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#### Accountability mechanisms that constrain the executive prevent drone overuse in Pakistan and Yemen---that’s key to stability

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

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.

#### Judicial review is key to prevent mistakes – executive targeting decisions are inevitably flawed

Ahmad Chehab 12, Georgetown University Law Center, “RETRIEVING THE ROLE OF ACCOUNTABILITY IN THE TARGETED KILLINGS CONTEXT: A PROPOSAL FOR JUDICIAL REVIEW,” March 30 2012, available at https://docs.google.com/file/d/0B91bSAyxkYQWbktoTDRSWGJzNmc/edit?usp=sharing

The practical, pragmatic justification for the COAACC derives largely from considering social psychological findings regarding the skewed potential associated with limiting unchecked decision-making in a group of individuals. As an initial point, psychologists have long pointed out how individuals frequently fall prey to cognitive illusions that produce systematic errors in judgment.137 People simply do not make decisions by choosing the optimal outcome from available alternatives, but instead employ shortcuts (i.e., heuristics) for convenience.138 Cognitive biases like groupthink can hamper effective policy deliberations and formulations.139 Groupthink largely arises when a group of decision-makers seek conformity and agreement, thereby avoiding alternative points of view that are critical of the consensus position.140 This theory suggests that some groups—particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfidence, and a shared world view or value system—suffer from a deterioration in their capacity to engage in critical analysis.141 Many factors can affect such judgment, including a lack of crucial information, insufficient timing for decision-making, poor judgment, pure luck, and/or unexpected actions by adversaries.142 Moreover, decision-makers inevitably tend to become influenced by irrelevant information,143 seek out data and assessments that confirm their beliefs and personal hypotheses notwithstanding contradictory evidence,144 and “[i]rrationally avoid choices that represent extremes when a decision involves a trade-off between two incommensurable values.”145 Self-serving biases can also hamper judgment given as it has been shown to induce well-intentioned people to rationalize virtually any behavior, judgment or action after the fact.146 The confirmation and overconfidence bias, both conceptually related to groupthink, also result in large part from neglecting to consider contradictory evidence coupled with an irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147¶ Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus resulted from the failure to consider alternative sources of information.148 The failures of past presidents to consider alternative sources of information, critically question risk assessments, ensure neutral-free ideological sentiment among those deliberating,149 and/or generally ensure properly deliberated national security policy has produced prominent and devastating blunders,150 including the Iraq War of 2003,151 the Bay of Pigs debacle in the 1960’s,152 and the controversial decision to wage war against Vietnam.153¶ Professor Sunstein also has described the related phenomenon of “group polarization,” which includes the tendency to push group members toward a “more extreme position.”154 Given that both groupthink and group polarization can lead to erroneous and ideologically tainted policy positions, the notion of giving the President unchecked authority in determining who is eligible for assassination can only serve to increase the likelihood for committing significant errors.155 The reality is that psychological mistakes, organizational ineptitude, lack of structural coherence and other associated deficiencies are inevitable features in Executive Branch decision-making.¶ D. THE NEED FOR ACCOUNTABILITY CHECKS¶ To check the vices of groupthink and shortcomings of human judgment, the psychology literature emphasizes a focus on accountability mechanisms in which a better reasoned decision-making process can flourish.156 By serving as a constraint on behavior, “accountability functions as a critical norm-enforcement mechanism—the social psychological link between individual decision makers on the one hand and social systems on the other.”157 Such institutional review can channel recognition for the need by government decision-makers to be more self-critical in policy targeted killing designations, more willing to consider alternative points of view, and more willing to anticipate possible objections.158 Findings have also shown that ex ante awareness can lead to more reasoned judgment while also preventing tendentious and ideological inclinations (and political motivations incentivized and exploited by popular hysteria and fear).159¶ Requiring accounting in a formalized way prior to engaging in a targeted killing—by providing, for example, in camera review, limited declassification of information, explaining threat assessments outside the immediate circle of policy advisors, and securing meaningful judicial review via a COAACC-like tribunal—can promote a more reliable and informed deliberation in the executive branch. With process-based judicial review, the COAACC could effectively reorient the decision to target individuals abroad by examining key procedural aspects—particularly assessing the reliability of the “terrorist” designation—and can further incentivize national security policy-makers to engage in more carefully reasoned choices and evaluate available alternatives than when subject to little to no review.

#### In particular, current broad definitions of imminent threat guarantee blowback and collateral damage

Amos N. Guiora 12, Prof of Law at S.J. Quinney College of Law, University of Utah, Fall 2012, “Targeted Killing: When Proportionality Gets All Out of Proportion,” Case Western Reserve Journal of International Law, Vol 45 Issues 1 & 2, http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.13.Article.Guiora.pdf

Morality in armed conflict is not a mere mantra: it imposes significant demands on the nation state that must adhere to limits and considerations beyond simply killing “the other side.” For better or worse, drone warfare of today will become the norm of tomorrow. Multiply the number of attacks conducted regularly in the present and you have the operational reality of future warfare. It is important to recall that drone policy is effective on two distinct levels: it takes the fight to terrorists directly involved, either in past or future attacks, and serves as a powerful deterrent for those considering involvement in terrorist activity.53 However, its importance and effectiveness must not hinder critical conversation, particularly with respect to defining imminence and legitimate target. The overly broad definition, “flexible” in the Obama Administration’s words,54 raises profound concerns regarding how imminence is applied. That concern is concrete for the practical import of Brennan’s phrasing is a dramatic broadening of the definition of legitimate target. It is also important to recall that operators—military, CIA or private contractors—are responsible for implementing executive branch guidelines and directives.55 For that very reason, the approach articulated by Brennan on behalf of the administration is troubling.¶ This approach, while theoretically appealing, fails on a number of levels. First, it undermines and does a profound injustice to the military and security personnel tasked with operationalizing defense of the state, particularly commanders and officers. When senior leadership deliberately obfuscates policy to create wiggle room and plausible deniability, junior commanders (those at the tip of the spear, in essence) have no framework to guide their operational choices.56 The results can be disastrous, as the example of Abu Ghraib shows all too well.57 Second, it gravely endangers the civilian population. What is done in the collective American name poses danger both to our safety, because of the possibility of blow-back attacks in response to a drone attack that caused significant collateral damage, and to our values, because the policy is loosely articulated and problematically implemented.58 Third, the approach completely undermines our commitment to law and morality that defines a nation predicated on the rule of law. If everyone who constitutes “them” is automatically a legitimate target, then careful analysis of threats, imminence, proportionality, credibility, reliability, and other factors become meaningless. Self-defense becomes a mantra that justifies all action, regardless of method or procedure.¶ Accordingly, the increasing reliance on modern technology must raise a warning flag. Drone warfare is conducted using modern technology with the explicit assumption that the technology of the future is more sophisticated, more complex, and more lethal. Its sophistication and complexity, however, must not be viewed as a holy grail. While armed conflict involves the killing of individuals, the relevant questions must remain who, why, how, and when. Seductive methods must not lead us to reflexively conclude that we can charge ahead. Indeed, the more sophisticated the mechanism, the more questions we must ask. Capability cannot substitute for process and technology cannot substitute for analysis.¶ V. Conclusion¶ The state’s right to engage in pre-emptive self-defense must be subject to powerful restraints and conditions. A measured, cautious approach to targeted killing reflects the understanding that the state has the absolute, but not unlimited, right and obligation to protect its civilian population.¶ Targeted killing is a legal, legitimate, and effective form of active self-defense provided that it is conducted in accordance with international law, morality, and a narrow definition of legitimate target. Self-defense, according to international law, is subject to limits; otherwise, administration officials would not press for flexibility in defining imminent. The call for a flexible conception of imminence is a deeply troubling manifestation of a “slippery slope;” it opens the door to operational counterterrorism not conducted in accordance with international law or principles of morality. Therefore, analyzing the reliability of intelligence, assessing the threat posed, and determining whether the identified target is a legitimate target facilitates lawful, moral, and effective targeted killing.¶ Expansiveness and flexibility are at odds with a measured approach to targeted killing precisely because they eliminate our sense of what is proportional, in the broadest sense of the term. Flexibility with regard to imminence and threat-perception means that the identification of legitimate targets, the true essence of moral operational counterterrorism, becomes looser and less precise. In turn, broader notions of legitimate target and the right of self-defense introduce greater flexibility with regard to collateral damage—resulting in a wider understanding of who constitutes collateral damage and how much collateral damage is justified in the course of targeting a particular threat. Flexibility and the absence of criteria, process, and procedure result in notions of proportionality—which would normally guide decision making and operations— that are out of proportion. In the high-stakes world of operational counterterrorism, there is no room for imprecision and casual definitions; the risks, to innocent civilians on both sides and to our fundamental values, are just too high.

#### Overuse of targeted killings in Yemen strengthens AQAP and fuels instability

Danielle Wiener-Bronner 12/13/13, staff writer at the Wire and former Web Editor for Reuters, “Latest Drone Strikes Shows How U.S. Strategy in Yemen Is Backfiring,” http://www.thewire.com/global/2013/12/yemen-drones/356111/

Targeted drone killings are defended by the United States as means to combat al-Qaeda in the most effective way possible. If attacks are carried out correctly, they should minimize civilian casualties, eliminate risk to our own forces, and remove dangerous militant operatives, ideally dismantling terrorist groups from a safe distance.¶ But if the attacks are not carried out correctly, as they often aren't, the results can backfire, which is exactly what's been happening in Yemen, according to Reuters: ¶ Tribal leaders, who have a lot of influence within Yemen's complex social structure, warn of rising sympathy for al Qaeda. Awad Ahmed Mohsen from Majallah, a southern village hit by a drone strike that killed dozens in 2009, told Reuters that America had brought hatred with its drones. Asked if more people joined al Qaeda in the wake of attacks that killed civilians, Mohsen said: "Definitely. And even those who don't join, now sympathize with al Qaeda because of these strikes, these violations. Any American they see, they exact revenge, even if it's a civilian."¶ On Thursday, 14 Yemeni civilians were killed by a U.S. drone strike that mistakenly targeted a wedding convoy, according to Yemeni national security officials. Another official, however, said AQAP militants may have been traveling with the wedding party, but in either case it seems that civilians were not the original targets have been killed. The CIA didn't comment on the strike, per standard procedure. The attack threatens to undo the U.S.'s efforts to scale back its drone program, while making it more palatable to the countries it affects.¶ Reuters reports that al-Qaeda in the Arabian Peninsula (AQAP) has started traveling in smaller groups to avoid the aerial strikes, which may actually make it more difficult to track their motions. And the strikes are angering some Sunni Muslims upset about strikes that kill their supporters, rather than anti-government Shi'ite rebels, fueling sectarian tensions which are already high in the region.¶ If those killed in this week's attack are confirmed to be civilians, according to the Associated Press, it could mean a surge of anti-American sentiment in Yemen: ¶ Civilian deaths have bred resentments on a local level, sometimes undermining U.S. efforts to turn the public against the militants. The backlash in Yemen is still not as large as in Pakistan, where there is heavy pressure on the government to force limits on strikes — but public calls for a halt to strikes are starting to emerge.¶ In May, President Obama promised to increase transparency on the drone strike program and enhance guidelines on their use. But the Bureau of Investigative Journalism found in November that the six months following Obama's speech actually saw an increase of drone strike casualties in Yemen and Pakistan. ¶ Human Rights Watch and Amnesty International reported in October that civilian casualties of drone strikes are higher than the U.S. admits. Around the same time, a U.N. human rights investigator said 400-600 of the 2,200 people killed by drones in the past decade were noncombatants. And in 2012, reports emerged that the Yemeni government works to help the U.S. hide it deadly errors. ¶ Data on drone strikes, like all counter-terrorism efforts, is necessarily shrouded in mystery, making it difficult to measure success. But if drone strikes continue to indiscriminately kill civilians, moderates in Yemen may be driven towards more extremist positions. Even governments working with Washington to coordinate the strikes could turn against the U.S. if drone casualties are not scaled back or eliminated.

#### That undermines the Saudi regime

Colonel Hassan Abosaq 12, US Army War College, master of strategic studies degree candidate, 2012, "The Implications of Unstable on Saudi Arabia," Strategy Research Project, www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA560581

AQAP has been vociferous in its opposition to the Saudi regime, and is likely to continue targeting the Kingdom, particularly its oil installations and members of the royal family. In August 2009, an AQAP member attempted to assassinate Prince Mohammed bin Naif, the Saudi Assistant Interior Minister for security affairs. The prince’s attacker was trained in and launched his attack from Yemen, confirming to the Saudis that instability in Yemen poses a security threat to Saudi Arabia. A strengthened AQAP in Yemen is certain to try to put pressure on Saudi Arabia and to strike Saudi targets. AQAP’s military chief, Qasin al-Raymi, warned the Saudi Leadership in July 2011 that they are still regarded as apostates. And he specifically placed King Abdullah, the late Crown Prince Sultan, Interior Minister Prince Naif, and his son Mohammed Bin Naif on the target list.21 In March 2010, Saudi Arabia foiled several planned attacks on oil installation with the arrest of more than 100 suspected al-Qaeda militants. The arrests included 47 Saudis, 51 Yemenis, a Somali, a Bangladeshi, and an Eritrean.22 The wider domestic strife in Yemen has provided AQAP with some breathing space. More worrisome for Saudi Arabia is the increased lawlessness within Yemen. Not only does this provide the space that al-Qaeda needs to regroup, train, recruit, but it also deflects the state resources away from counterterrorism operations. Saudi Arabia has for years been working to infiltrate al-Qaeda in its unstable neighbor to south, Yemen. Saudi Arabia has also been giving Yemen a great deal of assistance to counterterrorism and it is worrying to the Saudis to see all of that assistance diverted from the purposes for which it was intended. In June 2011, AQAP leaped into the security vacuum created by Yemen’s political volatility, and 63 al-Qaeda in the Arabian Peninsula fighters escaped from a Yemeni prison.23 This exemplifies how Yemeni instability emboldens this lethal al-Qaeda affiliate. As the Yemeni military consolidates its strength in an attempt to maintain state control and fight two insurgencies and oppress the protesters, AQAP has further expanded its safe haven in the country’s interior, further increasing their operational capacity. This organization has not only attacked police, foreigners, and diplomatic missions within the country, but also served as a logistic base for acts of terrorism abroad. Yemen also has become the haven for jihad militants not just from Yemen and Saudi Arabia, but from all over the world which includes some Arabs, Americans, Europeans, Africans and others. Al-Qaeda camps, where terrorists from all over the world train are also situated in Yemen. The growing anarchy and al-Qaeda presence could spill over into Saudi Arabia.

#### That destabilizes the Middle East

Anthony Cordesman 11, Arleigh A. Burke Chair in Strategy at CSIS, former director of intelligence assessment in the Office of the Secretary of Defense, former adjunct prof of national security studies at Georgetown, PhD from London University, Feb 26 2011, “Understanding Saudi Stability and Instability: A Very Different Nation,” http://csis.org/publication/understanding-saudi-stability-and-instability-very-different-nation

History scarcely means we can take Saudi stability for granted. Saudi Arabia is simply too critical to US strategic interests and the world. Saudi petroleum exports play a critical role in the stability and growth of a steadily more global economy, and the latest projections by the Department of Energy do not project any major reductions in the direct level of US dependence on oil imports through 2025.¶ Saudi Arabia is as important to the region’s security and stability as it is to the world’s economy. It is the key to the efforts of the Gulf Cooperation Council to create local defenses, and for US strategic cooperation with the Southern Gulf states. It plays a critical role as a counterbalance to a radical and more aggressive Iran, it is the source of the Arab League plan for a peace with Israel, and it has become a key partner in the war on terrorism. The US strategic posture in the Middle East depends on Saudi Arabia having a friendly and moderate regime.

#### Global nuke war

Primakov 9 [September, Yevgeny, President of the Chamber of Commerce and Industry of the Russian Federation; Member of the Russian Academy of Sciences; member of the Editorial Board of Russia in Global Affairs. This article is based on the scientific report for which the author was awarded the Lomonosov Gold Medal of the Russian Academy of Sciences in 2008, “The Middle East Problem in the Context of International Relations”]

The Middle East conflict is unparalleled in terms of its potential for spreading globally. During the Cold War, amid which the Arab-Israeli conflict evolved, the two opposing superpowers directly supported the conflicting parties: the Soviet Union supported Arab countries, while the United States supported Israel. On the one hand, the bipolar world order which existed at that time objectively played in favor of the escalation of the Middle East conflict into a global confrontation. On the other hand, the Soviet Union and the United States were not interested in such developments and they managed to keep the situation under control. The behavior of both superpowers in the course of all the wars in the Middle East proves that. In 1956, during the Anglo-French-Israeli military invasion of Egypt (which followed Cairo’s decision to nationalize the Suez Canal Company) the United States – contrary to the widespread belief in various countries, including Russia – not only refrained from supporting its allies but insistently pressed – along with the Soviet Union – for the cessation of the armed action. Washington feared that the tripartite aggression would undermine the positions of the West in the Arab world and would result in a direct clash with the Soviet Union. Fears that hostilities in the Middle East might acquire a global dimension could materialize also during the Six-Day War of 1967. On its eve, Moscow and Washington urged each other to cool down their “clients.” When the war began, both superpowers assured each other that they did not intend to get involved in the crisis militarily and that that they would make efforts at the United Nations to negotiate terms for a ceasefire. On July 5, the Chairman of the Soviet Government, Alexei Kosygin, who was authorized by the Politburo to conduct negotiations on behalf of the Soviet leadership, for the first time ever used a hot line for this purpose. After the USS *Liberty* was attacked by Israeli forces, which later claimed the attack was a case of mistaken identity, U.S. President Lyndon Johnson immediately notified Kosygin that the movement of the U.S. Navy in the Mediterranean Sea was only intended to help the crew of the attacked ship and to investigate the incident. The situation repeated itself during the hostilities of October 1973. Russian publications of those years argued that it was the Soviet Union that prevented U.S. military involvement in those events. In contrast, many U.S. authors claimed that a U.S. reaction thwarted Soviet plans to send troops to the Middle East. Neither statement is true. The atmosphere was really quite tense. Sentiments both in Washington and Moscow were in favor of interference, yet both capitals were far from taking real action. When U.S. troops were put on high alert, Henry Kissinger assured Soviet Ambassador Anatoly Dobrynin that this was done largely for domestic considerations and should not be seen by Moscow as a hostile act. In a private conversation with Dobrynin, President Richard Nixon said the same, adding that he might have overreacted but that this had been done amidst a hostile campaign against him over Watergate. Meanwhile, Kosygin and Foreign Minister Andrei Gromyko at a Politburo meeting in Moscow strongly rejected a proposal by Defense Minister Marshal Andrei Grechko to “demonstrate” Soviet military presence in Egypt in response to Israel’s refusal to comply with a UN Security Council resolution. Soviet leader Leonid Brezhnev took the side of Kosygin and Gromyko, saying that he was against any Soviet involvement in the conflict. The above suggests an unequivocal conclusion that control by the superpowers in the bipolar world did not allow the Middle East conflict to escalate into a global confrontation. After the end of the Cold War, some scholars and political observers concluded that a real threat of the Arab-Israeli conflict going beyond regional frameworks ceased to exist. However, in the 21st century this conclusionno longer conforms to the realit**y**. The U.S. military operation in Iraq has changed the balance of forces in the Middle East. The disappearance of the Iraqi counterbalance has brought Iran to the fore as a regional power claiming a direct role in various Middle East processes. I do not belong to those who believe that the Iranian leadership has already made a political decision to create nuclear weapons of its own. Yet Tehran seems to have set itself the goal of achieving a technological level that would let it make such a decision (the “Japanese model”) under unfavorable circumstances. Israel already possesses nuclear weapons and delivery vehicles. In such circumstances, the absence of a Middle East settlement opens a dangerous prospect ofa nuclear collision in the region, which would have catastrophic consequences for the whole world**.** The transition to a multipolar world has objectively strengthened the role of states and organizations that are directly involved in regional conflicts, which increases the latter’s danger and reduces the possibility of controlling them. This refers, above all, to the Middle East conflict. The coming of Barack Obama to the presidency has allayed fears that the United States could deliver a preventive strike against Iran (under George W. Bush, it was one of the most discussed topics in the United States). However, fears have increased that such a strike can be launched *Yevgeny Primakov* 1 3 2 RUSSIA IN GLOBAL AFFAIRS VOL. 7 • No. 3 • JULY – SEPTEMBER• 2009 by Israel, which would have unpredictable consequences for the region and beyond. It seems that President Obama’s position does not completely rule out such a possibility.

#### Overuse of drones in Pakistan empowers militants and destabilizes the government

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence. Such continual violations of the territorial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani President Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that¶ what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolution against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.76¶ The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatisfied with the direction of the country and where the military, which has launched coups before, remains a popular force.77

#### That causes nuke war with India

Bruce Riedel 9, senior fellow and director of the Brookings Intelligence Project, senior fellow in the Saban Center for Middle East Policy, served as a senior advisor to the last four U.S. presidents on South Asia and the Middle East, served in the CIA for 29 years, “Armageddon in Islamabad,” National Interest, Jul/Aug 2009, Issue 102, ebsco

The effects of an extremist takeover would not end at Pakistan's borders. A worsening conflict between Sunni and Shia could easily seep into the rest of the Muslim world.¶ Pakistan's influence in Afghanistan would deepen. The south and east of the country would be a virtual part of the Pakistani state. The commander of the faithful, Mullah Muhammad Omar, and his Quetta shura (ruling council) would emerge as the odds-on favorite to take over the area. The non-Pashtun majority in Afghanistan would certainly resist, but in the Pashtun belt across the south and east, the Afghan Taliban would be even stronger than it is now. Afghanistan would go back to looking much like it did pre-the American intervention in 2001, with a dominant Taliban backed by Pakistan fighting the Tajiks, Uzbeks and Shia backed by Iran, Russia and the central-Asian republics.¶ Afghanistan would become a battleground for influence between Pakistan and Iran, as Sunni-dominated Pakistan and Shia-dominated Iran would find a war for ideological dominance almost irresistible. Both states would also be tempted to meddle with each other's minorities--the Shia in Pakistan and Sunni in Iran, as well as both countries' Baluchi minority. Baluchistan, Pakistan's southwestern province that neighbors both Afghanistan and Iran, is already unstable on both sides of the border. It would become another area of conflict. The low-intensity insurgencies already burning in the border areas would become more severe with outsiders fueling the fires. As the Islamic Emirate of Pakistan suppressed its Shia minority, Tehran would be forced to sit and watch because of Pakistan's nuclear weapons. And so Iran would certainly accelerate its nuclear-weapons-development program but would be years, if not decades, behind its neighbor.¶ With many of the LET in power, a major mass-casualty attack on India like the November 2008 Mumbai bombings would be likely. And this time it could spark war. India has shown remarkable restraint over the last decade as the Pakistani army, militants in Pakistan or both have carried out provocations like the Kargil War in 1999, the attack on the Indian parliament in 2001 and the Mumbai raid last year. Of course, a big part of India's restraint is the lack of any good military option for retaliation that would avoid the risk of nuclear Armageddon. But if pressed hard enough, New Delhi may need to take some action. Blockading Karachi and demanding the closure of militant training camps might seem to be a way to increase pressure without firing the first shot but it carries a high risk of spiraling escalation. And of course any chance for a peace agreement in Kashmir would be dead. Violence in the region would rise. The new militant regime in Pakistan would increase support for the insurgency.

#### 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

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.

### Prev War

#### US justifications for targeted killing will spill over to erode legal restraints on interstate conflict and legitimize preventive war

Craig Martin 11, Associate Professor of Law at Washburn University School of Law, “Going Medieval: Targeted Killing, Self-Defence, and the Jus Ad Bellum Regime,” Ch 8 in TARGETED KILLINGS: LAW & MORALITY IN AN ASYMMETRICAL WORLD, p. 223, available at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1956141

IV. The potential impact of the targeted killing policy on international law

The United States has been engaging in this practice of using drone-mounted missile systems to kill targeted individuals since at least 2002.98 An increasing number of countries have employed different methods of targeted killing that constitute a use of force under jus ad bellum.99 The evidence suggests that the United States intends to continue and indeed expand the program, and there is a growing body of scholarly literature that either defends the policy’s legality, or advocates adjustment in international law to permit such action. There is, therefore, a real prospect that the practice could become more widespread, and that customary international law could begin to shift to reflect the principles implicit in the U.S. justification and in accordance with the rationales developed to support it.¶ Some of the implications of such an adjustment in the jus ad bellum regime are obvious from the foregoing analysis. As discussed, there would be a rejection of the narrow principle of self-defense in favor of something much closer to the Grotian concept of defensive war, encompassing punitive measures in response to past attacks and preventative uses of force to halt the development of future threats. The current conditions for a legitimate use of force in self-defense, namely the occurrence or imminence of an armed attack, necessity, and proportionality, would be significantly diluted or abandoned. Not only the doctrine of self-defense, but other aspects of the collective security system would be relaxed as well. Harkening back to Grotian notions of law enforcement constituting a just cause for war, the adjusted jus ad bellum regime would potentially permit the unilateral use of force against and within states for the purpose of attacking NSAs as such, in effect to enforce international law in jurisdictions that were incapable of doing so themselves.100 This would not only further undermine the concept of self-defense, but would undermine the exclusive jurisdiction that the U.N. Security Council currently has to authorize the use of force for purposes of “law enforcement” under Chapter VII of the Charter. Thus, both of the exceptions to the Article 2(4) prohibition on the use of force would be expanded.¶ In addition, however, the targeted killing policy threatens to create other holes in the jus ad bellum regime. This less obvious injury would arise from changes that would be similarly required of the IHL regime, and the resulting modifications to the fundamental relationship between the two regimes. These changes could lead to a complete severance of the remaining connection between the two regimes. Indeed, Ken Anderson, a scholar who has testified more than once on this subject before the U.S. Congress,101 has advocated just such a position, suggesting that the United States should assert that its use of force against other states in the process of targeted killings, while justified by the right to self-defense, does not rise to such a level that it would trigger the existence of an international armed conflict or the operation of IHL principles.102 If customary international law evolved along such lines, reverting to gradations in the types of use of force the change would destroy the unity of the system comprised of the jus ad bellum and IHL regimes, and there would be legal “black holes” in which states could use force without being subject to the limitations and conditions imposed by the IHL regime.¶ The structure of Harold Koh’s two-pronged justification similarly implies a severance of this relationship between jus ad bellum and IHL, albeit in a different and even more troubling way. His policy justification consists of two apparently independent and alternative arguments—that the United States is in an armed conflict with Al Qaeda and associated groups; and that the actions are justified as an exercise of self-defense. The suggestion seems to be that the United States is entitled on either basis to use armed force not just against the individuals targeted, but also against states in which the terrorist members are located. In other words, the first prong of the argument is that the use of force against another sovereign state, for the purposes of targeting Al Qaeda members, is justified by the existence of an armed conflict with Al Qaeda. If this is indeed what is intended by the policy justification, it represents an extraordinary move, not just because it purports to create a new category of armed conflict (that is, a “transnational” armed conflict without geographic limitation),103 but because it also suggests that there need be no jus ad bellum justification at all for a use of force against another state. Rather, the implication of Koh’s rationale is that the existence of an armed conflict under IHL can by itself provide grounds for exemption from the prohibition against the threat or use of force under the jus ad bellum regime.¶ This interpretation of the justifications cannot be pressed too far on the basis of the language of Mr. Koh’s speech alone, which he hastened to explain at the time was not a legal opinion.104 The two justifications could be explained as being supplementary rather than independent and alternative in nature. But the conduct of the United States in the prosecution of the policy would appear to confirm that it is based on these two independent justifications.105 The strikes against groups and states unrelated to the 9/11 attacks could be explained in part by the novel idea that force can be used against NSAs as such, wherever they may be situated. But even assuming some sort of strict liability for states in which guilty NSAs are found, that explanation still does not entirely account for the failure to tie the use of force against the different groups to specific armed attacks launched by each such group. This suggests that the United States is also relying quite independently on the argument that it is engaged in an armed conflict with all of these groups, and that the existence of such an armed conflict provides an independent justification for the use of force against the states in which the groups may be operating.¶ While the initial use of force in jus ad bellum terms is currently understood to bring into existence an international armed conflict and trigger the operation of IHL, the changes suggested by the policy would turn this on its head, by permitting the alleged existence of a “transnational” armed conflict to justify the initial use of force against third states. Whereas the two regimes currently operate as two components of an overall legal system relating to war, with one regime governing the use of force and the other the conduct of hostilities in the resulting armed conflict, the move attempted by the U.S. policy would terminate these independent but inter-related roles within a single system, and expand the role and scope of IHL to essentially replace aspects of the jus ad bellum regime. This would not only radically erode the jus ad bellum regime’s control over the state use of force, but it could potentially undermine the core idea that war, or in more modern terms the use of force and armed conflict, constitutes a legal state that triggers the operation of special laws that govern the various aspects of the phenomenon. There is a risk of return to a pre-Grotian perspective in which “war” was simply a term used to describe certain kinds of organized violence, rather than constituting a legal institution characterized by a coherent system of laws designed to govern and constrain all aspects of its operation.¶ There is a tendency in the U.S. approach to the so-called “global war on terror” to cherry-pick principles of the laws of war and to apply them in ways and in circumstances that are inconsistent with the very criteria within that legal system that determine when and how it is to operate. This reflects a certain disdain for the idea that the laws of war constitute an internally coherent system of law.106 In short, the advocated changes to the jus ad bellum regime and to the relationship between it and the IHL regime, and thus to the laws of war system as a whole,107 would constitute marked departures from the trajectory the system has been on during its development over the past century, and would be a repudiation of deliberate decisions that were made in creating the U.N. system after the Second World War.108¶ The premise of my argument is not that any return to past principles is inherently regressive. A rejection of recent innovations in favor of certain past practices might be attractive to some in the face of new transnational threats. The argument here is not even to deny the idea that the international law system may have to adapt to respond to the transnational terrorist threat. The point, rather, is that the kinds of changes to the international law system that are implicit in the targeted killing policy, and which are advocated by its supporters, would serve to radically reduce the limitations and constraints on the use of force by states against states. The modern principles that are being abandoned were created for the purpose of limiting the use of force and thus reducing the incidence of armed conflict among nations. The rejection of those ideas and a return to older concepts relating to the law of war would restore aspects of a system in which war was a legitimate tool of statecraft, and international armed conflict was thus far more frequent and widespread.109¶ The entire debate on targeted killing is so narrowly focused on the particular problems posed by transnational terrorist threats, and how to manipulate the legal limitations that tend to frustrate some of the desired policy choices, that there is insufficient reflection on the broader context, and the consequences that proposed changes to the legal constraints would have on the wider legal system of which they are a part. It may serve the immediate requirements of the American government, in order to legitimize the killing of AQAP members in Yemen, to expand the concept of self-defense, and to suggest that states can use force on the basis of a putative “transnational” armed conflict with NSAs. The problem is that the jus ad bellum regime applies to all state use of force, and it is not being adjusted in some tailored way to deal with terrorism alone. If the doctrine of self-defense is expanded to include preventative and punitive elements, it will be so expanded for all jus ad bellum purposes. The expanded doctrine of self-defense will not only justify the use of force to kill individual terrorists alleged to be plotting future attacks, but to strike the military facilities of states suspected of preparing for future aggression. If the threshold for use of force against states “harboring” NSAs is significantly reduced, the gap between state responsibility and the criteria for use of force will be reduced for all purposes. If the relationship between jus ad bellum and IHL is severed or altered, so as to create justifications for the use of force that are entirely independent of the jus ad bellum regime, then states will be entitled to use force against other states under the pretext of self-proclaimed armed conflict with NSAs generally.¶ We may think about each of these innovations as being related specifically to operations against terrorist groups that have been responsible for heinous attacks, and applied to states that have proven uniquely unwilling or unable to take the actions necessary to deal with the terrorists operating within their territory. But no clear criteria or qualifications are in fact tied to the modifications that are being advanced by the targeted killing policy. Relaxing the current legal constraints on the use of force and introducing new but poorly defined standards, will open up opportunities for states to use force against other states for reasons that have nothing to do with anti-terrorist objectives. Along the lines that Jeremy Waldron argues in chapter 4 in this volume,110 more careful thought ought to be given to the general norms that we are at risk of developing in the interest of justifying the very specific targeted killing policy. Ultimately, war between nations is a far greater threat, and is a potential source of so much more human suffering than the danger posed by transnational terrorism. This is not to trivialize the risks that terrorism represents, particularly in an age when Al Qaeda and others have sought nuclear weapons. But we must be careful not to undermine the system designed to constrain the use of force and reduce the incidence of international armed conflict, in order to address a threat that is much less serious in the grand scheme of things.

#### That creates a reciprocal fear of surprise attacks---destabilizes the international system

Henry Shue 11, Senior Research Fellow and Professor of Politics and International Relations at Merton College, 13 Nov 2011, “Preemptive War,” The Encyclopedia of War, Wiley Online Library

The second reason for the prohibition is the systemic effects of the general acceptance of preventive war. Unless preventive war is somehow to be an extremely rare exception employed only in extraordinary circumstances—we focus on the question of exceptions in conclusion—it will be generally permitted. It is politically impossible to arrange the international arena so that only one, or only a special few, nations are permitted to engage in preventive wars. If the United States may attack Iraq when it thinks Iraq is a danger, why cannot Pakistan attack India when it thinks India is a danger, or Israel attack Iran when Israel thinks Iran is a danger? Preventive war must in practice be either generally acceptable or generally unacceptable for the agents in international affairs. An international system in which preventive war is generally acceptable will be a deeply unstable and dangerous system, subject to what Thomas Schelling beautifully characterized as “the reciprocal fear of surprise attack” (Schelling 1963): 205–229). When preventive war is generally prohibited, it is in one's own interest to assume that one's adversaries will not launch a surprise attack or preventive war against oneself. Of course they sometimes do, but if they generally do not, the safer bet is that they will not. And the same is true for them: while they must realize that one might launch a preventive war against them, the safer bet for them is that one will not. The general expectation that preventive wars will usually not be launched creates a stable situation, that is, a situation in which it is in every party's interest not to strike first. And this makes war in fact less likely. But a general expectation that preventive wars are likely to be launched creates the reciprocal fear of surprise attack. The situation is unstable because it is in one's interest to strike before being struck, and exactly the same is true for one's adversary: it is in its interest too to strike before being struck by you. So such a “rule of the game” makes preventive war in everyone's short-term interest. Therefore, it is in everyone's long-term interest for preventive war to be reliably prohibited in order to make the international arena less dangerous. An entrenched expectation that preventive attacks will not generally occur because they are generally accepted as being prohibited is a valuable norm, making the world safer. This is the second reason for the prohibition on preventive war.

#### Robust norms restricting the use of force empirically prevent conflict escalation among great powers

John Vasquez 9, Thomas B. Mackie Scholar of International Relations and Professor of Political Science at the University of Illinois at Urbana-Champaign, PhD in Poli Sci from Syracuse University, “Peace,” Chapter 8 in The War Puzzle Revisited, p 298-299, google books

Wallensteen’s examination of the characteristics of particularist periods provides significant additional evidence that the steps-to-war analysis is on the right track. Realist practices are associated with war, and peaceful systems are associated with an emphasis on other practices. Peaceful systems are exemplified by the use of practices like buffer states, compensation, and concerts of power that bring major states together to form a network of institutions that provide governance for the system. The creation of rules of the game that can handle certain kinds of issues – territorial and ideological questions – and/or keep them off the agenda seems to be a crucial variable in producing peace.¶ Additional evidence on the import of rules and norms is provided in a series of studies by Kegley and Raymond (1982, 1984, 1986, 1990) that are operationally more precise than Wallensteen’s (1984) analysis. Kegley and Raymond provide evidence that when states accept norms, the incidence of war and military confrontation is reduced. They find that peace is associated with periods in which alliance norms are considered binding and the unilateral abrogation of commitments and treaties illegitimate. The rules imposed by the global political culture in these periods result in fewer militarized disputes and wars between major states. In addition, the wars that occur are kept at lower levels of severity, magnitude, and duration (i.e. they are limited wars).¶ Kegley and Raymond attempt to measure the extent to which global cultural norms restrain major states by looking at whether international law and commentary on it sees treaties and alliances as binding. They note that there have been two traditions in international law – pacta sunt servanda, which maintains that agreements are binding, and clausa rebus sic stantibus, which says that treaties are signed “as matters stand” and that any change in circumstances since the treaty was signed permits a party to withdraw unilaterally. One of the advantages the Kegley-Raymond studies have over Wallensteen (1984) is that they are able to develop reliable measures of the extent to which in any given half-decade that tradition in international law emphasizes the rebus or pacta sunt servanda tradition. This indicator is important not only because it focuses in on the question of unilateral actions, but because it can serve as an indicator of how well the peace system is working. The pacta sunt servanda tradition implies a more constraining political system and robust institutional context which should provide an alternative to war.¶ Kegley and Raymond (1982: 586) find that in half-decades (from 1820 to 1914) when treaties are considered non-binding (rebus), wars between major states occur in every half-decade (100 percent), but when treaties are considered binding (pacta sunt servanda), wars between major states occur in only 50 percent of the half-decades. The Cramer’s V for this relationship is .66. When the sample is expanded to include all states in the central system, Cramer’s V is 0.44, indicating that global norms have more impact on preventing war between major states. Nevertheless, among central system states between 1820 and 1939, war occurred in 93 percent of the half-decades where the rebus tradition dominated and in only 60 percent of the half-decades where the pacta sunt sevanda tradition dominated.¶ In a subsequent analysis of militarized disputes from 1820 to 1914, Kegley and Raymond (1984: 207-11) find that there is a negative relationship between binding norms and the frequency and scope of disputes short of war. In periods when the global culture accepts the pacta sunt servanda tradition as the norm, the number of military disputes goes down and the number of major states involved in a dispute decreases. Although the relationship is of moderate strength, it is not eliminated by other variables, namely alliance flexibility. As Kegley and Raymond (1984: 213) point out, this means “that in periods when the opportunistic renunciation of commitments” is condoned, militarized disputes are more likely to occur and to spread. The finding that norms can reduce the frequency and scope of disputes is significant evidence that rules can permit actors to successfully control and manage disputes so that they are not contagious and they do not escalate to war. These findings are consistent with Wallensteen’s (1984) and suggest that one of the ways rules help prevent war is by reducing, limiting, and managing disputes short of war.

#### Specifically, executive discretion over the legitimacy of targets will eviscerate legal restrictions on self-defense

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

5. Setting Troubling International Precedents ¶ Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. ¶ Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. ¶ Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack." ¶ The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. ¶ It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. ¶ This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill- defined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### Now is key---US targeted killing is driving a global shift in strategic doctrines---results in nuclear war

Kerstin Fisk 13, visiting assistant professor in the Department of Political Science at Loyola Marymount University, PhD in Political Science from Claremont Graduate University, and Jennifer M. Ramos, Assistant Professor of Political Science at Loyola Marymount University, PhD in Political Science from UC Davis, April 15 2013, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm,” International Studies Perspectives, http://onlinelibrary.wiley.com.turing.library.northwestern.edu/doi/10.1111/insp.12013/full

Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting.¶ Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein.¶ With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.

#### Credible external oversight is key to solve---the alternative is an anything-goes standard

Omar S. Bashir 12, is a Ph.D. candidate in the Department of Politics at Princeton University and a graduate of the Department of Aeronautics and Astronautics at MIT, September 24th, 2012, "Who Watches the Drones?" Foreign Affairs,www.foreignaffairs.com/articles/138141/omar-s-bashir/who-watches-the-drones

Further, the U.S. counterterrorism chief John Brennan has noted that the administration is "establishing precedents that other nations may follow." But, for now, other countries have no reason to believe that the United States carries out its own targeted killing operations responsibly. Without a credible oversight program, those negative perceptions of U.S. behavior will fill the vacuum, and an anything-goes standard might be the result. U.S. denunciations of other countries' programs could come to ring hollow. ¶ If the United States did adopt an oversight system, those denunciations would carry more weight. So, too, would U.S. pressure on other states to adopt similar systems: just as suspicions grow when countries refuse nuclear inspection, foreign governments that turned down invitations to apply a proven system of oversight to their own drone campaigns would reveal their disregard for humanitarian concerns.

#### Acceptance of preventive war causes global nuclear conflict

Ariel Colonomos 13, Director of Research at the French National Centre for Scientific Research, Ph.D. in political science from the Institut d'Etudes Politiques de Paris, “The Gamble of War: Is it Possible to Justify Preventive War?” p 72-75, google books

John Yoo holds that the American interventions in Afghanistan or Iraq fulfilled the criteria of necessity and proportionality. To support this argument (which was contested on the invasion of Iraq), he contends that technological change has a direct impact on the calculation of proportionality and the definition of what constitutes an emergency. The proliferation of WMDs, the networking potential of the United States’ enemies, involving also transnational movements, required the adoption of an anticipatory mode of use of force. This is a disturbing line of reasoning. On the one hand—and this is the case with many of the propositions advanced by these intellectuals—it sweeps away the contemporary model of international law, which is based on a cautious (though, it should also be said, ambiguous and hence fragile) interpretation of self-defense. On the other hand, the transition from the empirical to the normative is very abrupt here, with the argument that law depends on the “reality” specific to a particular moment of history. Insofar as WMDs are actually within the reach of a large number of the United States’ enemies today (the USSR and China are no longer the only threats), the world would, in this view, be constantly on tenterhooks at the possibility of a series of preventive wars. These would be triggered by provocations or hasty, contradictory declarations on the part of movements whose strategy is, at times, to draw Westerners—and particularly the American global policeman—into endless wars. This greatly increases instability. During the Cold War, the triggering of a nuclear clash depended on interactions between a limited number of states. Today, nuclear weapons—previously regarded by some as a factor of stability, particularly because of the supposed rationality of those who possessed them—have become grounds for war. More generally there is the whole question of WMDs. The players involved are more numerous, and there is great distrust, both on account of the lack of rationality attributed by the United States to its new enemies and of their greater number and dispersal.

#### Specifically causes a Chinese attack on US missile defense

Stephen Walt 4, Robert and Renee Belfer Professor of International Affairs at Harvard, PhD in Political Science from UC Berkeley, October 1 2004, “The Strategic Environment,” Panel Discussion at “Preemptive Use of Force: A Reassessment,” Conference held by the Fletcher Forum on International Affairs, <http://www.brookings.edu/views/papers/daalder/daalder_fletcher.pdf>

Finally, as Ivo has already noted, there is this precedent problem. By declaring that preventive war is an effective policy option for us, we make it easier for others to see it as an effective policy option for them. Why can’t India attack Pakistan before it develops more nuclear weapons? Why can’t Turkey attack Iraqi Kurdistan to prevent the emergence of an independent state there? Why was it wrong for Serbia to take preventive action against the Kosovars, given that there was a guerilla army attacking Serbs in Kosovo, and given that the Serbs could see a long term threat to their national security if the Kosovar-Albanians got more and more politically organized and tried to secede? Why couldn’t a stronger China decide that America’s national missile defense program was a direct threat to their nuclear deterrent capability, and therefore decide to order a preventive commando strike against American radar sites in Alaska? Now this sounds wildly far-fetched, of course, but imagine the situation being reversed. Imagine if another country threatened our second strike capability, wouldn’t we have looked for some way to prevent that from happening? Of course we would. So again, we’re creating a precedent here.

#### That goes nuclear

John W. Lewis 12, William Haas Professor of Chinese Politics, emeritus, at Stanford University, PhD from UCLA, and Xue Litai, research scholar at the Project on Peace and Cooperation in the Asian-Pacific Region at Stanford University’s Center for International Security and Cooperation, “Making China’s nuclear war plan,” Bulletin of the Atomic Scientists September/October 2012 vol. 68 no. 5 45-65, http://bos.sagepub.com/content/68/5/45.full

If the CMC authorizes a missile base to launch preemptive conventional attacks on an enemy, however, the enemy and its allies could not immediately distinguish whether the missiles fired were conventional or nuclear. From their perspective, the enemy forces could justifiably launch on warning and retaliate against all the command-and-control systems and missile assets of the Chinese missile launch base and even the overall command-and-control system of the central Second Artillery headquarters. In the worst case, a self-defensive first strike by Chinese conventional missiles could end in the retaliatory destruction of many Chinese nuclear missiles and their related command-and-control systems. That disastrous outcome would force the much smaller surviving and highly vulnerable Chinese nuclear missile units to fire their remaining missiles against the enemy’s homeland. In this quite foreseeable action-reaction cycle, escalation to nuclear war could become accelerated and unavoidable. This means that the double policies could unexpectedly cause, rather than deter, a nuclear exchange.

### Plan

#### The United States federal government should create a statutory cause of action for damages for those unlawfully injured by targeted killing operations, their heirs, or their next friend.

### S

#### The plan establishes legal norms and ensures compliance with the laws of war

Jonathan Hafetz 13, Associate Prof of Law at Seton Hall University Law School, former Senior Staff Attorney at the ACLU, served on legal teams in multiple Supreme Court cases regarding national security, “Reviewing Drones,” 3/8/2013, http://www.huffingtonpost.com/jonathan-hafetz/reviewing-drones\_b\_2815671.html

The better course is to ensure meaningful review after the fact. To this end, Congress should authorize federal damages suits by the immediate family members of individuals killed in drone strikes.¶ Such ex post review would serve two main functions: providing judicial scrutiny of the underlying legal basis for targeted killings and affording victims a remedy. It would also give judges more leeway to evaluate the facts without fear that an error on their part might leave a dangerous terrorist at large.¶ For review to be meaningful, judges must not be restricted to deciding whether there is enough evidence in a particular case, as they would likely be under a FISA model. They must also be able to examine the government's legal arguments and, to paraphrase the great Supreme Court chief justice John Marshall, "to say what the law is" on targeted killings.¶ Judicial review through a civil action can achieve that goal. It can thus help resolve the difficult questions raised by the Justice Department white paper, including the permissible scope of the armed conflict with al Qaeda and the legality of the government's broad definition of an "imminent" threat.¶ Judges must also be able to afford a remedy to victims. Mistakes happen and, as a recent report by Columbia Law School and the Center for Civilians in Conflict suggests, they happen more than the U.S. government wants to acknowledge.¶ Errors are not merely devastating for family members and their communities. They also increase radicalization in the affected region and beyond. Drone strikes -- if unchecked -- could ultimately create more terrorists than they eliminate.¶ Courts should thus be able to review lethal strikes to determine whether they are consistent with the Constitution and with the 2001 Authorization for Use of Military Force, which requires that such uses of force be consistent with the international laws of war. If a drone strike satisfies these requirements, the suit should be dismissed.

#### Congressional cause of deters abuse and overcomes legal barriers

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 and 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."

#### Judicial review would narrow the use of self-defense to truly imminent threats

Lindsay Kwoka 11, JD from UPenn Law School, “TRIAL BY SNIPER: THE LEGALITY OF TARGETED KILLING IN THE WAR ON TERROR,” University of Pennsylvania Journal of Constitutional Law Vol 14:1, p 301-325, https://www.law.upenn.edu/journals/conlaw/articles/volume14/issue1/Kwoka14U.Pa.J.Const.L.301(2011).pdf

But this is not the end of the inquiry. Even if a targeted individual is not located on a field of battle, he may still be a threat, and tar-geted killing may potentially be necessary and appropriate in some circumstances. Applying the reasoning of Hamdi here, a court would likely find that the use of targeted killing is only “necessary and ap-propriate” if it is the only way to prevent someone like Al-Awlaki from engaging in terrorist activity or otherwise harming the United States. The Hamdi Court was concerned with assuring that the executive used the least intrusive means in achieving its objective of preventing the enemy combatant from returning to battle.72The Court made clear that the means used to achieve this objective should be no more intrusive than necessary.73 It is consistent with the Court’s concern to allow targeted killing only when it is the only means available to pre-vent harm to the United States. If the executive can demonstrate that an individual outside of a war zone will harm the United States unless he is killed, targeted kill-ing may be authorized. This is consistent with Hamdi, in which the main concern was preventing future harm to the United States while using the least intrusive means available. This is also consistent with U.S. criminal law, in which the executive branch is permitted to kill an individual if there is no peaceful means left to apprehend him.74¶ Such an approach is also consistent with the approach of the Su-preme Court. Even the most stalwart protectors of constitutional rights of alleged terrorists recognize that immediate action by the ex-ecutive is at times necessary to prevent attacks.75An approach that al-lows the executive to use deadly force when it is the only available means of preventing harm effectively balances the need to protect cit-izen’s constitutional rights while affording sufficient deference to theexecutive.

#### Only judicial oversight can credibly verify compliance with the laws of war

Avery Plaw 7, Associate Prof of Political Science at the University of Massachusetts at Dartmouth, PhD in Political Science from McGill University, “Terminating Terror: The Legality, Ethics and Effectiveness of Targeting Terrorists,” Theoria: A Journal of Social and Political Theory, No. 114, War and Terror (December 2007), pp. 1-27

To summarize, the general policy of targeting terrorists appears to be defensible in principle in terms of legality, morality and effectiveness. However, some specific targetings have been indefensible and should be prevented from recurring. Critics focus on the indefensible cases and insist that these are best prevented by condemning the general policy. States which target terrorists and their defenders have insisted that self-defense provides a blanket justification for targeting operations. The result has been a stalemate over terrorist targeting harmful to both the prosecution of the war on terror and the credibility of international law. Yet neither advocates nor critics of targeting appear to have a viable strategy for resolving the impasse. A final issue which urgently demands attention, therefore, is whether there are any plausible prospects for a coherent and principled political compromise over the issue of targeting terrorists.¶ Conclusion: the Possibility of Principled Compromise ¶ This final section offers a brief case that there is room for a principled compromise between critics and advocates of targeting terrorists. The argument is by example—a short illustration of one promising possibility. It will not satisfy everyone, but I suggest that it has the potential to resolve the most compelling concerns on both sides.¶ The most telling issues raised by critics of targeting fall into three categories: (1) the imperative need to establish that targets are combatants; (2) the need in attacking combatants to respect the established laws of war; and (3) the overwhelming imperative to avoid civilian casualties. The first issue seems to demand an authoritative judicial determination that could only be answered by a competent court. The second issue requires the openly avowed and consistent implementation of targeting according to standards accepted in international law

—a requirement whose fulfillment would best be assured through judicial oversight. The third issue calls for independent evaluation of operations to assure that standards of civilian protection are robustly upheld, a role that could be effectively performed by a court.

#### Courts allow verification without the costs of full disclosure

Avery Plaw 8, Associate Prof of Political Science at the University of Massachusetts at Dartmouth, PhD in Political Science from McGill University, “The Legality of Targeted Killing as an Instrument of War: The Case of Qaed Salim Sinan al-Harethi,” Prepared for the 5th Global Conference on War, Virtual War and Human Security, Budapest 2008

However, the analysis suggests two further points. The first point is that there is an urgent need for more extensive oversight of targeting operations. Since terrorists do not wear uniforms, it is difficulty for those outside the targeting government(s) to know when the targets are legitimate combatants under either of the last two legal paradigms. This concern is illustrated by the al-Harethi case in a number of ways. First, the legitimacy of the operation is at best suggested by the evidence publicly available. Moreover, it seems likely that the available evidence is incomplete – that is, that the state or states cooperating in the targeting have further material that is not available to the public. In addition, information essential to making a just determination includes not only targets’ past actions, but also current activities and, where they can be discerned, future plans, and the quality of evidence the state has on these latter subjects. Such information is typically not publicly available. It may be added that the available material on the al-Harethi targeting is extensive in comparison with other, more recent cases such as the US operations in Somalia in 2007. For these reasons it will often be difficult for those outside the targeting governments to come to a clear determination of the combat status of targets. There is therefore an urgent need for more extensive oversight of targeting operations. ¶ At the same time, targeting states can make a strong case against making all available evidence on future targets publicly available. To disseminate such information in advance could obviously tip off the target and scuttle the operation. Even after the fact, however, the governments may legitimately point out that making sensitive intelligence publicly available may threaten to expose sources and to hamper the continued accumulation of intelligence. In either case, the government may argue that it would be failing in its primary duty to protect its citizens. One possible means of reconciling the need for greater oversight and the need to protect key information would be the creation of independent and authoritative judicial bodies to review the combat status of potential targets in camera. (Plaw 2007: 23-5)¶ Second, there is an urgent need to clarify the criteria for the determination of legitimate targets, and more broadly which of the legal paradigms (or what combination thereof) properly applies to such cases. If the decisive argument in defense of the al-Harethi targeting is, as suggested above, an appeal to the self-defense framework, that would suggest some important limits to who could legitimately be targeted. For example, the condition of necessity would require evidence that further attacks were planned. The state would also have to be prepared to show that there was no alternative means to neutralize the threat posed by the terrorist target. Moreover, the state would have to be able to show that it had reason to believe that it could neutralize the terrorist without posing a disproportionate threat to civilians. These criteria look like they may have been met in the al-Harethi case, although it cannot be known be certainty, at least based on the information available. Again, this unavoidable uncertainty points to the urgent need for a credible and independent body, preferably a judicial body, to review such evidence. This is all the clearer in light of two issues that remain unresolved to date: whether a criterion of immediacy or imminence should be applied to such cases, and how exactly the pertinent criteria should be interpreted. Finally, the urgency of judicial oversight is clearer still because some recent targeting operations do not appear to have met even the criteria of necessity and proportionality. For example, an American targeting attack on 13 January 2006 in Damadola, Pakistan, killed 18 unintended victims. However, Ayman Zawahiri, the intended target of the attack, appears not to have even been present.

## 2AC

### Prev

#### Russian preventive nuke war escalates---causes US retal

Stephen J. Blank 11, Strategic Studies Institute expert on the post-Soviet world and the Soviet bloc, former Associate Professor of Soviet Studies at the Center for Aerospace Doctrine, Research and Education at Maxwell Air Force Base, Ph.D. in history from the University of Chicago, “RUSSIA AND NUCLEAR WEAPONS,” Ch 7 in Russian Nuclear Weapons: Past, Present, and future,” <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1087.pdf>

Thus, nuclear weapons are warfighting weapons. Moscow’s threats from October 2009 not only follow previous doctrine, they expand on it by openly admitting that limited nuclear war is its option or ace in the hole. If Russia should decide to invade or seize one or more Baltic State, then that would mean it is prepared to wage nuclear war against NATO and the United States to hold onto that acquisition although it would prefer not to, or thinks it could get away without having to do so. The idea behind such a “limited nuclear war” is that Russia would seize control of the intra-war escalation process by detonating a first-strike even in a preventive or preemptive mode, and this would supposedly force NATO to negotiate a political solution that allows Russia to hold onto at least some of its gains. Apart from the immensity of Moscow’s gamble that NATO will not have the stomach to retaliate against Russian nuclear strikes, which will be carried out to inflict a “preset” amount of damage that Moscow believes will signal its “limited” intent. In essence, Moscow is essentially engaging in a game of nuclear chicken or blackmail. In fact, the real risk here is that the West will not acquiesce but rather that it will retaliate or even escalate, further adding to the inherent unpredictability of any conceivable nuclear war scenario.

### Acct

**Drones don’t solve AQAP**

Daniel **Green 8/7**, Ira Weiner fellow at The Washington Institute for Near East Policy, PhD in Poli Sci from GWU, “INSIGHT: Al-Qaida’s Resiliency in Yemen,” http://middleeastvoices.voanews.com/2013/08/insight-al-qaidas-resiliency-in-yemen-80641/

The closing of U.S. embassies throughout the Middle East due to threats from al-Qaida in the Arabian Peninsula (AQAP) indicates that **however successful the U.S. drone program has been**, the terrorist group **continues to be** a **resilient**, adaptable opponent. On July 16, AQAP second-in-command Said al-Shihri was killed by a suspected drone attack in Yemen, demonstrating the usefulness of unmanned aerial vehicles in degrading al-Qaida’s strength there. Yet the country’s interior safe havens allow AQAP to persist **even as it endures drone strikes** and government military offensives. To address this problem, a new approach is required.¶ Background¶ Last year, Yemeni military operations were largely successful in pushing AQAP out of the southern areas it had overrun in 2011. Since retreating to its traditional safe havens toward the country’s interior, however, al-Qaida has returned to its insurgent roots as its tries to reconstitute **its forces**.

#### Err aff---studies systematically underestimate blowback

Audrey Kurth Cronin 13, Distinguished Service Professor at the School of Public Policy, George Mason University, DPhil in IR from Oxford, “Why Drones Fail,” Foreign Affairs Vol 92 Issue 4, July/Aug 2013, ebsco

For the moment, there is no conclusive evidence that can prove whether drone strikes create more enemies than they kill. Some academics, including the Pakistan scholar C. Christine Fair and Christopher Swift, who has studied Yemen, argue that no widespread blowback against the United States can yet be detected. They argue that many locals grudgingly support drones and recognize their utility in beating back al Qaeda. Others, however, including the Yemen scholar Gregory Johnsen, warn of a simmering resentment that is driving recruits to al Qaeda. Much of the evidence is highly contested, and the sample sizes used tend to be small and biased toward local officials and educated professionals, who are the easiest to interview but the least likely to become terrorists. ¶ In short, the picture is mixed: drones are killing operatives who aspire to attack the United States today or tomorrow. But they are also increasing the likelihood of attacks over the long term, by embittering locals and cultivating a desire for vengeance.

#### Our Pakistan internal link outweighs

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

At the same time, some of the Pakistani criticism of the drone programme is motivated by more than just cynical opportunism. Some of the objections are based on the logic of counterinsurgency: that is, to drain support from the array of militant movements in Waziristan, FATA and elsewhere, the Pakistani govern- ment must appear as a credible competitor for the loyalties of the population in tribal regions. Abdul Basit, a Pakistani Foreign Office spokesperson, has argued that drones are ‘not helpful in our efforts to win hearts and minds’.91 Winning the loyalties of the population is particularly hard to do when drone strikes sideline the central government and signal that the US is a direct combatant in Pakistan’s on-and-off-again wars in its tribal regions. In September 2012, Pakistani Foreign Minister Hina Rabbani Khar captured this dilemma well, saying that ‘this has to be our war. We are the ones who have to fight against them. As a drone flies over the territory of Pakistan, it becomes an American war again. And this whole logic of this being our fight, in our own interest is immediately put aside and again it is war which is imposed on us.’92 The extent to which the United States has assumed the role of a direct combatant and marginalized the Pakistani government through drone strikes has systematically undermined the claim that the central government in Islamabad could be a credible competitor for the loyalties of the tribal population.

### DA---Iran

#### Deterrence solves aggression

Joshi 12—associate fellow at the Royal United Services Institute. Doctoral student at Harvard (Shashank, Nuclear alarmism over Iran is backing us into a corner, 2/21/12, www.guardian.co.uk/commentisfree/2012/feb/21/nuclear-alarmism-iran)’

The first argument, that Iran is too crazy to be deterred, is historically untenable. Stalin's Soviet Union was viewed in exactly the same terms. NSC-68, one of the most famous American intelligence assessments of the cold war, judged Moscow to be "animated by a new fanatic faith, antithetical to our own", aimed at "domination of the Eurasian landmass". That was the year after the Soviets' first nuclear test. Mao Zedong, who was to acquire a bomb shortly thereafter, welcomed a nuclear war in which "imperialism would be razed to the ground, and the whole world would become socialist".¶ Senator Joseph Lieberman last week fumed that "containment might have been viable for the Soviet Union during the cold war, but it's not going to work with the current fanatical Islamist regime in Tehran". Well, fanaticism has pedigree. Stalin and Mao might have been bloodthirsty fanatics, but they were not suicidal. Nor is Mahmoud Ahmadinejad.¶ Last week, two of America's top intelligence officials told a senate hearing two important things. First, any Iranian decision to build a nuclear weapon would be based "on a cost-benefit analysis". Even fanatical theocracies are governed by reason. Second, "Iran is unlikely to initiate or intentionally provoke a conflict". If Iran is deemed to be unlikely to start a conventional war, it's not going to start a nuclear war.¶ And there's a simple reason for this. The area around Tehran contains a fifth of Iran's population, and half of the country's industry. A single Israeli thermonuclear bomb would wipe this out in the blink of an eye. Iran's abhorrent calls to wipe Israel off the map are gestures as empty as Mao's nuclear posturing.

#### No arms race

Procida 9—National Intelligence Fellow at the Council on Foreign Relations (Frank, Why an Iranian Nuclear Bomb Is Not the End of the World, 9 June 2009, http://www.foreignaffairs.com/articles/65127/frank-procida/overblown)

Since the advent of the nuclear age, scientists, activists, academics, and politicians have feared that the spread of atomic weapons would prove unstoppable. The rhetoric one hears today regarding the probable reaction of Middle Eastern countries to a nuclear Iran echoes concerns put forth by experts when the Soviet Union, China, and even France got the bomb. Yet the worst-case scenarios rarely came to pass -- Germany and Japan, for instance, remained nonnuclear despite expectations -- and there is no reason to suspect that the Middle East will buck this historical trend. Analysts are particularly concerned about the reactions of countries such as Egypt and Saudi Arabia to an Iranian nuclear program. What they seem to forget is that the Arab world already has been living with a nuclear neighbor, Israel -- a state against which many Arab countries have fought wars and still do not recognize. Still, the Arab world has been unable or unwilling to respond in kind. An Iranian nuclear capability would not threaten these states more, or even as much as, an Israeli weapon. And in terms of prestige and influence, a Persian bomb should not be any more significant to these states than a Jewish one. Furthermore, developing a nuclear weapon is not as simple as flipping a switch. Libya spent close to two decades trying to acquire a nuclear weapon before giving up its program in 2003. Technology has never been the region's strong suit, and even with A. Q. Khan-supplied centrifuge drawings readily available, it would be foolish to expect a rash of nuclear successes in the near future.

#### No US strike

Anne Applebaum 10**,** Washington Post, “Prepare for war with Iran -- in case Israel strikes”, 2-23, http://www.washingtonpost.com/wp-dyn/content/article/2010/02/22/AR2010022203528.html

Let's be serious for a moment: Barack **Obama will not bomb Iran.** This is not because he is a liberal, or because he is a peacenik, or because he doesn't have the guts to try and "save his presidency" in this time-honored manner, as Daniel Pipes has urged and Sarah Palin said she would like him to do.

The president will not bomb Iran's nuclear installations for precisely **the same reasons** that George W. **Bush did not bomb Iran's nuclear installations:** Because we don't know exactly where they all are, because we don't know whether such a raid could stop the Iranian nuclear program for more than a few months, and because Iran's threatened response -- against Israelis and U.S. troops, via Iranian allies in Iraq, Afghanistan, Palestine and Lebanon -- isn't one we want to cope with at this moment. Nor do we want the higher oil prices that would instantly follow. **No American president** doing a sober calculation **would start a war of choice now**, while U.S. troops are actively engaged on two other fronts, and no American president could expect public support for more than a nanosecond.

#### Democrats splintering from Obama now --- trade, energy, healthcare

WSJ 2/3, Janet Hook and Peter Nicholas, "Fractures Emerge Between Obama, Congressional Democrats", 2014, online.wsj.com/news/articles/SB10001424052702304851104579361340885310508

WASHINGTON—Democrats in Congress are parting ways with President Barack Obama on issues including trade, energy and health care as the gap widens between the political demands of keeping control of the Senate and advancing parts of the White House agenda.¶ A phalanx of Democrats, including Senate Majority Leader Harry Reid, have announced opposition to the president's top trade initiative. Many Democrats are clamoring for Mr. Obama to act soon to allow construction of the Keystone XL pipeline—a decision the White House is expected to make before midterm elections. Vulnerable Democrats are bluntly criticizing the rollout of the 2010 health-care law. Even an under-the-radar issue such as a flood-insurance bill has been a point of tension.¶ Against that backdrop, Mr. Reid met with the president in the Oval Office for about an hour Monday along with Sen. Michael Bennet (D., Colo.), who is chief strategist in his party's drive to keep control of the Senate after November. The meeting was to review the political landscape of the crucial midterm-election year.¶ A Democratic official familiar with the meeting said it was requested by Mr. Reid as a routine matter, unrelated to the rift between the Nevada senator and the president on trade policy that emerged last week.¶ "We don't stay on the same page through smoke signals," the official said. "We sit down and talk."¶ Despite those tensions, Democrats and White House officials say they remain united on major elements of the legislative and political agenda, such as the extension of unemployment benefits that lapsed late last year.¶ "There is far more that Democrats in Congress and the president agree on than there are areas where there might be differences," said Obama pollster Joel Benenson.¶ Republicans, too, are riven with deep divisions within their party—on immigration policy and how to handle the coming debt-limit increase. But Democrats are finding that a united front that was so durable through last year's budget battles has its limits in an election year. Action on Mr. Obama's trade policy could advance his economic plans but hurt Democratic candidates in the process.¶ "Our caucus would rather see this issue come up at another time because there are strong feelings on both sides of the issue, and you hate to be pushed into a decision that might be easier to make after an election," said Senate Majority Whip Dick Durbin (D., Ill.).¶ The White House and Senate Democrats share a powerful political interest in the fight to keep Republicans from picking up six seats they would need to take control of the Senate this year. Mr. Reid doesn't want to relinquish control of a chamber that has proved a bulwark against a Republican-controlled House and would be crucial to Mr. Obama's ability to have any sway in Congress during the last two years of his presidency.¶ Although he is unpopular in the states with the most fiercely contested Senate races—including Arkansas, Louisiana, Alaska and North Carolina—Mr. Obama remains a mighty asset in helping his party's candidates raise money. He participated in seven fundraising events for the Democratic Senatorial Campaign Committee last year, and Democrats are expecting more in 2014.¶ Some Senate races have become more competitive since the problems with the health law's rollout—and because of a big influx of ads spotlighting those hiccups by conservative outside groups. That has weakened some once-strong incumbents like Sen. Kay Hagan (D., N.C.) and made open seats like one in Michigan tougher to hold.¶ Vulnerable Democrats have made greater efforts to distance themselves from unpopular aspects of the health law. Late last year, Sen. Mary Landrieu of Louisiana introduced legislation to protect individuals whose policies were ended because they didn't meet the law's new standard. That added to pressure on the White House to propose an administrative fix.¶ The most striking fissure between the White House and Senate Democrats came last week when Mr. Reid, one of the president's most reliable allies on Capitol Hill, told reporters he opposed administration-backed legislation aimed at speeding passage of free-trade agreements, a vital component to advancing two major international trade deals. Bitterly opposed by many labor leaders, a vote on the fast-track trade bill would put Democrats in the difficult position of choosing between Mr. Obama and the unions who are a crucial source of campaign workers and cash.¶ "I think everyone would be well-advised just not to push this right now," Mr. Reid said. An official familiar with his thinking said it was "pretty unlikely" the majority leader would bring the bill to a vote before Election Day but that it was "possible" he would do so after November.¶ Mr. Durbin predicted the White House would be hearing from other Democrats beside Mr. Reid who would rather not vote on the issue anytime soon.¶ Sen. Jeanne Shaheen of New Hampshire, another Democrat with a potentially tough fight this fall, demurred when asked about the issue. "It does have pressures on both sides," she said. "We're taking a look at it."¶ Helping spotlight one of his most vulnerable incumbents, Mr. Reid last month called up a flood-insurance bill that was a signature initiative of Ms. Landrieu's. The bill, to delay scheduled flood-insurance-premium increases, passed easily. Ms. Landrieu expressed anger when, before the bill came to a vote, the White House issued a statement criticizing the bill because it believed it undercut the program's financing.¶ Some red-state Democrats have welcomed opportunities to stake out positions in opposition to the White House on issues like the Keystone XL pipeline, giving them ammunition to argue they are independent of the president. The pipeline project is opposed by environmentalists, but many Democrats in swing states support its construction as a way to create jobs—especially in a state like Louisiana, where refineries stand to benefit.¶ If Mr. Obama doesn't approve the pipeline soon, Senate Democrats could face repeated GOP efforts to force a vote on the issue. Senate Minority Leader Mitch McConnell (R., Ky.) said recently he would "continue to push for immediate consideration of bipartisan legislation…that will get the pipeline built."

#### TPA pounds

Raum 1/25 -- Tom, Yahoo Finance, AP News, Foes of Obama trade pacts mostly fellow Democrats, 2014, finance.yahoo.com/news/foes-obama-trade-pacts-mostly-fellow-democrats-090237783.html

WASHINGTON (AP) — Debates on lowering trade barriers can turn Congress upside down for Democratic presidents promoting such legislation. Business-minded Republicans suddenly turn into allies and Democrats aligned with organized labor can become outspoken foes.¶ It's a reversal of the usual order of things, where a Democratic president can generally count on plenty of support from fellow Democrats in Congress along with varying levels of resistance from Republicans.¶ Now it is President Barack Obama's turn to experience such a role reversal. Already, he is encountering pockets of Democratic resistance, especially from those representing manufacturing states, to his efforts to win congressional approval for renewal of "fast track" negotiating authority.¶ Such expedited powers help speed the process for major trade agreements by restricting Congress to up-and-down votes on what's already been negotiated — with no amendments allowed.¶ Two such free-trade deals are in the works. One is a Pacific Rim trade pact — the Trans-Pacific Partnership — between the United States and 11 Asian and Latin American nations. A final round of negotiations begins next month and may be wrapped up by year's end.¶ "We are now in the endgame," said Acting Deputy U.S. Trade Representative Wendy Cutler.¶ The other negotiation, not as far along, is a trans-Atlantic trade alliance, mainly between the United States and European Union countries. So far it hasn't generated as much controversy as the nearly done trans-Pacific deal — largely because Europe is a generally high-cost, generally high-wage manufacturing area.¶ Obtaining fast-track authority from a deeply divided Congress will be a hard sell for Obama, one likely to get even harder as November's midterm congressional elections draw nearer. Democrats now control the Senate, Republicans the House.

#### Iran fight is over and PC’s not key---UQ overwhelms

Stacy Kaper 2/2, National Journal, "How Obama Won the War on Iran Sanctions", 2014, www.nationaljournal.com/defense/how-obama-won-the-war-on-iran-sanctions-20140202

The push for new sanctions on Iran has stalled. The Democrats who bucked President Obama to back the sanctions bill are backpedaling mightily—no longer even pretending they're pushing Harry Reid to hold a vote on the measure. And while there's still plenty of chest-pounding and posturing, the debate's end result seems clear: The Senate will wait, at least so long as the negotiations move in the right direction.¶ That's a full flip from just more than a month ago. Before the December recess, the Senate's pro-sanctions faction was surging. Senators—including Democrats who are typically Obama loyalists—were agreeing with Israeli Prime Minister Benjamin Netanyahu's claim that the nuclear negotiations with Iran bordered on capitulation.¶ So how did Obama—a supposedly feckless president when it comes to handling Congress—turn the tide?¶ Obama's in-person, all-hands-on-deck advocacy campaign with the Senate appears to have advanced his cause, but it's not that simple.¶ The president combined tangible developments abroad with fervent support from the Left, and used it to win out over a fracturing Israel lobby. In the process, he won—at least for now—a foreign policy victory just as his critics were insisting Obama's age of influence was over.¶ "It's a combination of one side not doing that much and the other side doing a lot. The AIPAC guys have not been calling us and usually we would be hearing from them," a Democratic Senate aide said. AIPAC is shorthand for the American Israel Public Affairs Committee, Washington's best-known pro-Israel lobby group.¶ Obama started by reaching out to Congress in their house and his: He sent envoys, including Secretary of State John Kerry, to Capitol Hill, and he invited key players to a White House meeting to make a case that independent Sen. Angus King of Maine labeled "incredibly powerful."¶ But outreach on Iran is nothing new. What is different this time is that, unlike with past rounds of sanctions against Iran where the interplay has been more theoretical, the Islamic republic is actually at the negotiating table, at least going through the motions of entertaining the dismantling of its nuclear-weapons capabilities. Tremendous skepticism remains that the talks will ultimately work—including from inside the administration—but the ongoing talks at least give concerned senators an alternative.¶ And then there was the resurgent progressive movement that capitalized on a war-weary public to push Democrats in Obama's direction. MoveOn.org, Daily Kos, The Huffington Post, and other liberal media outlets have mobilized against Democrats who supported sanctions, accusing them of undermining Obama with warmongering and asking, "Where's the antiwar Left?"¶ Finally, Obama was the beneficiary of weakened opposition. The Israel lobby has succeeded in influencing Iran policy for decades, but it's currently in a state of upheaval. AIPAC has not been beating down doors canvassing Capitol Hill in a concerted campaign as it has in the past, and J Street—AIPAC's younger, rising counterweight—is making the case against sanctions.¶ "The bottom line is that more and more members want to give the administration the space they are asking for to try to negotiate a deal with Iran. If it doesn't work they'll begin to ratchet up the sanctions more," a former senior Democratic Senate aide said. "I believe the administration now has the space they are looking for."¶ Another Senate aide agreed that outside forces are making a difference.¶ "The president's base has gone all-in with his party, cashed in every chit possible, applied every possible pressure point on Democrats, used messaging and rhetoric that fires up the liberal base, and activated grass roots to target Democrats and make them afraid of this bill from the left," said the aide. "Unfortunately it's turned it partisan, and we'll see if Republicans will take the next step."¶ The impact of Democrats growing gun-shy could have implications for the GOP agenda. The House passed additional sanctions against Iran in July, before the current negotiations were announced. House GOP leaders have since flirted with bringing up the pending Senate sanctions bill, but have been concerned about losing Democrats and thus losing any impact by turning an intended bipartisan message partisan. At the same time, House Republican leaders have struggled to convince senior Democrats to push forward a less controversial, bipartisan nonbinding resolution on Iran.¶ Matthew Duss, a policy analyst with the liberal Center for American Progress, argued that the outreach from liberal groups has made an impact by tapping into war fatigue.¶ "Without question, there has been great work done by progressive organizations, communicating with policymakers and legislators some of the problems with the sanctions bill and urging the activists and grassroots community and constituents to call their own elected members," he said. "You've seen the resurrection of elements of the Iraq War Coalition on the left who remember that we got ourselves into a huge mess in the Middle East are sending this message: 'Let's not do that again.' That's a very strong motivating factor."¶ Democratic operatives tracking the issue said that as Democrats have had time to digest the legislation, the details have given them cold feet. The bill, for example, does more than simply impose additional sanctions if Iran breaks its agreement. It also calls for authorizing military force to support Israel in any military conflict against Iran.¶ "The recognition that the language was so broadly written that passage of the legislation could in fact lead to the possibility of a confrontation with Iran is what tipped the scales," the former senior Democratic Senate aide said. "That language was written pretty strongly. The more folks delved into it, the more concerned they became that it puts the U.S. in a very aggressive posture. Everyone wants to do everything they can to support Israel, but more folks are beginning to look inwards again and are very war-weary."¶ Of the 59 cosponsors on the legislation, 16 are Democrats. But it is hard to find any Democratic cosponsor who is eager to talk about the bill these days. Many dodged questions, while others such as Sens. Richard Blumenthal of Connecticut, Joe Manchin of West Virginia, Christopher Coons of Delaware, and Ben Cardin of Maryland are frank that they are not pushing for a vote.¶ Manchin said he intended the bill to send a message of support for Israel and underscore a goal of upending Iran's nuclear-weapons ambitions. But he said that a vote could actually cost his sponsorship of the bill.¶ "I never intended for that bill to come to a vote and debate," he said. "If they start moving it forward I might need to start making a decision about whether I stay on the bill or not."

#### Deal will fail --- expectations mismatch and centrifuges

Jay Solomon 2/6, WSJ, "U.S. and Iran Jostle Before Nuclear Talks", 2014, online.wsj.com/news/articles/SB10001424052702304680904579367290680773988

Many Iran watchers fear that Washington and Tehran are boxing themselves into positions that will be politically tough to retract. These observers say Mr. Obama and Iranian President Hasan Rouhani should be trying to prepare their constituencies for the compromises that are needed for any final deal.¶ "There is a mismatch in expectations about the contours of a comprehensive deal: Iran wants the sanctions dismantled, and the U.S. Congress wants much of Iran's nuclear program dismantled," said Karim Sadjadpour, an Iran analyst with the Carnegie Endowment for International Peace, a Washington think tank. "Both sides are likely to enter the first round of talks with hardened positions."¶ U.S. officials have asserted in pre-negotiation comments that Iran would need to reduce its nuclear infrastructure to seal a comprehensive accord that would permanently lift some sanctions against Iran.¶ These officials cited Washington's position that Tehran needs to significantly reduce the number of centrifuge machines used to produce nuclear fuel, which currently stands at around 20,000. They also said the U.S. doesn't believe Iran should operate a heavy water nuclear reactor in the city of Arak or an underground uranium-enrichment site called Fordow.¶ "We know that Iran does not need to have an underground, fortified enrichment facility like Fordow in order to have a peaceful nuclear program," the State Department's nuclear negotiator, Wendy Sherman, told the Senate Foreign Relations Committee on Tuesday. "They do not need a heavy-water reactor at Arak in order to have a peaceful nuclear program."¶ However, senior Iranian officials, including Mr. Rouhani, have offered no indication in recent weeks that they would agree to substantially dismantle their country's nuclear facilities as part of any comprehensive deal and deny they seek to build nuclear arms.¶ Mr. Rouhani told CNN in Davos recently that none of Iran's centrifuges would be destroyed. The head of Iran's Atomic Energy Organization, Ali Akbar Salehi, said the Arak reactor would remain, though he acknowledged the possibility that the facilities could be modified to produce a type of plutonium less usable in nuclear weapons. Iranian officials have also recently said they wouldn't shut down Fordow.¶ Mr. Salehi, a U.S.-trained nuclear scientist, also said Iran's nuclear capabilities were going to expand during the nuclear talks. And he said Iran was working to perfect new centrifuge machines that could allow Tehran to vastly reduce the time it would need to produce nuclear fuel.¶ "In fact, the best part of this joint action plan is the research part," he said in an interview with Iranian state television. "It's so clear that R&D has no constraint. We are working on our advanced centrifuges."¶ Some Iran observers and U.S. officials said the negotiations gap wasn't unexpected, as Washington and Tehran posture ahead of the talks that follow an interim accord reached in late November. That deal froze the most advanced parts of Iran's nuclear program in return for an easing of Western sanctions.

#### Obama won’t fight the plan

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

In an October 2012 interview, Mr. Obama said of the drone program, "we've got to ... put a legal architecture in place, and we need Congressional help in order to do that, to make sure that not only am I reined in but any president's reined in, in terms of some of the decisions that we're making."¶ The president has not taken up the drone issue in public again but White House press secretary Jay Carney, asked Wednesday about the drone hearing, said, "We have been in regular contact with the committee. We will continue to engage Congress...to ensure our counterterrorism efforts are not only consistent with our laws and system of checks and balances, but even more transparent to the American people and the world."¶ And after the hearing, Brooks, too, sounded optimistic.¶ "My own sense is that the executive branch is open to discussion of some kind of judicial process," she said.¶ 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.

#### Not intrinsic----a logical policymaker could choose to do the plan without passing sanctions

#### Plan solves Iran war

Dominika Svarc 6, Researcher at the Institute for Comparative Law at the University of Ljubljana, LLM in Public International Law from the London School of Economics and Political Science, Fall 2006, “ARTICLE & ESSAY: REDEFINING IMMINENCE: THE USE OF FORCE AGAINST THREATS AND ARMED ATTACKS IN THE TWENTY-FIRST CENTURY,” 13 ILSA J Int'l & Comp L 171, lexis

Universal acceptance of the preventive strikes doctrine would create greater potential for violence, the effect of which on reducing the contemporary risks is highly questionable or even counter-productive. For example, highlighting the preventive option would likely encourage the allegedly hostile governments to accelerate development of precarious "launch-on-warning" weapons systems and increase their military preparedness. The conflict with North Korea and the recent escalation of the Iranian nuclear question expose exactly these concerns. On the other hand, others may arm offensively to "prevent the preventor" from eventually transferring them to the list of targets. n82¶ Accepting this doctrine as a part of international law would in principle enable that these two states to assert the right to attack the United States in order to prevent the preventor from striking first. Subsequently, this could fatally erode the already fragile norms and institutions designed to prevent proliferation of weapons of mass destruction.

#### Drones trade off with other CIA ops

Jeremy Scahill 12, Puffin Foundation Writing Fellow at The Nation Institute, national security correspondent for The Nation magazine, Nov 14 2012, “The Petraeus Legacy: A Paramilitary CIA?” http://www.thenation.com/article/171247/petraeus-legacy-paramilitary-cia#

“I would not say that CIA has been taken over by the military, but I would say that the CIA has become more militarized,” Philip Giraldi, a retired career CIA case officer, told The Nation. “A considerable part of the CIA budget is now no longer spying; it’s supporting paramilitaries who work closely with JSOC to kill terrorists, and to run the drone program.” The CIA, he added, “is a killing machine now.”¶ As head of US Central Command in 2009, Petraeus issued execute orders that significantly broadened the ability of US forces to operate in a variety of countries, including Yemen, where US forces began conducting missile strikes later that year. During Petraeus’s short tenure at the CIA, drone strikes conducted by the agency, sometimes in conjunction with JSOC, escalated dramatically in Yemen; in his first month in office, he oversaw a series of strikes that killed three US citizens, including 16-year-old Abdulrahman Awlaki. In some cases, such as the raid that killed Osama bin Laden in Pakistan, commandos from the elite JSOC operated under the auspices of the CIA, so that the mission could be kept secret if it went wrong.¶ One current State Department liaison who has also worked extensively with JSOC describes the CIA as becoming “a mini-Special Operations Command that purports to be an intelligence agency.” For all the praise Petraeus won for his counterinsurgency strategy and the “surge” in Iraq, he says, his real legacy is as a “political tool,” an enabler of those within the national security apparatus who want to see a continuation of covert global mini-wars. Pointing to the “mystique that surrounds JSOC” and Adm. William McRaven, commander of the Special Operations Command, the liaison says, “Petraeus was trying to implement that kind of command climate at the CIA.”¶ “Petraeus wanted to be McRaven, and now that window has closed,” he said. “We are firmly in the age of McRaven. There is no other titular figure with the confidence of the president that is able to articulate strategies and hold their own in rooms where everyone else has the same or greater amount of intellectual heft. McRaven is everything that Petraeus is not.”¶ Retired Army Col. W. Patrick Lang, a former senior defense intelligence official, says that Petraeus’s arrogance—“smoothly concealed beneath the appearance of the warrior scholar”—made him deeply unpopular among the military’s high-ranking officers. Dismissing the media’s portrayal of Petraeus as a “super soldier” and great military leader as “phony bullshit,” Lang describes him as the product of a military promotion system that encourages generals to think of themselves as “divinely selected.” “In fact, he didn’t write the COIN manual, the surge was not the main thing in improving the situation in Iraq…. They sent him to Afghanistan to apply the COIN doctrine in the same glorious way he did in Iraq, and it hasn’t worked. So, if you look beneath the surface from all this stuff, it’s just a lot of hot air. There are great generals, but this guy is not one of them.” Arriving at the CIA, Lang says, Petraeus “wanted to drag them in the covert action direction and to be a major player.”¶ As for Petraeus’s future, the State Department liaison said, “There will be a lot of profits to be made by him and his immediate circle of advisers, as they’re given a soft landing, whether it’s in academia or within the nexus of the military-industrial complex.”¶ Giraldi, the former senior CIA officer, expressed concern that in these circumstances, the “CIA is going to forget how to spy.” He also noted the “long-term consequence” of the militarization of the CIA: “every bureaucracy in the world is best at protecting itself. So once the CIA becomes a paramilitary organization, there’s going to be in-built pressure to keep going in that direction. Because you’ll have people at the senior levels in the organization who have come up that way and are protective of what they see as their turf,” he told me. “That’s the big danger.”

#### Key to cyber-defense

Kevin Coleman 13, senior fellow with the Technolytics Institute, former chief strategist at Netscape, and an adviser on cyber warfare and security, 8/1/13, “Digital Conflict,” http://defensesystems.com/blogs/cyber-report/2013/08/cyber-intelligence.aspx

Cyber defense is gradually moving from a reactive to a proactive posture. Many observers have recognized this is absolutely required if we are to properly defend the massive information infrastructure that we have become so dependent on.¶ One question that comes up repeatedly is the growing need for cyber intelligence. Most organizations, besides those in the government/military intelligence community, concentrate on vulnerabilities and recently unleashed malware as a form of cyber intelligence. ¶ Cyber intelligence goes far beyond software and hardware vulnerabilities. While both are critical elements, many more are needed to paint an accurate and detailed picture of this threat environment. ¶ The Ponemon Institute released a new study that surveyed more than 700 respondents from 378 organizations. It found more organizations are moving toward what was termed "live threat intelligence.” I highlighted this expanded paradigm (near-real-time cyber intelligence) at the AFCEA Joint Warfighting conference. If you look at all the contributing factors that influence the cyber-threat environment, you will discover there are about 30 different categories directly associated with cyber intelligence. ¶ What we are seeing is a shift within the intelligence community to address the growing need for cyber intelligence. That means the Central Intelligence Agency may have to morph into something like a Cyber Intelligence Agency.¶ As we aggressively adopt new technologies, most of which are directly dependent on cyber communications, threats to this domain along with the growing number of activists, criminals, terrorists and rogue nation-states targeting this critical infrastructure will continue to grow. We have already seen a handful of universities develop degree programs addressing cyber intelligence.¶ As we are to keep pace with the growing threats of cyber aggression, we must increase the attention and resources devoted to cyber intelligence.

#### Nuke war

Tilford 12 Robert, Graduate US Army Airborne School, Ft. Benning, Georgia, "Cyber attackers could shut down the electric grid for the entire east coast" 2012, http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa

To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple the U.S. military.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power “every military base in our country.”¶ “Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out”, he said.¶ Which means military command and control centers could go dark.¶ Radar systems that detect air threats to our country would shut down completely.¶ “Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power”, said Senator Grassley.¶ “So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions”, he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, “preventing a cyber attack and improving the nation’s electric grids is among the most urgent priorities of our country” (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=\_kVQrp\_D0kY&feature=relmfu ).¶ A cyber attack today against the US could very well be seen as an “Act of War” and could be met with a “full scale” US military response.¶ That could include the use of “nuclear weapons”, if authorized by the President.

### Terror

#### Signature strikes fail

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The second major claim for the effectiveness of drone strikes is based on their ability to kill HVTs, defined as key operational and political leaders of Al-Qaeda and related groups. From the campaign trail to his time in office, Presi - dent Obama has consistently maintained that he would not hesitate to use lethal force to remove leading figures in Al-Qaeda. 44 Yet the actual record of drone strikes suggests that forces under his command have killed far more lower-ranked operatives associated with other Islamist movements and civilians than HVTs from Al-Qaeda. Peter Bergen has estimated that the drone strikes have killed 49 high-ranking ‘militant’ leaders since 2004, only 2 per cent of the total number of deaths from drone strikes. 45 The remaining 98 per cent of drone strikes have been directed against lower-ranking operatives, only some of whom are engaged in direct hostilities against the United States, and civilians. Many of these actors pose no direct or imminent threats, but rather speculative ones, such as individ - uals who might some day attack the US or its interests abroad. 46 Even as Presi - dent Obama has increased the number of drone strikes, the number of HVTs killed has ‘slipped or barely increased’. 47 In 2010, a mid-ranking Haqqani network fighter concluded that ‘it seems they really want to kill everyone, not just the leaders’. 48 The decision to expand targeted killing to this scale and take aim at even low-ranking ‘foot soldiers’ is unprecedented and sets the Obama administra - tion’s drone programme apart in both scale and character from targeted killing operations elsewhere. 49¶ The extent to which the Obama administration has targeted lower-ranked operatives is not without consequences. Many of these lower-ranked operatives are densely connected to local tribal and clan structures. Their deaths in drone strikes may lead those connected to them by family and tribal ties to seek revenge, thus swelling the ranks of Al-Qaeda and its affiliate groups. As David Kilcullen and Andrew Exum have argued, ‘every one of these dead noncombatants repre - sents an alienated family, a new desire for revenge, and more recruits for a militant movement that has grown exponentially even as drone strikes have increased’. 50 Moreover, the vast increase in the number of deaths of low-ranking operatives has deepened political resistance to the US programme in Pakistan, Yemen and other countries. For example, while Pakistani officials have supported and even celebrated drone strikes against high-ranking operatives such as Baitullah Mehsud, they have taken a dimmer view of CIA attempts to kill mere foot soldiers with similar strikes. 51 Such strikes tend to generate more political pressure on the Pakistani government to oppose the US than strikes against well-known figures whose leadership in militant networks was indisputable. Pakistani opposition leader Imran Khan has pointed directly to the deaths of civilians and low-level operatives as the reason why, if elected to office, he would order the air force to shoot down US drones. 52 A similar dynamic has occurred in Yemen, where US drone strikes have driven more civilians into the ranks of Al-Qaeda and strength - ened local insurgent forces challenging the Yemeni government. 53

**Leadership targeting causes Hydra effect and intel tradeoff**

Gabriella Blum 10, Assistant Professor of Law, Harvard Law School, and Philip Heymann, the James Barr Professor of Law, Harvard Law School, June 27, 2010, “Law and Policy of Targeted Killing,” Harvard National Security Journal, http://harvardnsj.org/wp-content/uploads/2010/06/Vol-1\_Blum-Heymann\_Final.pdf

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.¶ Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.

#### Warfighting Link empirically denied and ex post solves

Pardiss Kebriaei 13, Senior Staff Attorney at the Center Constitutional Rights, adjunct lecturer at Brooklyn College, Feb 5 2013, PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS in al-Aulaqi vs Panetta, https://www.aclu.org/files/assets/tk2\_opposition\_filed\_plus\_declaration.pdf

Defendants’ “special factors” warnings of damage to military effectiveness, prestige, and decisionmaking are unconvincing. See Defs. Br. 25–27. Military and intelligence officers must obey the commands of the Constitution regardless of the context in which they act, even when exercising national-security and war powers.27 When those officers violate the constitutional rights of citizens, judicial review is not an “intrusion” into their affairs but rather the performance of the courts’ constitutional duty to ensure that the officers act “consistent with . . . the Constitution.” Parisi v. Davidson, 405 U.S. 34, 55 (1971) (Douglas, J., concurring); see id. (“When the military steps over [the] bounds [of constitutional civil liberties], it leaves the area of its expertise and forsakes its domain. The matter then becomes one for civilian courts to resolve . . . .” (footnote omitted)). ¶ And in the particular circumstances presented by Plaintiffs’ claims, Defendants’ “special factors” arguments ring particularly hollow. This is not a lawsuit that implicates real-time decisionmaking in war: Defendants’ decisions to authorize and direct the killings of the three deceased citizens have already been made; the intelligence Defendants relied upon in making those decisions has already been collected, evaluated, and acted upon; and the decisions have been publicly discussed and defended by Defendants and others in the government. See Compl. ¶¶ 32–33. If Defendants’ argument were correct, military defendants would never see the ink of a federal-pleading caption. Yet they regularly do, without any “profound implications on military effectiveness” or a notable “infus[ion of] . . . hesitation into the real-time, active-war decision-making of military officers,” Defs. Br. 26.28¶ Moreover, unlike other cases in which courts have dismissed Bivens claims, this lawsuit does not seek to delve into the “job risks and responsibilities of covert CIA agents” or “ongoing covert operations,” Wilson, 535 F.3d at 710 (quotation marks omitted).29 It does not seek to uncover future national-security plans. It is, instead, a suit of limited aim, asking the Court to determine whether Defendants acted in accordance with the Constitution when they took actions resulting in the deaths of three American citizens.30

#### Drones don’t solve terrorism---statistical analysis goes aff

James Igoe Walsh 13, Professor of Political Science at the University of North Carolina at Charlotte, PhD in IR from American University; and Megan Smith, UNC Charlotte Dept of Political Science, “Do Drone Strikes Degrade Al Qaeda? Evidence From Propaganda Output,” Terrorism & Political Violence 25:311-327, 2013, http://www.jamesigoewalsh.com/tpv.pdf

Conclusion¶ Do drone strikes hinder Al Qaeda’s ability to engage in sophisticated political and military operations? We address this question by investigating the relationships between drone strikes and Al Qaeda propaganda output. Propaganda output is an important measure of organizational resilience and activity. Creating sophisticated propaganda requires a cadre of experienced producers, media workers, and “stars” who are all vulnerable to drone strikes. Thus if drone strikes hinder Al Qaeda’s ability to operate effectively, this should be reflected in changes in the organization’s propaganda.¶ We find little evidence that this is the case. Plots of the time series for drone strikes and Al Qaeda media output show no clear relationships. Regression analysis finds that drone strikes may be associated with more, not less, propaganda output. The relationship is not sufficiently clear-cut that we are willing to conclude that there has been a positive relationship between drone strikes and propaganda. However, in none of the regression models was the relationship clearly or strongly negative. This suggests that, at best, drone strikes have little or no effect on Al Qaeda’s ability to create and issue propaganda. Al Qaeda’s propaganda output appears to be quite resilient in the face of drone strikes.

#### No nuclear terror

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

#### Court review improves effectiveness---game theory proves

Tiberiu Dragu 13, Assistant Prof in the Dept of Politics at NYU, PhD in Poli Sci from Stanford University, and Oliver Board, associate in the Corporate Department of Wachtell, Lipton, Rosen & Katz, former Assistant Prof of Economics at the University of Pittsburgh, D.Phil. in Economics from the University of Oxford, J.D. from NYU School of Law, “On Judicial Review in a Separation of Powers System,” June 3 2013, https://files.nyu.edu/tcd224/public/papers/judicial.pdf

Our analysis has relevance for existing debates on the scope of judicial review in the context of terrorism prevention. The polemic whether drone strikes and other counterterrorism policies should be subjected to judicial oversight is framed as a tradeoff between the legal accountability benefits of judicial oversight and the public policy harms of reviewing expert counterterrorism policy by non-expert judges. But starting the debate on these terms already assumes that (non-expert) judicial review can only have a negative effect on (expert) governmental policy. As such, it glosses over the prior question of what is the effect of legal review on the information available for counterterrorism policy-making. To answer this question one needs to assess the counterfactual of how informed counterterrorism policy decisions are in the absence of judicial review as compared to the scenario in which a court can review the legality of those policies. Our game-theoretical analysis provides this counterfactual analysis, an otherwise difficult task to effect, and thus contributes to the current debates regarding the appropriateness of judicial review in the context of terrorism prevention. It suggests that judicial checks can lead to more informed counterterrorism policy-making if one considers the internal structure of the executive and the electoral incentives of the president, conditions which we discuss in more detail below.¶ First, the argument that judicial review of drone strikes, and counterterrorism policy more generally, has a detrimental effect on expert policy-making overlooks the internal ecology of the executive branch. When asserting the superior expertise of the executive branch, scholars and commentators treat the executive as a unitary actor, or perhaps consider its internal structure to be incidental to the expertise rationale for limiting judicial review. However, as the description of the drone policy suggests, there is a separation between expertise and policy-making: the president (and his closest advisers) decides on counterterrorism policy, while lower-level bureaucrats provide the expertise and intelligence to make informed decisions. This separation of expertise from policy-making is not unique to counterterrorism. Rather this is a general fact of modern-day government, and scholars of bureaucratic politics, going back to Max Weber, have attempted to unravel its myriad implications for democratic governance (Rourke 1976; Wilson 1991).¶ Second, the president, like all elected representatives, is a politician making choices under the pressure of re-election and public opinion, and such incentives are going to shape his counterterrorism choices. When it comes to the electoral incentives of public officials, scholars have noted that the political costs of not reacting aggressively enough in matters of terrorism prevention and national security are going to be higher than the costs of overreaction (Cole 2008; Fox and Stephenson 2011; Ignatieff 2004; Richardson 2006; Swire 2004). This observation implies that the president and other elected officials have an electoral bias to engage in counterterrorism policies that are more aggressive than what would be necessary on the basis of available information regarding the terrorist threat.36 Inside accounts of the decision-making process within executive branch (Goldsmith 2007), empirical analyses (Merolla and Zechmeister 2009), and newspaper reports,37 they all document such electoral incentives to appear tough on terrorism. The former Vice-President Dick Cheney forcefully depicts this electoral bias in his articulation of the so-called one percent doctrine, which states that if there was even a one percent chance of terrorists getting a weapon of mass destruction, then the executive must act as if it were a certainty (Suskind 2007). In Cheney's view, “it is not about analysis; it's about our response... making suspicion, not evidence, the new threshold for action."38 The run-up to the invasion in Iraq provides a stark illustration of the one percent doctrine in action, the conflict between intelligence officials and policy-makers, and the issue of politicized expertise in the context of national security (Pillar 2011).¶ Our results suggest that (non-expert) judicial review has the potential to induce more informed counterterrorism decisions when the president makes security policy under the veil of public expectations to respond forcefully to terrorist threats. Courts are not immune to public opinion, of course, but precisely because judges are not elected, they are more insulated from public opinion than elected officials. This implies that, all else equal, the courts are less likely to prefer counterterrorism measures that respond to public expectations to be tough on terrorism. Under these conditions,39 our theory suggests a mechanism by which counterterrorism policy-making with judicial oversight can be superior to counterterrorism policy-making without it, even if courts are relatively ill-equipped to review executive decisions. Judicial review can serve as a commitment device to better align the preferences of policymakers with their experts, with the effect of inducing more information for counterterrorism decisions. This observation is missing from current public and scholarly discussions about the role of judicial review in the context of drone strikes and other counterterrorism policies. As such, our analysis has policy implications for ongoing debates on how to design the institutional structure of liberal governments when the social objective is terrorism prevention.

#### Plan key to intel sharing---turns the DA

Gabor Rona 13, Lecturer in Law at Columbia Law School, International Legal Director of Human Rights First, “The pro-rule of law argument against a 'drone court,'” 2/27/13, http://thehill.com/blogs/congress-blog/judicial/285041-the-pro-rule-of-law-argument-against-a-drone-court

But a “drone court” would be worse than ineffective: it would harm national security. Throughout the “war on terror,” policies that offend international law, including the broad scope of the government's claimed authority to kill, have inhibited allies from sharing essential intelligence with the United States and damaged the country’s reputation as a beacon on human rights. A secret court would only reinforce the perception that the United States concocts its own secret rules while insisting that other countries follow the international public ones.¶ Pre-targeting judicial intervention is also probably unconstitutional because the U.S. constitution empowers courts to hear "cases and controversies," but not to render "advisory opinions." Adjudication of an act to take place in the future would seem to violate this restriction.¶ So if a drone court isn’t the answer, what is?¶ Congress should require the executive to disclose the targeting standards it’s adopted so as to expose its rationale to scrutiny. The leaking of a single document — a “white paper” laying out the administration’s legal case for killing U.S. citizens — has triggered unprecedented criticism and pushback from Congress and the media. Scrutiny begets scrutiny and can lead to meaningful reform. That’s surely one of the reasons the White House has refused to release most information about the targeted killing program.¶ Congress should also ensure that victims of unlawful targeting — or their survivors — have the right to claim compensation, creating a deterrent to government abuse. That right already exists in theory but time and again courts have prohibited such cases from moving forward, buying without question the government’s claim that allowing them would threaten national security. Congress should limit the executive’s ability to hide unlawful killings behind this claim.

#### Homegrown terror is an alt cause and outweighs

Tara Johnson 13, Business Manager of the Brooklyn Journal of International Law and JD Candidate at Brooklyn Law School, “Disorganized Terror: A Proposed Multilateral Legal Framework Addressing the Growing Threat From Lone Wolf and Homegrown Terrorists,” http://taraajohnson.com/wp-content/uploads/2013/02/TJohnson-BJIL-Note-Lone-Wolf.pdf

Identifying lone wolf and homegrown terrorism as a domestic threat is a start to addressing the problem. However, lone wolf and homegrown terrorism, even if it occurs within a nation, implicates broader concerns for the international community.105 Homegrown terrorists possess several useful attributes lacking in members of larger networks such as al Qaeda. 106 For example, they are often citizens of Western countries and they generally have diverse cultural and language capabilities.107 These traits enable homegrown actors to travel freely, thereby presenting a “unique challenge to U.S. intelligence and law enforcement officials.”108 In a recent study, over 40 percent of homegrown U.S. jihadist109 terrorists110 observed traveled abroad for training or to fight jihad.111 This implies that even a lone wolf actor might cross borders in preparation for an attack, and therefore requires a certain level of intelligence sharing and collaboration among nations in order to identify and intervene in potential plots. 112 International collaboration is “just as important” as partnerships between federal, state, and local law enforcement agencies113 in combating “all permutations”114 of terrorism.¶ 2. Prevalence of Lone Wolf and Homegrown Terrorism ¶ Individual and small-group terrorism crosses national borders and poses a global threat to individual nations and the international community at large.115 Although studies indicate that the threat exists primarily in Western countries,116 this is due in part to the increased media coverage and availability of data in those countries,117 and underemphasizes the threat these acts pose globally.118 In addition, individual and small-group homegrown terrorists are motivated by a wide range of causes, and employ a variety of tactics to execute their attacks.119 ¶ Individual and small-group terrorism are not a new phenomenon,120 yet the increased media coverage in recent years provides a wealth of information to analyze.121 Since September 11, when the United Nations shifted its focus to the threat of terrorism by implementing new domestic and international regulation aimed at countering the rising threat,122 statistical analysis of available data on forms of disorganized terrorism has detailed the pervasiveness of such attacks, the methodology and weaponry used, and the various ideologies represented by attackers.123 It is important to note that the data is limited by various factors, including the availability of information about individual attackers, geographical restraints,124 and definitional restrictions.125 However, the data is nonetheless a necessary starting point for crafting both domestic and multilateral legal regulation that effectively addresses the methodologies and ideologies used by attackers. ¶ Individual and small-group terrorism have a long history, but the threat has grown in recent years, particularly in the U.S. and Europe.126 Historical data for lone wolf terrorists in particular is readily available: in fifteen Western countries studied, lone wolf terrorists accounted for roughly 1.8% of all terrorist incidents from 1968-2010.127 Overall, the total number of lone wolf attacks has grown from 30 in the 1970s to 73 in the 2000s, an increase of 143% (notably, the number of attacks in Europe quadrupled during the same time period).128 In the U.S., lone wolf terrorism is significantly more prevalent, accounting for 45% of all incidents from 1968- 2010.129 Further, homegrown terrorism in the U.S. has increased significantly in recent years.”130 These statistics indicate that homegrown terrorism is a growing problem, particularly in the U.S. and Europe.131¶ Individual and small-group terrorists use a variety of tactics and weapons when executing their attacks.132 Historically, technological advances have advanced the disruptive potential of terrorism.133 The increasing availability of weapons of mass destruction, including nuclear and chemical weapons, has prompted speculation that small-group and individual terrorist attacks could become increasingly deadly if such weapons fall into the wrong hands.134 ¶ Commentary on terrorism—including large networks and homegrown groups— overemphasizes extreme Islamism as the primary motivating ideology.135 However, empirical data indicates that individual and small-group terrorists advocate a range of ideologies.136 One database of lone wolf terrorism categorizes the main ideological sources of lone wolf terrorism in fifteen countries as: right-wing extremism or White Supremacy (17%),137 Islamism (15%), anti- abortion (8%) and nationalism/separatism (7%).138 However, in one-third of incidents studied, the perpetrator’s ideological convictions remain unknown or unclear.139 Taken together, this information demonstrates the various ideological motivations underlying acts of individual and small-group terrorism, and the failure of many to recognize the threat posed by individuals from varying socioeconomic groups. There is no single profile of a lone wolf terrorist,140 and terrorist cells often advocate a fusion of political, religious, and social ideologies.141

#### Expansive targeting in Pakistan creates perverse incentives for the Pakistani government---narrow targeting is key to effectiveness

James Igoe Walsh 13, Professor of Political Science at the University of North Carolina at Charlotte, PhD in IR from American University, September 2013, “THE EFFECTIVENESS OF DRONE STRIKES IN COUNTERINSURGENCY AND COUNTERTERRORISM CAMPAIGNS,” http://www.lawfareblog.com/wp-content/uploads/2013/10/Army-War-College-Drone-report.pdf

A related implication concerns collaboration with host-nation forces and governments. Drone strikes in Pakistan and elsewhere were initially targeted at indi-vidual leaders of militant organizations, such as al-Qa-eda, that actively targeted the United States. It appears that the types of targets of drones have been expanded to include both lower-level militants as well as violent groups that target primarily the local authorities. For example, The New York Times reports that: ¶ [F]or at least 2 years in Pakistan, partly because of the C.I.A.’s success in decimating Al Qaeda’s top ranks, most strikes have been directed at militants whose main battle is with the Pakistani authorities or who fight with the Taliban against American troops in Af-ghanistan. In Yemen, some strikes apparently launched by the United States killed militants who were prepar-ing to attack Yemeni military forces.64¶ Such an expansion of targets poses risks for the ability to effectively target members of militant orga-nizations that aim their violence primarily against the United States. Some host governments that receive counterterrorism and counterinsurgency assistance from abroad have powerful incentives to exaggerate the threats that they and the international community face from militants. Furthermore, actually eliminat-ing the threat from such groups would undermine the rationale for foreign military and civilian funding and assistance. This could lead host governments to calibrate their efforts against such groups carefully so that they do not become strong enough to overthrow the government or take control of large areas of na-tional territory, but remain powerful enough to pose some plausible threat.65 These incentives could lead host governments to attempt to influence the pattern and target of drone strikes in ways that are not con-sistent with U.S. interests. Host governments, for ex-ample, might provide intelligence on the location and activities of militants that they prefer to target, while providing less such intelligence on militants that are of most interest to the United States.66 An active cam-paign of drone strikes might also lead the host govern-ment to take less effective action against militants with its own forces. The United States frequently suggests that Pakistan develop and implement a comprehen-sive counterinsurgency program including military force, effective police and judicial services, and eco-nomic development for areas in the western part of the country. Such a program, even if it succeeded, would be costly and risky for the Pakistani government and military. Drone strikes directed against militants in this area of the country might be seen by Pakistani leaders as a low-cost way to pressure insurgent orga-nizations. If this is the case, drone strikes may actually enable host governments to avoid taking steps that the United States considers more effective in countering local insurgencies.

#### Drones don’t solve terrorism---scattering and new enemies outweigh the benefits

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

Yet the evidence that drones inhibit the operational latitude of terrorist groups and push them towards collapse is more ambiguous than these accounts suggest. 57 In Pakistan, the ranks of Al-Qaeda have been weakened significantly by drone strikes, but its members have hardly given up the fight. Hundreds of Al-Qaeda members have fled to battlefields in Yemen, Somalia, Iraq, Syria and elsewhere. 58 These operatives bring with them the skills, experience and weapons needed to turn these wars into fiercer, and perhaps longer-lasting, conflicts. 59 In other words, pressure from drone strikes may have scattered Al-Qaeda militants, but it does not neutralize them. Many Al-Qaeda members have joined forces with local insur - gent groups in Syria, Mali and elsewhere, thus deepening the conflicts in these states. 60 In other cases, drones have fuelled militant movements and reordered the alliances and positions of local combatants. Following the escalation of drone strikes in Yemen, the desire for revenge drove hundreds, if not thousands, of Yemeni tribesmen to join Al-Qaeda in the Arabian Peninsula (AQAP), as well as smaller, indigenous militant networks. 61 Even in Pakistan, where the drone strikes have weakened Al-Qaeda and some of its affiliated movements, they have not cleared the battlefield. In Pakistan, other Islamist groups have moved into the vacuum left by the absence of Al-Qaeda, and some of these groups, particularly the cluster of groups arrayed under the name Tehrik-i-Taliban Pakistan (TTP), now pose a greater threat to the Pakistani government than Al-Qaeda ever did. 62 Drone strikes have distinct political effects on the ecology of militant networks in these countries, leaving some armed groups in a better position while crippling others. It is this dynamic that has accounted for the US decision gradually to expand the list of groups targeted by drone strikes, often at the behest of Pakistan. Far from concentrating exclusively on Al-Qaeda, the US has begun to use drone strikes against Pakistan’s enemies, including the TTP, the Mullah Nazir group, the Haqqani network and other smaller Islamist groups. 63 The result is that the US has weakened its principal enemy, Al-Qaeda, but only at the cost of earning a new set of enemies, some of whom may find a way to strike back. 64 The cost of this expansion of targets came into view when the TTP inspired and trained Faisal Shahzad to launch his attack on Times Square. 65 Similarly, the TTP claimed to be involved, possibly with Al-Qaeda, in attacking a CIA outpost at Camp Chapman in the Khost region of Afghanistan on 30 December 2009.66