $93.75 million interest-free emergency loan to "cushion foreign exchange reserves and maintain macroeconomic stability, while scaling up social and capital expenditures".[39] The Yemeni government has announced it would use these funds to fix the infrastructural issues, create jobs, and reduce poverty. This is a tall order for a nation with 43% of its population under the age of 14 years and 45% of the total population below the poverty line.[40] However if a steady and persistent amount of aid can be delivered without delay, there is hope that Yemen can break the Conflict Trap and reach a state of peace without war. Political Implications As discussed above, Collier provides a clear picture of the benefits of economic development and the economy's role in sustaining peace. International peacebuilding and political development expert, Richard Ponzio takes the idea of conflict prevention one step further by arguing that before economic development can occur, a strong political structure must be in place. During conflict situations, when state institutions fail to provide basic human needs for its people, "power is diffused — and exerted through informal or incoherent means".[41] Extreme mistrust of the Yemeni government has led many Yemenis to join tribes and rebel factions like AQAP in order seek out alternative means for security, food, shelter, and work. Ponzio explains, "Without building trust and cooperation in post conflict societies through effective democratic legal authority, even the most generous provisions of humanitarian or longer-term reconstruction assistance may not lead to sustainable peace."[42] It has been proven that citizens will accept authority if it is deemed legitimate. Therefore structural changes are necessary in order to develop confidence within the community and implement an institutionalized democratic legal authority. Ponzio elaborates: "Besides institutional checks and balances within the formal state structure, democratic authorities can be held accountable through the actions of influential non-state actors, such as the media, civic groups, and the private sector. Such arrangements allow authority to command the respect that is required for effective action by curbing the dangers of excessive corruption or power seeking."[43] Since Abd Rabbuh Mansur Al-Hadi's presidential selection in February 2012, he has been struggling to convince the Yemeni people that transformations are underway. On a positive note, there have been leadership changes within the Yemeni Security Forces as well as the Supreme Judiciary Council. However, with few exceptions, the leadership within the administration remains unchanged. In addition, cities across the country remain divided into zones controlled by a wide range of paramilitary, military, and tribal forces. Efforts to reorganize the zones under a central command have been delayed due to complications. When Mr. Hadi took office he vowed to achieve a number of milestones before the Parliamentary elections which are scheduled for 2014. As part of these objectives, Yemen is seeking to draft a new constitution, reform electoral laws, and create a national dialogue. More critical of present concerns, Hadi declared that a Truth Commission would be created in order to deliver transitional justice to citizens. This commission is evaluating the 2011 protestor attacks and ensuring compensation for victims harmed under Saleh's regime. To date, no investigations have been completed, but many citizens are seeking justice for abuses committed during peaceful protests that killed more than 270 demonstrators in 2011. Unfortunately, this positive progress towards peacebuilding has been masked by a 2012 Yemeni Parliament decision to grant full immunity to Ex-President Saleh. The decision also concedes immunity to those who served with Saleh during his 33-year rule for all political crimes, bar terrorism.[44] This language, which could encompass any major human rights violation committed by representatives on official duty, discounts the integrity of the Truth Commission. President Hadi has failed to take the necessary steps towards executing an institutionalized democratic legal authority in Yemen, triggering a growing lack of confidence towards the new administration. Conclusion: My Neighbor Is a Terrorist So what does it actually mean to live among terrorists? For the 44 civilians killed in Al-Majala, it meant their lives. All in all, for many Yemenis, it signifies living in a constant state of fear. Yemenis fear AQAP and its known allegiances to Al Qaeda's mission. They also fear the Yemeni government, as the shortcomings of the political system have failed them time and time again. And finally, they fear the United States for engaging in sudden and destructive drone strikes that are unknown to the populous until the moment they touch ground. All of these trepidations can be easily morphed into anger which "will only increase the hatred locals have for the United States, and turn residents into al Qa'eda sympathizers."[45]. If the mission of the United States is to rid the world of Al-Qaeda, drone attacks are far from the solution. There are many lessons to be learned from U.S. military policy in Yemen, but the most profound lesson is one of change. "Over the past decade the focus has shifted visibly from restraining violence to legitimizing it"[46] and at what point will it stop? U.S. policy in Yemen is creating nothing more than a perpetual cycle of violence that has a tendency to breed more terrorists than it can exterminate. The bottom line is that the United States should not be meddling in another country's affairs through closed door dealing and secret killing missions. With the United States barred from undermining peacebuilding efforts, the world might bear witness to an entirely new Yemen. Although there is no perfect model for peacebuilding, Collier and Ponzio provide noteworthy guidance on the actions needed for creating political and economic foundations that aid in the stabilization of a state. If achieved, Yemenis may no longer need to look towards terrorist networks, such as AQAP, for support. Confidence in the system and empowerment of the Yemeni people is perhaps the answer to kicking the terrorists out of the neighborhood.

#### An AQAP strike would cause extinction.

Alexander ’10 (Yonah, Director of the International Center for Terrorism Studies at the Potomac Institute for Policy Sciences, “Maghreb & Sahel Terrorism: Addressing the Rising Threat from al-Qaeda & other Terrorists in North & West/Central Africa,” January, <http://www.potomacinstitute.org/attachments/524_Maghreb%20Terrorism%20report.pdf>)

Current and future perpetrators include the following: “freelance” and sub-state terrorist groups; individual terrorists; mentally deranged “crusaders” or “martyrs”; single-issue political extremists; ideological-based groups; ethnic, racial, and religious movements; nationalist and separatist actors; criminal and political mercenaries; and international networks, particularly al-Qaeda and its affiliates in Africa, Asia, and the Middle East. Terrorists’ impulses cover a broad range of motivations. These consist of political discontent— ideological (anarchism, ambitions, radicalism) and nationalistic (resistance, separatism, irredentism)— economic discontent (low living standards, lack of opportunity, unfulfilled expectations, loss or squandered resources); and cultural discontent (class constraints, ethnic discrimination, religious intolerance, technological and environmental irritants). There is also a long record of governments that provide terror groups both direct and indirect support (e.g., financing, training, intelligence, operations, and weaponry). A rogue nation utilizes terrorist proxies to further its own country’s interests. As formal, open, and direct malevolent actions undertaken by a government would call immediate attention to state sponsors, using terrorist groups to carry out operations such as assassinations and bombings enables the government sponsor to deny any claim. The roles played by Iran, Sudan, Cuba, previously Libya, and North Korea in such events come to mind. Currently, Iran and North Korea are of particular concern to the international community because of their nuclear ambitions. In addition, the latest focus of concern is so-called “failed states” wherein there are no effective government institutions to intercede and prevent the spread of terrorist facilities within a country. These lawless zones are increasingly becoming target-rich opportunities for the consolidation of terrorist assets and ventures. Current Trends Modern terrorism is characterized by an ideological and theological fanaticism, an education in hatred toward one’s enemy, which has coupled with rapid technological advancements in communications (e.g., the internet), transportation (e.g., modern international air travel), as well as conventional and unconventional weaponry to create a truly lethal threat. Indeed, this threat has become much more decentralized as it now emanates not only from established terrorist organizations but also from freelance individuals with the motives, means, and opportunity to visit harm upon civil society. Because of these developments, contemporary terrorism presents a multitude of threats to all nations, large and small. One measurement of evaluating the terrorist threat is to calculate the enormous cost to all societies in terms of the number of incidents, the human toll, and the economic damage. Indeed, since the 1960s, modern society has suffered dearly from the global disease of terrorism, a reality that grows in scope and brutality with every passing year. For example, in the 1970s, a total of 300 domestic and international terrorist attacks were recorded worldwide. Today, almost 40 years later, the count totals more than 80,000 incidents. Clearly, no community, country, or region is immune from the impact of terrorism. In the 9/11 attacks in New York City, citizens from 78 countries were killed. That year alone, 3,537 people died. During the period between 2002-2008, more than 113,000 persons perished and hundreds of thousands were wounded in terrorist attacks throughout the world. The economic, political, psychological, and strategic costs must also be considered in this assessment. Criminal-Terrorist Nexus Globalization and the information revolution have enabled criminals and organized crime to do business and engage in a broad range of criminal activities. For instance, “white collar” crimes are expanding. These crimes target sectors such as antitrust law, securities, commodities futures, environmental activities, maritime business, gaming, the internet, intellectual property, and tax customs. Trafficking in human beings (e.g., buying and selling of women and children, usually for sexual exploitation) represents another “new,” substantive, and transnational offense. In addition, serious organized criminal threats facing the international community (e.g., the Maghreb and Sahel regions) consist of current and emerging challenges to law enforcement, including drug trafficking (particularly in heroin, both powder and crack cocaine, and ecstasy), organized immigration crime, fraud (particularly in revenue fraud), money laundering, counterfeiting, illicit weapons possession and sales, and high-tech criminal activity (e.g., the Abdul Qadeer Khan nuclear smuggling network). Legitimate companies support terrorists and criminals—directly and unwittingly—to initiate their illicit activities. Numerous identifiable forums of these relationships include the following interfaces: funding and money laundering; employment and accessibility of personnel and equipment; generic tools (e.g., trucks); instruments of terror (e.g., dynamite or explosives); information about local landmarks and prospective targets (e.g., highlighting vulnerabilities and access to targets); communications, resources, and contacts; work permits (particularly for immigration-related criminal activity); and sponsorship (e.g., employment and resources). Terrorist groups and criminals also use front companies, which combine both legitimate and illicit sources of revenue, and shell companies, opaque firms used to hide a legitimate owner’s interests, to finance unlawful operations. In addition to the foregoing, terrorists and criminals feed off each other in a wide variety of criminal activities, including counterfeiting currency, credit card theft, misappropriating and using credit card information, forging documents, identity theft, money laundering, drug trafficking, corruption, and commercial espionage. Terrorist groups use a variety of means—from the simple to the complex—to secure funding for their activities. The initial sources of terrorist funding include both legal (e.g., personal savings and legitimate business revenue) and illicit avenues (e.g., criminal activity such as drug trafficking, kidnapping, and financial fraud). Once the funds are raised, they are distributed to various factions of terrorist groups through a variety of means. These include the use of traditional and alternative financial services entities (e.g., banks and hawalas—informal money-transfers systems firmly established in Asia and the Middle East), nonprofit organizations trading in commodities (e.g., “conflict diamonds” and gold), bogus financial instruments, smuggling of currency and products, wire transfers, drug trafficking, extortion, money laundering, securities fraud, and other scams. Future Outlook: Super Terrorism What is of particular concern is that unconventional weapons—biological, chemical, radiological, and nuclear—are slowly emerging upon the contemporary terrorist scene. That is, as technological developments offer new capabilities for terrorist groups, the modus operandi of these groups may subsequently alter most drastically. Reportedly, at least a dozen terrorist groups, in addition to al-Qaeda’s network, have shown an interest in acquiring or actively attempting to obtain nuclear weapons, which is a significant threat throughout the world. Thus, while the probability of nuclear terrorism remains low in comparison to the use of other weapons of mass destruction, the consequences of “super” terrorism could be enormous. If a nuclear bomb is stolen (or built by a terrorist group with reasonable resources and talent), it could result in massive devastation. For example, an explosion of about one kiloton (one-twentieth the power of the Hiroshima attack) in any major city has the potential to cause more than 100,000 fatalities and result in damage totaling billions of dollars. Another dangerous emerging trend of contemporary international life is the growing threat of cyberterrorism. The expanding concern is that not only criminal hackers but also terrorists will intensify the utilization of this form of electronic warfare as an equalizer weapon. It is evident that the threat of “non-explosive” terrorist assaults is growing with every passing day. Three contributing factors account for the reality. First, the “globalization” of the internet makes government and industry efforts to control cyber attacks much more challenging than ever before. Second, there are now tens of thousands of hacker-oriented sites on the internet resulting in “democratization” of the tools used for disruption and destruction. With their systematic cyber “cookbooks,” the exploitation of Trojan horses, logic bombs, and other electric modus operandi alternatives are becoming a permanent fixture of international life. Third, terrorist organizations have broken away from their place within the formerly bipolar world and have become multidirectional, causing further complications to our technologically vulnerable societies. These new developments have enhanced the threats and capabilities of terrorist groups to the degree in which they could forever alter our planet’s existence.

#### Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Boyle and Horgan 8 – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problem-solving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems. In fact, terrorism scholars are not only well aware of these problems, but also have provided their own searching critiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). Some of those scholars most associated with the critique of empiricism implied in ‘Orthodox Terrorism Studies’ have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism. For example, Jackson (2007a) regularly cites the handbook produced by Schmid and Jongman (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they point out that they have not revised their chapter on theories of terrorism from the first edition, because the failure to address persistent conceptual and data problems has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, Silke's (2004) volume on the state of the field of terrorism research performed a similar function, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. A non-reflective community of scholars does not produce such scathing indictments of its own work.

#### Reducing drone strikes key to Yemeni stability.

Greenfield et al 2013 (March 26, Danya Greenfield , Deputy Director, Rafik Hariri Center for the Middle East at the Atlantic Council Ambassador, Barbara Bodine , Former US Ambassador to Yemen, Daniel Brumberg, Professor, Georgetown University, Robert D. Burrowes , Adjunct Professor , Emeritus , University of Washington, Sheila Carapico , Professor, University of Richmond, Juan Cole, Professor, University of Michigan, Isobel Coleman , Senior Fellow, The Council on Foreign Relations, Megan Corrado, Legal Counsel and Director of Yemen program , Public International Law & Policy Group, Stephen Day , Professor, Stetson University Charles Dunne , Director of Middle East and North Africa Programs, Freedom House Joshua Foust , National Security Columnist, PBS Need to Know, Stephen Grand , Nonresident Fellow , The Brookings Institution Steven Heydemann , Adjunct Professor, Georgetown University, James Hooper , Managing Director, Public International Law & Policy Group Michael Hudson , Director, Middle East Institute, National University of Singapore Brian Katulis , Senior Fellow, Center for American Progress, Stephen McInerney , Executive Director, Project on Middle East Democracy, David Kramer , President, Freedom House Peter Mandaville, Professor, George Mason University Ambassador, Richard W. Murphy, Former Assistant Secretary of State for Near Eastern and South Asian Affairs, Department of State Emile Nakhleh, Professor, University of New Mexico Shuja Nawaz , Director of South Asia Center at the Atlantic Council Stacey Philbrick Yadav, Professor, Hobart and William Smith Colleges Sarah Phillips , Senior Lecturer, the University of Sydney Charles Schmitz , Professor, Towson University Jillian Schwedler , Associate Professor, University of Massachusetts Daniel Serwer , Professor, Johns Hopkins University Anne - Marie Slaughter , Former Director of Policy Planning, Department of State Christopher Swift , Professor, Georgetown University Ambassador Edward Walker , Former Assistant Secretary of State for Near Eastern and South Asian Affairs , Department of State Wayne White, Former Deputy Director, Office of Analysis for the Near East and South Asia, Bureau of Intelligence and Research, Department of State, “Yemen Policy Initiative”, Coordinated by the Hairi Center for the Middle East at the Atlantic Council and the Project on Middle East Democracy, <http://pomed.org/wordpress/wp-content/uploads/2013/03/YPI-Letter-March-2013.pdf>)

The United States is right to invest in enhancing the capacity and operational effectiveness of Yemen’s armed forces. We have worked to provide training and technical assistance to Yemeni security forces for the purpose of combating extremism. President Hadi’s decision to restructure the security forces will help the government respond to domestic threats , and US support for a Yemeni - led process to implement this reorganization with a unified, centralized command structure will enhance the effectiveness of security forces . This will ultimately enhance their capability to provide security to Yemeni citizens and disrupt terrorist networks throughout the country. However, the increased reliance on drones undermines our long - term interest in a stable, secure, and sustainable partner in Yemen. A growing body of research indicates that civilian casualties and material damage from drone strikes discredit the central government and engender resentment towards the United States. Where drone strikes have hit civilians, news reports and first - hand accounts increasingly indicate that affected families and villages are demonstrating and chanting against the Yemeni and US government. This creates fertile ground for new recruits and sympathizers who might provide safe haven or direct support to AQAP and its local affiliate, Ansar al - Sharia. The collateral damage produced by drone strikes, along with the political cost of alienating Yemenis, reduces the political space within which we can cooperate with and help strengthen the Yemeni government. By embracing the expansive use of US drones, President Hadi risks undermining the legitimacy of his government. The vast majority of Yemenis likely accept that the Yemeni government must combat violent extremists that have found safe haven in Yemen, but reject US control of this campaign. The US strategy in Yemen is based on the core assumption that a strong and legitimate government is essential to overcome the myriad of challenges the country faces. By associating itself with drone strikes, the Yemeni government unwittingly undercuts its credibility amongst the population. Opposition to drone strikes is becoming a national rallying cry for those distrustful of the central government — from Ansar al - Sharia , to Houthis , to Southerners. Ultimately, the United States will not be able to overcome the threat of AQAP by military means alone – we cannot simply kill our way out of this problem. The only effective long - term strategy will prioritize helping the Yemeni government address the very factors that allow extremist ideology to spread: the absence of basic social services, a worsening food shortage, and chronic unemployment . The US government has made some positive changes over the past four years in terms of its policy toward Yemen, but more can and must be done to set our policy on the right course. Senior administration officials already emphasize our commitment to Yemen’s economic development and political transition, but actions speak louder than words. This is the moment to strengthen this commitment with concrete action. With the development of a new national security team, your administration is well positioned to make the following changes in US policy:  Leverage the US government’s close relationship with President Hadi to strongly encourage his government to meet the reform benchmarks to which he has committed and address human rights violations. These commitments arose from a process that President Hadi himself set forth as a result of the GCC agreement, and implementation is critical for the credibility of the process and international support. Your Administration should continue to work with Hadi and his government to empower democratic institutions and processes rather than individuals . Even in a transitional phase, Hadi and his government should focus on combating corruption, while rewarding merit rather than personal relationships.  Support the National Dialogue in ways that empower independent voices — not only political party elites — and include more extensive outreach to Southerners and Yemenis outside of Sanaa and other urban areas . The United States should encourage President Hadi to implement the twenty points recommended by the Technical Committee of the National Dialogue Conference to generate confidence among Yemenis in the dialogue process itself. Credible Southern participation is essential for the success of the dialogue, and concrete measures should be taken to demonstrate the government’s commitment to a fair process that will address Southern grievances. Beyond the National Dialogue, the United States should reach out more broadly to youth and civil society groups and work with new leaders capable of leading Yemen past the Saleh - era status quo .  Work within the Friends of Yemen group to ensure that the generous pledges committed to Yemen are delivered and that the government of Yemen has the capacity and resources it needs to implement projects . Beyond the moral imperative of providing assistance to avoid famine and extreme suffering, there is an acute security risk of this crisis leading to greater instability. The US should work with President Hadi and his government to activate and empower the new ly - established Executive Bureau with real decision - making powers to expedite donor - funded development projects, including leverage to push implementing agencies to action. Moving quickly to impleme nt development projects in the S outh and other vulnerable areas will help instill confidence in Hadi’s government and the dial ogue process.  Implement a more robust public diplomacy strategy to demonstrate that US interests in Yemen are not limited to counterterrorism and security issues . Although the State Department and USAID are engaging President Hadi’s government on economic , political, and humanitarian issues, most Yemenis are unaware of such initiatives and feel only the negative aspects of US counterterrorism policy. A visit by Secretary of State John Kerry would send a strong signal of support for Yemen’s transition and its democratic aspirations. Additionally, other high - level civilian officials — who are not connected to defense or security issues — should make public statements and speeches conveying a sustained US commitment to ensuring Yemen’s economic well - being and democratic development through the transition process.  Reevaluate our reliance on drone strikes with the recognition that this approach is generating significant anti - American sentiment and could strengthen the appeal of extremist groups. While the tactical costs and benefits are weighed by your Administration, the same degree of attention should be paid to the corrosive political costs of such strikes . Particular attention must be focused on the effect of strikes on the central government’s legitimacy and its ability to cooperate with the United States. At the same time, the Administration should work with Congress to develop a more transparent process and robust legal framework to govern the use of drone strikes in Yemen and elsewhere.  Ensure that security restructuring achieves a unified command structure under civilian leadership and that US military assistance does not perpetuate the same mistakes made during Saleh ’s tenure . US assistance should focus on strengthening institutions to enhance the long - term capacity of Yemen’s security forces to address armed threats to internal security — not only counterterrorism operations. Within such programs, the United States should prioritize the need for Yemeni forces to respect human rights and the rule of law . US security assistance and the delivery of defense articles should reflect progress on reform benchmarks to which President Hadi has already committed .  Increase economic assistance and draw upon regional funds to support Yemen, in addition to a bilateral assistance package. The US should allocate funds for Yemen from the Middle East Response Fund and the FY13 budget, as approved by Congress. Over the past year, US assistance has increased and shifted the proportion of economic aid relative to military assistance – this is a positive change that deserves recognition. USAID should continue this trend, and funding should focus specifically on job creation, improving the business and regulatory environments , enhancing civil society capacity and democratic institution - building . As individuals who care deeply about the United State s and the future of Yemen, representing a diversity of experience, opinion, and political affiliation, the undersigned urge you and those in your administration to consider and implement these recommendations with the utmost urgency. We lend our names in our personal, not institutional, capacity.

### Prolif Advantage

#### Contention Three – Drone Prolif

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

Michael J. Boyle 13, Assistant Professor, Political Science – La Salle, International Affairs 89: 1 (2013) 1–29

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.

#### These go nuclear

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Where do you see the main challenges for the international community regarding the use of armed un~~man~~ned systems by the military. What are the specific challenges of autonomous systems as compared to current telerobotic systems? The main challenge is in deciding whether the present trend should continue and expand to many more countries and to many more types of armed uninhabited vehicles (in the air, on and under water, on the ground, also in outer space), or whether efforts should be taken to constrain this arms race and limit the dangers connected to it. Here not only governments, but non-governmental organisations and the general public should become active. Autonomous systems obviously would open many new possibilities for war by accident (possibly escalating up to nuclear war) and for violations of the international laws of warfare. A human decision in each single weapon use should be the minimum requirement.

#### Perceived US accountability sets a model for checks and balances

Peter J Fusco 12, McGill University, http://archive.atlantic-community.org/index/articles/view/America's\_Drone\_Strikes\_Setting\_Dangerous\_Precedent\_

The Obama administration is setting a very dangerous global precedence for sending drones over borders to kill enemies (sometimes innocents). These drone strikes lack the congressional oversight of the executive branch while Congress does little to oppose it. At the same time, employing drones qualifies as a "moral hazard." Drone warfare, like all developments of new military technologies, require close examination of their ethical, legal, and political implications. The world's first encounter with the use of drones in warfare by the Obama Administration has set a dangerous precedent for two reasons. First, because of the questionable ethics of drone warfare itself and second, because the administration has sidestepped federal checks and balances. In the coming decades, this technology will inevitably diffuse into other nation's military arsenals, American policy in the use of drones must change and the model set by the Obama administration must not be followed. A recent New York Times blog post co-written by John Kaagand & Sarah Kreps, argues that drone warfare checks all the boxes to qualify as a "moral hazard." A moral hazard is an ethical situation in which costs incurred by risks are barely felt, if at all, by those taking the risk. Drones, accordingly, minimize or eliminate government's incentive to prudently exercise lethal force. Greater and greater risks are taken, as the risk taker is able to avoid or minimize taking-on costs. The Obama administration's use of drones is a moral hazard because it allows an unchecked branch of government to wage a counter-terrorism war without the risk of American casualties and limited economic costs. Moral hazards are at the root of many foreign and military policy decisions but they must be subject to checks and balances to prevent gross abuses of executive power. The Obama Administration fails to acknowledge this and offers a bunk ethical justification instead: drones have the capacity to kill much more efficiently and with less collateral damage. This is not truly a justification because it fails to make a fact-value distinction. Just because we can easily and cheaply carry out targeted killings by the use of drones does not mean we ought to. But, neither the moral hazard created by the use of drones nor the lack official justifications categorically damns drones as unethical. With it's ethical status in limbo, it illustrates the caution with which this new type of weapon must be treated and the need for new policy controlling its usage. The discourse surrounding the use of drones shows that our administration and our society have not engaged with the ethical subject matter sufficiently to warrant the proliferation of drone warfare. Furthermore, the Obama administration has not used caution nor even followed existing policy. In June 2011, the Administration released a statement to Congress offering legal justification for sidestepping the 1973 War Powers Resolution. This resolution states that in order to maintain the spirit of Constitutional checks and balances, military operations initiated by the executive branch must be disclosed and justified to the Congress within 48 hours. Operations lasting beyond 60 days require congressional approval. The administration's statement, outlining the use of drones in Libya, stated that because the drones does not "involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof" their use does not fall under the War Powers Resolution's jurisdiction. Thus, the executive branch has complete control over these classified operations without Congressional oversight. As political scientist Peter W. Singer in a recent New York Times Magazine article rightly points out, this is entirely undemocratic. Congress has been circumvented and with the public burden of warfare removed there is almost no public stake in drone military action. The dangerous precedent set by the Obama administration is to ignore the ethical hazards of drone warfare, which demand governmental and public checks, balances, and scrutiny. In the near future, drone technology will cheapen and diffuse into the arsenals of other nations. The ability to kill more precisely and more cheaply will become widespread. Other nations must ignore the way in which the Obama Administration first used drones in order to prevent concentrations of power, uphold democratic procedures, preserve the whole idea of taking costly measures to avoid war and protect international diplomacy.

#### 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.

#### The best academic studies validate the effective of norms – declaration of war key

**Whibley 13** (James Whibley received a M.A. in International Relations from Victoria University of Wellington, New Zealand in 2012. His research is soon to be published in Intelligence and National Security., 2/6/2013, "The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent", journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/)

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.

#### Specifically, American drone precedent is used by China to militarize the Senkaku Islands

Bodeen 13, Christopher, Huffington Post, “China's Drone Program Appears To Be Moving Into Overdrive”, 5/13, http://www.huffingtonpost.com/2013/05/03/china-drone-program\_n\_3207392.html

Chinese aerospace firms have developed dozens of drones, known also as unmanned aerial vehicles, or UAVs. Many have appeared at air shows and military parades, including some that bear an uncanny resemblance to the Predator, Global Hawk and Reaper models used with deadly effect by the U.S. Air Force and CIA. Analysts say that although China still trails the U.S. and Israel, the industry leaders, its technology is maturing rapidly and on the cusp of widespread use for surveillance and combat strikes. "My sense is that China is moving into large-scale deployments of UAVs," said Ian Easton, co-author of a recent report on Chinese drones for the Project 2049 Institute security think tank. China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict. China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula. "China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI. "The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said. Though China claims its military posture is entirely defensive, its navy and civilian maritime services have engaged in repeated standoffs with ships from other nations in the South China and East China seas. India, meanwhile, says Chinese troops have set up camp almost 20 kilometers (12 miles) into Indian-claimed territory. It isn't yet known exactly what China's latest drones are capable of, because, like most Chinese equipment, they remain untested in battle. The military and associated aerospace firms have offered little information, although in an interview last month with the official Xinhua News Agency, Yang Baikui, chief designer at plane maker COSIC, said Chinese drones were closing the gap but still needed to progress in half a dozen major areas, from airframe design to digital linkups. Executives at COSIC and drone makers ASN, Avic, and the 611 Institute declined to be interviewed by The Associated Press, citing their military links. The Defense Ministry's latest report on the status of the military released in mid-April made no mention of drones, and spokesman Yang Yujun made only the barest acknowledgement of their existence in response to a question. "Drones are a new high-tech form of weaponry employed and used by many militaries around the world," Yang said. "China's armed forces are developing weaponry and equipment for the purpose of upholding territorial integrity, national security and world peace. It will pose no threat to any country." Drones are already patrolling China's borders, and a navy drone was deployed to the western province of Sichuan to provide aerial surveillance following last month's deadly earthquake there. They may also soon be appearing over China's maritime claims, including Japanese-controlled East China Sea islands that China considers its own. That could sharpen tensions in an area where Chinese and Japanese patrol boats already confront each other on a regular basis and Japan frequently scrambles fighters to tail Chinese manned aircraft. Retired Maj. Gen. Peng Guoqian told state media in January that drones were already being used to photograph and conduct surveillance over the islands, called Diaoyu by China and Senkaku by Japan.

#### Drones uniquely escalate it – high risk of accidental war.

Kaiman and McCurry 13, Jonathan and Justin, staff writers the guardian “Japan and China step up drone race as tension builds over disputed islands”, http://www.theguardian.com/world/2013/jan/08/china-japan-drone-race

Drones have taken centre stage in an escalating arms race between China and Japan as they struggle to assert their dominance over disputed islands in the East China Sea. China is rapidly expanding its nascent drone programme, while Japan has begun preparations to purchase an advanced model from the US. Both sides claim the drones will be used for surveillance, but experts warn the possibility of future drone skirmishes in the region's airspace is "very high". Tensions over the islands – called the Diaoyu by China and the Senkaku by Japan – have ratcheted up in past weeks. Chinese surveillance planes flew near the islands four times in the second half of December, according to Chinese state media, but were chased away each time by Japanese F-15 fighter jets. Neither side has shown any signs of backing down. Japan's new conservative administration of Shinzo Abe has placed a priority on countering the perceived Chinese threat to the Senkakus since it won a landslide victory in last month's general election. Soon after becoming prime minister, Abe ordered a review of Japan's 2011-16 mid-term defence programme, apparently to speed up the acquisition of between one and three US drones. Under Abe, a nationalist who wants a bigger international role for the armed forces, Japan is expected to increase defence spending for the first time in 11 years in 2013. The extra cash will be used to increase the number of military personnel and upgrade equipment. The country's deputy foreign minister, Akitaka Saiki, summoned the Chinese ambassador to Japan on Tuesday to discuss recent "incursions" of Chinese ships into the disputed territory. China appears unbowed. "Japan has continued to ignore our warnings that their vessels and aircraft have infringed our sovereignty," top-level marine surveillance official Sun Shuxian said in an interview posted to the State Oceanic Administration's website, according to Reuters. "This behaviour may result in the further escalation of the situation at sea and has prompted China to pay great attention and vigilance." China announced late last month that the People's Liberation Army was preparing to test-fly a domestically developed drone, which analysts say is likely a clone of the US's carrier-based X-47B. "Key attack technologies will be tested," reported the state-owned China Daily, without disclosing further details. Andrei Chang, editor-in-chief of the Canadian-based Kanwa Defence Review, said China might be attempting to develop drones that can perform reconnaissance missions as far away as Guam, where the US is building a military presence as part of its "Asia Pivot" strategy. China unveiled eight new models in November at an annual air show on the southern coastal city Zhuhai, photographs of which appeared prominently in the state-owned press. Yet the images may better indicate China's ambitions than its abilities, according to Chang: "We've seen these planes on the ground only — if they work or not, that's difficult to explain." Japanese media reports said the defence ministry hopes to introduce Global Hawk unmanned aircraft near the disputed islands by 2015 at the earliest in an attempt to counter Beijing's increasingly assertive naval activity in the area. Chinese surveillance vessels have made repeated intrusions into Japanese waters since the government in Tokyo in effect nationalised the Senkakus in the summer, sparking riots in Chinese cities and damaging trade ties between Asia's two biggest economies. The need for Japan to improve its surveillance capability was underlined late last year when Japanese radar failed to pick up a low-flying Chinese aircraft as it flew over the islands. The Kyodo news agency quoted an unnamed defence ministry official as saying the drones would be used "to counter China's growing assertiveness at sea, especially when it comes to the Senkaku islands". China's defence budget has exploded over the past decade, from about £12.4bn in 2002 to almost £75bn in 2011, and its military spending could surpass the US's by 2035. The country's first aircraft carrier, a refurbished Soviet model called the Liaoning, completed its first sea trials in August. A 2012 report by the Pentagon acknowledged long-standing rumours that China was developing a new generation of stealth drones, called Anjian, or Dark Sword, whose capabilities could surpass those of the US's fleet. China's state media reported in October that the country would build 11 drone bases along the coastline by 2015. "Over disputed islands, such as the Diaoyu Islands, we do not lag behind in terms of the number of patrol vessels or the frequency of patrolling," said Senior Colonel Du Wenlong, according to China Radio International. "The problem lies in our surveillance capabilities." China's military is notoriously opaque, and analysts' understanding of its drone programme is limited. "They certainly get a lot of mileage out of the fact that nobody knows what the hell they're up to, and they'd take great care to protect that image," said Ron Huisken, an expert on east Asian security at Australian National University. He said the likelihood of a skirmish between Chinese and Japanese drones in coming years was "very high". US drones have also attracted the interest of the South Korean government as it seeks to beef up its ability to monitor North Korea, after last month's successful launch of a rocket that many believe was a cover for a ballistic-missile test. The US's Global Hawk is piloted remotely by a crew of three and can fly continuously for up to 30 hours at a maximum height of about 60,000 ft. It has no attack capability. The US deployed the advanced reconnaissance drone to monitor damage to the Fukushima nuclear power plant in the aftermath of the March 2011 earthquake and tsunami on Japan's north-east coast.

#### US would be drawn in – causes global nuclear war.

**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.

### Plan

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

### Solvency

#### Contention Four – Solvency

#### WPR oversight solves and ensures flexibility

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Observed individually, single drone strikes might more closely resemble assassinations than warfare. A more comprehensive view of US drone operations in Pakistan, Yemen, or Somalia, however, reveals several characteristics that place drone strikes campaigns more securely within the category of conventional warfare. Just as Yorktown and Bunker Hill fall under the broader category of the American Revolutionary War, individual drone strikes are often constituent parts of larger campaigns with identifiable goals. Pro longed drone strike campaigns resemble war in levels of casualties, spillover effects into civilian populations, and consistency of attacks. Additionally, the Obama administration has justified drone activity by appealing to international conflict law, calling drone attacks part of a war on a specific belligerent.67 Thus, in this section I discuss similarities between drone strikes campaigns and war to justify the inclusion of drones under the authority of Congress. After establish- ing this, I discuss specific changes to the WPR that can provide an institutionalized accounting for drone activity. (i) War-Like Characteristics of Drone Strikes Campaigns First, drone strikes cause civilian and militant casualties in numbers that resemble trends typical of conventional warfare. Drone strikes’ clandestine nature makes estimates of deaths from attacks difficult to calculate, but careful studies of drone activity in Pakistan, Yemen, and Somalia since 2002 estimate casualties between 3,90068 and 4,700.69 To provide a comparison, the US suffered roughly 4,485 casualties from 2003-2012 in Iraq.70Although US officials have praised drones as capable of conducting surgical strikes with little or no collateral damage,71 third parties estimate hundreds of civilian casualties.72 Drone strikes also cause significant injuries and prop- erty damage.73 Finally, the nearly constant presence of drones over many villages in North and South Waziristan causes psychological and stress-related health problems that affect large proportions of civilian populations.74 Next, drone activity resembles war in its targeting of a specific belligerent over an extended period of time. Drone strikes occur on a monthly basis, with an average of roughly 32 deaths per month.75 Further, most drone strikes have targeted militants, the majority of which were associated with the Taliban and al-Qaeda.76 Attorney General Holder argued that the US faces a “stateless enemy,”77 but it is a specific enemy nonetheless. These facts, along with the regional focus of anti-militant drone strikes, bear similarity to conventional warfare wherein belligerents remain fixed and identifiable through- out the duration of a conflict. Finally, the Obama administration consistently justifies drone activity by citing international law as it relates to war, referring to individual drone strikes as part of a war on al-Qaeda and the Tali- ban.78 Harold Koh, for example, defended drones by referencing the right of the US to self-defense, which is sanctioned by international law.79 Koh stated that “the U.S. is in armed conflict with al-Qaeda as well as the Taliban and associated forces in response to the horrific acts of 9/11.”80 The administration’s explicit and repeated branding of drone activity in the Middle East as war provides strong evidence that drone campaigns deserve attention under the WPR alongside conventional warfare. Admittedly, drone campaigns are not identical to other forms of war. Pakistan, for example, has not reacted to US military activity in its country with physical retributive action. In drone warfare, how- ever, countries are not the targets, which explains in great measure Pakistan’s lack of military retaliation. Classifying drone campaigns as war does not require complete uniformity of attributes with other implements of traditional warfare because the nature of war is con- text dependent. Drones, deployed in the name of national defense, should not be subject to a separate list of constraints than are other instruments of war deployed for similar reasons.81 (ii) Accounting for Drones in the War Powers Resolution The inclusion of drone strikes in the WPR would duly anticipate an increasing trend towards fighting through unmanned vehicles.82 This global trend has indicated that “technologies that remove humans from the battlefield are becoming the new normal in war.”83 The costs to the US in terms of personnel casualties and political capital remain so low relative to other types of conflict that drone usage will likely persist or increase in frequency. The changing nature of international conflict suggests that drones and other un- ~~man~~ned military assets will probably become important aspects of war. Properly classifying drones and implementing a congressional check on their usage at a time when they are emerging as conventional weapons is therefore very important. Accounting for drones through the WPR would require only small modifications to the legislation. The resolution refers to “armed forces” as the asset of interest that Congress seeks to regulate.84 To induct drones into the WPR, legislators can expand the definition of armed forces therein to explicitly include drones and other un- manned military assets. Specifically, the resolution should define “armed forces” as any US military asset, manned or unmanned, deployed in the interest of national security with specific military target(s). Similar to the current version of the resolution, the updated law should require any President that deploys these military assets to abide by the restrictions and protocols outlined therein. An effective definition of drone strikes as part of the armed forces must necessarily address conditional factors since drones are not used exclusively for long-term campaigns. Drones are sometimes used for assassinations and other objectives, and although guidelines for controlling their use in these other areas are too broad to be dis- cussed here, modifications to the resolution should account for those distinct circumstances. To avoid unnecessary and possibly detrimental consequences of reporting covert operations to Congress, the updated resolution should include a clause that limits the type of drone activity the President must report to Congress. To distinguish between long-term campaigns and single attacks, the law should specify that two attacks targeting the same group or occurring in the same country within one month of each other constitute the beginning of a campaign. Once this condition is met, proceeding with the campaign would require presidential action as outlined in the WPR. Although seemingly arbitrary, two drone strikes in one month is likely an effective indicator that a series of attacks is becoming a campaign, and Congress should have the power to exert its constitu- tional authority when such a benchmark is reached. Reports indicate that there have been, on average, 2.84 drone attacks per month in Pakistan since 2004.85 Attacks in Yemen exhibit similar patterns, although the consistency of those attacks has not risen to Pakistan’s levels until recently.86 Using these current trends as a baseline helps determine the appropriate attack frequency for determining the starting point of a campaign. Because unsuccessful assassination at- tempts may necessitate a second attack in a relatively short period of time, the success of an attack should be considered in the definition of which attacks count towards defining a series of attacks as a cam- paign. Only attacks that successfully eliminate the intended target should be counted towards the limit. This will allow for repeated attempts if an assassination or other single operation endeavor fails after an initial attempt. Some might argue that including drone strikes in the WPR raises the cost of using drones to an unacceptably high level because their use would require formal sanction. Congressional approval, however, does not necessarily constitute an official declaration of war. Presidents have reported a number of conflicts to Congress consistent with the WPR that have proceeded without an official declaration from Congress.87 Additionally, the Obama administra- tion explicitly classifies the conflict with al-Qaeda and the Taliban as “armed conflict”88 and gaining explicit approval from Congress would not change the costs of moving forward with the conflict. Finally, obtaining congressional approval would potentially create greater domestic legitimacy for a campaign, thereby strengthening the President’s political position instead of weakening it. These considerations indicate that Congress can justifiably and easily address the lack of institutional oversight for drone warfare through modifying the WPR.

#### Plan is the only mechanism that causes judicial enforcement and deters covert projects.

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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.

#### This restriction on authority improves transparency—accounts for public opinion on drones

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."

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

Ewan E. Mellor 12, The Australian National University, ANU College of Asia and the Pacific, Department Of International Relations, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”

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.”

#### That public scrutiny key – can’t solve 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.

#### 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.