# Off

#### The harms of the 1AC are merely subsets of an unawakened anxiety that exists at our core—panic over death prevents us from living

Loy, 3

(David Robert Loy is a professor, writer, and Zen teacher in the Sanbo Kyodan tradition of Japanese Zen Buddhism. “The Great Awakening” pg. 19-20) Henge

“Suffering,” the usual English translation for dukkha, is not very enlightening, especially today, when those of us who live in wealthy countries have many ways to entertain and distract ourselves. The point of the Buddhist term is that we nonetheless experience a basic dissatisfaction, a dis-ease, which continues to fester. That there is something inherently frustrating about our lives is not accidental or coincidental. It is the nature of an unawakened mind to be bothered about something. At the core of our being we feel a free-ﬂoating anxiety, which has no particular object but can plug into any problematic situation. We may try to evade this anxiety by dulling ourselves with alcohol, tobacco or other drugs, television, consumerism, sex, and so forth, or we may become preoccupied with various goals we pursue, but the anxiety is always there; and when we slow down enough to become sensitive to what is occurring in our minds, we become aware of it—which is one reason we do not like to slow down. This implies that everything we normally understand as suffering is only a subset—for some of us a relatively small subset—of dukkha. The Pali sutras distinguish dukkha into three different types.10 The ﬁrst, dukkha-dukkhata, includes everything that we usually think of as suffering: all physical, emotional, and mental pain or discomfort, including being separated from people we like to be with, and being stuck with those we do not. This also includes the types of social dukkha mentioned above. A second and different type is viparinama-dukkhata, the dukkha that arises from impermanence, from knowing that nothing lasts forever and most things do not last long. Even when we are thoroughly enjoying ourselves, we know the moment will not last, and there is something frustrating about that awareness. However delicious that ice cream may taste, we know the last bite is coming soon—and even if we buy another cone, it does not taste as good because we begin to feel sated. The most problematic dukkha of this type is, of course, death: not the physical pain of dying (that is included in the ﬁrst type of dukkha) but the awareness that I will die. This awareness of our inevitable end often pervades and colors everything we do—so thoroughly that it poisons life. Insofar as I am afraid to die, I also become unable to live. To live fully is not possible when we are hypersensitive to the fact that danger and maybe death lurk around every corner, because any little accident could be our last.

#### This anxious egoism makes violence inevitable

Ikeda 07 (Daisaku Ikeda President, Soka Gakkai International January 26, 2007 “Restoring the Human Connection: The First Step to Global Peace” http://www.sgi-usa.org/newsandevents/docs/peace2007.pdf) Dabo

The challenge of preventing any further proliferation of nuclear weapons is just such a trial in the quest for world peace, one that cannot be achieved if we are defeated by a sense of helplessness. The crucial element is to ensure that any struggle against evil is rooted firmly in a consciousness of the unity of the human family, something only gained through the mastery of our own inner contradictions. It is this kind of reconfiguration of our thinking that will make possible a skilled and restrained approach to the options of dialogue and pressure. The stronger our sense of connection as members of the human family, the more effectively we can reduce to an absolute minimum any application of the hard power of pressure, while making the greatest possible use of the soft power of dialogue. Tragically, the weighting in the case of Iraq has been exactly the reverse. The need for such a shift has been confirmed by many of the concerned thinkers I have met. Norman Cousins (1915–90), the writer known as the “conscience of America” with whom I published a dialogue, stated with dismay in his work Human Options: “The great failure of education—not just in the United States but throughout most of the world—is that it has made people tribe-conscious rather than species-conscious.” Similarly, when I met with Mohamed ElBaradei, director general of the International Atomic Energy Agency (IAEA), in November of last year, he declared powerfully: “… we continue to emphasize our differences instead of what we have in common. We continue to talk about ‘us’ versus ‘them.’ Only when we can start to talk about ‘us’ as including all of humanity will we truly be at peace….” In our correspondence, Joseph Rotblat posed the question, “Can we master the necessary arts of global security and loyalty to the human race?”9 Three months after writing these words to me, Dr. Rotblat passed away. I believe his choice to leave this most crucial matter in the form of an open question was an expression of his optimism and his faith in humanity. When our thinking is reconfigured around loyalty to the human race—our sense of human solidarity—even the most implacable difficulties will not cause us to lapse into despair or condone the panicked use of force. It will be possible to escape the snares of such shortsighted thinking. We will be empowered to engage in the kind of persistent exertion that Max Weber viewed as the ideal of political action, and the door will be open to the formation of consensus and persuasion through dialogue. The function of anger When my mentor Josei Toda used the words “a devil incarnate, a fiend, a monster,” he was referring to a destructiveness inherent in human life. It is a function of this destructiveness to shred our sense of human solidarity, sowing the seeds of mistrust and suspicion, conflict and hatred. Those who would use nuclear weapons capable of instantaneously killing tens of millions of people exhibit the most desperate symptoms of this pathology. They have lost all sense of the dignity of life, having fallen prey to their own inner demons. Buddhism classifies the underlying destructive impulses that give rise to such behavior as “the three poisons” (Jpn: san-doku) of greed, anger and ignorance. “The world of anger” can be thought of as the state of life of those in whom these forces have been directed outward toward others. Buddhism analyzes the inner state of human life in terms of the following ten categories, or “worlds”: Hell, Hunger, Animality, Anger, Humanity, Rapture, Learning, Realization, Bodhisattva and Buddhahood. Together these worlds constitute an interpenetrating functional whole, referred to as the inherent ten worlds. It is the wisdom and compassion of the world of Buddhahood that bring out the most positive aspect of each of the other worlds. In the Buddhist scriptures we find the statement “anger can function for both good and evil,”10 indicating that just and righteous anger, the kind essential for countering evil, is the form of the world of anger that creates positive value. The anger that we must be on guard against is that which is undirected and unrestrained relative to the other nine worlds. In this case, anger is a rogue and renegade force, disrupting and destroying all in its path. In this form, the world of anger is a condition of “always seeking to surpass, unable to countenance inferiority, disparaging others and overvaluing oneself.” When in the world of anger, we are always engaged in invidious comparisons with others, always seeking to excel over them. The resulting distortions prevent us from perceiving the world accurately; we fall easily into conflict, locking horns with others at the slightest provocation. Under the sway of such anger, people can commit unimaginable acts of violence and bloodshed. Another Buddhist text portrays one in the world of anger as “84,000 yojanas tall, the waters of the four oceans coming only up to his knees.”12 A yojana was a measure of distance used in ancient India; there are various explanations as to what the specific distance may be, but “84,000 yojanas” represents an immeasurable enormity. This metaphor indicates how the self-perception of people in the life-state of anger expands and swells until the ocean deeps would only lap their knees. The inner distortions twisting the heart of someone in this state prevent them from seeing things in their true aspect or making correct judgments. Everything appears as a means or a tool to the fulfillment of egotistical desires and impulses. In inverse proportion to the scale of this inflated arrogance, the existence of others—people, cultures, nature—appears infinitely small and insignificant. It becomes a matter of no concern to harm or even kill others trivialized in this way. It is this state of mind that would countenance the use of nuclear weapons; it can equally be seen in the psychology of those who would advocate the use of such hideously cruel weapons as napalm, or, more recently, depleted uranium and cluster bombs. People in such a state of life are blinded, not only to the horrific suffering their actions wreak but also to the value of human life itself. For the sake of human dignity, we must never succumb to the numbing dehumanization of the rampant world of anger. When the atomic bomb was dropped on the city of Hiroshima, not only military personnel but also many scientists were thrilled by the “success” of this new weapon. However, the consciences of genuinely great scientists were filled with anguish. Einstein greeted this news with an agonized cry of woe, while Rotblat told me he was completely overcome with hopelessness. Their feelings were no doubt intensely resonant with the sentiments that motivated Josei Toda to denounce nuclear weapons. When Toda spoke of “declawing” the demonic nature of nuclear weapons, he had in mind the struggle to prevent the inner forces of anger from disrupting the ten worlds and going on an unrestrained rampage. He was calling for the steady and painstaking work of correctly repositioning and reconfiguring the function of anger in an inner world where wisdom and harmony prevail. This is the true meaning of “declawing.” For SGI members in particular it is thus vital we remember that not only our specific activities for peace and culture but the movement for “human revolution” based on the daily endeavor to transform our lives from within is a consistent and essential aspect of the historic challenge of nuclear disarmament and abolition. Unless we focus on this inner, personal dimension, we will find ourselves overwhelmed by the structural momentum of a technological civilization, which in a certain sense makes inevitable the birth of such demonic progeny as nuclear weapons.

#### Vote negative to shed the ego

#### This is a path of self-transformation that recognizes the interpermeation of all beings

Loy, 3

(David Robert Loy is a professor, writer, and Zen teacher in the Sanbo Kyodan tradition of Japanese Zen Buddhism. “The Great Awakening” pg. 4-6) Henge

In contrast, the early Buddhist teachings focus almost exclusively on the path of self-transformation, with a minimum of dogma or metaphysics—in other words, with a rather ﬂimsy canopy, at best, to shelter beneath. These original teachings not only deny a creator God and the salviﬁc value of rituals such as sacriﬁces, they also emphasize the constructed nature of both the self and the world. For Buddhism there are no self-existing things, since everything, including you and me, ~~interpenetrates~~ (interpermeates) everything else, arising and passing away according to causes and conditions. This interconnectedness—not just an intellectual insight but an experience—was an essential aspect of the Buddha’s awakening, and it is congruent with the essential postmodern realization. Even more radical then than now, the original Buddhist teachings, not surprisingly, eventually became elaborated into another sacred canopy, focused on a transcendental liberation from this world. What is more surprising is that early Buddhism should have had such deconstructive insights and that they have been preserved in recognizable form for two and a half millennia. This perspective on the Buddha’s awakening deserves our attention because no other religious tradition foregrounds so clearly this crucial insight into our constructedness. There are some parallels with the philosophical realization in ancient Greece that society is a construct that can and should be reconstructed (e.g., Plato’s Republic). The history of the West since then has incorporated and developed the Greek concern for social transformation. Yet none of the important Greek philosophers proposed what Shakyamuni Buddha taught— the deconstruction and reconstruction of the ﬁctive sense of self. These resonances between postmodern theory and Buddhist teachings provide the basis for a comparison that is more than merely interesting. Today the postmodern realization about the constructed nature of our canopies, sacred and otherwise, contributes to global crises that we are far from resolving. Indeed, Nietzsche’s prescient prediction of a coming age of nihilism suggests that the world’s destabilization may be far from over. Some people and perhaps a few institutions are beginning to assimilate the postmodern insight, but although we are becoming more aware of its implications and dangers, we do not yet have a good grasp of the possibilities it opens up. For the West, the postmodern perspective grows out of, and depends upon, a secular modernity that privileges empirical rationalism over religious superstition. In this regard, too, our attitude derives from the Greeks, whose philosophy originated as a critique of the Olympian deities and the rites associated with them. The Indian situation was quite different. According to one’s sympathies, one can see that Indian (including Buddhist) philosophy never quite escaped the orbit of religious concerns or, more sympathetically, that Indian thought never felt the Western need to differentiate between them.

# Off

#### CIR will pass, Obama’s push is getting votes in the house.

Kaplan 11/5/13 (REBECCA KAPLAN / CBS NEWS/ November 5, 2013, 2:15 PM

Obama: House has votes to pass immigration reform, http://www.cbsnews.com/8301-250\_162-57610933/obama-house-has-votes-to-pass-immigration-reform/

In a meeting with business leaders to discuss immigration reform, President Obama predicted that there are enough votes in the House to pass the contentious issue.¶ "Although right now there's been some resistance from House Republicans, what's been encouraging is that there are a number of House Republicans who have said we think this is the right thing to do as well," Mr. Obama said Tuesday at the White House. "It's my estimation that we actually have the votes to get comprehensive immigration reform done in the House right now. The politics are challenging for [Speaker Boehner] and others, and we want to make it as easy for them as possible. This is not an issue where we're looking for a political win, this is one where we're looking for a substantive win for the U.S. economy and the American people and the businesses that are represented here."¶ Mr. Obama met with CEOs from Evercore Partners, Motorola Solutions, Deloitte, Lockheed Martin, State Farm, Marriott, Blackstone and McDonalds to discuss ways to move forward on immigration reform. Business leaders have been part of a coalition that includes labor, faith, high-tech and agriculture leaders to push for legislation.¶ Efforts have largely been stalled since June when the Senate passed a comprehensive immigration bill. The House is unwilling to take up the Senate bill, and although several other measures have been introduced, none are scheduled for votes before the full body.¶ House Speaker John Boehner has rejected the Senate bill because of its size and complexity. When Mr. Obama renewed his push for immigration reform last month, Boehner spokesman Brendan Buck said, "The House is committed to a common sense, step-by-step approach that gives Americans confidence that reform is done the right way. We hope that the president will work with us - not against us - as we pursue this deliberate approach."¶ House Democrats have introduced a version of the Senate bill that has attracted three Republican co-sponsors, including Reps. David Valadao, R-Calif., Jeff Denham, R-Calif., and Ileana Ros-Lehtinen, R-Fla.¶ The president has singled out immigration reform as a top priority for the rest of the year, and he said again Tuesday that "there's no reason why we can't get this one" in that time frame. Speaking to the press about the meeting, he detailed outside analysis of the economic benefits of immigration reform such as billions of dollars in deficit reduction and growth for the economy.

#### Congress supports drone strikes now.

Rayfield 2/11 (Jillian, Assistant News Editor focused on politics, Salon, “Congress takes sides on drones”, <http://www.salon.com/2013/02/11/congress_takes_sides_on_drones/>) AO

Unconditional Defenders: House Intelligence Committee Chairman Mike Rogers, R-Mich., called the use of drones “a lawful act of national self-defense” in an initial statement last week, and argued on Sunday that the program already has enough oversight. “Monthly I have my committee go to the CIA to review them. I as chairman review every single airstrike we use in the war on terror, both on the civilian and the military side when it comes to terrorist strikes,” he said. “There’s plenty of oversight here.” During a press conference on Feb. 6, House Speaker John Boehner agreed with Rogers’ initial statement that the use of drones is legal and necessary. “That’s all,” Boehner said. “The process of being targeted I think is legal, quite frankly laborious and should reside in the commander in chief to determine who an enemy combatant is and what kind of force to use,” said Sen. Lindsey Graham, R-S.C., who went so far as to call the drone program one of the “highlights” of Obama’s presidency so far. “If you take up arms against America and you fight in a terrorist training camp or on the front lines in Pakistan or Afghanistan or Yemen, you shouldn’t be surprised if America reaches out and exacts justice against you,” said Rep. Tom Cotton, R-Ark. Rep. Peter King, R-N.Y., dismissed the “liberal hand-wringing” over the program. “I fully support targeted operations that have been carried out,” he said in a recent appearance on MSNBC. “I think the president has done the right thing.” Sen. John McCain, R-Ariz., said an oversight panel would be “an encroachment on the powers of the president of the United States.” He added that he does take issue with the program being in “the hands of the Central Intelligence Agency,” when it should reside within the Department of Defense. “Since when is the intelligence agency supposed to be an air force of drones that goes around killing people? I believe that it’s a job for the Department of Defense.”

#### **Political capital is key to passing CIR**

Foster 7/25/13 Charles C. Foster, Attorney Posted: 07/25/2013 Immigration Reform: Too Early To Start Planning? <http://www.abcactionnews.com/dpp/marketplace/law_tv/immigration-reform-too-early-to-start-planning>) MT

At this stage, it’s too early to predict, but it is somewhat likely that sufficient immigration reform legislation can be passed by the House that it can go to a conference committee with the Senate bill, with both legislative bodies passing one of the biggest immigration bills in the history of the United States, which will fundamentally change our legal immigration system and for the first time provide legal options to a large underclass of undocumented workers, estimated to be as high as 11 million within the United States. The following are key points from this prospect of immigration reform legislation that could be signed by President Barack Obama by the end of the year: 1. While I believe the leadership in both parties and certainly the President of the United States sincerely believe that 2013 is the best opportunity to pass immigration reform, and that it is in the interest of both parties and the country to do so, and the President badly wants a big immigration bill for his legacy, there are still a number of significant road blocks in the House and, in particular, in the Republican Caucus that could derail the prospects.

#### **Immigration reform is key to jobs and agriculture – solves the economy**

METZLER 2013 (By REBEKAH State house writer/Staffwriter/ July 29, 2013 / White House: Immigration Reform Helps the Economy <http://www.usnews.com/news/articles/2013/07/29/white-house-immigration-reform-helps-the-economy> MT

The agriculture industry is hampered by a broken immigration system that fails to support a predictable and stable workforce," said a White House press release. The provisions in the bipartisan Senate-passed bill would allow for an estimated 1.5 million farm workers and their families to earn legal status, after agreeing to pay a fine and back taxes, the Obama administration report says. "Coupled with a decline in native-born rural populations, the strength and continuity of rural America is contingent on common sense immigration reform that improves job opportunity, provides local governments with the tools they need to succeed and increases economic growth," the White House release said. Citing a 2008 analysis, provisions to expand the guest worker program similar to those included in the Senate bill, the White House report says the legislation "would raise GDP by approximately $2 billion in 2014 and $9.79 billion in 2045. And it would increase total employment by nearly 17,000 jobs in 2014 and nearly 40,000 jobs in 2045."

#### Economic Decline leads to nuclear conflict

Royal ‘10

(director of Cooperative Threat Reduction at the U.S. Department of Defense (Jedediah, Economics of War and Peace: Economic, Legal, and Political Perspectives, pg 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (20081 advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 19SJ) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fcaron. 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Mom berg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write. The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict lends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> Economic decline has also been linked with an increase in the likelihood of terrorism (Blombcrg. Hess. & Wee ra pan a, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force arc at least indirecti) correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that Ihe tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked lo an increase in the use of force. In summary, rcccni economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

# Off

#### CP Text: The United States Executive Branch should disclose the procedures and safeguards used determining targets for UAV strikes.

#### Solve IHL, checks executive power, and helps Obama cred.

Kramer 2011 (Cheri Kramer 1-1-2011, The Legality of Targeted Drone Attacks as U.S.¶ Policy, Santa Clara Journal of International Law¶ Volume 9 | Issue 2 Article 4, http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1105&context=scujil, bs)

The heart of the debate over the legality of targeted drone attacks concerns policy considerations. Under both domestic and international law, the use of targeted killing of legal¶ targets is permissible. However, is it good policy?89 And, more urgently, do the targeted killings carried out by the U.S. actually qualify as legal killings?¶ The answer to both questions is a disappointingly vague "maybe." The definition of good¶ policy is inherently a fact-driven and opinion-based determination. As to the second question, like the notorious three monkeys, the U.S. government seems to have engaged in a¶ "see no evil, hear no evil, speak no evil" policy strategy regarding the use of drones. This is¶ particularly true of its Central Intelligence Agency (CIA), which, until recently, did not officially recognize its drone program, yet employs it extensively to eliminate terrorist targets¶ in northern Pakistan.90¶ It is no secret that the U.S. relies on drones in its war strategy against the insurgency inAfghanistan.91 Yet the administration repeatedly refuses to produce publicly any guidelines¶ that would set forth the procedures and safeguards used by U.S. forces in determining the¶ legality of a target.92 Given the importance of transparency in international rule of law, and¶ its role as a check on executive power, as well as the political legitimacy to be gained by¶ identifying the procedures used in targeting, President Obama's administration has much¶ to gain by being more forthcoming with the procedures engaged to ensure compliance.

# Case

### Norms

#### US action won’t change anything—other countries find drone use logical

Wittes & Singh 2013 (Benjamin Wittes and Ritika Singh, Drones Are a Challenge — and an Opportunity,

How Drones Are Changing Warfare, January 11, 2013, <http://www.cato-unbound.org/2012/01/11/benjamin-wittes-ritika-singh/drones-are-challenge-opportunity>, bs)

The logic of these weapons is so overpowering, both as a means of conducting surveillance and as a means of striking at enemy targets, that their growth as an element of U.S. force will resist moral hand-wringing of a sort that, if taken at face value, would lead to greater uses of force, civilian death, and risk to U.S. forces.¶ Yes, as Cortright says, a great many other countries are getting into the drone game too—but this is less because the United States is paving the way than because this logic is obvious to those countries too. And this same logic, combined with the reality that robotic technologies are getting cheaper and easier to acquire even as their power increases, means that proliferation will happen irrespective of what the United States does. Indeed, the question is not whether we will live in a world of highly proliferated technologies of robotic attack. It is whether the United States is going to be ahead of this curve or behind it.

#### The US has tried to diplomatically influence drone prolif—doesn’t work

GAO, 12

(Government Accountability Office. MTCR=Missile Technology Control Regime. “Agencies Could Improve Information Sharing and End-Use Monitoring on Unmanned Aerial Vehicle Exports” <http://dronewarsuk.files.wordpress.com/2012/09/us-gao-_-noproliferation-of-uavs.pdf>) Henge

The United States has used multilateral and bilateral diplomacy to address UAV technology advances and proliferation concerns. For instance, to address advances in UAV technology, the United States proposed several changes to the MTCR; however, MTCR members agreed to only one change. Moreover, nonmembers continue to acquire, develop, and export UAV technology. In addition to multilateral diplomacy, the United States used bilateral diplomacy in the form of demarches to foreign governments to address specific UAV proliferation concerns with countries.23 The United States proposed changes to address how the MTCR applies to UAVs, but MTCR members only reached a consensus to accept one of the changes. The United States principally focused these efforts through the MTCR because it addresses the potential use of UAVs to deliver weapons of mass destruction, according to State. According to documents provided by State and State officials, the United States proposed six UAV-related changes to the MTCR Annex and members accepted one.

#### No drone prolif—multiple barriers prevent widespread usage—even then they don’t change the landscape of war

Singh, 12

(Joseph Singh is a researcher at the Center for a New American Security. “Betting Against a Drone Arms Race” <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>) Henge

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones. As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings. Indeed, critics seem overly-focused on the domestic implications of drone use. In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.” Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey. Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory. States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement. This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active. What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy. In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region. Non-state actors, on the other hand, have even more reasons to steer clear of drones: – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue. – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose. – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face. – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts. In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology. Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team. Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones. What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use. Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best. Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations. Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### Zero risk of drone wars – technology is too difficult and even if it won’t escalate

Gill and Gill 2013 (Andrea Gilli, PhD Candidate, Department of Social and Political Science, European University Institute, and Mauro Gilli, PhD Candidate, Department of Political Science, Northwestern University, 9-3-2013, “Attack of the Drones: Should we fear the proliferation of unmanned aerial vehicles?”, <http://www.academia.edu/4331462/Attack_of_the_Drones_Should_We_Fear_The_Proliferation_of_Unmanned_Aerial_Vehicles>) MT

The development of unmanned platforms requires designing the architecture, integrating its different components and developing the integrated core processing system. An industrial architecture is a map of how the different systems, subsyste research and the assessment of different solutions aimed to optimize the platform’s overall performance.82 The development of the integrated core processing system refers to the production of the hardware and, most important, the software, that permit the various systems, subsystems and components to work together as a whole.83 Given the lack of an onboard pilot, as the platform increases in complexity (number of components and missions), performance (range, endurance, altitude, etc.) or mission tasks, autonomous capabilities become a necessity. Future drones will be in fact able to conduct autonomously many more tasks, thus affecting both their overall military capabilities and thus their design.84 When we look at the four mission-specific types of drones we have identified, we can see that the challenges related to the production of the platforms grow exponentially as its tasks increase in difficulty and in number. In the case of small, unsophisticated drones, like those that could be used for asymmetric tactics, the technical and industrial challenges are relatively limited: even amateurs can develop such UAVs – for which, in fact, there is a burgeoning global market.85 However, for the other three types of drones, the challenges are significant and more difficult to overcome. We can observe them already at play for the least sophisticated of our three types of drones – UAVs to be employed in swarms tactics. Such UAVs must be able to fly faster and for longer time, with enhanced capacity to evade enemy jamming, carrying more powerful sensors while meeting strict size and weight constraints.86 As a result, both the design of the architecture, the development of the core integrated processor and the integration of the different systems are inherently more complicated activities. For instance, in order to operate in swarm tactics, the individual platforms must be endowed with autonomous capabilities that permit the swarming drones to coordinate their flight: this does not only prevent aerial accidents but also permits the drones to continue into their coordinated movement if signals temporarily disappears or if some platforms are lost. Medium-to-big platforms pose even bigger challenges as they must meet superior aerodynamic requirements (range, speed, altitude, endurance), their systems are more complex, and they require more advanced artificial intelligence and robotics capabilities.88 This is even more so in the case of UCAVs: producing these types of platforms pose technical difficulties that are analogous, and possibly bigger, to those faced when developing traditional combat aircrafts. In fact, if the removal of the pilot from the cockpit simplifies the aerodynamic design, on the other hand it calls for significantly more sophisticated autonomous capabilities that, in turn, complicate both the initial design and the systems integration process.

#### Alt cause to their impact scenario, US pivot to Asia makes that conflict inevitable.

Hickey 2013 (Dennis Van Vranken Hickey is a ¶ professor of political science and director ¶ of the graduate program in global studies ¶ at Missouri State University. The U.S. Pivot to ¶ the Asia-Pacific: ¶ Implications for Taiwan, Taiwan and the U.S. Pivot to Asia:¶ New Realities in the Region?, Report of the Woodrow Wilson International Center for Scholars’¶ Conference on U.S.-Taiwan Relations¶ February 26, 2013, <http://wilsoncenter.org/sites/default/files/ASIA_130308_Taiwan%20US%20web%20FOR%20WEB_0.pdf>. Bs)

To be sure, it appears that Taiwan stands to benefit in some ways from ¶ the pivot. But the change in policy may also represent challenges for the ¶ ROC. The new U.S. strategy could generate unintended consequences. ¶ Paradoxical as it may seem, some warn that the pivot—an initiative intended to promote stability—might increase the likelihood for conflict and ¶ turmoil in the Western Pacific. ¶ As Robert S. Ross observed, the current administration has junked longstanding policy and “directly inserted the U.S.” into “legally complex disputes” over a number of “inconsequential islands” located in South China ¶ Sea.32 Washington is also leaning toward Tokyo in a row over uninhabited ¶ islands in the East China Sea. At the same time, the United States has ¶ “unnecessarily challenged Beijing by boosting its military presence on the ¶ East Asian mainland” and by inking numerous military agreements with ¶ China’s neighbors.33¶ Not surprisingly, China has “pushed back” against U.S. policies, and ¶ could refuse to cooperate “on crucial issues from trade to global economic ¶ stability.”34 This may represent a worrisome problem for the global community. Moreover, an overt or highly visible increase in U.S. support for ¶ Taiwan might also lead Beijing to “push back” against both Washington ¶ and Taipei. After all, the Chinese mainland is watching developments ¶ closely. As one editorial in a PRC newspaper opined, “we should be alert to ¶ any change in the U.S. policy toward Taiwan.”35¶ In the final analysis, it would be difficult to predict how the U.S. pivot ¶ to the Asia-Pacific plays out. It could conceivably benefit Taiwan. On the ¶ other hand, like other Asian governments, Taipei might suffer some “collateral damage” if present trends in U.S.-China relations continue. It is ¶ possible that the U.S. pivot might prove to be yet another problem—not a ¶ solution to regional difficulties.

#### No SCS war

Gupta ’11 Rukmani Gupta, Associate Fellow at the Institute for Defence Studies and Analyses in New Delhi, “South China Sea Conflict? No Way,” The Diplomat, 23 October 2011, <http://the-diplomat.com/2011/10/23/south-china-sea-conflict-no-way/2/>

These suggestions to recalibrate Indian policy towards the South China Sea and its relationship with Vietnam are premature at best. Despite the rhetoric, conflict in the South China Sea may well not be inevitable. If the history of dialogue between the parties is any indication, then current tensions are likely to result in forward movement. In the aftermath of statements by the United States, and skirmishes over fishing vessels, ASEAN and China agreed upon the Guidelines on the Implementation of the Declaration on the Conduct of Parties in the South China Sea at the Bali Summit in July 2010. And recent tensions may well prod the parties towards a more binding code of conduct. This isn’t to suggest that territorial claims and sovereignty issues will be resolved, but certainly they can become more manageable to prevent military conflict. There’s a common interest in making the disputes more manageable, essentially because, nationalistic rhetoric notwithstanding, the parties to the dispute recognize that there are real material benefits at stake. A disruption of maritime trade through the South China Sea would entail economic losses – and not only for the littoral states. No party to the dispute, including China, has thus far challenged the principle of freedom of navigation for global trade through the South China Sea. The states of the region are signatories to the UNCLOS, which provides that ‘Coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to natural resources and certain economic activities, and exercise jurisdiction over marine science research and environmental protection’ but that ‘All other States have freedom of navigation and over flight in the EEZ, as well as freedom to lay submarine cables and pipelines.’ The prospect of threats to SLOCS thus seems somewhat exaggerated.

### Pakistan

#### Drones have effectively killed terrorists in Pakistan and their continued use is necessary to prevent terrorist return

Curtis, Lisa. Senior research fellow at the Heritage Foundation. July 15th, 2013. “Pakistan Makes Drones Necessary.” *The National Interest.* http://nationalinterest.org/commentary/pakistan-makes-drones-necessary-8725 --Veeder

One of the central campaign platforms of newly elected Pakistani prime minister Nawaz Sharif was a promise to curb the use of U.S. drones on Pakistani territory. Indeed there has been a sharp reduction in the number of drone attacks conducted in Pakistan this year compared to the last three.¶ But until Islamabad cracks down more aggressively on groups attacking U.S. interests in the region and beyond, drones will remain an essential tool for fighting global terrorism. Numbering over three hundred and fifty since 2004, drone strikes in Pakistan have killed more than two dozen Al Qaeda operatives and hundreds of militants targeting U.S. and coalition forces.¶ President Obama made clear in his May 23 speech at the National Defense University that Washington would continue to use drones in Pakistan’s tribal border areas to support stabilization efforts in neighboring Afghanistan, even as it seeks to increase transparency and tighten targeting of the drone program in the future. Obama also defended the use of drones from a legal and moral standpoint, noting that by preemptively striking at terrorists, many innocent lives had been saved.¶ The most compelling evidence of the efficacy of the drone program came from Osama bin Laden himself, who shortly before his death contemplated moving Al Qaeda operatives from Pakistan into forested areas of Afghanistan in an attempt to escape the drones’ reach, according to Peter Bergen, renowned author of [Manhunt: The Ten-Year Search for Bin Laden from 9/11 to Abbottabad](http://www.amazon.com/gp/product/0307955885/ref=as_li_ss_tl?ie=UTF8&camp=1789&creative=390957&creativeASIN=0307955885&linkCode=as2&tag=thenatiinte-20). It is no secret that the drone strikes often benefit the Pakistani state. On May 29, for example, a drone missile strike killed the number two leader of the Pakistani Taliban (also referred to as the Tehrik-e-Taliban Pakistan or TTP), Waliur Rehman. The TTP has killed hundreds of Pakistani security forces and civilians in terrorist attacks throughout the country since its formation in 2007. Furthermore, the group conducted a string of suicide attacks and targeted assassinations against Pakistani election workers, candidates, and party activists in the run-up to the May elections, declaring a goal of killing democracy.¶ Complicating the picture even further is the fact that Pakistan’s support for the Haqqani network indirectly benefits the Pakistani Taliban. The Haqqanis play a pivotal role in the region by simultaneously maintaining ties with Al Qaeda, Pakistani intelligence and anti-Pakistan groups like the TTP. With such a confused and self-defeating Pakistani strategy, Washington has no choice but to rely on the judicious use of drone strikes.¶ The U.S. will need to keep a close eye on the tribal border areas, where there is a nexus of terrorist groups that threaten not only U.S. interests but also the stability of the Pakistani state. Given that Pakistan is home to more international terrorists than almost any other country and, at the same time, has one of the fastest growing nuclear arsenals, the country will remain of vital strategic interest for Washington for many years to come.¶ Though the drone issue will continue to be a source of tension in the relationship, it is doubtful that it alone would derail ties. The extent to which the United States will continue to rely on drone strikes ultimately depends on Islamabad’s willingness to develop more decisive and comprehensive counterterrorism policies that include targeting groups like the Haqqani Network.

#### Alts to drone strikes destabilize Pakistan.

Lewis 2013 (Michael W. Lewis is a Professor of Law at Ohio Northern University where he teaches International Law and the Law of War.Guest Post: Obama Got it Right on Drones, 5/24/2013, http://opiniojuris.org/2013/05/24/guest-post-obama-got-it-right-on-drones/,bs)

As a result it was important for Obama to outline the alternatives to the continued use of drones in places where the local government is unable or unwilling to counter a terror threat to the US. As I pointed out in the LA Times in February the alternatives are special forces, manned aircraft strikes and cruise missiles, invasion or turning over the matter to law enforcement. It is important to remember that “law enforcement” in these contexts is the Pakistani or the Yemeni Army. In the past, attempts by the Pakistani Army to regain control of areas of FATA have been humanitarian disasters. The Swat Valley campaign in 2009 displaced over a million civilians when the Pakistani Army used artillery, armor and airstrikes to go after ~5,000 Taliban/al Qaeda fighters. Last year rumors of a new Pakistani Army offensive in Waziristan sent thousands of civilians fleeing the area even though no offensive took place.¶ The other options, night raids by special forces, manned aircraft or cruise missile strikes or a full scale invasion by ground troops, would all cause more displacement and disruption of the local civilian population than drones do. It is important to emphasize, as Obama did yesterday, that drones are the best alternative, not only for American servicemen whose lives will be saved, but also for the local civilians on the ground.¶ The clearest evidence supporting the contention that drones are now the best option in the ungoverned areas of Yemen and Pakistan are the three websites that have attempted to aggregate the casualties caused by drones. The three sites are the New America Foundation, the Long War Journal, and The Bureau of Investigative Journalism (TBIJ). Of these, the TBIJ site has generally reported the highest number of civilian casualties in both Yemen and Pakistan. While none of these sites can be completely accurate in assessing casualties in regions that are beyond the control of the central governments in Sana’a and Islamabad, even TBIJ estimates confirm Obama’s claim that drones should be the weapon of choice in these areas.¶ According to TBIJ, since January 2012 there have been 60 drone strikes in Pakistan which TBIJ estimates to have killed a minimum of 283 people. Of these casualties TBIJ estimates that 7 were civilians. While any civilian deaths are a tragedy, a civilian casualty rate of less than 2.5% is remarkably low particularly in a conflict in which the enemy hides amongst the civilian population. Although cumulatively over the nine years in which drones have been used in Pakistan TBIJ estimates the overall civilian casualty rate to be slightly under 20% (the casualty rate far more commonly discussed), changes in targeting practices over the last couple of years have greatly reduced these numbers. By emphasizing vehicle strikes and reducing strikes on compounds, and by ensuring a greater degree of redundancy in target observation during strikes, both the CIA and the military have lowered civilian casualties to levels never before seen in warfare.

#### Drone courts kill presidential flexibility and encourage more lethal force.

HRF 2012 (Human Rights First is a non-profit, nonpartisan international human rights organization, How to Ensure that ¶ the U.S. Drone ¶ Program does not ¶ Undermine Human ¶Rights¶ BLUEPRINT FOR THE NEXT ADMINISTRATION ¶ December 2012. Updated April 2013 <http://www.humanrightsfirst.org/wp-content/uploads/pdf/blueprints2012/HRF_Targeted_Killing_blueprint.pdf>, bs)

Former Pentagon General Counsel Jeh Johnson and others have expressed deep skepticism about recent proposals25 to create a secret FISA26-like court to sanction targeted killings in advance. As Johnson noted, ¶ “courts exist to resolve cases and controversies between parties, not to issue death warrants based on classified, ex parte submissions.”27 Such a court would likely be unconstitutional because it would violate the separation of powers and would be asked to render advisory opinions rather than rule on actual cases and controversies. The result would be to give a patina of ¶ legitimacy to a ruling for summary execution following a one-sided argument. ¶ Aside from the constitutional problems, the drone court would undermine national security. In an armed conflict, ¶ lethal force is appropriate under the laws of armed ¶ conflict, and no court should be asked to second-guess ¶ a commander’s decision. Outside an armed conflict, the ¶ Constitution authorizes the President to defend Americans with lethal force only in the face of an imminent threat when no other feasible means to disrupt ¶ the threat is available. When the threat is imminent, ¶ there is by definition insufficient time to seek judicial review. Adding a requirement of judicial process is impractical and would likely encourage the use of lethal force in situations where the threat is not actually imminent.

#### No impact to Pak instability.

Tepperman 9—Deputy Editor at Newsweek. Frmr Deputy Managing Editor, Foreign Affairs. LLM, i-law, NYU. MA, jurisprudence, Oxford. (Jonathan, Why Obama Should Learn to Love the Bomb, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf, )  
Note – Michael Desch = prof, polsci, Notre Dame  
As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country’s chaos, installing complicated firing mechanisms to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they’re not infiltrated by extremists. Even if the Pakistani state did collapse entirely—the nightmare scenario— the chance of a Taliban bomb would still be remote. Desch argues that the idea that terrorists “could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things need constant maintenance and they’re very easy to disable. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous.”

#### Empirics prove no Indo-Pak escalation

Thakur 11 (Chandra, Distinguished Fellow, Centre for International Governance Innovation and Professor of Political Science, University of Waterloo, Glendon School of Public and International Affairs, Global Brief February 18th 2011, www98.griffith.edu.au/dspace/handle/10072/51641, page 2)

Islamabad’s record of double-dealing, deceit and denial of Pakistan-based attacks, in Afghanistan and India alike, has been based on four degrees of separation – between the government, the army, the ISI and terrorists – the plausibility of which is fading as it is exploited as a convenient alibi to escape accountability. That Pakistanis in general might harbour goodwill and friendships toward India is irrelevant if they have little say in making policy. Indian Prime Minister Manmohan Singh – by instinct circumspect – has said that, “given the sophistication and military precision,” the Mumbai attacks “must have had the support of some official agencies in Pakistan.” The combination of training, selection and advance reconnaissance of targets, diversionary tactics, discipline, munitions, cryptographic communications, false IDs, and damage inflicted is more typically associated with special forces units than with terrorists.

#### Alt causes outweigh

AP 2013 (By Associated Press, US, Pakistan work to ease tense relations; Kerry says drone strikes could end soon in Pakistan, August 01, 2013, <http://articles.washingtonpost.com/2013-08-01/world/40928196_1_drone-strikes-state-john-kerry-unmanned-strikes>, bs)

The U.S. and Pakistan initially launched a high-level dialogue on a wide range of security and development programs in 2010. Those talks stalled in November 2011 after U.S. airstrikes on a Pakistani post on the Afghan border accidentally killed 24 Pakistani soldiers. Islamabad responded by closing NATO supply lines in Pakistan that were used to transport supplies to international troops fighting the war in neighboring Afghanistan.¶ But even before that, the bilateral relationship was severely damaged by other events, including a CIA contractor shooting to death two Pakistanis in the eastern city of Lahore. Ties were nearly severed by the covert U.S. raid that killed Osama bin Laden in May 2011 in the Pakistani town of Abbottabad, a move that infuriated the Pakistanis, who were not told about it beforehand.

### Solvency

#### The court just defers to the executive anyway

Benson 2013 (Pam, Feburuary 9th 2013, Drone court considered, <http://security.blogs.cnn.com/2013/02/09/legislators-consider-new-court-to-oversee-drone-strike-decisions/> bs)

Creating a similar type of court to oversee lethal actions taken overseas may be easier said than done.¶ The intelligence panel has yet to begin drafting legislation, a Feinstein aide told Security Clearance. For now, the panel was reading through proposals and suggestions by experts and commentators.¶ According to the aide, who spoke on condition of not being identified, writing a bill raised "a lot of questions to wrestle with." Consultations with the Judiciary and Armed Services Committees as well as the White House must occur before a final proposal can be developed, the aide added.¶ Ben Powell, the former general counsel for the Director of National Intelligence, said legislators will have to deal with "a number of thorny legal issues ... with very complex implications" to put an FISC-style court together.¶ According to Powell, major questions that must be addressed include specifying what the court would rule on, such as whether the target was part of al Qaeda or posed an imminent threat or was unlikely to be captured.¶ In addition, legislation would have to define whether the court's rulings would cover U.S. citizens who don't belong to al Qaeda but pose an imminent threat, as well as what role it would have in issues outside the United States, he said.¶ Powell also said legislators would have to clarify how the new court interacted with the president's constitutional power to defend the nation, specifically whether a new law would seek to limit such power.¶ Some legal experts believe the court's review would be limited to determining whether an individual should be put on a target list.¶ University of Texas law professor Robert Chesney wrote on Lawfare Blog that the question should be "whether there ought to be judicial review of some kind in connection with the nomination process pursuant to which particular person may be pre-cleared for the possibility of using lethal force, a decision made long in advance of an actual attack decision."¶ However, Chesney raised the issue of whether such a system would be constitutional, especially if it went beyond just considering American citizens.¶ Powell questioned whether any court would even accept the role, saying "it would immerse the court deeper and deeper into national security judgments."¶ At a recent American Bar Association panel discussion, retired federal Judge James Robertson said he would want no part of such a role.¶ "That's not the business of judges to decide without any adversary party to sign a death warrant for somebody who is on foreign soil, for anybody, but certainly not for an American citizen on foreign soil," Robertson said.¶ Chesney said proponents of the court should think twice if they expect judges will ever rule against a government decision to target a particular person.¶ "Judges famously tend to defer to the executive branch when it comes to factual judgments on matters of military or national security significance," Chesney said. "Especially when the stakes are as high as they will be represented to be in such cases."¶ At Brennan's confirmation hearing, Sen. Angus King, an independent from Maine, argued for establishing a new court, saying the president should not be the "prosecutor, the judge, the jury and the executioner."¶ Brennan told King such a court was "worthy of discussion," but added: "The commander in chief and the chief executive has the responsibility to protect the welfare, the well being of American citizens" from terrorist attacks.

#### Drone Courts wouldn’t solve credibility, or transparency, they’d take too much time, and judges aren’t qualified.

Bloomberg 2013 (Bloomberg editors, 2-18-2013, Why a ‘Drone Court’ Won’t Workhttp://www.bloomberg.com/news/2013-02-18/why-a-drone-court-won-t-work.html, bs)

As loosely proposed by Senator Angus King of Maine at John Brennan’s confirmation hearings to lead the Central Intelligence Agency, the U.S. could create a system similar to that involving the Foreign Intelligence Surveillance Act, under which a secret court hears government warrant requests for electronic surveillance of suspected foreign intelligence agents in the U.S.¶ Given the ticking-time-bomb nature of drone strikes, seeking judicial approval for an individual strike is impractical. More likely, a judge would have to sign off on adding an individual to the administration’s “kill list” of targets. To get approval, the administration would be obligated to make a case that the person is an imminent threat and that capture wouldn’t be possible. (It’s unclear whether the protocol would apply to all targeted people or just to U.S. citizens such as Anwar al-Awlaki.)¶ Such a system would ostensibly have two benefits: increasing the legitimacy of the drone war and placing a check on the executive branch’s power to decide life and death. On closer examination, both advantages prove illusory.¶ First, few outraged Pakistanis would be assuaged by the distinction of judicial scrutiny, and civil libertarians would point out that the target is never given a chance to make a case before the judge. This lack of an “adversarial setting” for the subject might be defensible in the case of FISA warrants, but the stakes here are far higher than a simple wiretap.¶ As for the balance of powers, that is where we dive into constitutional hot water. Constitutional scholars agree that the president is sworn to use his “defensive power” to protect the U.S. and its citizens from any serious threat, and nothing in the Constitution gives Congress or the judiciary a right to stay his hand. It also presents a slippery slope: If a judge can call off a drone strike, can he also nix a raid such as the one that killed Osama bin Laden? If the other branches want to scrutinize the president’s national security decisions in this way, they can only do so retrospectively.¶ There is also a human problem: Few judges would be eager to find themselves in this role. “That’s not the business of judges,” James Robinson, a former federal appeals judge, told the Washington Post, “to sign a death warrant for somebody who is on foreign soil.” Those who did would face such tremendous pressure to side with the government that the process would probably become a rubber stamp. And why exactly do we think a judge is any better suited to discerning terrorist threats than senior executive branch officials?¶ There is an alternative, albeit a somewhat unsatisfying one: Congress could create a “cause of action” that would give the families of those killed the ability to seek damages. Clearly, no amount of money is going to make up for a wrongful death. But, as Stephen I. Vladeck of American University’s law school points out, the threat of potential liability might make an administration that much more careful in deciding both the imminence of the threat and the feasibility of capture as an alternative. Although any suit would probably have to be heard in secret for national-security reasons, it would afford a layer of judicial scrutiny to government actions, and would allow a lawyer to make an adversarial case on behalf of the target.¶ This sort of ex post facto accountability wouldn’t end the controversy over drone attacks. Nor would it substitute for greater transparency on the part of the administration toward the public and the relevant congressional committees. For an administration that’s slowly losing the hearts-and-minds battle, however, such trials would provide a bit of much-needed legitimacy.

#### Squo solves Strict Scrutiny

McNeal 2013 (Gregory S. McNeal, Associate Professor of Law, Pepperdine University School of Law. national security specialist focusing on the institutions and challenges associated with global security, with substantive expertise in national security law and policy, transnational crime, global policy studies, and international affairs. Assistant Director of the Institute for Global Security, co-directed a transnational counterterrorism program for the U.S. Department of Justice, and served as an advisor to the Chief Prosecutor of the Department of Defense Office of Military Commissions on matters related to the prosecution of suspected terrorists held in the detention facility in Guantanamo Bay, Cuba. TARGETED KILLING AND ACCOUNTABILITY FORTHCOMING IN THE GEORGETOWN LAW JOURNAL, March 5, 2013, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>, bs)

Article 57 also states a precautionary rule of “constant care” and in¶ 57(2)(a)(i) it requires that attackers “do everything feasible to verify that¶ objectives to be attacked are neither civilians nor civilian objects . . . .”¶ Feasible means this is a duty that must take into account all¶ circumstances ruling at the time. Certainty is not a requirement as that¶ would be impossible to comply with.244 These legal obligations mean¶ that when targeting a person on a kill-list, an attacker will need to make a¶ determination based on the available intelligence as to whether the¶ person being targeted is the right person, and determine whether harm to¶ (collateral) civilians is expected.245 This requires finding, fixing,¶ tracking, and targeting a person suspected of being on a kill-list.246¶ To do this, attackers will draw on some of the same analytical¶ techniques described in Part II. For example, pattern of life analysis¶ which was used to identify critical links and nodes in a terrorist network¶ to add names to a kill-list is also used prior to executing a targeted killing¶ as a means of minimizing collateral harm. At this stage of the targeted¶ killing process, intelligence collection efforts will be used to find, fix,¶ track, and target an individual on the kill-list. Contrary to inferences¶ some might draw from the process as one that is limited by the optics of¶ an unmanned aerial vehicle and its remote pilot acting alone,247 in reality¶ multiple sources of intelligence will be used to corroborate information¶ about a potential target.