# 1NC

## Offcase

### 1NC---Exec + Congo

#### The United States Congress should create a Joint Congressional committee to oversee drone use for targeted killing. The Executive Branch should prohibit itself from utilizing drones for targeted killing and engage in meaningful consultation and transparency efforts with the committee in regards to drone use for targeted killing.

#### CP solves the whole case without restricting war powers which links to politics

Warren Christopher 8, **et al** 63rd Secretary of State. He also served as Deputy Attorney General in the Lyndon Johnson Administration, and as Deputy Secretary of State in the Carter Administration, Over 14 months, this bipartisan body met seven times in full-day sessions, interviewing more than 40 witnesses about the respective war powers of the President and Congress., James A. Baker, III, Slade Gorton Lee H. Hamilton Carla A. Hills John O. Marsh, Jr Edwin Meese, III Abner J. Mikva J. Paul Reason Brent Scowcroft Anne-Marie Slaughter Strobe Talbott, National War Powers Commission Report, http://web1.millercenter.org/reports/warpowers/report.pdf

The need for reform stems from the gravity and uncertainty posed by war powers questions. Few would dispute that the most important decisions our leaders make involve war. Yet after more than 200 years of constitutional his- tory, what powers the respective branches of government possess in making such decisions is still heavily debated. The Constitution provides both the President and Congress with explicit grants of war powers, as well as a host of arguments for implied powers. How broadly or how narrowly to construe these powers is a matter of ongoing debate. Indeed, the Constitution’s fram- ers disputed these very issues in the years following the Constitution’s ratiﬁ ca- tion, expressing contrary views about the respective powers of the President, as “Commander in Chief,” and Congress, which the Constitution grants the power “To declare War.” ¶ Over the years, public ofﬁ cials, academics, and experts empaneled on com- missions much like this one have expressed a wide range of views on how the war powers are allocated — or could best be allocated — among the branches of government. One topic on which a broad consensus does exist is that the War Powers Resolution of 1973 does not provide a solution because it is at least in part unconstitutional and in any event has not worked as intended. ¶ Historical practice provides no decisive guide. One can point to examples of Presidents and Congresses exercising various powers, but it is hard to ﬁ nd a “golden age” or an unbroken line of precedent in which all agree the Executive and Legislative Branches exercised their war powers in a clear, consistent, and agreed-upon way. ¶ Finally, the courts have not settled many of the open constitutional ques- tions. Despite opportunities to intervene in several inter-branch disputes, courts frequently decline to answer the broader questions these war powers cases raise, and seem willing to decide only those cases in which litigants ask them to protect individual liberties and property rights affected by the conduct of a particular war. ¶ Unsurprisingly, this uncertainty about war powers has precipitated a number of calls for reform and yielded a variety of proposals over the years. These proposals have largely been rejected or ignored, in many cases because they came down squarely on the side of one camp’s view of the law and dismissed the other. ¶ However, one common theme runs through most of these efforts at reform: the importance of getting the President and Congress to consult meaningfully and deliberate before committing the nation to war. Gallup polling data throughout the past half century shows that Americans have long shared this desire for consultation. Yet, such consultation has not always occurred. ¶ No clear mechanism or requirement exists today for the President and Congress to consult. The War Powers Resolution of 1973 contains only vague consultation requirements. Instead, it relies on reporting requirements that, if triggered, begin the clock running for Congress to approve the particular armed conﬂ ict. By the terms of the 1973 Resolution, however, Congress need not act to disapprove the conﬂ ict; the cessation of all hostilities is required in 60 to 90 days merely if Congress fails to act. Many have criticized this aspect of the Resolution as unwise and unconstitutional, and no President in the past 35 years has ﬁ led a report “pursuant” to these triggering provisions. ¶ This is not healthy. It does not promote the rule of law. It does not send the right message to our troops or to the public. And it does not encourage dialogue or cooperation between the two branches. ¶ In our efforts to address this set of problems, we have been guided by three principles: ■ First, that our proposal be practical, fair, and realistic. It must have a rea- sonable chance of support from both the President and Congress. That requires constructing a proposal that avoids clearly favoring one branch over the other, and leaves no room for the Executive or Legislative Branch justiﬁably to claim that our proposal unconstitutionally infringes on its powers. ¶ Second, that our proposal maximize the likelihood that the President and Congress productively consult with each other on the exercise of war powers. Both branches possess unique competencies and bases of support, and the country operates most effectively when these two branches of govern- ment communicate in a timely fashion and reach as much agreement as possible about taking on the heavy burdens associated with war. ¶ ■ Third, that our proposal should not recommend reform measures that will be subject to widespread constitutional criticism. It is mainly for this reason that our proposal does not explicitly deﬁne a role for the courts, which have been protective of deﬁ ning their own jurisdiction in this area. ¶ Consistent with these principles, we propose the passage of the War Powers Consultation Act of 2009. The stated purpose of the Act is to codify the norm of consultation and “describe a constructive and practical way in which the judg- ment of both the President and Congress can be brought to bear when deciding whether the United States should engage in signiﬁ cant armed conﬂict.” ¶ The Act requires such consultation before Congress declares or autho- rizes war or the country engages in combat operations lasting, or expected to last, more than one week (“signiﬁ cant armed conﬂ ict”). There is an “exigent circumstances” carve-out that allows for consultation within three days after the beginning of combat operations. In cases of lesser conﬂ icts — e.g., limited actions to defend U.S. embassies abroad, reprisals against terrorist groups, and covert operations — such advance consultation is not required, but is strongly encouraged. ¶ Under the Act, once Congress has been consulted regarding a signiﬁ cant armed conﬂ ict, it too has obligations. Unless it declares war or otherwise expressly authorizes the conﬂ ict, it must hold a vote on a concurrent resolution within 30 days calling for its approval. If the concurrent resolution is approved, there can be little question that both the President and Congress have endorsed the new armed conﬂ ict. In an effort to avoid or mitigate the divisiveness that commonly occurs in the time it takes to execute the military campaign, the Act imposes an ongoing duty on the President and Congress regularly to consult for the duration of the conﬂ ict that has been approved. ¶ If, instead, the concurrent resolution of approval is defeated in either House, any member of Congress may propose a joint resolution of disapproval. Like the concurrent resolution of approval, this joint resolution of disapproval shall be deemed highly privileged and must be voted on in a deﬁ ned number of days. If such a resolution of disapproval is passed, Congress has several options. If both Houses of Congress ratify the joint resolution of disapproval and the President signs it or Congress overrides his veto, the joint resolution of disapproval will have the force of law. If Congress cannot muster the votes to overcome a veto, it may take lesser measures. Relying on its inherent rule making powers, Congress may make internal rules providing, for example, that any bill appropriating new funds for all or part of the armed conﬂ ict would be out of order. ¶ In our opinion, the Act’s requirements do not materially increase the burdens on either branch, since Presidents have often sought and received approval or authorization from Congress before engaging in signiﬁcant armed conﬂ ict. Under the Act, moreover, both the President and the American people get some- thing from Congress — its position, based on deliberation and consideration, as to whether it supports or opposes a certain military campaign. If Congress fails to act, it can hardly complain about the war effort when this clear mechanism for acting was squarely in place. If Congress disapproves the war, the disapproval is a political reality the President must confront, and Congress can press to make its disapproval binding law or use its internal rule-making capacity or its power of the purse to act on its disapproval. ¶ We recognize the Act we propose may not be one that satisﬁes all Presidents or all Congresses in every circumstance. On the President’s side of the ledger, however, the statute generally should be attractive because it involves Congress only in “signiﬁ cant armed conﬂ ict,” not minor engagements. Moreover, it reverses the presumption that inaction by Congress means that Congress has disapproved of a military campaign and that the President is acting lawlessly if he proceeds with the conﬂ ict. On the congressional side of the ledger, the Act gives the Legislative Branch more by way of meaningful consultation and information. It also provides Congress a clear and simple mechanism by which to approve or disapprove a military campaign, and does so in a way that seeks to avoid the constitutional inﬁrmities that plague the War Powers Resolution of 1973. Altogether, the Act works to gives Congress a seat at the table; it gives the President the beneﬁt of Congress’s counsel; and it provides a mechanism for the President and the public to know Congress’s views before or as a mili- tary campaign begins. History suggests that building broad-based support for a military campaign — from both branches of government and the public — is often vital to success. ¶ To enable such consultation most proﬁtably to occur, our proposed Act establishes a Joint Congressional Consultation Committee, consisting of the majority and minority leaders of both Houses of Congress, as well as the chair- men and ranking members of key committees. We believe that if the President and Committee meet regularly, much of the distrust and tension that at times can characterize inter-branch relationships can be dissipated and overcome. In order that Congress and the Committee possess the competence to pro- vide meaningful advice, the Act both requires the President to provide the Committee with certain reports and establishes a permanent, bipartisan congressional staff to facilitate its work. Given these resources, however, our proposed Act limits the incentives for Congress to act by inaction — which is exactly the course of conduct that the default rules in the War Powers Resolution of 1973 often promoted. ¶ To be clear, however, in urging the passage of War Powers Consultation Act of 2009, we do not intend to strip either political branch of government of the constitutional arguments it may make about the scope of its power. As the Act itself makes plain, it “is not meant to deﬁne, circumscribe, or enhance the con- stitutional war powers of either the Executive or Legislative Branches of government, and neither branch by supporting or complying with this Act shall in any way limit or prejudice its right or ability to assert its constitutional war powers or its right or ability to question or challenge the constitutional war powers of the other branch.”

#### Avoids politics---turf battles over authority are key

James A. Baker 11, was secretary of state from 1989 to 1992. Lee H. Hamilton is a former Democratic representative from Indiana who chaired the House Committee on Foreign Affairs, Breaking the war powers stalemate, www.washingtonpost.com/opinions/breaking-the-war-powers-stalemate/2011/06/08/AGX0CrNH\_story.html

Breaking the war powers stalemate¶ With our country engaged in three critical military conflicts, the last thing that Congress and the White House should be doing is squabbling over which branch of government has the final authority to send American troops to war. But that is exactly what has been happening, culminating with the House’s rebuke of the Obama administration last Friday for the way it has gone about the war in Libya.¶ On one hand is a bipartisan group of House members who argue that President Obama overreached because he failed to seek congressional approval for the military action in Libya within 60 days of the time the war started, as required by the War Powers Resolution. The lawmakers are particularly upset because the administration sought, and received, support from the United Nations — but not from them.¶ On the other hand is the White House, which argues that history is on its side. The 1999 NATO-led bombing over Kosovo lasted 18 days longer than the resolution’s 60-day requirement before the Serbian regime relented.¶ Stuck in the middle are the American people, particularly our soldiers in arms. They would be best served if our leaders debated the substantive issues regarding the conflict in Libya — and those of Afghanistan and Iraq — rather than engaging in turf battles about who has ultimate authority concerning the nation’s war powers.¶ There is, unfortunately, no clear legal answer about which side is correct. Some argue for the presidency, saying that the Constitution assigns it the job of “Commander in Chief.” Others argue for Congress, saying that the Constitution gives it the “power to . . . declare war.” But the Supreme Court has been unwilling to resolve the matter, declining to take sides in what many consider a political dispute between the other branches of government.¶ We believe there is a better way than wasting time disputing who is responsible for initiating or continuing war.¶ Almost three years ago, we were members of the Miller Center’s bipartisan National War Powers Commission, which proposed a pragmatic framework for consultation between the president and Congress. Co-chaired by one of us and the late Warren Christopher, the commission could not resolve the legal question of which branch has the ultimate authority. Only the court system can do that. Instead, the commission strove to foster interaction and consultation, and reduce unnecessary political friction. The commission — which represented a broad spectrum of views, from Abner Mikva on the liberal end to Edwin Meese on the conservative end — made a unanimous recommendation to the president and Congress in 2008.¶ The commission’s proposed legislation would repeal and replace the War Powers Resolution. Passed over a presidential veto and in response to the Vietnam War, the 1973 resolution was designed to give Congress the ability to end a conflict and force the president to consult more actively with the legislative branch before engaging in military action. The resolution, a hasty compromise between competing House and Senate plans, stated that the president must terminate a conflict within 90 days if Congress has not authorized it. But no president has ever accepted the statute’s constitutionality, Congress has never enforced it and even the bill’s original sponsors were unhappy with the end product. In reality, the resolution has only further complicated the issue of war powers.

### 1NC---CP

#### The United States federal government should establishing a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings and should provide free legal counsel for such proceedings.

#### Cause of action creates a deterrent effect that makes officials think twice about drones---drawbacks of judicial review don’t apply

Stephen I. Vladeck 13, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, senior editor of the peer-reviewed Journal of National Security Law and Policy, Supreme Court Fellow at the Constitution Project, and fellow at the Center on National Security at Fordham University School of Law, JD from Yale Law School, Feb 27 2013, “DRONES AND THE WAR ON TERROR: WHEN CAN THE U.S.TARGET ALLEGED AMERICAN TERRORISTS OVERSEAS?” Hearing Before the House Committee on the Judiciary, http://www.lawfareblog.com/wp-content/uploads/2013/02/Vladeck-02272013.pdf

At first blush, it may seem like many of these issues would be equally salient in the context of after-the-fact damages suits. But as long as such a regime was designed carefully and conscientiously, I believe that virtually all of these concerns could be mitigated. ¶ For starters, retrospective review doesn’t raise anywhere near the same concerns with regard to adversity or judicial competence. With respect to adversity, presumably those who are targeted in an individual strike could be represented as plaintiffs in a post-hoc proceeding, whether through their next friend or their heirs. And as long as they could state a viable claim for relief, it’s difficult to see any pure Article III problem with such a suit for retrospective relief.¶ As for competence, judges routinely review whether government officers acted in lawful self-defense under exigent circumstances (this is exactly what the Supreme Court’s 1985 decision in Tennessee v. Garner20 contemplates, after all). And if the Guantánamo litigation of the past five years has shown nothing else, it demonstrates that judges are also more than competent to resolve not just whether individual terrorism suspects are who the government says they are (and thus members of al Qaeda or one of its affiliates), but to do so using highly classified information in a manner that balances—albeit not always ideally—the government’s interest in secrecy with the detainee’s ability to contest the evidence against him.21 Just as Guantánamo detainees are represented in their habeas proceedings by security-cleared counsel who must comply with court-imposed protective orders and security procedures,22 so too, the subjects of targeted killing operations could have their estates represented by security-cleared counsel, who would be in a far better position to challenge the government’s evidence and to offer potentially exculpatory evidence / arguments of their own. And although the Guantánamo procedures have been developed by courts on an ad hoc basis (a process that has itself been criticized by some jurists), 23 Congress might also look to provisions it enacted in 1996 in creating the little-known Alien Terrorist Removal Court, especially 8 U.S.C. § 1534,24 as a model for such proceedings. ¶ More to the point, it should also follow that courts would be far more able as a practical matter to review the relevant questions in these cases after the fact. Although the pure membership question can probably be decided in the abstract, it should stand to reason that the imminence and infeasibility-of-capture issues will be much easier to assess in hindsight—removed from the pressures of the moment and with the benefit of the dispassionate distance that judicial review provides. To similar effect, whether the government used excessive force in relation to the object of the attack is also something that can only reasonably be assessed post hoc.¶ In addition to the substantive questions, it will also be much easier for courts to review the government’s own internal procedures after they are employed, especially if the government itself is already conducting after-action reviews that could be made part of the (classified) record in such cases. Indeed, the government’s own analysis could, in many cases, go a long way toward proving the lawfulness vel non of an individual strike.¶ As I mentioned before, there would still be a host of legal doctrines that would likely get in the way of such suits. Just to name a few, there is the present (albeit, in my view, unjustified) hostility to judicially inferred causes of actions under Bivens; the state secrets privilege;and sovereign and official immunity doctrines. But I am a firm believer that, except where the President himself is concerned (where there’s a stronger argument that immunity is constitutionally grounded),25 each of these concerns can be overcome by statute—as at least some of them arguably have been in the context of the express damages actions provided for under FISA. 26 So long as Congress creates an express cause of action for nominal damages, and so long as the statute both (1) expressly overrides state secrets and immunity doctrines; and (2) replaces them with carefully considered procedures for balancing the secrecy concerns that would arise in many—if not most—of these cases, these legal issues would be vitiated. Moreover, any concerns about exposing to liability government officers who acted in good faith and within the scope of their employment can be ameliorated by following the model of the Westfall Act, and substituting the United States as the proper defendant in any suit arising out of such an operation.27¶ Perhaps counterintuitively, I also believe that after-the-fact judicial review wouldn’t raise anywhere near the same prudential concerns as those noted above. Leaving aside how much less pressure judges would be under in such cases, it’s also generally true that damages regimes don’t have nearly the same validating effect on government action that ex ante approval does. Otherwise, one would expect to have seen a dramatic upsurge in lethal actions by law enforcement officers after each judicial decision refusing to impose individual liability arising out of a prior use of deadly force. So far as I know, no such evidence exists.¶ Of course, damages actions aren’t a perfect solution here. It’s obvious, but should be said anyway, that in a case in which the government does act unlawfully, no amount of damages will make the victim (or his heirs) whole. It’s also inevitable that, like much of the Guantánamo litigation, most of these suits would be resolved under extraordinary secrecy, and so there would be far less public accountability for targeted killings than, ideally, we might want. Some might also object to this proposal as being unnecessary—that, given existing criminal laws and executive orders, there is already a sufficiently clear prohibition on unlawful strikes to render any such damages regime unnecessarily superfluous. ¶ At least as to this last objection, it bears emphasizing that the existing laws depend entirely upon the beneficence of the Executive Branch, since they assume both that the government will (1) willfully disclose details of unlawful operations rather than cover them up; and (2) prosecute its own in cases in which they cross the line. Given both prior practice and unconfirmed contemporary reports of targeted killing operations that appear to raise serious legality issues, such as “signature strikes,” it doesn’t seem too much of a stretch to doubt that these remedies will prove sufficient.¶ In addition, there are two enormous upsides to damages actions that, in my mind, make them a least-worst solution—even if they are deeply, fundamentally flawed:¶ First, if nothing else, the specter of damages, even nominal damages, should have a deterrent effect on future government officers, such that, if a targeted killing operation ever was carried out in a way that violated the relevant legal rules, there would be liability—and, as importantly, precedent—such that the next government official in a similar context might think twice, and might make sure that he’s that much more convinced that the individual in question is who the government claims, and that there’s no alternative to the use of lethal force. Second, at least where the targets of such force are U.S. citizens, I believe that there is a non-frivolous argument that the Constitution may even compel at least some form of judicial process. 28 Compared to the alternatives, nominal damages actions litigated under carefully circumscribed rules of secrecy may be the only way to balance all of the relevant private, government, and legal interests at stake in such cases.¶ \* \* \*¶ In his concurrence in the Supreme Court’s famous decision in the Steel Seizure case, Justice Frankfurter suggested that “The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.”¶ 29 It seems to me, Mr. Chairman, that targeted killing operations by the Executive Branch present the legislature with two realistic choices: Congress could accept with minimal scrutiny the Executive Branch’s claims that these operations are carried out lawfully and with every relevant procedural safeguard to maximize their accuracy—and thereby open the door to the “unchecked disregard” of which Justice Frankfurter warned. Or Congress could require the government to defend those assertions in individual cases before a neutral magistrate invested with the independence guaranteed by the Constitution’s salary and tenure protections. So long as the government’s interests in secrecy are adequately protected in such proceedings, and so long as these operations really are consistent with the Constitution and laws of the United States, what does the government have to hide?

### 1NC---WOT

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

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

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

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

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

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

#### Nuclear terrorism is feasible --- high risk of theft and attacks escalate

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, **people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals**. At the same time, **advanced technology has designed nuclear explosives of such small size they can be easily transported in a car**, small plane or boat **to the heart of a city**. We demonstrate here that **a single detonation in the 15 kiloton range can produce urban fatalities approaching one million** in some cases, **and casualties** exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, **even a single surface nuclear explosion**, or an air burst in rainy conditions, **in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades** owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, **the economic consequences of even a localized nuclear catastrophe would most likely have severe national and** international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized **attack on the U.S. by a small nuclear state, or terrorists** supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the **estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives** could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

#### Terrorism causes extinction --- retaliatory attacks escalate to great power nuclear war

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

*A Catalytic Response: Dragging in the Major Nuclear Powers*

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

#### Independently, *conventional* terrorism kills many innocents --- US WOT policies are key to prevent this

Daniel Burke 13 - CNN Belief Blog Co-Editor, “Terrorist attacks and deaths hit record high, report shows,” 10-28-13, http://religion.blogs.cnn.com/2013/10/28/terrorist-attacks-and-deaths-hit-record-high-report-shows/

Washington (CNN) – As terrorism increasingly becomes a tactic of warfare, the number of attacks and fatalities soared to a record high in 2012, according to a new report obtained exclusively by CNN.¶ More than 8,500 terrorist attacks killed nearly 15,500 people last year as violence tore through Africa, Asia and the Middle East, according to the National Consortium for the Study of Terrorism and Responses to Terrorism.¶ That’s a 69% rise in attacks and an 89% jump in fatalities from 2011, said START, one of the world’s leading terrorism-trackers.¶ Six of the seven most deadly groups are affiliated with al Qaeda, according to START, and most of the violence was committed in Muslim-majority countries.¶ The previous record for attacks was set in 2011 with more than 5,000 incidents; for fatalities the previous high was 2007 with more than 12,800 deaths.¶ Headquartered at the University of Maryland, START maintains the Global Terrorism Database, the most comprehensive source of unclassified information about terrorist attacks, with statistics dating to 1970.¶ START, one of 12 Centers for Excellence funded by the Department of Homeland Security, plans to release its full database in December but shared its early findings after a request by CNN.¶ This year is expected to outpace even 2012’s record high. There were 5,100 attacks in the first six months of 2013, said Gary LaFree, START’s director, and the wave of violence shows few signs of ebbing.¶ In recent weeks, Al-Shabaab, a militant group based in Somalia, attacked a mall in Nairobi, Kenya, leaving 67 dead; suicide bombers killed 81 at a church in Pakistan; and the Taliban took credit for killing two police officers with a car bomb in Afghanistan.¶ To find and tally attacks like those, START's computers comb through 1.2 million articles from 50,000 media outlets each month with an algorithm to help identify and eliminate redundancies. Its 25-member staff then studies, categorizes and counts each attack.¶ START's definition of terrorism closely mirrors that of the State Department and other experts. To be counted as an act of terror, an incident has to be an intentional act or threat by a "non-state actor" that meets two of these three criteria:¶ • It was aimed at attaining a political, economic, religious or social goal.¶ • It was intended to coerce, intimidate or convey a message to a larger group.¶ • It violated international humanitarian law by targeting non-combatants.¶ Part of the observed increase in 2012 may be due to the fact that START has improved its data collection methods and is better than ever at finding and categorizing terrorism, LaFree said. But he said the dramatic rise is not just a matter of having better data.¶ “We are convinced that a big chunk of this is real change in the world,” LaFree said. “We’ve seen a fairly steep upward trajectory in the total of terrorist attacks and fatalities worldwide.”¶ Outside of small dips in 2004 and 2009, the number of attacks has steadily increased in the past decade, according to START. The upward trend increases the likelihood that 2012’s numbers are not an aberration, LaFree said.¶ Counterterrorism experts not affiliated with START also said attacks appear to be occurring with increasing frequency.¶ “There’s just a lot of killing going on along sectarian and religious lines,” said Daniel Benjamin, coordinator for counterterrorism at the State Department from 2009 to 2012. “And that’s a worrisome thing.”¶ The reasons behind the rise are complex, experts say:¶ • Weak and unstable states and corrupt or ineffective governments.¶ • Poverty and high unemployment, particularly among young men.¶ • Access to more lethal weaponry and increasing use of tactics like suicide bombings capable of killing scores of bystanders.¶ • A spike in sectarian tensions between Sunni and Shiite Muslims, where ancient grudges give rise to modern massacres.¶ • The increasing use of terrorism as a tactic in war.¶ “The distinction between the front line and home front has largely been erased as terrorism has become a growing feature of contemporary warfare,” said Brian Michael Jenkins, a senior adviser at the RAND Corp. and the founder of its counterterrorism program.¶ But Jenkins also cautioned that “terrorism” is notoriously difficult to define, and the increase in attacks does not necessarily mean the United States is “losing the war on terror.” He said it could just reflect a shift in strategy among Syrian rebels and Afghani radicals, for example.¶ Still, experts say the apparent increase in civilian casualties is alarming.¶ Gone are the days when terrorist groups like the Irish Republican Army or Italy’s Red Brigade would try to keep casualties low by issuing warnings, LaFree said.¶ “If you’re a terrorist group now and you want to get your message out,” he said, “the more people you kill, the more ‘successful’ you’ll be.”¶ Sectarian attacks - such as the pitched battles between Sunni and Shiite Muslims in Iraq, Syria and Pakistan - tend to be disproportionately deadly, said Martha Crenshaw, an expert at Stanford University and a START board member.¶ “Sadly, it seems to be increasingly acceptable in certain belief systems to kill as many members of the other religious community as possible,” she said. “Moral restraints seem to be eroding.”¶ Bombings and explosions were used in 58% of terrorist attacks in 2012, but it wasn’t always this way. In fact, START’s data also show a dramatic global shift in terrorist tactics and hot spots.¶ In the 1970s, most attacks were committed with guns and occurred in Western Europe. In the 1980s, Latin America saw the most terrorist acts. Beginning with the 1990s, South Asia, North Africa and the Middle East has seen steadily rising number of attacks, a trend that has accelerated in recent years.¶ Although terrorism touched 85 countries last year, just three - Pakistan, Iraq and Afghanistan - suffered more than half of 2012’s attacks (55%) and fatalities (62%).¶ In January, Sunni suicide bombers attacked scores of Shiite pilgrims in Iraq, killing at least 73. In February, a car bomb outside a café in Mogadishu, Somalia, left 15 dead. In March, a bombing in Thailand killed 14 and injured 340 in a commercial district.¶ Just eight private U.S. citizens died in attacks outside the United States in 2012, all in Afghanistan, according to the State Department. In the United States, seven people died in 11 terrorist attacks last year, six of them in a shooting at a Sikh temple in Oak Creek, Wisconsin.¶ Despite the death of Osama bin Laden and capture of other key al Qaeda leaders, the group has exported its brand of terrorism to other militant Muslims, according to START and other counterterrorism experts.¶ “We’ve had success in stopping al Qaeda central,” LaFree said. “But we have been unsuccessful in stopping the message.”¶ Afghanistan’s Taliban was by far the deadliest group in 2012, when it launched 525 attacks that killed 1,842 people.¶ The second deadliest group was Nigeria’s Boko Haram, a jihadist group that orchestrated 364 attacks last year that killed 1,132 people.¶ The next most deadly were al Qaeda in Iraq, the Communist Party of India-Maoist, Somalia’s Al-Shabaab, al Qaeda in the Arabian Peninsula and Pakistan’s branch of the Taliban.¶ Rhonda Shore, a spokesperson for the State Department's Bureau of Counterterrorism, said she hadn't seen START's latest numbers and couldn't comment on the report. But she offered a staunch defense of the Obama administration’s approach to al Qaeda.¶ “We have made great progress in our efforts to disrupt, dismantle and defeat the larger al Qaeda organization in recent years,” she said.¶ “However,” she said, al Qaeda and its affiliates “continue to present a serious threat to the United States and its interests, and we must remain vigilant as we consider the range of tools and actions available to disrupt this threat.”

#### US TK’s are vital to resolve internal Pakistani terrorism

C. Christine Fair 13, Peace and Security Studies Program, Edmund A. Walsh School of Foreign Service, Georgetown University, 11/12/13, “Drones, Spies, Terrorists and Second Class Citizenship in Pakistan - A Review Essay,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2353447

Closely related to the issue of Pakistan’s sovereignty is the question about Pakistan’s ability and willingness to exercise the rule of law and take action against those militants operating in and from Pakistan. On this matter the Stanford-NYU Law Schools’ report concedes that “in the absence of Pakistani consent, US use of force in Pakistan may not constitute an unlawful violation of Pakistan’s sovereignty if the force is necessary in self- defense in response to an armed attacked—either as a response to the attacks of September 11, 2001 or as anticipatory self-defense to mitigate threats posed by non-state groups” in the FATA (Stanford-NYU Law Schools, pp. 106-107). The report further points out that for this use of force to be lawful in Pakistan, Pakistan must also be shown to be “unwilling or unable to take [the appropriate steps, itself, against the non-state group]” (p. 107). The Stanford-NYU Law Schools’ report thus casts doubt upon whether contemporary drone attacks can be justified by reference to the events of 9/11. The authors are also doubtful about the resort to “anticipatory” self defense because it is unlikely that the majority of the drone strikes have averted attacks that are “instant, overwhelming, and leaving no choice of means, and no moment of deliberation” (pp. 107-108).

Indeed recent reporting casts doubt upon the U.S. claims that drone strikes target al Qaeda and Taliban operatives or their associates to prevent imminent attack to the United States and its interests. Recent reporting by Jonathan Landay, based upon a privileged review of primary source materials, indicated that as many as “265 of up to 482 people who the U.S. intelligence reports estimated the CIA killed during a 12-month period ending in September 2011 were not senior al Qaida leaders but instead were ‘assessed’ as Afghan, Pakistani and unknown extremists. Drones killed only six top al Qaida leaders in those months, according to news media accounts.”24 This is consistent with author interviews with American and Pakistani officials who concede that the U.S. drones are killing “Pakistani terrorists,” such as Pakistani Taliban leaders (e.g. Nek Mohammad in 2004, Baitullah Mehsood in 2009, Waliur Rehman in 2013 among numerous others). What motivation does the United States have to eliminate Pakistan’s enemies that pose no significant imminent threat to the United States?

I have long speculated that the U.S. and Pakistan’s intelligence agencies engage in a deadly exchange rate: the United States targets and eliminates Pakistan’s foes so that it can have the opportunity to eliminate its own. The ISI fulminates domestic outrage to increase the price of American access to Pakistani air space. This is important because, as Mazzetti’s account explains, in recent years U.S. and Pakistani interests have increasingly diverged. At the beginning of the war both countries boasted fondly of their joint successes in targeting al-Qaeda even while Pakistan preserved its ties to the Afghan Taliban and allied fighters such as the network of Jalaluddin Haqqani and India-oriented militants such as Lashkar-e-Taiba. However, as the war progressed and as American goals evolved to the point where they increasingly viewed the Afghan Taliban as the enemy rather than Al Qaeda, the United States and Pakistan have essentially become locked in a proxy war. As both parties pursued different outcomes at the strategic level, both sought to achieve minimal non-negotiables from the other while increasingly viewing the other as the enemy.

#### Internal Pakistani terrorism causes nuclear war with India

Phil Lai 12, Davis Fellow at the James Martin Center for Nonproliferation Studies, Brown undergraduate, 11/13/12, “A New Path to Accidental Nuclear War in South Asia?,” http://wmdjunction.com/121113\_sasia\_accidental\_nuclear\_war.htm

India is right to urge continued vigilance at a time when many nuclear weapon states are in the process of re-examining their deterrence priorities in the face of aging warheads and delivery systems and serious budgetary constraints. Recent events warn that the world's nuclear weapons and materials may not be quite as well-protected as we would like to think. The July infiltration of the Y-12 National Security Complex in Tennessee by an octogenarian nun and two retirement-age peace activists caused no small embarrassment to the United States. More alarmingly, in August, a group of armed Pakistani Taliban militants attacked the Minhas Air Force Base, a large facility believed to house a portion of Pakistan's nuclear arsenal. Though numbering less than ten, the militants were nevertheless able to tie up the base's security forces in an engagement lasting at least two hours.

A Potential New Kind of Nuclear Terrorism

While the actual threat posed by the Minhas militants to Pakistani nuclear assets is open for debate, the attack does point to the increasing sophistication and ambition of Pakistan's militant groups—and also to the potential for a different kind of nuclear terrorism. Nuclear terrorism is traditionally understood to take one of four forms: direct acquisition and deployment of a nuclear device, independent fabrication of a device using stolen materials, release of radiation by attacking nuclear facilities, or release of radiation through other means of dispersal. But the particular circumstances of the South Asian security situation raise the troubling possibility of a fifth scenario: a nuclear exchange intentionally provoked by terrorist activity that is not itself inherently nuclear. Considering the relatively high technical barriers to other forms of nuclear terrorism, this scenario may be attractive to an organization seeking the overthrow or destruction of a state.

The notion that a non-state actor might be able to incite a nuclear conflict has long been a staple of film and novel thrillers. In the film The Sum of All Fears, neo-Nazi extremists place a formerly lost nuclear bomb in a Baltimore football stadium, hoping to drive the United States and Russia to mutual annihilation and bring about a new world order. In the latest installment in the Mission: Impossible series, a former nuclear strategist acquires and uses Russian launch codes in the belief that a similar world-consuming conflagration would allow a united civilization to rise from the ashes. Within the trope, an initial nuclear explosion has always been the key to sparking the conflict; much exposition and dramatic tension flows from the terrorists' acquisition of a device, and the authorities' subsequent efforts to track it.

In real life, there have been several incidents in which early warning systems mistakenly identified an incoming nuclear attack. In 1995, for example, Russian early warning radars mistook a Norwegian scientific rocket for a US submarine-launched ballistic missile; the alert went all the way up to then-President Boris Yeltsin before the mistake was discovered. More recently, the explosion of a meteor over the Mediterranean Sea during the 2001-02 Operation Parakram crisis raised concerns that Indian or Pakistani early warning systems on high alert might mistake a similar natural explosion for a nuclear detonation. Several factors specific to the India-Pakistan nuclear dyad make it inherently unstable, and, as a result, particularly vulnerable to a mistaken identity incident or a malicious "spoofing" attack.

A Tense and Distrustful Relationship

The relationship between India and Pakistan—twin nations born a day apart from the tatters of British India—is fundamentally one of mistrust. In the 1940 Lahore address that set the wheels of Partition in motion, Pakistan's founding father Muhammed Ali Jinnah argued forcefully for a separate Pakistani state, asserting that Hindus and Muslims belonged to two fundamentally different and immiscible civilizations, and could not therefore coexist in harmony. Sixty-five years, three major armed conflicts, and countless smaller-scale clashes later, India and Pakistan still regard each other as very much existential threats, as asserted by former Pakistani President Pervez Musharraf in a March 2011 interview. Predictably, Indian and Pakistani nuclear developments have historically closely mirrored one another: speaking in 1965, then-Pakistani Prime Minister Ali Zulfikar Bhutto famously stated that if India acquired the bomb, so too would Pakistan, even if the people had to "eat grass or leaves." Following several decades of covert development, both countries tested mature weapon designs in 1998, only weeks apart. Having demonstrated their capabilities, both states then immediately declared self-imposed moratoriums on testing, and the subcontinent has lived in an uneasy standoff ever since. Historically cool Sino-Indian relations add an unwelcome third dimension to the puzzle; India finds itself in the unenviable position of having to offset Chinese capabilities without provoking Pakistan into a nuclear arms race.

Unable to go toe-to-toe with the conventionally superior Indian Army, Pakistan has historically turned to alternative means of achieving its foreign policy goals, chief of which has always been the resolution of the Kashmir territorial dispute. Having demonstrated a credible deterrent with the 1998 tests, Pakistan was then free to step up subconventional attacks on its neighbor. The 1999 Kargil War—sparked by the infiltration of Pakistani paramilitaries and Kashmiri militants into Indian-held Kashmir—marks only the second instance in which nuclear-armed states have engaged in direct conflict, the first being the Sino-Soviet border dispute of 1969. Just two years later, suspected Pakistani state involvement in a terrorist attack on the Indian Parliament led to a six-month standoff that was defused only with foreign mediation. The possibility of nuclear war was raised during both conflicts, at various levels and on both sides. Pakistan finds it difficult to erase the taint of its Intra-Services Intelligence agency's decades-long association with groups like Lashkar-e-Taiba; in the days following an attack, suspicions are invariably leveled at Islamabad even in the absence of any discernible link. It is entirely possible that a future incident would push already strained India-Pakistan relations to the nuclear brink.

Geography is another factor. Close physical proximity makes for short flight times, and combined with the development of reliable, solid-fueled rockets such as Pakistan's Shaheen and the Indian Agni series, the time elapsed between a launch decision and missiles striking Islamabad or New Delhi might very well be measured in seconds rather than minutes. Former British Director of Communications and Strategy Alastair Campbell recalls a senior Pakistani general boasting at a 2001 dinner party that Pakistani missiles could hit India in as little as eight seconds. With such dramatically compressed reaction times, the margin for error is greatly reduced.

All nuclear-armed states face what is known as the "always-never" dilemma—the stakes of using nuclear weapons demand that a device is always ready when called upon, but never used without positive authorization. While the latter criterion points to more centralized control, the former favors greater devolution of power. India seems to lean towards the "never" side of the conundrum; its Nuclear Command Authority chain terminates with Prime Minister Singh, ensuring that ultimate launch authority remains in civilian hands. However, Pakistan's National Command Authority, while nominally also headed by the civilian prime minister, likely falls much more under the influence of the Pakistani armed forces. Given Pakistan's counterforce deterrence priorities and lack of strategic depth, some degree of predelegation of authority to downstream commanders during times of heightened tensions is not improbable. To make matters worse, neither India nor Pakistan is known to employ the electronic locks known as permissive action links (PALs) that safeguard US weapons from unauthorized use. When individuals have their finger on the button, stated nuclear doctrine matters little. Knowing he might have only seconds to react, a Pakistani commander in control of nuclear weapons might easily find himself faced with a "use it or lose it" dilemma, and decide to deploy his weapons rather than risk their capture or destruction. Sheer geographical proximity makes the India-Pakistan powder keg particularly volatile; Cold War deterrence logic, in which oceans separated the main belligerents, may not scale very well to adjoining states.

A Growing Risk

This brings us back to the attack on Minhas Air Force Base in August. The militants who infiltrated the base were dressed as Pakistani Air Force personnel, but it is not so difficult to imagine a scenario where similarly-equipped assailants instead present themselves in Indian Army uniforms. If such an attack were to transpire during a time of already tense relations, when weapons might be raised to a higher readiness level for signaling purposes—as was suspected of India and Pakistan during Kargil—the consequences of an isolated, panicked Pakistani commander believing the weapons under his command were under surprise attack by Indian forces could be catastrophic.

The scenario examined here is not by any stretch likely, as it hinges on a very specific set of circumstances. But the risks are growing. Pakistan is becoming increasingly unstable; it continues to struggle with armed militancy, and there are indications that elements of its military are in danger of radicalization. If the current government were to fall, civilian control of the nuclear chain of command would most likely be compromised. Meanwhile, spurred on by India's continued pursuit of its controversial Cold Start limited conventional war doctrine, Pakistan has increasingly turned to developing tactical nuclear weapons geared towards limited counterforce strikes to blunt an Indian invasion. Short-range, low-yield nuclear-capable weapons like the Hatf series of theater ballistic missiles and the Babur cruise missile require forward deployment away from population centers, leaving them more vulnerable to attack.

Efforts should be made to tighten up command, control, and communications, and reassert positive civilian control over nuclear assets. PALs or an equivalent system should be installed on all weapons, tactical and strategic, to ensure that ultimate firing authority remains at the highest levels of government. The New Delhi-Islamabad nuclear hotline established in 2004 should be maintained and continually upgraded, in order to facilitate real-time information sharing between national command authorities. Many of the confidence-building measures recommended in the 2011 Ottawa Dialogue are applicable here, in particular reaffirming the commitment to keep warheads de-mated, and strengthening the agreement prohibiting attacks on nuclear facilities.

The Y-12 incident and the Minhas attack were a wake up call to the world, a sign to take a long hard look at physical security in the twenty-first century. In the days following Minhas, Pakistan has stepped up protection of its nuclear facilities. But this year's tests of the nuclear-capable Hatf 7 cruise missile and the Hatf 9 short-range ballistic missile, as well as India's continued refusal to renounce Cold Start, mean the risk factors for an unintended nuclear exchange remain unacceptably high. India and Pakistan, nuclear neighbors with a history of miscommunication, would do well to consider that diversion may not be the only threat to South Asian nuclear security, and that the spark for a future conflagration may well come from one of their own arsenals.

#### Extinction

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

The greatest threat to regional security (although curiously not at the top of most lists of U.S. regional concerns) is the possibility that increased India-Pakistan tension will erupt into all-out war that could quickly escalate into a nuclear exchange. Indeed, in just the past two decades, the two neighbors have come perilously close to war on several occasions. India and Pakistan remain the most likely belligerents in the world to engage in nuclear war. ¶ Due to an Indian preponderance of conventional forces, Pakistan would have a strong incentive to use its nuclear arsenal very early on before a routing of its military installations and weaker conventional forces. In the event of conflict, Pakistan’s only chance of survival would be the early use of its nuclear arsenal to inflict unacceptable damage to Indian military and (much more likely) civilian targets. By raising the stakes to unacceptable levels, Pakistan would hope that India would step away from the brink. However, it is equally likely that India would respond in kind, with escalation ensuing. Neither state possesses tactical nuclear weapons, but both possess scores of city-sized bombs like those used on Hiroshima and Nagasaki. ¶ Furthermore, as more damage was inflicted (or as the result of a decapitating strike), command and control elements would be disabled, leaving individual commanders to respond in an environment increasingly clouded by the fog of war and decreasing the likelihood that either government (what would be left of them) would be able to guarantee that their forces would follow a negotiated settlement or phased reduction in hostilities. As a result any such conflict would likely continue to escalate until one side incurred an unacceptable or wholly debilitating level of injury or exhausted its nuclear arsenal. ¶ A nuclear conflict in the subcontinent would have disastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussions of a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union would result in a catastrophic and prolonged nuclear winter, which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. ¶ The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead to global cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval.¶ Although the likelihood of this doomsday scenario remains relatively low, the consequences are dire enough to warrant greater U.S. and international attention. Furthermore, due to the ongoing conflict over Kashmir and the deep animus held between India and Pakistan, it might not take much to set them off. Indeed, following the successful U.S. raid on bin Laden’s compound, several members of India’s security apparatus along with conservative politicians have argued that India should emulate the SEAL Team Six raid and launch their own cross-border incursions to nab or kill anti-Indian terrorists, either preemptively or after the fact. Such provocative action could very well lead to all-out war between the two that could quickly escalate.

#### Targeted killing against terrorists is a moral imperative---the point of terrorism is senseless, un-targeted killing---responding with force is necessary to preserve and uphold the value of innocent lives---in the context of Camus, targeted killing is most analogous to the figure of the just assassin

Michael Walzer 13, Professor Emeritus of Social Science at the Institute for Advanced Study and co-Editor of Dissent Magazine, 1/11/13, “Targeted Killing and Drone Warfare,” http://www.dissentmagazine.org/online\_articles/targeted-killing-and-drone-warfare

First things first. Untargeted killing, random killing, the bomb in the supermarket, the café, or the bus station: we call that terrorism, and its condemnation is critically important. No qualifications, no apologies: this is wrongfulness of the first order. But someone who takes aim at a particular person, a political official, a military officer, is engaged in a different activity. He may be a just assassin, as in Camus’s play, though I don’t think that the justice of the killing depends on the killer’s willingness to accept death himself (which is Camus’s argument). It depends on the character of the official or the officer, the character of the regime he serves, and the immediate political circumstances: what else is there to do? But even if the assassination is a wrongful act, as it most often is in history if not in literature, the wrongfulness is of a second order. By aiming at a person thought to be guilty of something, the assassin indicates his rejection of aimless killing. Someone in his organization probably thought that it would be better to kill the official’s extended family or to put a bomb in the restaurant where he and “his kind” regularly dine; he refused to do that or, at least, he didn’t do it.

There are radical limits on political assassinations. In democracies, they can never be justified; it is only the blood of tyrants that waters the tree of liberty. And even with tyrants, a trial is preferable to an assassination whenever it is possible to bring down the tyrannical regime without killing its leader. In wartime, international law bars the killing of political leaders on the grounds that they are the ones who will in the end negotiate the peace treaty. But some political leaders, with whom one can’t imagine negotiating, are legitimate targets—Hitler the obvious example. Killing Hitler would have been “extra-judicial” but entirely justified. Tyrants do have to be targeted, however; blowing up the neighborhood in which they live is not a moral option.

Military leaders are obviously legitimate targets in wartime. A sniper sent to a forward position to try to kill a visiting colonel or general is engaged in targeted killing, but no one will accuse him of acting extra-judicially and therefore wrongly. It is probably best to think of insurgent organizations in roughly the same way that we think about states. If they have separated their political and military leaders, it is only the second group who should be targeted since we may eventually negotiate with the first group. I don’t believe that the same distinction is morally required in the case of terrorist organizations, though it may be prudent to make it. Individuals who plan, or organize, or recruit for, or participate in a terrorist attack are all of them legitimate targets. It would be better to capture them and bring them to trial, but that is often not a reasonable option—the risks are too high; innocent bystanders would be killed in the attempt; the planning would take time, and the terrorist attacks are imminent or actual. In cases like this, the phrase “war on terror” makes sense. More often, I think, the “war” is police work, and targeted killing is not permissible for the police. If the terrorist campaign has ended, only the police can deal with the men and women who organized it—and lawyers and judges after the police.

The targeted killing of insurgents and terrorists in wartime is subject to the same constraints as any other act of war. It will have to meet very strict standards of proportionality; given that the target is a single person, it will be difficult to justify any injury to innocent bystanders. So the targeting must be undertaken with great care; collecting information about the targeted individuals, their schedules, their whereabouts, their families and neighbors, is critically important, and if it involves risk for agents in the field, the risks must be accepted before the killing can be justified.

### Patent Reform---1NC

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

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

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

#### [PC Link---Insert]

#### Reform that targets patent trolling is key to the entire green tech sector

Adam Gerschel-Clarke 13, independent design strategist specialising in the societal aspects of design and a contributing writer at Sustainable Brands, 11/14/13, “Are patent trolls strangling sustainable innovation?,” http://www.theguardian.com/sustainable-business/patent-trolls-sustainable-innovation

Disputes over intellectual property have risen dramatically over the last few years and, despite the global advantage green technologies offer, they have not been immune from these battles over ownership.¶ According to the latest figures published by the World Intellectual Property Organisation, applications to patent greentech have risen by over 6% since 2011, making it one of the leading growth areas for IP. Over the same period we've seen increasingly urgent global efforts to preserve the environment and avert lasting impact on society. So how is the volatile IP climate affecting the development of green technologies and the pace of progress towards a sustainable future? ¶ Patents were originally conceived as temporary defensive measures to protect and promote innovation. They grant the holder exclusive rights to make, use or sell an invention for up to 20 years. The aim was to ensure businesses investing time and effort into developing technology have the opportunity to commercialise it without competition from firms that haven't made the same commitment. ¶ Trolling¶ However, the ability to sell or licence patents for a fee has led to a slow proliferation of patent 'trolling' which is now threatening the creation of new sustainable systems and products. ¶ Patent trolls are non-manufacturing companies which acquire and exploit libraries of patents to extract licensing fees from creative firms. Small entities, such as entrepreneurs, are particularly at risk from trolling, as their limited budgets often prevent them from contesting spurious claims. Although multi-million pound battles between wealthy technology firms may dominate media coverage, recent figures suggest that 60% of patent litigation is now brought by patent trolls mostly against firms with low annual incomes. ¶ For sustainable development, the danger is that trolling replaces the financial protection that patents offer with financial encumbrance. This reduces the incentive to turn green ideas into green technology and impairs the creativity that is at the core of sustainable progress. ¶ Stifling green growth¶ But there are even greater risks with the patent system. By using patents on essential components and concepts, established manufacturers can keep a tight grip on emerging new technology as well as on creative talent in the field. ¶ Potential innovators and entrepreneurs – the driving force behind economic progress - are faced with the choice of either starting a business at the risk of being crushed by patent litigation, or going to work for one of the same companies that would have sued them. And to add insult to injury, the price of choosing the latter often includes complete surrender of those ideas - Matt Stanford, 2012¶ Often it is not in the interests of incumbent firms to develop new technology. This is especially true of sustainable development, where progress can involve the retirement of serviceable and profitable technology, in favour of alternatives that may threaten existing revenue streams or that cannot yet offer the same economies of scale. This conflict of interest between progress and profit can mean that socially and environmentally beneficial technology is shelved. Worse, it can also provide a temptation to strategically purchase sustainable innovation purely to obstruct its development. ¶ In 1989, for example, innovator Stanford Ovshinsky invented a new nickel-based battery that was cheaper, safer and more powerful than contemporary battery technology. In 1994 he sold the patent to General Motors, to help develop the world's first mass-produced electric car, the EV1. ¶ After testing the technology GM opted to stick with their conventionally powered vehicles and sold the battery patent to Texaco, an oil retailer. Ovshinsky's battery technology has since been licensed by a succession of petrochemical companies. The licence conditions for his batteries limit their application in hybrid vehicles and effectively prohibit use in fully electric vehicles. ¶ The effect of this restriction can be seen in the pace of EV development today. Lithium-based batteries, used in contemporary vehicles such as the Nissan Leaf and Mitsubishi i-MiEV, are only just approaching the range and performance of the original EV1 technology and they cost considerably more to produce. ¶ Even though it seems the patents are failing to promote and protect sustainable innovation, arguably sustainable development would be worse off without them. The system includes an obligation to publish details of protected technology. Without patents, manufacturers may keep valuable scientific and technological knowledge secret, starving the global community of the building blocks of future innovation. ¶ Future of sustainable technology¶ We need to update the existing patent system to reflect the changing face of innovation. The process of finding solutions and meeting societal needs has become a community undertaking, increasingly motivated by concerns over human and environmental welfare, alongside potential profit. ¶ The traditional influence of financiers on the innovation process is diminishing as crowdfunding platforms enable communities to develop products and services without banks and loans. Similarly in business, social enterprises have grown in strength and look set to play a significant role in our future economy. ¶ An effective system to promote and protect innovation must recognise the complete spectrum of stakeholders in technological development, valuing innovation for environmental and social benefit as highly as for financial gain. We need a better regulation of the patent system, to restore the protection and incentives that patents were intended to offer all innovation. This means reducing the influence of incumbent manufacturers and trolls on emerging green technologies by limiting the breadth of patents and regulating licences on basic technologies. ¶ A new protection system for socially and environmentally valuable technology should be set up. We must devise a better IP protection strategy for greentech, such as a royalty or prize fund system to make sustainable knowledge available to all potential innovators and still ensure that those who push technology forward for human and environmental good are financially rewarded. ¶ Whatever strategy we adopt, tackling the negative effects of the present system on innovation must be a priority for the sustainable development community. Without action, as the market for greentech grows, we face the prospect that our journey towards a sustainable future will become ever slower and more difficult.

#### U.S. green tech leadership’s key to overall hegemony and preventing warming---extinction

Klarevas 9 –Louis Klarevas, Professor for Center for Global Affairs @ New York University, 12/15, “Securing American Primacy While Tackling Climate Change: Toward a National Strategy of Greengemony,” http://www.huffingtonpost.com/louis-klarevas/securing-american-primacy\_b\_393223.html

As national leaders from around the world are gathering in Copenhagen, Denmark, to attend the United Nations Climate Change Conference, the time is ripe to re-assess America's current energy policies - but within the larger framework of how a new approach on the environment will stave off global warming and shore up American primacy. By not addressing climate change more aggressively and creatively, the United States is squandering an opportunity to secure its **global primacy** for the next few generations to come. To do this, though, the U.S. must rely on innovation to help the world escape the coming environmental meltdown. Developing the key technologies that will save the planet from global warming will allow the U.S. to outmaneuver potential great power rivals seeking to replace it as the international system's hegemon. But the greening of American strategy must occur soon. The U.S., however, seems to be stuck in time, unable to move beyond oil-centric geo-politics in any meaningful way. Often, the gridlock is portrayed as a partisan difference, with Republicans resisting action and Democrats pleading for action. This, though, is an unfair characterization as there are numerous proactive Republicans and quite a few reticent Democrats. The real divide is instead one between realists and liberals. Students of realpolitik, which still heavily guides American foreign policy, largely discount environmental issues as they are not seen as advancing national interests in a way that generates relative power advantages vis-à-vis the other major powers in the system: Russia, China, Japan, India, and the European Union. ¶ Liberals, on the other hand, have recognized that global warming might very well become the greatest challenge ever faced by [hu]mankind. As such, their thinking often eschews narrowly defined national interests for the greater global good. This, though, ruffles elected officials whose sworn obligation is, above all, to protect and promote American national interests. What both sides need to understand is that by becoming a lean, mean, green fighting machine, the U.S. can actually bring together liberals and realists to advance a collective interest which benefits every nation, while at the same time, securing America's global primacy well into the future. To do so, the U.S. must re-invent itself as not just your traditional hegemon, but as history's first ever green hegemon. Hegemons are countries that dominate the international system - bailing out other countries in times of global crisis, establishing and maintaining the most important international institutions, and covering the costs that result from free-riding and cheating global obligations. Since 1945, that role has been the purview of the United States. Immediately after World War II, Europe and Asia laid in ruin, the global economy required resuscitation, the countries of the free world needed security guarantees, and the entire system longed for a multilateral forum where global concerns could be addressed. The U.S., emerging the least scathed by the systemic crisis of fascism's rise, stepped up to the challenge and established the postwar (and current) liberal order. But don't let the world "liberal" fool you. While many nations benefited from America's new-found hegemony, the U.S. was driven largely by "realist" selfish national interests. The liberal order first and foremost benefited the U.S. With the U.S. becoming bogged down in places like Afghanistan and Iraq, running a record national debt, and failing to shore up the dollar, the future of American hegemony now seems to be facing a serious contest: potential rivals - acting like sharks smelling blood in the water - wish to challenge the U.S. on a variety of fronts. This has led numerous commentators to forecast the U.S.'s imminent fall from grace. Not all hope is lost however. With the impending systemic crisis of global warming on the horizon, the U.S. again finds itself in a position to address a transnational problem in a way that will benefit both the international community collectively and the U.S. selfishly. The current problem is two-fold. First, the competition for oil is fueling animosities between the major powers. The geopolitics of oil has already emboldened Russia in its 'near abroad' and China in far-off places like Africa and Latin America. As oil is a limited natural resource, a nasty zero-sum contest could be looming on the horizon for the U.S. and its major power rivals - a contest which threatens American primacy and global stability. Second, converting fossil fuels like oil to run national economies is producing irreversible harm in the form of carbon dioxide emissions. So long as the global economy remains oil-dependent, greenhouse gases will continue to rise. Experts are predicting as much as a 60% increase in carbon dioxide emissions in the next twenty-five years. That likely means more devastating water shortages, droughts, forest fires, floods, and storms. In other words, if global competition for access to energy resources does not undermine international security, global warming will. And in either case, oil will be a culprit for the instability. Oil arguably has been the most precious energy resource of the last half-century. But "black gold" is so 20th century. The key resource for this century will be green gold - clean, environmentally-friendly energy like wind, solar, and hydrogen power. Climate change leaves no alternative. And the sooner we realize this, the better off we will be. What Washington must do in order to avoid the traps of petropolitics is to convert the U.S. into the world's first-ever green hegemon. For starters, the federal government must drastically increase investment in energy and environmental research and development (E&E R&D). This will require a serious sacrifice, committing upwards of $40 billion annually to E&E R&D - a far cry from the few billion dollars currently being spent. By promoting a new national project, the U.S. could develop new technologies that will assure it does not drown in a pool of oil. Some solutions are already well known, such as raising fuel standards for automobiles; improving public transportation networks; and expanding nuclear and wind power sources. Others, however, have not progressed much beyond the drawing board: batteries that can store massive amounts of solar (and possibly even wind) power; efficient and cost-effective photovoltaic cells, crop-fuels, and hydrogen-based fuels; and even fusion. Such innovations will not only provide alternatives to oil, they will also give the U.S. an edge in the global competition for hegemony. If the U.S. is able to produce technologies that allow modern, globalized societies to escape the oil trap, those nations will eventually have no choice but to adopt such technologies. And this will give the U.S. a tremendous economic boom, while simultaneously providing it with means of leverage that can be employed to keep potential foes in check. The bottom-line is that the U.S. needs to become green energy dominant as opposed to black energy independent - and the best approach for achieving this is to promote a national strategy of greengemony.

## Solvency

### 1NC---Circumvention

#### Obama has motive and capability to circumvent the plan

Jeffrey Crouch 13, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

Signing statements are a natural result of the vast growth in the exercise of unilateral presidential powers in the modern era. Presidents increasingly seek methods for governing by avoiding the traditional constraints provided by a system of separated powers. The rise of an increasingly powerful and virtually unchecked executive has been aided by various factors, including what Gene Healy (2008) calls a “cult of the presidency” in which power-seeking presidents are seen as the norm and even the ideal. It is hard to imagine a president today suggesting the need to give greater deference to the other branches of government.¶ Nonetheless, the Bush era witnessed a remarkably open and critical national debate over the limits of presidential powers. In 2007-08, presidential candidate Obama made no secret of his disagreement with President Bush's conception of executive powers. Through his pledges during the campaign, Senator Obama gave clear signals that he would not push the outer limits of executive power and that he would respect the system of checks and balances. Maybe he was not exactly promising to scale back the presidency, but he left the unmistakable impression that he would not continue the Bush era trend of runaway executive powers.¶ It is therefore appropriate to criticize President Obama for the actions we have described here because he had promised a higher standard of conduct than that practiced by his predecessors. Longtime observers of the modern presidency should not be surprised, though, as his actions fall into a customary pattern: when a new president sees the utility of a particular power established by his predecessors, he is not going to give that power away. On several occasions now, what President Obama has not been able to achieve through the normal ebb and flow of deliberations with the legislative branch, he has stipulated through the issuance of a signing statement. He has even made quips about how he looks for ways to govern without direct congressional involvement (Savage 2012).¶ The “Unitary Executive” Theory¶ During the George W. Bush presidency, there was substantial scholarly debate over what had been termed the “unitary executive” theory, defined by Stephen Skowronek as the claim “that the Constitution mandates an integrated and hierarchical administration—a unified executive branch—in which all officers performing executive business are subordinate to the President, accountable to his interpretations of their charge, and removable at his discretion” (2009, 2077). Skowronek's definition is drawn from four crucial constitutional provisions relating to presidential power. First, the “executive power” vested in the president by Article II is interpreted broadly by unitary executive theory proponents to justify vast authority over the rest of the executive branch. Second, the “vesting” clause of Article II, which does not contain the “herein granted” language of Article I, seems to imply greater executive power than the explicit words of the Constitution may suggest. Third, the president's oath of office is his responsibility to “preserve, protect and defend the Constitution.” Finally, the “take care” clause—the idea that the president has total control over his subordinates in the executive branch and is responsible to the entire nation for the implementation of the laws—rounds out the list (Skowronek 2009, 2076; see Kelley, forthcoming, 12-13).¶ For legal scholars Steven Calabresi and Christopher Yoo “all of our nation's presidents have believed in the theory of the unitary executive” (2008, 4). Along similar lines, although looking at the question from a political development perspective, Skowronek casts the unitary executive theory backers as the latest in a long line of insurgents. In the past progressives extolled the virtues of a strong presidency; more recently the rebels have been conservatives who see the unitary executive theory as a way to gather power and avoid accountability (Skowronek 2009).¶ The unitary executive theory—at least, in its current form—was essentially a creation of conservative attorneys in the Ronald Reagan Justice Department. As Christopher Kelley and Bryan Marshall note, presidents from Reagan onward have, to some degree, exhibited a belief in the unitary executive theory (2007, 144). After Watergate, the presidency faced unprecedented scrutiny from the public and the mass media, and Congress had passed a series of laws intended to check presidential power, including the Congressional Budget and Impoundment Control Act, the Ethics in Government Act, and the War Powers Resolution (Kelley 2010, 108; see Kelley 2003, 23; Rudalevige 2006). To fight back, lawyers in the Reagan OLC devised plans for the president to act unilaterally, even if against Congress's wishes (Kelley forthcoming, 6).¶ Their actions stimulated a debate over the constitutional powers of the presidency. One prominent critic, Cass Sunstein, writes, “It has become a pervasive view within the executive branch, and to a large degree within the courts, that the original vision of the Constitution put the President on top of a pyramid, with the administration below him. This vision, set out in numerous documents by the Department of Justice's Office of Legal Counsel, my former home, is not an accurate interpretation of the Constitution. It is basically a fabrication by people of good intentions who have spoken ahistorically” (Sunstein 1993-94, 300).¶ Similarly, it is obvious to Louis Fisher that the president does not have complete control over the executive branch. The Constitution assumes that others will share in the workload: “The Constitution does not empower the President to carry out the law. That would be an impossible assignment. It empowers the President to see that the law is faithfully carried out” (Fisher 2009-10, 591). In the separation of powers system, those executive branch agencies actually executing the laws necessarily have relationships with—and are responsible to—the other branches of government and to the laws passed by Congress, not just the president.¶ The “Decider” Model¶ Peter Shane argues that a different presidential model took hold during the Bush years. Shane contends that the traditional understanding of the president's role is that of the chief executive regarding himself as the “overseer” of the executive branch responsible for “general oversight” and able to “indirectly” influence his subordinates. In contrast, Bush believed more in the “decider” model, which gave him direct input into everything his subordinates might do, “without regard to any limitations Congress might try to impose on the President's power of command” (Shane 2009, 144-45). Shane concludes that the “decider” model is “profoundly undemocratic and deeply dangerous” (2009, 144). It is also contrary to law. Executive officials carry out numerous mandatory and adjudicatory duties pursuant to statutory policy. Presidents and White House aides may not intervene to change the outcomes of those decisions. Many attorneys general have advised presidents that they may not interfere with statutory duties assigned to particular executive officials (Fisher 2009-10, 576-79).¶ Signing statements comfortably fit the “decider” model of presidential power. Scholars identify signing statements as among the current litany of unilateral presidential powers (see Cooper 2002; Moe and Howell 1999), and some see no danger in the exercise of this practice (Ostrander and Sievert 2013a, 2013b). The trouble is that some presidents have used signing statements to revise legislative intent or even to alter the balance of power between the political branches and have thus undermined democratic controls on executive power (Pfiffner 2008, 196; see also Korzi 2011, 197; Fisher 2006, 1).

#### Zero chance of statutory enforcement --- no political will and plenty of avenues for circumvention

* Fiat can’t resolve Congress’ inherent deferent posture
* “Authorization requirements” do nothing --- he’ll completely ignore them
* Assumes “political costs” and says the gains outweigh
* Threat of circumvention alone causes Congress to kowtow

Eric Posner 11, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, March 2011, The Executive Unbound, p. 87-9

Why did these statutes prove less effective than their proponents hoped or, in the extreme, become dead letters? In all the cases, the basic pattern is similar. The statutes were enacted during a high-water mark of political backlash against strong executive power, which supermajorities in Congress attempted to translate into binding legal constraints. However, once the wave of backlash receded and the supermajorities evaporated, there was insufficient political backing for the laws to ensure their continued vigor over time. Later Congresses have not possessed sufficient political backing or willpower to employ the override mechanisms that the statutes create, such as the override of presidential declarations of emergency created by the National Emergencies Act. Even where the statutes attempt to change the legal default rule, so that the president cannot act without legislative permission—as in the case of the War Powers Resolution, after the 60- or 90-day grace period has passed—the president may simply ignore the statutory command, and will succeed if he has correctly calculated that Congress will be unable to engage in ex post retaliation and the courts will be unwilling to engage in ex post review. President Clinton's implicit decision to brush aside the resolution during the Kosovo conflict (albeit with the fig leaf of a compliant legal opinion issued by the Justice Department's Office of Legal Counsel)16 shows that what matters is what Congress can do after the fact, not what it says before the fact. Here a major problem for framework statutes is the "presidential power of unilateral action"" to which we referred in the introduction. Statutory drafters may think they have cleverly closed off the executive's avenues of escape when they set the legal status quo to require legislative permission. Because the president can act in the real world beyond the law books, however—the armed forces did not threaten to stand down from their Kosovo mission until Congress gave its clear approval, but instead simply obeyed the President's orders—the actual status quo may change regardless of whether the legal situation does. Once armed forces are in action, the political calculus shifts and legislators will usually be unable to find enough political support to retaliate—especially not on the basis of an arcane framework statute passed years or decades before. To be sure, if the framework statutes are very specific, then violating them may itself create a political cost for the president, whose political opponents will denounce him for Caesarism. This cost is real, but in the type of high-stakes matters that are most likely to create showdowns between the president and Congress in the first place, the benefits are likely to be greater than the costs so long as the president's action is popular and credible—the crucial constraints we will discuss in chapter 4. Moreover, if the president can credibly claim to the public that the violation was necessary, then the public will be unlikely to care too much about the legal niceties. As legal theorist Frederick Schauer argues for constitutional violations18 (and, we add, the argument holds a fortiori for statutory violations), there is an interesting asymmetry surrounding illegality: if the underlying action is unpopular, then citizens will treat its illegality as an aggravating circumstance, but if the underlying action is popular, its illegality usually has little independent weight. Finally, if the president credibly threatens to violate the statute, then Congress will have strong incentives to find some face-saving compromise that allows the president to do what he wishes without forcing a showdown that, legislators anticipate, may well end badly. The upshot is that subject-specific framework statutes have a Potemkin quality: they stand about in the landscape, providing an impressive facade of legal constraint on the executive, but actually blocking very little action that presidents care about. In some cases presidents will have strictly political incentives to obtain congressional permission before acting, even in the domain of foreign affairs and national security Yet this is not a consequence of the legal structures erected by Madisonian theory, either through constitutional rules or framework statutes. Rather, as an important recent model suggests, it actually implies a very different regime in which presidents may, but need not, obtain congressional consent.° The intuition behind this result is that a regime of optional separation of powers puts presidents to a revealing choice between proceeding unilaterally or instead through Congress, and thus gives imperfectly informed voters the maximum possible information and the greatest possible scope for rewarding or punishing presidents and legislators tor their actions. Needless to say, however, this political mechanism gives cold comfort to Madisonian liberal legalists, who would blanch at the idea that an optional version of the separation of powers is superior to a mandatory version. Political scientist Andrew Rudalevige is correct to describe the collapse of the constrained post-Watergate executive as the most significant contributor in the growth of a "New Imperial Executive:2° Framework statutes are one of liberal legalism's principal instruments of executive constraint, in a world of little constitutional constraint. But having been tried, they have been found wanting.

### IBC

#### Obama’s attempt to circumvent the aff --- that results in a massive *interbranch standoff* that destroys cooperation over foreign policy

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

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53¶ The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority.¶ Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law.¶ Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. ¶ If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.¶ Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### Foreign policy based on *cooperation* between Congress and the Executive is critical to solve a laundry list of existential threats

Hamilton 2 – Lee H., President and Director of the Woodrow Wilson International Center for Scholars, Vice Chairman of the 9/11 Commission, President's Homeland Security Advisory Council, Former Member of the United States House of Representatives for 34 Years, Co-Chair of the Iraq Study Group, Formerly Special Assistant to the Director at the Woodrow Wilson Center, A Creative Tension: The Foreign Policy Roles of the President and Congress, p. 3-7

We face many dangers, however. The diversity of the security and economic threats around the globe is daunting. Terrorism, which has already struck the united states brutally, will be a continuing threat in the years ahead, and it may become more deadly if weapons of mass destruction proliferate and reach the wrong hands. the greatest security threat might be the danger that nuclear weapons or materials in russia could be stolen and sold to terrorists or hostile nations and used against americans at home or abroad. groups and individuals that do not wish us well will also attempt to attack us with weapons of mass disruption, such as information warfare, which could assault our economic, financial, communications, information, transportation, or energy infrastructures. there are numerous other threats to national security. The world's population will increase substantially during the first half of the twenty-first century, placing added strain on natural resources, including water, and possibly intensifying interstate conflicts and civil strife. Economic crises will likely be a regular occurrence, throwing some nations into turmoil and occasionally creating widespread financial instability. International crime, the illegal drug trade, global warming, infectious diseases, and other transnational problems will challenge national sovereignty and threaten our security, prosperity, and health. yet these dangerous threats are balanced by many opportunities. as the world's most powerful nation, the United States has a tremendous capacity to influence the world for good—to protect international peace, root out terrorism, resolve conflicts, spread prosperity, and advance democracy and freedom. Other nations look to us for leadership and to set an example of responsible and principled international action. our values of freedom, justice, the rule of law, and equality of opportunity are increasingly the values of peoples around the globe. in the coming decades, the spread of these values and incredible advances in science and technology will give us the capacity to disseminate knowledge, cure diseases, reduce poverty, protect the environment, and create jobs in the farthest-flung corners of the world. so our new world is as full of hope as it is of danger. To meet the threats and take advantage of the opportunities, the United States will need strong leadership, expertise in many fields, and large measures of foresight and resolve. again and again, i have been impressed with the need for u.s. leadership on the most pressing international challenges. if something important has to be done—from fighting international terrorism to bringing peace to the middle east—no other country can take our place. we may not get it right every time, but our leadership is usually constructive and helpful. we must, however, be aware of the limits to american power. the united states is neither powerful enough to cause all of the world's ills, nor powerful enough to cure them. so it is critical that we maintain good relations with our international allies and friends, manage prudently our sometimes difficult relationships with russia and china, and support and strengthen international institutions. a world that is committed to working together through effective international institutions and partnerships will be the world most capable of protecting peace and security and advancing prosperity and freedom. Equally important for a successful foreign policy will be cooperation between the president and Congress. today's moment of u.s. preeminence has not come to this nation by chance. sound policies shaped by past presidents and congresses helped to place us in this desirable position. to remain secure, prosperous, and free, the united states must continue to lead. that leadership requires the president and Congress to live up to their constitutional responsibilities to work together to craft a strong foreign policy. the great constitutional scholar edward corwin noted that the constitution is an invitation for the president and congress to struggle for the privilege of directing foreign policy. although the president is the principal foreign policy actor, the Constitution delegates more specific foreign policy powers to congress than to the executive. it designates the president as commander-in-chief and head of the executive branch, whereas it gives Congress the power to declare war and the power of the purse. the president can negotiate treaties and nominate foreign policy officials, but the senate must approve them. congress is also granted the power to raise and support armies, establish rules on naturalization, regulate foreign commerce, and define and punish offenses on the high seas. This shared constitutional responsibility presupposes that the president and Congress will work together to develop foreign policy, and it leaves the door open to both of them to assert their authority. on some basic foreign policy issues, the president and congress agree on their respective roles. for instance, congress generally does not question the president's power to manage diplomatic relations with other nations, and presidents accept that congress must appropriate funds for diplomacy and defense. but on a panoply of other issues—from oversight of foreign aid and responsibility for trade policy to authorization of military deployments and funding for international institutions—Congress and the president battle intensely to exert influence and advance their priorities. Of course, I approach the executive–legislative relationship from the perspective i gained during my congressional experience. That experience has convinced me that Congress plays a very important role in foreign policy, but does not always live up to its constitutional responsibilities. Its tendency too often has been either to defer to the president or to engage in foreign policy haphazardly. I recognize that political pressures, institutional dynamics, and the heavy domestic demands placed on congress can make it difficult for it to exercise its foreign policy responsibilities effectively. But I believe that Congress could improve its foreign policy performance markedly if it made a concerted effort to do so. Although the president is the chief foreign policy maker, Congress has a responsibility to be both an informed critic and a constructive partner of the president. the ideal established by the founders is neither for one branch to dominate the other nor for there to be an identity of views between them. Rather, the founders wisely sought to encourage a creative tension between the president and Congress that would produce policies that advance national interests and reflect the views of the American People. Sustained consultation between the president and congress is the most important mechanism for fostering an effective foreign policy with broad support at home and respect and punch overseas. in a world of both danger and opportunity, we need such a foreign policy to advance our interests and values around the globe.

### Clarke

#### This form of evidence-based possiblistic thinking is uniquely key in the context of terrorism

Lee Clarke 6, Ph.D., Associate Professor of Sociology at Rutgers University, Worst Cases: Terror and Catastrophe in the Popular Imagination, 2006, p. 21-22

The idea of the worst case draws our attention to the past and pushes it into the future. For thinking about worst cases involves both thinking about negative futures and evaluating past events as superlatively bad. “What’s the worst than can happen?” we ask children. Most people can look back and say, “That was the worst day of my life.” Such thinking and evaluating is fundamentally about the expansion and contraction of imagination. Labeling something “the worst” involves both prospective and retrospective orientations to disaster. Let me say a few more words about that. Sometimes we imagine futures that are particularly awful or construct scenarios that are overwhelmingly bad or sad, then attach the worst case moniker to them. Since the 9/11 terrorist attacks many people and organizations have created projections of that sort. Government leaders have made solemn announcements regarding when another attack might be coming—especially after it was discovered that officials actually had pretty good indications that something big was coming before September 11. Everyone has been urged to go on “high alert.” Reporters and others have set off to assess preparedness levels at nuclear plants, water treatment facilities, and key points on the electric power grid. Some of the 9/11 terrorists were reported to have asked questions of airport personnel in the small south Florida town of Belle Glade. Belle Glade is a farming community and crop dusters are a common sight there. Those reports were probably false, but at the time they prompted worst case projections about the use of crop dusters to distribute chemical or biological weapons. Similar speculation followed reports of a March 2001 visit by Mohammed Atta, a key player in the September 11 attacks, to a small town in Tennessee. Tanks at a nearby plant hold 250 tons of sulfur dioxide, and the plant’s worst case scenario said that perhaps sixty thousand people could be killed or hurt if it were sabotaged. Recall the EPA-required scenarios I mentioned earlier. Journalists looked through some of those scenarios after 9/11 and discovered that many of America’s most populated areas are next to facilities with large amounts of toxic chemicals. For example, in Kearny, New Jersey—which is very close to Manhattan—there’s a facility that has 180,000 pounds of sulfur dioxide which, if released in a toxic cloud, could kill or injure twelve million people. Similar scenarios exist for Los Angeles, Detroit, and Philadelphia. Officials of the companies responsible for these dangerous chemicals say they’re taking precautions that make such a catastrophe “unlikely”—there’s that short risk ruler again. That’s not very reassuring, though, because terrorists aim precisely to create unlikely horrors, which is to say they aim to make worst cases. To construct prospective worst cases, like the ones I just mentioned, we must somehow imagine the unimaginable. That isn’t easy to do. Before they built the Tacoma Narrows Bridge, engineers calculated that it would perform well under its own weight and the weight of the traffic it was to carry. That sort of projection often gets us into trouble, because once people convince themselves that they have imagined the worst then they stop imagining more possibilities. The engineers didn’t consider the possibility that wind could set up a wave in the deck of the suspension bridge that would, if sustained, shake the thing apart, but that’s exactly what happened on November 7, 1940, only four months after it opened to traffic. Their thinking was trapped in experience, depending on past successes and failures for models of what could go wrong. I’ll explore later how worst case thinking expands and contracts the imagination. For now, I just want to make the point that prospective worst case thinking is doomed to failure, in an absolute sense, because the mere act of imagining a worst case renders it something less of one. An emergency planner captured the idea well when he said, “People who are terrorists and sociopaths don’t have the normal thinking we have, so they would imagine things that would never occur to most of us. I would never say, ‘Oh, yeah, we’re as prepared as we can be.’ ”13 Forward-looking worst case creation isn’t just about terrorists. Millennialists, millenarians, and other religiously inspired apocalyptics do it when they look forward to the end of the world. Organizations do it too, when they make plans and scenarios for chemical facilities, such as those noted above or the contingency plans the U.S. Army has developed in case of a major mishap at its facilities for destroying our chemical weapons stockpile. To look at prospective worst cases is to look at how people think about and judge the future and their place in it.

## Structural Violence Adv

### Bostrom

#### Survival risks outweigh structural violence

Bostrom 12 (Nick, Professor of Philosophy at Oxford, directs Oxford's Future of Humanity Institute and winner of the Gannon Award, Interview with Ross Andersen, correspondent at The Atlantic, 3/6, “We're Underestimating the Risk of Human Extinction”, <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/>)

Bostrom, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human extinction risks are poorly understood and, worse still, severely underestimated by society. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrom is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century.¶ Despite his concerns about the risks posed to humans by technological progress, Bostrom is no luddite. In fact, he is a longtime advocate of transhumanism---the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrom uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrom about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them.¶ Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? ¶ Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

### Casualties

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

Michael Cohen 13, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels". ¶ I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so. ¶ This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy. ¶ Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates. ¶ There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones. ¶ When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there." ¶ While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage. ¶ Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen. ¶ These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year. ¶ Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".¶ Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.¶ Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

### 1NC---VTL

#### “No value to life” doesn’t outweigh---prioritize existence because value is subjective and could improve in the future

Torbjörn Tännsjö 11, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, 2011, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” online: http://people.su.se/~jolso/HS-texter/shaltthou.pdf

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not commit suicide. The explanation is simple. If I kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

### 1NC---Util

**Maximizing all lives is the only way to affirm equality**

**Cummiskey 90** – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

**Ethical policymaking requires calculation of consequences**

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse,)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

# 2NC

## COA CP

### Solvency

#### Cause of action deters abuse and avoids legal barriers---drawbacks of judicial review don’t apply

Stephen I. Vladeck 14, Prof of Law and Associate Dean for Scholarship, American University Washington College of Law, “Targeted Killing and Judicial Review ,”

Once one accepts that neutral magistrates are competent to resolve certain issues in suits challenging targeted killings, the focus should shift to how such oversight can best be designed to maximize both the government’s interests in secrecy and expediency and the individual rights of the putative targets. I offered my critiques of Judge Gonzales’s proposal above. Although I have expressed my own views on this subject before,69 the following briefly lays out some of the key elements I consider necessary to any such regime. ¶ As noted above,70 such review is best provided after the fact, rather than ex ante, in a similar manner as the wrongful death actions recognized by virtually every jurisdiction.71 After-the-fact review avoids the serious logistical, prudential, and potentially constitutional concerns that ex ante review would raise because it does not stop the government from acting at its own discretion, and it allows for more comprehensive consideration of the issues “removed from the pressures of the moment and with the benefit of the dispassionate distance on which judicial review must rely.”72¶ Such review should be predicated on an express cause of action created by Congress. In designing such a remedy, Congress can borrow from the model created by FISA, which has provided since its inception that “[a]n aggrieved person, other than [one who is properly subject to surveillance under FISA], who has been subjected to an electronic surveillance . . . shall have a cause of action against any person who committed such violation.”73 An express cause of action would clarify Congress’s intent that such suits should be allowed to go forward, and it would also support arguments against otherwise available common law privileges and immunities. ¶ Further to that end, because review would be after the fact, such an action should be for damages, and, unlike FISA, should therefore contain an express waiver of the United States’ sovereign immunity to ensure that money damages will actually be available in such cases74—not so much to make the victim’s heirs whole, but to provide a meaningful deterrent for future government officers. Thus, although many will disagree with this particular aspect of my proposal, I suspect that such a cause of action could serve its purpose even if it only provided for nominal damages, insofar as such nominal damages still establish forward-looking principles of liability.75¶ Although no special jurisdictional provisions should be necessary (e.g., FISA does not require civil suits under FISA to be brought before the FISC),76 Congress could confer exclusive jurisdiction over such suits upon the U.S. District Court for the District of Columbia.77 This jurisdictional exclusivity would ensure that such cases were brought before federal judges with substantial and sustained experience handling high-profile (and often highly sensitive) national security cases. ¶ Borrowing from the model of the Federal Tort Claims Act (“FTCA”),78 as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 (“Westfall Act”), 79 Congress can immunize potential officer-defendants by substituting the United States as the defendant on any claims arising under this cause of action in which the officer-defendant was acting within the scope of his employment.80 As is the case under the Westfall Act, such a move would also necessarily moot application of official immunity doctrines because it would confer absolute immunity upon the officer-defendants,81 and the United States may not invoke official immunity as a party. As under the Westfall Act, substitution would reinforce the idea that the goal is not to punish individual officers, but to establish the liability of the federal government writ large. ¶ As under the FTCA, Congress could bar jury trials in such cases, requiring instead that all factual and legal determinations be made by the presiding judge.82 Again, such a move would help to ensure that these suits could be heard expeditiously and with due regard for the government’s secrecy concerns. ¶ On that note, with regard to secrecy, Congress could look to both FISA83 and the provisions of the 1996 immigration laws establishing the Alien Terrorist Removal Court (“ATRC”)84 as models for how to allow for judicial proceedings that are both adversarial and largely secret. In this respect, both FISA and the ATRC contemplate litigation between the government and security-cleared counsel without regard to the state secrets privilege, which Congress could otherwise abrogate.85

#### Ex post review creates a credible signal of compliance that restrains future executives

Kwame Holman 13, congressional correspondent for PBS NewsHour; citing Rosa Brooks, Prof of Law at Georgetown University Law Center, former Counselor to the Under Secretary of Defense for Policy, former senior advisor at the US Dept of State, “Congress Begins to Weigh In On Drone Strikes Policy,” http://www.pbs.org/newshour/rundown/2013/04/congress-begins-to-weigh-in-on-drone-strikes-policy.html

While some experts have argued for court oversight of drone strikes before they're carried out, Brooks sides with those who say that would be unwieldy and unworkable.¶ Brooks says however an administration that knows its strikes could face court review after the fact -- with possible damages assessed -- would be more responsible and careful about who it strikes and why.¶ "If Congress were to create a statutory cause of action for damages for those who had been killed in abusive or mistaken drone strikes, you would have a court that would review such strikes after the fact. [That would] create a pretty good mechanism that would frankly keep the executive branch as honest as we hope it is already and as we hope it will continue to be into administrations to come," Brooks said.¶ "It would be one of the approaches that would go a very long way toward reassuring both U.S. citizens and the world more generally that our policies are in compliance with rule of law norms."

#### Accountability mechanisms that constrain the executive prevent drone overuse in Pakistan and Yemen---drones are key to stability but overuse is counterproductive

Benjamin R. Farley 12, JD from Emory University School of Law, former Editor-in-Chief of the Emory International Law Review, “Drones and Democracy: Missing Out on Accountability?” Winter 2012, 54 S. Tex. L. Rev. 385, lexis

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, 168 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 the Congress and the President. 169 That generation recognized that a President vested with an unconstrained ability to go to war is more likely to lead the nation into war.

## Advantage

### XT Bostrom

#### All violence is structural

Dekker 98 – Senior Lecturer of Law, Utrecht (Ige, Reflections on International Law from the Low Countries, ed Erik Denters, p 327)

For Galtung structural violence is, in principle, of equal importance as all other forms of violence. In a more recent article, Galtung broadened the concept of violence even further by introducing a third dimension, namely that of cultural violence, which he defined as 'those aspects of culture (...) that can be used to justify or legitimize direct or structural violence." For Galtung the broadness of the concept of structural violence was and is essential, because 'by means of this concept a social net is constructed whereby birds of many feathers can be caught and kept." He went so far as to say that 'every profession is in and by itself some form of structural violence."

#### Their causality is backwards—war is the root of injustice, not the other way around

Goldstein 1 **–** IR Professor, American U (Joshua, War and Gender, p 412)

The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars' outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.4 So, "if you want peace, work for peace." Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to "reverse women's oppression." The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book's evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate."

#### Nuke war outweighs positive peace

Folk 78 – Peace Studies Professor, Bethany College (Jerry, Peace Education-Peace Studies Programs, Peace Change 5.1)

Those proponents of the positive peace approach who reject out of hand the work of researchers and educators coming to the field from the perspective of negative peace too easily forget that the prevention of a nuclear confrontation of global dimensions is the prerequisite for all other peace research, education, and action. Unless such a confrontation can be avoided there will be no world left in which to build positive peace. Moreover, the blanket condemnation of all such negative peace oriented research, education or action as a reactionary attempt to support and reinforce the status quo is doctrinaire. Conflict theory and resolution, disarmament studies, studies of the international system and of international organizations, and integration studies are in themselves neutral. They do not intrinsically support either the status quo or revolutionary efforts to change or overthrow it. Rather they offer a body of knowledge which can be used for either purpose or for some purpose in between. It is much more logical for those who understand peace as positive peace to integrate this knowledge into their own framework and to utilize it in achieving their own purposes. A balanced peace studies program should therefore offer the student exposure to the questions and concerns which occupy those who view the field essentially from the point of view of negative peace.

### SVio UQ

#### The status quo is structurally improving

Dash 13 Co-Founder and Managing Director at Activate, a new kind of strategy consultancy that advises companies about the opportunities at the intersection of technology and media co-founder and CEO of ThinkUp, which shows you how to be better at using your social networks, publisher, editor and owner of Dashes.com, my personal blog where I've been publishing continuously since 1999, entrepreneur, writer and geek living in New York City (Anil Dash, 4 February 2013, “THE WORLD IS GETTING BETTER. QUICKLY.,” http://dashes.com/anil/2013/02/the-world-is-getting-better-quickly.html)

The world is getting better, faster, than we could ever have imagined. For those of us who are fortunate enough to live in wealthy communities or countries, we have a common set of reference points we use to describe the world's most intractable, upsetting, unimaginable injustices. Often, we only mention these horrible realities in minimizing our own woes: "Well, that's annoying, but it's hardly as bad as children starving in Africa." Or "Yeah, this is important, but it's not like it's the cure for AIDS." Or the omnipresent description of any issue as a "First World Problem". But let's, for once, look at the actual data around developing world problems. Not our condescending, world-away displays of emotion, or our slacktivist tendencies to see a retweet as meaningful action, but the actual numbers and metrics about how progress is happening for the world's poorest people. Though metrics and measurements are always fraught and flawed, Gates' single biggest emphasis was the idea that measurable progress and metrics are necessary for any meaningful improvements to happen in the lives of the world's poor. So how are we doing? THE WORLD HAS CHANGED The results are astounding. Even if we caveat that every measurement is imprecise, that billionaire philanthropists are going to favor data that strengthens their points, and that some of the most significant problems are difficult to attach metrics to, it's inarguable that the past two decades have seen the greatest leap forward in the lives of the global poor in the history of humanity. Some highlights: Children are 1/3 less likely to die before age five than they were in 1990. The global childhood mortality rate for kids under 5 has dropped from 88 in 1000 in 1990 to 57 in 1000 in 2010. The global infant mortality rate for kids dying before age one has plunged from 61 in 1000 to 40 in 1000. Now, any child dying is of course one child too many, but this is astounding progress to have made in just twenty years. In the past 30 years, the percentage of children who receive key immunizations such as the DTP vaccine has quadrupled. The percentage of people in the world living on less than $1.25 per day has been cut in half since 1990, ahead of the schedule of the Millennium Development Goals which hoped to reach this target by 2015. The number of deaths to tuberculosis has been cut 40% in the past twenty years. The consumption of ozone-depleting substances has been cut 85% globally in the last thirty years. The percentage of urban dwellers living in slums globally has been cut from 46.2% to 32.7% in the last twenty years. And there's more progress in hunger and contraception, in sustainability and education, against AIDS and illiteracy. After reading the Gates annual letter and following up by reviewing the UN's ugly-but-data-rich Millennium Development Goals statistics site, I was surprised by how much progress has been made in the years since I've been an adult, and just how little I've heard about the big picture despite the fact that I'd like to keep informed about such things. I'm not a pollyanna — there's a lot of work to be done. But I can personally attest to the profound effect that basic improvements like clean drinking water can have in people's lives. Today, we often use the world's biggest problems as metaphors for impossibility. But the evidence shows that, actually, we're really good at solving even the most intimidating challenges in the world. What we're lacking is the ability to communicate effectively about how we make progress, so that we can galvanize even more investment of resources, time and effort to tackling the problems we have left.

### CCs---2NC

#### Tech advances and tighter rules of engagement are substantially reducing civilian casualties---alternatives to drones are worse

Rosa Brooks 13, Professor of Law, Georgetown University Law Center and Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, “The Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>

\*We do not endorse gendered language

First, critics often assert that US drone strikes are morally wrong because the kill innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument against drone strikes as such. War kills innocent civilians, period. But the best available evidence suggests that US drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. ¶ Much of the time, the use of drones actually permits far greater precision in targeting than most traditional manned aircraft. Today's unmanned aerial vehicles (UAVs) can carry very small bombs that do less widespread damage, and UAVs have no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more time on target than any manned aircraft. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems.¶ That does not mean civilians never get killed in drone strikes. Inevitably, they do, although the covert nature of most US strikes and the contested environment in which they occur makes it impossible to get precise data on civilian deaths. This lack of transparency inevitably fuels rumors and misinformation. However, several credible organizations have sought to track and analyze deaths due to US drone strikes. The British Bureau of Investigative Journalism analyzed examined reports by "government, military and intelligence officials, and by credible media, academic and other sources," for instance, and came up with a range, suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.1 (The numbers for Yemen and Somalia are more difficult to obtain.) The New America Foundation, with which I am affiliated, came up with slightly lower numbers, estimating that US drone strikes killed somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 were civilians. 2¶ Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what we regard as the right point of comparison. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century.3 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.4¶ The most meaningful point of comparison for drones is probably manned aircraft. It's extraordinarily difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.5 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.6 But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only three to nine civilians were killed during 72 U.S. drone strikes in Pakistan in 2011, and the 2012 numbers were also low.7 In part, this is due to technological advances over the last decade, but it's also due to far more stringent rules for when drones can release weapons.¶ Few details are known about the precise targeting procedures followed by either US armed forces or the Central Intelligence Agency with regard to drone strikes. The Obama Administration is reportedly finalizing a targeted killing “playbook,”8 outlining in great detail the procedures and substantive criteria to be applied. I believe an unclassified version of this should be should be made public, as it may help to diminish concerns reckless or negligent targeting decisions. Even in the absence of specific details, however, I believe we can have confidence in the commitment of both military and intelligence personnel to avoiding civilian casualties to the greatest extent possible. The Obama Administration has stated that it regards both the military and the CIA as bound by the law of war when force is used for the purpose of targeted killing. 9 (I will discuss the applicable law of war principles in section IV of this statement). What is more, the military is bound by the Uniform Code of Military Justice. ¶ Concern about civilian casualties is appropriate, and our targeting decisions, however thoughtfully made, are only as good as our intelligence—and only as wise as our overall strategy. Nevertheless, there is no evidence supporting the view that drone strikes cause disproportionate civilian casualties relative to other commonly used means or methods of warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our metric, drone strikes do a better job of discriminating between civilians and combatants than close air support or other tactics that receive less attention.

#### Civilian casualties are way down because of tech improvements

Elinor June Rushforth 12, J.D. candidate, University of Arizona, James E. Rogers College of Law, Class of 2013, Fall 2012, “NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012,” Arizona Journal of International and Comparative Law, 29 Ariz. J. Int'l & Comp. Law 623, p. lexis

Third, proponents of drone use also argue that this technology can "ensure both that the best intelligence is available for planning operations, and that civilian casualties are minimized in carrying out such operations." n183 This is by far the most complex argument (made by both critics and proponents of the program) regarding drone efficacy and collateral damage. Because most civilian casualty reports are based on media and informant reports, the difficulty of defining an allegedly lawful target and a civilian becomes paramount. n184 Officials maintain that the drones' ability to linger above a target for days and observe a "pattern of life," means that the pilot or operator can study their target, identify civilians in the area, and, if necessary, change the plan. n185 According to the New America Foundation, whose study is based on media sources, the civilian casualty estimate since 2004 is approximately twenty percent and in 2012, approximately ten percent. n186 The military and CIA share the opinion that though it is highly improbable that no civilians have been killed, "our coverage has improved so much since the beginning of this program, it really defies logic that now we would start missing all these alleged noncombatant casualties." n187

#### Current checks against civilian casualties are so effective that we divert missiles in the air if there’s a risk they’ll kill civilians

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

In contemporary operations, the government has repeatedly emphasized that their planned target lists are frequently updated and vetted against the most up-to-date intelligence.261 This vetting is likely aimed at ensuring that individuals targeted are still members of an organized armed group.262 Moreover, in targeted killing operations that utilize UAVs, the intelligence supporting the attack will oftentimes come from the same UAV combat platform (Predators or Reapers) that may ultimately serve as the launch vehicle for weapons used in the targeted killing operation.263 Government officials even claim they have diverted missiles off target *after* launching but *before* impact in an effort to avoid harm to collateral persons within the blast radius of a weapon.264¶ To further illustrate the point, prior to the targeting operation that killed al Aulaqi, the government suggested that if Anwar al Aulaqi chose to renounce his membership in al Qaeda he would cease to be on the U.S. target list (likely because he would no longer have the status of a member of an organized armed group and, if he truly renounced his affiliation with al Qaeda, he could not be directly participating in hostilities).265 This statement illustrates the dynamic nature of the positive identification process as practiced by the U.S. military.266 The CIA’s process, extensively reviewed by operational lawyers who are oftentimes forwardly deployed in theaters of conflict and co-located with drone operators, would similarly require positive identification and a reassessment of available intelligence prior to a strike.267 Of course, if al Aulaqi chose to surrender, then he would automatically be rendered hors de combat and could not be targeted—though whether an individual could surrender to an aircraft remains an open question.268¶ Taken together, what this means is that if positive identification of a target fails, and the target is no longer a lawful one, no operation will take place.269 Moreover, when doubt arises as to whether a person is a civilian, there exists a presumption that he is, hence the requirement of positive identification in U.S. operations.270 The military objective requirement of the law of armed conflict as implemented in U.S. practice reflects the fact that the drafters of these standards intended them to be a binding set of rules that could simultaneously guide decision-making in warfare when bright line rules and fixed borderlines between civilian and military objectives may be murky.271 The burden is on military commanders to exercise discretion and caution; however, the standards by which those commanders are judged are reasonableness and honesty in the exercise of those responsibilities.272¶ [Italics in original]

#### Current strikes are governed by an incredibly sophisticated collateral damage methodology---it’s a binding obligation and guarantees proportionality

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

As was alluded to above, collateral damage estimates are an important part of the targeting process. In U.S. targeted killing operations the U.S. military implements its law of armed conflict obligations by employing a multi-step process known as the “collateral damage methodology” (CDM).287 The intelligence community follows a similar pre-execution methodology that differs only in that it truncates the steps in the process into a sequence of questions (a non-substantive difference), requires different as to approval authority for strikes and has a different threshold of harm that triggers higher level review.288 The CDM is grounded in scientific evidence derived from research, experiments, history, and battlefield intelligence, and is designed to adapt to time-critical events.289 The CDM takes into account every conventional weapon in the U.S. inventory and is a tool that assists attacking forces in mitigating unintended or incidental damage or injury to civilians, property, and the environment.290 The methodology assists attackers in assessing proportionality and in weighing risks to collateral objects.291 The CDM is the technical term used by the U.S. military, and is a binding obligation per orders issued by the Chairman of the Joint Chiefs of Staff.292 Some technical aspects of the CDM have been automated through software that allows an individual to predict the anticipated effects of a weapon on certain targets. One such software package used by the military and the CIA is known as FAST-CD.293 FAST-CD is also used by the CIA for estimating weapons effects, however the CIA’s collateral damage mitigation process does not involve the same number of formalized steps as the military’s process (the military’s steps are explained in detail below). While the CIA's process is more truncated, the truncation does not affect the accuracy of the collateral damage analysis, it merely removes interim layers of decision making and accountability, allowing for more swift decisions in the execution of an attack. The CDM and the weapons effect data contained in FAST-CD are based on empirical data gathered in field tests, probability, historical observations from weapons employed on the battlefield, and physicsbased computerized models for collateral damage estimates.294 Despite this science-based approach, the methodology is limited in some important respects. The data is drawn in part from experiments conducted by the Department of Defense and in part from battlefield information, and is thus limited by the quantity and reliability of the information collected.295 Moreover, a part of the CDM relies on intelligence about targets, which is also limited by the quantity and reliability of the information provided.

For example, one component of the methodology takes account of the physical attributes of buildings within a target area, that information will be inherently limited by the information available to the military and intelligence communities regarding the building’s structural characteristics, building materials, etc.296 The CDM is also limited in that it cannot take account of changes in the operational environment, the reliability of intelligence data, or the particular weapon’s reliability.297 Naturally, the methodology is only applicable when it is followed. For example, the methodology is inapplicable if the military's Rules of Engagement (ROE) for a military operation allow for targeting decisions without use of the CDM298 or if policy guidance within an intelligence agency allow for the circumvention of the CDE process. Examples of circumstances under which an attacker may be permitted to forego the CDM include situations where troops face fleeting and time-sensitive targets.299 Choosing to not follow the CDM does not obviate the attacking party’s responsibility to assess precautions, or engage in proportionality analysis; it merely makes the process less formal.

U.S. forces assessing collateral concerns within the effects range of their weapons rely on frequently updated reference tables300 developed by interagency working groups. These working groups focus on the effectiveness of weapons, their effects radius, their impact on different structures, weapon accuracy and failure rates, and weaponeering solutions that can alter these effects (delayed fuses, changes in ordnance, angle of attack/delivery etc.).301 The data is subjected to physics-based computer modeling and is supplemented by weapons testing data and direct combat observations.302 This data is sometimes referred to as “munitions technical data” and is updated at least every 6 months based on new tests and battlefield reports. Once updated, the data is immediately distributed (electronically) to the field for use in targeted killing operations.303 The technical weapons data developed by the U.S. government is supplemented by regularly updated population density tables that aid attackers in predicting the likely number of collateral concerns in a given area surrounding a target. The population data is detailed enough to take into account changes in the population of a specified location based upon the time of day, holidays, religious events and other variables which may alter the population density.304 This fact suggests that over time, and as the U.S. military gathers more information about an area of operations, the population density data will become more accurate.305

Relying on this data in targeted killings, U.S. forces identify expected risks to collateral concerns by developing what is known as a collateral hazard area around a target based on the collateral effects radius of a weapon.306 This area is based on the effects radius for a given weapon. Weapon effects include blast, fragmentation and debris, each of which can be mitigated in different ways.307 In simplified terms, this involves placing an overlay onto a map (or computer generated map) to predict the effects radius of a weapon; because bombs do not explode in a circular fashion the overlay reflects this fact and appears like a bug smashed on a windshield, and is colloquially referred to as a “bug splat.” Contrary to the claims of uninformed critics, “bug splat” does not refer to civilian casualties, it merely refers to a planning overlay.308

As noted above, if at this point in the methodology the attackers do not anticipate a risk to collateral objects the strike can go forward. This is allowed because proportionality “requires that there be an acceptable relationship between the military advantage anticipated from a military action and the expected incidental harm to civilians and civilian property.”309 If no incidental harm is expected, the attacking force has no need to weigh the expected military advantage against anticipated harm because there is no proportionality issue. In making this judgment, it is important to point out that the standard to be applied is not one of certainty, but rather is a prospective one based on reasonableness in light of the information available to the commander.310 Specifically, the law expects that decision makers “will have to make a good faith, honest and competent decision as a reasonable military commander.”311

### Consequences---Moral Absolutism Bad---1NC

#### Moral absolutism undermines political effectiveness and causes political paralysis

Jeffrey C. Isaac, James H. Rudy Professor of Political Science and Director of the Center for the Study of Democracy and Public Life at Indiana University, Spring 2002, Dissent, Vol. 49, No. 2

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

# 1NR

## WOT DA

#### Anti-drone activism reinforces a narrative of U.S.-led repression in Pakistan which erases and sanitizes violence done in the FATA by the Pakistani government and the Taliban---uses the people of FATA as pawns in a political game of opposing the U.S. reflexively

Myra MacDonald 12, Reuters journalist based in London, author of "Heights of Madness", a book about the Siachen war between India and Pakistan, 10/3/12, ““Living Under Drones” – the anti-drone campaign can do damage too,” http://blogs.reuters.com/pakistan/2012/10/03/living-under-drones-the-anti-drone-campaign-can-do-damage-too/

In a poignant tale published last month by Chashm, a new website set up to promote alternative discourse in Pakistan, the narrator describes what happened when the Taliban came to the village of Saidano, the site of a popular shrine in Orakzai Agency in the Federally Administered Tribal Areas (FATA). ¶ First the Taliban imposed sharia; they banned all activity at the shrine and intimidated those in the political administration into quitting their jobs. The people organised themselves into a lashkar, or militia, to fight them. “In return, the Taliban pummelled the armed resistance and the people back into submission. Any attempt at resistance led to dissenters’ immediate silencing, including by slaughter.” Having decreed that visiting shrines was un-Islamic, the Taliban said they would demolish it. “With that note, the shrine of Bawal Haq Saheb was reduced to rubble by the Taliban. The people of Saidano were enraged at this heinous act of the Taliban, but no one could say anything…they were all scared.” ¶ Another story on Qissa Khwani, a website about North-West Pakistan, describes the fate of 18-year-old Najib, “a studious, humble, calm and a normal boy”, a student in computer sciences from the Tirah Valley in Khyber Agency, where several militant groups were fighting for control. ¶ “He was forced to fight…as he was the only young boy in his family. It is mandatory for the people living in these militant-controlled areas to hand over one young man to fight… Najib was not trained for war, therefore he was used as a shield to protect the trained militants…and if anyone tried to escape or leave, either his family would be harmed or that person would be slaughtered. Najib’s fate was no different from those who tried to escape, he was cut into pieces and delivered to his family in a sack.” ¶ They are small tales, unlikely to make international headlines; yet these are the stories that give texture to the lives of ordinary people in FATA – people whose views are submerged by the polemics over U.S. drone strikes in Pakistan’s tribal areas. ¶ Much has been written criticising the use of drones, some – like the recently published study by Columbia Law School “The Civilian Impact of Drone Strikes” – raising serious questions about the secrecy of the programme and the risk of it being overused. But just as the United States stands accused of ignoring people on the ground, so too do some of the most vocal of the anti-drone campaigners in ways that can be just as insidious. ¶ This is not just because of the obvious charge of hypocrisy, although that is there too. Many of those who shout the most about casualties from U.S. drone strikes rarely condemn so loudly the many more deaths of civilians as a result of Pakistan army operations in FATA or Taliban violence.

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Nor are they particularly vocal in challenging Pakistan’s slowness to incorporate FATA into the political mainstream – the region continues to be run according to the colonial-era Frontier Crimes Regulation (FCR), which deprives its people of many of the rights granted to other Pakistani citizens and leaves them vulnerable to collective punishment. Few pay attention to the region’s deliberate marginalisation so that it could be used – since the Soviet invasion of Afghanistan in 1979 – as a deniable staging ground for the Pakistan army’s jihadi proxies – whose ideology spawned the same Taliban who are now terrorising the local population. ¶ But the problems lie not just in hypocrisy, but in something worse; in the way in which much of the anti-drone campaign is used, sometimes deliberately, sometimes unwittingly, to bolster a narrative inside Pakistan which runs counter to the interests of the people of FATA. ¶ According to this narrative, militancy sprang from FATA itself in response to the U.S.-led war in Afghanistan and drone strikes. That in turn leads to the questionable conclusion that making peace deals with the Pakistani Taliban will help the people of FATA (ask yourself whether those quoted above would benefit or lose from peace agreements with the militants.) ¶ Rather militancy was imposed from outside, using FATA as a base. Its origins lie in a decades-old project conceived by the military to rely on non-state actors to counter its bigger neighbour India (a policy the army officially says it has now abandoned). Drone strikes in FATA may or may not be the answer to that; but it will be hard to judge if we don’t get the description right in the first place. ¶ First of all let’s be clear we don’t know, and can’t know, exactly what is going on in FATA. It is hard for outsiders to go there; foreigners visit accompanied by the army; people inside are afraid to speak openly and its journalists say their reporting is hampered by threats from both the military and the militants (for an excellent, report on this, and useful research on a FATA in general, do read this study by Intermedia (pdf) ¶ Data on drone strikes based on media reports do not tell us the number of civilians killed; they tell us what unnamed Pakistani security officials choose to say about casualties, and they have the option of either exaggerating or underestimating the numbers depending on what suits politically. ¶ But what we can do is look at how descriptions of the impact of drones subtly reinforce a narrative which diverts attention away from Pakistan’s own treatment of FATA and onto the United States, all the while ignoring the people who would be best placed to say how peace might be achieved, if only they were allowed to speak freely.

#### Targeted killings destroy operational effectiveness of terror groups---they can’t recruit new operatives fast enough to keep pace with losses

Alex Young 13, Associate Staff, Harvard International Review, 2/25/13, “A Defense of Drones,” Harvard International Review, http://hir.harvard.edu/a-defense-of-drones

Moreover, drone strikes have disrupted al Qaeda’s system for training new recruits. The Times of London reports that in 2009, Al Qaeda leaders decided to abandon their traditional training camps because bringing new members to a central location offered too easy a target for drone strikes. Foreign Policy emphasized this trend on November 2nd, 2012, arguing that, “destroying communication centers, training camps and vehicles undermines the operational effectiveness of al-Qaeda and the Taliban, and quotes from operatives of the Pakistan-based Haqqani Network reveal that drones have forced them into a ‘jungle existence’ where they fear for the lives on a daily basis.” The threat of death from the skies has forced extremist organizations to become more scattered.

More importantly, though, drone strikes do not only kill top leaders; they target their militant followers as well. The New America Foundation, a think tank that maintains a database of statistics on drone strikes, reports that between 2004 and 2012, drones killed between 1,489 and 2,605 enemy combatants in Pakistan. Given that Al Qaeda, the Pakistani Taliban, and the various other organizations operating in the region combined do not possibly have more than 1,500 senior leaders, it follows that many, if not most, of those killed were low-level or mid-level members – in many cases, individuals who would have carried out attacks. The Los Angeles Times explains that, “the Predator campaign has depleted [Al Qaeda’s] operational tier. Many of the dead are longtime loyalists who had worked alongside Bin Laden […] They are being replaced by less experienced recruits.” Drones decimate terrorist organizations at all levels; the idea that these strikes only kill senior officials is a myth.

#### The “whack-a-mole” thesis is wrong---targeted killings are effective at thinning the ranks overall

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

This is all subject to objections, of course, and the objections generally fall into three categories: unnecessary, ineffective, or counterproductive.

There are some who argue that drone warfare is unnecessary because the right approach is simply to defend the homeland from within the homeland; among liberals this is often a way of saying, fight terrorists with law enforcement and criminal law, while among some conservatives it corresponds closely with the resurgence of right-wing isolationism.

Other critics argue that drone warfare is ineffective because killing one operational commander merely means that another rises to take his place. This is the source of the oft-heard remark that drone warfare is a "whack-a-mole" strategy: Kill one here and another pops up there. Drone warfare is nothing more than a tactic masquerading as a strategy, it is said. Worse, it indulges one of the oldest and most seductive quests of modern military technology, the one that says you can win a war from the air alone.

The whack-a-mole criticism is wildly overstated and, as a matter of terrorist leadership, simply not true. Captured terrorist communications show that qualified and experienced operational commanders are not so easy to come by. One can argue that the failure to carry off large-scale attacks in the West is the result of the defensive hardening of targets and better homeland security, which is certainly true; but culling the ranks of terrorist leaders and the resulting inability to plan another 9/11 is also critical.

**There’s no root cause of terror and the aff only emboldens attacks---seriously, no political grievance can explain or justify the fundamental willingness of terrorists to kill civilians and children as a matter of strategy**

Alan **Dershowitz 2**, criminal law professor, Harvard, Why Terrorism Works, p 24-5

**The current mantra of those opposed to a military response** to terrorism is **a plea to try** **to understand** and eliminate **the** root causes **of terrorism**. There are several reasons why this **is** exactly the wrong approach. The reason **terrorism works**-and will persist unless there are significant changes in the responses to it-is precisely **because its perpetrators believe that by** murdering innocent civilians **they will succeed in attracting** the **attention** of the world **to** their perceived grievances and **their demand that the world** "understand them" and "**eliminate their root causes." To submit to this demand is to send** the following counterproductive message to those with perceived grievances: **if you resort to terrorism, we will try harder to understand your grievances** **and respond to them than we would have if you employed less violent methods.**

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**This is** precisely **the criterion for success established by the terrorist themselves**. Listen to the words of Zehdi Labib Terzi, the Palestine Liberation Organization's chief observer at the United Nations: "The first several hijackings aroused the consciousness of the world and awakened the media and the world opinion much more-and more effectively-than twenty years of pleading at the United Nations." If this is true-and the Palestinians surely believe it is-then it should come as no surprise that hijackings and other forms of terrorism increased dramatically after the Palestinians were rewarded for their initial terrorism by increased world attention to its "root causes"-attention that quickly resulted in their leader being welcomed by the U.N. General Assembly, their organization being granted observer status at the United Nations, and their "government" being recognized by dozens of nations. We must take precisely the opposite approach to terrorism. **We must commit ourselves never to try to understand or eliminate its alleged root causes, but rather to place it beyond the pale of dialogue** and negotiation. Our message must be this: even if you have legitimate grievances, if you resort to terrorism **as a means toward eliminating them we will simply not listen to you, we will not try to understand you, and** we will **certainly never change any of our policies** toward you. Instead, **we will hunt you down and** destroy your capacity to engage in terror. **Any other approach will** encourage the use of terrorism **as a means toward achieving ends**-**whether those ends are legitimate, illegitimate, or anything in between.** Nor is there any single **substantive** root cause **of** all, or even most, **terrorism**. If there were-if poverty, for example, were the root cause of all terrorism-then by fixing that problem we could address the root cause of specific terrorist groups without encouraging others. But the reality is that the "**root causes"** of terrorism **are** as varied as human nature**. Every single "root cause" associated with terrorism has existed for centuries**, and the vast majority of **groups with equivalent** or more compelling **causes**-and with far greater poverty and disadvantage-**have never resorted to terrorism.** There has never even been a **direct** correlation-**to say nothing of causation-**between **the** degrees of injustice experienced by a given group and **the** willingness **of that group** to resort to terrorism. **The search for "root causes" smacks** more **of after-the-fact political justification** than inductive scientific inquiry. **The variables that distinguish aggrieved groups willing to target** innocent civilians **from equally situated groups unwilling to murder children have far less to do with the legitimacy of their causes or the suffering of their people than with** religious, cultural, political, and ethical differences. They also relate to universalism versus parochialism and especially to the value placed on human life. **To focus on** such **factors** as poverty, illiteracy, disenfranchisement, and others **all too common around our imperfect world is to fail to explain why so many groups with far greater grievances** and disabilities have **never resorted to terrorism**. **Instead, the focus must be on the reality that using an act of terrorism as the occasion for addressing the root causes** of that act **only encourages other groups to resort to terrorism** in order **to have their root causes advanced on the international agenda**. Put another way, the "root cause" of terrorism that must be eliminated is its success.

#### Threats real---threat inflation would get our authors fired

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The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). What is missing from most analysts’ claims of “threat inflation,” however, is a convincing theory of why, say, the American government significantly(not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates). In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:¶ In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)¶ Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:¶ Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.¶ There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.¶ This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.¶ Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.¶ My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.¶ Roles (all theorists state) give rise to “expectations” of performance. My point is that virtually every governmental role, and especially national-security roles, and particularly the roles of the uniformed mili- tary, embody expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and objectivity in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.¶ Sub-rational models (such as “public choice”) fail to take into account even a partial dedication to the “national” interest (or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the (perhaps otherwise) self-seeking impulses of the individual. Role-derived behavior tends to be formalized and codified; relatively transparent and at least peer-reviewed, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and uncorrrupt, because personal cheating and even egregious aggrandizement are conspicuously discouraged.¶ My own direct observation suggests that defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus, threats are not “socially constructed” (even though, of course, some values are).¶ A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction. For these reasons, “public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure, obvious, and even not-so-obvious,“rent-seeking” would not only be shameful; it would present a severe risk of career termination. And, as mentioned, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operatecompared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testi- fies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.

#### Discourse isn’t the primary shaper of reality --- material change outweighs --- internal link turns reps

Thierry Balzacq 5, Professor of Political Science and IR @ Namar University, “The Three Faces of Securitization: Political Agency, Audience and Context” European Journal of International Relations, London: Jun 2005, Volume 11, Issue 2

However, despite important insights, this position remains highly disputable. The reason behind this qualification is not hard to understand. With great trepidation my contention is that one of the main distinctions we need to take into account while examining securitization is that between 'institutional' and 'brute' threats. In its attempts to follow a more radical approach to security problems wherein threats are institutional, that is, mere products of communicative relations between agents, the CS has neglected the importance of 'external or brute threats', that is, threats that do not depend on language mediation to be what they are - hazards for human life. In methodological terms, however, any framework over-emphasizing either institutional or brute threat risks losing sight of important aspects of a multifaceted phenomenon. Indeed, securitization, as suggested earlier, is successful when the securitizing agent and the audience reach a common structured perception of an ominous development. In this scheme, there is no security problem except through the language game. Therefore, how problems are 'out there' is exclusively contingent upon how we linguistically depict them. This is not always true. For one, language does not construct reality; at best, it shapes our perception of it. Moreover, it is not theoretically useful nor is it empirically credible to hold that what we say about a problem would determine its essence. For instance, what I say about a typhoon would not change its essence. The consequence of this position, which would require a deeper articulation, is that some security problems are the attribute of the development itself. In short, threats are not only institutional; some of them can actually wreck entire political communities regardless of the use of language. Analyzing security problems then becomes a matter of understanding how external contexts, including external objective developments, affect securitization. Thus, far from being a departure from constructivist approaches to security, external developments are central to it.

#### Justifying the plan in terms of US security interests is key to change policy

Robert Naiman 10, Policy Director at Just Foreign Policy, President of the Board of Truthout, former policy analyst and researcher at the Center for Economic and Policy Research and Public Citizen's Global Trade Watch, “Why Peaceniks Should Care About the Afghanistan Study Group Report,” The Seminal—a FireDogLake blog, September 10th, http://seminal.firedoglake.com/diary/70379

From the point of view of official Washington, this speaks to the core of the argument against the war. Continuing the war is not promoting the national security interests of the United States, and in fact is counterproductive to those interests.¶ This is also the part of the argument that is most likely to stick in the craw of many peace activists, in part because they have a well-grounded allergy to efforts to promote the purported "national security interests of the United States," and in part because the report, if implemented, still envisions a potential role for U.S. military force in the region.¶ However, a bit of realism about prospects in the near-term future is in order. If you look around the world, the U.S. is currently deploying military force in a lot of places. In the places where the U.S. is deploying military force without the presence of a significant number of U.S. ground troops, this activity goes on without occasioning significant public debate in the U.S. There is essentially zero public debate over what the U.S. is doing in the Philippines, almost zero about what the U.S. is doing in Somalia, very little about what the U.S. is doing in Yemen, not very much about what the U.S. is doing in Pakistan. Following the blip occasioned by President Obama’s announcement of the so-called "end of combat mission" in Iraq, it is likely that public debate about what the U.S. is doing in Iraq will fall back towards Pakistan levels.¶ That these things are true, of course, does not make them just. However, as I wrote at the outset, it is not enough to be right; one has the moral obligation to also try to be effective. And part of being effective is understanding where the adversary is vulnerable, and where the adversary is not, at present, very vulnerable. The permanent war apparatus is currently politically vulnerable over the war in Afghanistan primarily because U.S. troops are currently dying there in significant numbers for no apparent reason, so it makes sense for this to be a central point of attack.

#### Their critique is based on a poorly-researched caricature of terrorism studies --- they over-focus on minute biases while ignoring our overwhelming, objective, and self-reflexive evidence

Schmid 9 - Chair in International Relations; the Director of the Centre for the Study of Terrorism and Political Violence at St. Andrews University(Alex, Perspectives on Terrorism, v.3, issue 4, Book Review of “Critical Terrorism Studies. A new research agenda. by Richard Jackson”, <http://www.terrorismanalysts.com/pt/index.php?option=com_rokzine&view=article&id=96>

\*We do not endorse ableist language

The editors accuse, in their introduction  “the orthodox field” of orthodox terrorism studies of functioning “ideologically in the service of existing power structures”, with their academic research. Furthermore, they claim that orthodox scholars are frequently being used “to legitimise coercive intervention in the global South….” (p.6). The present volume is edited by three authors associated with the Centre for the Study of Radicalisation and Contemporary Political Violence (CSRV) in the Department of International Politics in Aberystwyth (Wales, UK). They also happen to be editors of a new Routledge journal “Critical Studies on Terrorism’ . The “critical” refers principally but not exclusively to the “Frankfurt-via-Welsh School Critical Theory Perspective”. The twelve contributors are not all equally “critical” in aHabermasian sense. The programmatic introduction of the editors is followed by two solid chapters from Magnus Ranstorp (former Director of CSTPV, St. Andrews, and currently Director of the Centre for Asymmetric Threat Studies at the Swedish National Defence College) and Andrew Silke (formerly with the UK Home Office and now Field Leader for Criminology at the University of East London). They both rightfully criticize some of the past sins and present shortcomings of the field of Terrorism Studies. One of them approvingly quotes Marc Sageman who observed that “disagreements among experts are the driving force of the scientific enterprise”. Such disagreements, however, exist among “orthodox” scholars like Sageman and  Hoffman or Pape and Abrams. In that sense, the claim by some critical theorists that the field of traditional Terrorism Studies is ossified without them, is simply is not true. One of the problems with many of the adherents of the “critical” school is that the focus is almost exclusively on the strawman they set up to shoot – “orthodox” terrorism discourse rather than on the practitioners of terrorism. Richard Jackson claims that “…most of what is accepted as well-founded ‘knowledge’ in terrorism studies is, in fact, highly debatable and unstable” (p.74), dismissing thereby almost four decades of scholarship as “based on a series of ‘virulent myths’, ‘half-truths’ and contested claims…biased towards Western state priorities” (p.80). For him “terrorism is…a social fact rather than a brute fact” and “…does not exist outside of the definitions and practices which seek to enclose it, including those of the terrorism studies field” (pp.75-76). He objects to prevailing “problem-solving theories of terrorism” in favour of an approach that questions “ the status quo and the dominant acts within it” (p.77). Another contributor, J.A. Sluka, argues, without offering any proof,  that “terrorism is fundamentally a product of social inequality and state politics” (p. 139). Behind many of the critical theorists who blame mainstream terrorism research for taking ‘the world as it finds it’ there is an agenda for changing the status quo and overthrowing existing power strucures. There is, in itself, nothing wrong with wanting a new and better world order. However, it is not going to be achieved by using an alternative discourse on terrorism and counter-terrorism. Toros and Gunning, contributors of another chapter, state that “the sine qua non of Critical Theory is emancipation” (p. 99) and M. McDonald als puts “emancipation as central to the study of terrorism” (p.121). However, there is not a single word on the non-emancipated position of women under Islam in general or among the Taliban and their friends from al-Qaeda in particular. One of the strength (some argue weakness) of Western thinking is its ability for self-criticism –

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something largely absent in the Muslim world. In that sense, this volume falls within a Western tradition. However, self-criticism should not come at the cost of not criticising   adversaries by using the same yardstick. In this sense, this volume is strangely silent about the worldview of those terrorists who have no self-doubts and attack the Red Cross,  the United Nations, NGOs and their fellow Muslims with equal lack of scruples. A number of authors in the volume appear to equate terrorism uncritically with political violence in general while in fact it is more usefully thought of as one of some twenty sub-categories of  political violence - one characterized by deliberate attacks on civilians and non-combatants in order to intimidate, coerce or otherwise manipulate  various audiences and parties to a conflict. Part of the volume advocates reinventing the wheel. J. Gunning, for instance, recommends to employ Social Movement Theory for the study of terrorism. However, that theory has been employed already explicitly or implicitly by a number of more orthodox scholars, e.g. Donatella della Porta. Many “critical” statements in the volume are unsupported by convincing evidence, e.g. when C. Sylvester and S. Parashar state “The September 11 attacks and the ongoing war on terror reinforce gender hierarchy and power in international relations” (p.190). Jackson claims that the key question  for critical terrorism theory is “who is terrorism research for and how does terrorism knowledge support particular interests?” (p.224) It does not seem to occur to him that he could have studied this question by looking at the practitioners of terrorism and study al-Qaeda’s ideological writings and its training  and  recruiting manuals. If CTS is a call for “making a commitment to emancipatory praxis central to the research enterprise” (R. Jackson et al, p. 228), CTS academics should be the first on the barricades against jihadists who treat women not as equals and who would, if they get their way, eradicate freedom of thought and religion for all mankind. It is sad that some leading proponents of Critical Terrorism Studies appear to be in fact uncritical and blind on one eye.

#### Expansive targeted killing’s key to winning the entire war on terrorism

John Yoo 12, Professor of Law, University of California at Berkeley, School of Law; Visiting Scholar, American Enterprise Institute, 2011/12, “Assassination or Targeted Killings After 9/11,” New York Law School Law Review, http://www.nylslawreview.com/wordpress/wp-content/uploads/2011/08/Yoo-56-1.pdf

Launching a missile to kill al-Qaeda commanders like Derwish, even though he was an American citizen, is legal. They are members of the enemy forces, the equivalent of officers—Derwish amounted to a captain or major in command of al-Qaeda cells, the equivalent of enemy military units. The U.S. military and intelligence services are legally and morally free to target them for attack whether they were on the front lines or behind them. Killing an enemy commander will better promote the principles behind the rules of civilized war than other means. Over the centuries, the laws and customs of war have developed to reduce the harm to noncombatants and limit the use of force to that which is proportional to military objectives. By specifically targeting enemy leaders, the United States can render enemy forces leaderless and frustrate their operations, prevent the enemy from mounting effective plots and campaigns, and reduce both civilian and military casualties.

Using targeted killing as a primary tactic also takes better account of the new kind of war facing the United States. The United States has prevailed in conventional wars by invading the territory of an enemy nation, destroying its armed forces on the battlefield, and capturing key cities and population centers. It has won by outproducing its opponents. During the lead-up to World War II, President Franklin D. Roosevelt aptly declared the United States to be the great “arsenal of democracy.”37 Historically, the United States has deployed its large productive capacity and population in war, and its large, well-equipped and well-supplied armies and navies have, generally speaking, overwhelmed the soldiers of the other side.

The United States cannot win the war on terrorism by producing more tanks, fielding more army divisions, or setting more carrier battle groups and submarines to sail than this enemy. This did not work in Vietnam and it will not work against the even more diffuse enemy of today. Military plans based on traditional deterrence and the threat of retaliation will not be effective against this terrorist network because it has no territory or armed forces to crush, and its members welcome death. The amount of actual force needed to frustrate or cripple al-Qaeda is quite small, and well within the capabilities of a single division of U.S. troops.

Indeed, the problem is not with the strength of America’s power, but how and where to aim it. Al-Qaeda does not mass its operatives into units onto a battlefield, or at least it has not after its setbacks in Afghanistan in the fall and winter of 2001. Instead, al-Qaeda will continue to disguise its members as civilians, hide its bases in remote mountains and deserts or among unsuspecting city populations, and avoid military confrontation. The only way for the United States to defeat al-Qaeda is to destroy its ability to function—by selectively killing or capturing its key members.

In fact, the unique circumstances of the war on terrorism make a compelling case for taking out individual al-Qaeda leaders. Al-Qaeda is a social network of friends, acquaintances, or companies interlocked through various cross-ownerships and relationships; it is not unlike the Internet, which gives it remarkable resiliency. A killed or captured leader seems to be quickly replaced by the promotion of a more junior member and, as in Iraq, other arms of the network spring to the fore. Most nation-states would have collapsed after the kinds of losses inflicted by the armed forces and the CIA over the last decade: thousands of operatives killed, two thirds of al-Qaeda’s leadership killed or captured, and its open bases and infrastructure destroyed in Afghanistan.38 But al-Qaeda operatives continue to attempt to infiltrate the United States, and they have succeeded in carrying out new terrorist attacks in London, Madrid, and Bali.39

## Counterplan

#### ACLU is bringing the lawsuits now --- cause of action is key to prevent dismissal

Ryan Reilly 13, Justice Department reporter for the Huffington Post, “ACLU Drones Lawsuit Slams Obama For Asserting Right To Kill Americans Without Oversight,” 6/11, http://www.huffingtonpost.com/2013/06/11/aclu-drones-obama\_n\_3423419.html

WASHINGTON -- Two civil liberties organizations suing the U.S. government for killing three Americans in drone strikes slammed the Obama administration Tuesday for trying to cut federal courts out of the debate. The government argued in a court filing last week that drone strikes against American citizens were constitutional, in part, because President Barack Obama said they are. "Two years after the fact, the president declassified what the entire world knew to be true -- that the government killed three American citizens, including a 16-year-old boy," the Center for Constitutional Rights and the American Civil Liberties Union said in a joint statement. "Now, the government continues to insist that the courts have no role in evaluating the legality of its actions. But the executive branch cannot simply declare the killings lawful and attempt to close the book on that basis. A federal judge, not executive officials examining their own conduct, must determine the constitutionality of the government's actions." The ACLU and the Center for Constitutional Rights has sued the government on behalf of the estates of three American citizens killed in drone strikes. The suit alleges the killings violated the constitutional rights to due process of the slain Americans. One American killed by a drone, Anwar al Awlaki, was specifically targeted by the U.S. government. Awlaki's 16-year-old son and another American, Samir Khan, were killed in strikes that didn't specifically target them.

## Solvency

### Probablistic Thinking

#### evidence-based possibilistic thinking is vital for preventing catastrophes, while avoiding their offense

Lee Clarke 6, Ph.D., Associate Professor of Sociology at Rutgers University, Worst Cases: Terror and Catastrophe in the Popular Imagination, 2006, p. ix-xi

People are worried, now, about terror and catastrophe in ways that a short time ago would have seemed merely fantastic. Not to say that horror and fear suffuse the culture, but they are in the ascendant. And for good reason. There are possibilities for accident and attack, disease and disaster that would make September 11 seem like a mosquito bite. I think we have all become more alert to some of those possibilities, and it is wise to face them down. The idea of worst cases isn’t foreign to us. We have not, however, been given enough useful insight or guidance, either from academics or political leaders, regarding how to do that.

In this book I look the worst full in the face. What I see is frightening but enlightening. I believe that knowing a thing permits more comfort with that thing. Sometimes the comfort comes from greater control. Sometimes it comes from knowing the enemy, or the scary thing, which proffers a way forward, toward greater safety. There is horror in disaster. But there is much more, for we can use calamity to glean wisdom, to find hope.

Tragedy is with us now as never before. But that does not mean we need be consumed with fear and loathing. We can learn a lot about how society works, and fails to work, by looking at the worst. We can learn about the imagination, about politics, and about the wielding of power. We can learn about people’s capacities for despair and callousness, and for optimism and altruism. As we learn, our possibilities for improvement increase. Worst Cases is about the human condition in the modern world.

Some say that September 11 changed everything. That’s not true. But it did imprint upon our imaginations scenes of horror that until then had been the province of novels and movies. We now imagine ourselves in those images, and our wide-awake nightmares are worse than they used to be. We must name, analyze, and talk about the beast. That’s our best hope, as a society, to come to terms with the evil, the human failings, the aspects of nature, and just plain chance that put us in harm’s way.

Of course, talking about the worst can be a way to scare people into accepting programs that have other ends, and that they might not otherwise accept. The image of a nuclear mushroom cloud, for example, can be used to justify war because the possibility is so frightening that we would do almost anything to prevent it. The dark side of worst case thinking is apparent even at the level of personal relationships. Unleavened by evidence or careful thought it can lead to astonishingly poor policy and dumb decisions. No organizational culture can prevent or guard against it. The only response that will effectively mute such abuses is one that is organized and possessed of courage and vision. So warnings that the worst is at hand should be inspected closely, particularly if they call for actions that would serve ends the speaker cannot or does not freely acknowledge. I acknowledge my ends in this book. For better or worse, I always have.

Worst Cases is a book full of stories about disasters. But it is not a disaster book. It is a book about the imagination. We look back and say that 9/11 was the worst terrorist attack ever in the United States, that the Spanish Flu of 1918, the Black Death, or AIDS was the worst epidemic ever, or that the 1906 San Francisco earthquake was the Great Earthquake. Nothing inherent to the events requires that we adorn them with superlatives. People’s imaginations make that happen. Similarly, we construct possible futures of terror and calamity: what happens if the nation’s power grid goes down for six months? what if smallpox sweeps the world? what if nuclear power has a particularly bad day? what if a monster tsunami slams southern California? These too are feats of imagination.

There are those who say we shouldn’t worry about things that are unlikely to happen. That’s what your pilot means in saying, after a turbulent cross-country flight, “You’ve just completed the safest part of your trip.” We hear the same thing when officials tell us that the probability of a nuclear power plant melting down is vanishingly small. Or that the likelihood of an asteroid striking the earth is one in a million, billion, or trillion. There is similar advice from academics who complain that people are unreasonable because their fears don’t jibe with statistics. Chance, they reckon, is in our favor.

But chance is often against us. My view is that disasters and failures are normal, that, as a colleague of mine puts it, things that have never happened before happen all the time. A fair number of those things end up being events we call worst cases. When they happen we’re given opportunities to learn things about society and human nature that are usually obscured.

Worst case thinking hasn’t been given its due, either in academic writings or in social policy. We’re not paying enough attention to the ways we organize society that make us vulnerable to worst cases. We’re not demanding enough responsibility and transparency from leaders and policy makers. I am not an alarmist, but I am alarmed. That’s why I wrote Worst Cases. It is also why my tone and language are not technical. I am a sociologist, but I wrote Worst Cases so that nonsociologists can read it.

# 2NR

### Yes Nuke Terror

#### High risk of nuclear terror --- they have the motivation and capability --- default to consensus of experts

Bunn et al. 10/2/13 ("Steps to Prevent Nuclear Terrorism," Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998,<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>)

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

#### Threat high now --- newest assessments prove fissile material and stockpiles are highly vulnerable to theft

Stewart M. Patrick 3-24, Senior Fellow and Director, Program on International Institutions and Global Governance, Council on Foreign Relations, 3/24/14, “Nuclear Security Summit 2014: How to Make Progress Even After Ukraine,” http://blogs.cfr.org/patrick/2014/03/24/nuclear-security-summit-2014-how-to-make-progress-even-after-ukraine/

Nevertheless, the risk remains. Terrorists would need only a small amount of diverted fissile material (some thirty-five pounds of HEU or nine pounds of plutonium) to fashion a crude nuclear weapon. Terrorists could also make use of loose radiological material to create a less destructive “dirty bomb.” Such a dispersal device would function as a weapon of “mass disruption,” sowing panic and economic chaos (if deployed, say, at the lower end of Manhattan under the right conditions, it could make that area uninhabitable for decades). It is thus worrisome to learn that in the past year alone approximately 140 cases of missing or unauthorized uses of nuclear and radioactive material were reported to the International Atomic Energy Agency (IAEA).

More broadly, it is clear that NSS participants will fall short of their 2014 target goal of locking up all nuclear material. There are still twenty-five states with one kilogram or more of weapons-usable nuclear materials, and some states are still increasing their stockpiles, including Japan, the United Kingdom, India, and Pakistan. Existing institutions also fail to adequately address the threat. Approximately 85 percent of the global stockpile of highly enriched uranium (HEU) and separated plutonium (approximately 2000 metric tons scattered across hundreds of sites in twenty-five countries) remains outside of civilian programs and therefore not subject to IAEA guidelines or to the Convention on the Physical Protection of Nuclear Material [PDF] (CPPNM) and its 2005 Amendment[PDF]. Moreover, many nations have not translated the IAEA guidelines into domestic law, and they are thus not enforceable when it comes to material used by civilian programs. The United States has been pushing countries to commit to more stringent international guidelines and incorporate these into domestic legislation, but its own failure to ratify the 2005 amended version of the CPPNM undercuts these efforts.

Perhaps most disturbing are gnawing doubts about the capacity or will of select countries to safeguard their nuclear arsenals, as well as to track, interdict, and prosecute nuclear smugglers. Pakistan is a particular concern, given that country’s growing arsenal of nuclear weapons (including small, portable battlefield devices) and its penetration by (and periodic sponsorship of) jihadist networks. North Korea is another concern, given its penchant for selling sensitive contraband, including weapons, to the highest bidder, and uncertainty about command and control of its nuclear arsenal during internal crisis.