# Round 1 –UMKC

## 1AC

### Advantage 1: Blowback

#### The status quo expansion of drone warfare undermines the US moral standing, breeds Anti-Americanism, and undermines our credibility

Brooks 13

Rosa Brooks, Prof of Law @ Georgetown University Law Center and Bernard Schwartz Senior Fellow at the New America Foundation, Statement for the Record Submitted the Senate Committee on Armed Services, May 16, 2013.

Mr. Chairman, let me close with a plea for perspective. We live in a dangerous world: ¶ adversarial states such as North Korea and Iran remain bellicose; the changing role of near-peer ¶ powers such as China and Russia poses challenges to U.S. interests and global stability; the ¶ Middle East remains awash in violence, and technological advances could place lethal tools in ¶ the hands of irresponsible actors. We also face unprecedented challenges from our increased ¶ global interdependence: climate change, the interdependence of global financial systems and our ¶ ever-increasing reliance on the internet all create new vulnerabilities. Against the backdrop of ¶ these many dangers, old and new, the fear of terrorist attack should not be the primary driver of ¶ U.S. national security policy.¶ Terrorism is a very real problem, and we cannot ignore it, any more than we should ¶ ignore violent organized crime or large-scale public health threats. Like everyone else, I worry ¶ about terrorists getting ahold of weapons of mass destruction. At the same time, we should ¶ recognize that terrorism is neither the only threat nor the most serious threat the U.S. faces.29¶ With the sole exception of 2001, terrorist groups worldwide have never succeeded in killing¶ more than a handful of Americans citizens in any given year. According to the State ¶ Department, seventeen American citizens were killed by terrorists in 2011, for instance. The ¶ terrorist death toll was fifteen in 2010 and nine in 2009.30¶ These deaths are tragedies, and we should continue to strive to prevent such deaths—but ¶ we should also keep the numbers in perspective. On average, about 55 Americans are killed by ¶ lightning strikes each year,31 and ordinary criminal homicide claims about 16,000 U.S. victims ¶ each year.32 No one, however, believes we need to give the executive branch extraordinary legal ¶ authorities to keep Americans from venturing out in electricalstorms, or use armed drones to ¶ preemptively kill homicide suspects.¶ What’s more, we should keep in mind that military force is not the only tool in the U.S.¶ arsenal against terrorism.33 Since 9/11, we’ve gotten far more effective at tracking terrorist ¶ activity, disrupting terrorist communications and financing, catching terrorists and convicting ¶ them in civilian courts,¶ 34 and a wide range of other counterterrorism measures. Much of the ¶ time, these non-lethal approaches to counterterrorism are as effective as targeted killings. And in ¶ fact, there’s growing reason to fear that the expansion of U.S. drone strikes is strategically ¶ counterproductive. ¶ Former vice-chair of the Joint Chiefs of Staff General James Cartwright recently ¶ expressed concern that as a result of U.S. drone strikes, the U.S. may have “ceded some of our ¶ moral high ground.”35 Retired General Stanley McChrystal has expressed similar concerns:¶ “The resentment created by American use of unmanned strikes… is much greater than the ¶ average American appreciates. They are hated on a visceral level, even by people who’ve never ¶ seen one or seen the effects of one,” and fuel “a perception of American arrogance.” 36 Former ¶ Director of National Intelligence Dennis Blair agrees: the U.S. needs to “pull back on unilateral ¶ actions… except in extraordinary circumstances,” Blair told CBS news in January. U.S. drone ¶ strikes are “alienating the countries concerned [and] …threatening the prospects for long-term ¶ reform raised by the Arab Spring…. [U.S. drone strategy has us] walking out on a thinner and ¶ thinner ledge and if even we get to the far extent of it, we are not going to lower the fundamental ¶ threat to the U.S. any lower than we have it now.”37¶ Mr. Chairman, Senator Inhofe, I believe it is past time for a serious overhaul of U.S.¶ counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone ¶ strikes, one that takes into account issues both of domestic legality and international legitimacy, ¶ and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist ¶ sentiment, and the future behavior or powerful states such as Russia and China. If we undertake ¶ such a rigorous cost-benefit analysis, I suspect we may come to see scaling back on kinetic ¶ counterterrorism activities less as an inconvenience than as a strategic necessity—and we may¶ come to a new appreciation of counterterrorism measures that don’t involve missiles raining ¶ from the sky.¶ This doesn’t mean we should never use military force against terrorists. In some ¶ circumstances, military force will be justifiable and useful. But it does mean we should ¶ rediscover a long-standing American tradition: reserving the use of exceptional legal authorities ¶ for rare and exceptional circumstances. ¶ Thank you for the opportunity to testify today.

#### Expansive use of targeted killing leads to blowback, collateral damage, and operational errors—new guidelines to targeted killing key

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

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.

#### Judicial review solves groupthink

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

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.

#### Scenario 1 is terrorism

#### Effective drones key- need to change our strats to avoid blowback

Masood 13

(Hassan, Monmouth College, “Death from the Heavens: The Politics of the United States’ Drone Campaign in Pakistan’s Tribal Areas,” 2013) /wyo-mm

Those who support the use of drones as an important counter-insurgency tactic nonetheless point out that the current campaign is not always conducted in the most effective manner. The authors of “Sudden Justice” for example, argue that the campaign should be focused on ‘high value targets’ and not be used frequently to take down the lower level operatives. The more you can destroy and disrupt the activities of personnel in the Taliban and al-Qaeda from the top-down instead of the bottom-up, the more of an impact it will have. The leadership qualities, organizational skills, and strategic awareness of various high-level commanders in both the Taliban and al-Qaeda cannot be easily replaced after their deaths at the hands of U.S. drones. Fricker and Plaw use the example of Baitullah Mehsud, a Tehrik-i-Taliban (TTP) leader who was killed by a drone strike on the roof of his uncle’s house on August 5, 2009. His death provoked an internal struggle in his organization that ultimately led to enough confusion and tension within the TTP that the Pakistan Army was able to launch the South Waziristan Offensive, putting the TTP on the defensive. But the lower level Taliban and al-Qaeda members have skills and abilities that are more common and more easily replaced. The amount of time and energy, the article asserts, that the U.S. is spending killing lower-level members (and increasing civilian casualties in the process, as the majority of the time these strikes happen during funeral processions or wedding parties) could instead be used to seriously disrupt the activities of the entire organization by targeting its leaders, much like the death of Osama bin Laden did to al-Qaeda in South/Central Asia in 2011. David Rohde agrees that the drones should be used, as they are an effective and efficient way of disrupting and destroying the extremist power base there, but their usage should be both selective and surgical. There is no consensus among scholars when it comes to evaluating the effectiveness of the use of drones as a counter-insurgency tactic. As Hassan Abbas points out “the truth is we don’t know whether U.S. drone strikes have killed more terrorists or produced more terrorists.”

#### Court to approve targeted killings restrains the executive, maintains an independent judiciary, solves operational errors with drones that increase terrorism

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

The unitary executive theory aggressively articulated, and implemented, by the Bush Administration has been adopted in toto by the Obama Administration. While the executive clearly prefers to operate in a vacuum, the question whether that most effectively ensures effective operational counterterrorism is an open question. The advantage of institutionalized, process-based input into executive action prior to decision implementation is worthy of discussion in operational counterterrorism.¶ The solution to this search for an actionable guideline is the strict scrutiny standard. What is strict scrutiny, and how is it to be implemented in the context of operational counterterrorism? Why is there a need, if at all, for an additional standard articulating self-defense? The strict scrutiny standard would enable operational engagement of a non-state actor predicated on intelligence information that would meet admissibility standards akin to a court of law. The strict scrutiny test seeks to strike a balance enabling the state to act sooner but subject to significant restrictions.¶ The ability to act sooner is limited, however, by the requirement that intelligence information must be reliable, viable, valid, and corroborated. The strict scrutiny standard proposes that for states to act as early as possible in order to prevent a possible terrorist attack the information must meet admissibility standards similar to the rules of evidence. The intelligence must be reliable, material, and probative.¶ The proposal is predicated on the understanding that while states need to engage in operational counterterrorism, mistakes regarding the correct interpretation and analysis of intelligence information can lead to tragic mistakes. Adopting admissibility standards akin to the criminal law minimizes operational error.¶ Rather than relying on the executive branch making decisions in a "closed world" devoid of oversight and review, the intelligence information justifying the proposed action must be submitted to a court that would ascertain the information's admissibility. The discussion before the court would necessarily be conducted ex parte; however, the process of preparing and submitting available intelligence information to a court would significantly contribute to minimizing operational error that otherwise would occur.¶ The logistics of this proposal are far less daunting than they might seem--the court before which the executive would submit the evidence is the FISA Court. Presently, FISA Court judges weigh the reliability of intelligence information in determining whether to grant government ex parte requests for wire-tapping warrants. Under this proposal, judicial approval is necessary prior to undertaking a counterterrorism operation predicated solely on intelligence information. The standard the court would adopt in determining the information's reliability is the same applied in the traditional criminal law paradigm. The intelligence must be reliable, material, and probative.¶ While the model is different--a defense attorney cannot question state witnesses--the court will assume a dual role. In this dual role capacity the court will cross-examine the representative of the intelligence community and subsequently rule as to the information's admissibility. While some may suggest that the FISA court is largely an exercise in "rubber-stamping," the importance of the proposal is in requiring the government to present the available information to an independent judiciary as a precursor to engaging in operational counterterrorism.

#### Nuclear terrorism causes extinction

Morgan 9

[Hankuk University of Foreign Studies, Yongin Campus – South Korea (Dennis, Futures, November, “World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race,” Science Direct), accessed 9-16-2011,WYO/JF]

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , **Moore points out what most** **terrorists** obviously **already know about the nuclear tensions between powerful countries**. No doubt, **they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange**. As Moore points out, **all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel**. **Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,”** **it is likely that any attack would be blamed on the United States”**Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities**In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia.China would probably be involved as well,** **as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere**. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so.**The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons**. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors”  **In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons**, and once even just one is used, it is very likely that many, if not all, will be used, **leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter.**

#### Scenario 2 is Yemen

#### Obama has shifted most drone strikes to Yemen

Hudson et al 13

Dr. Leila Hudson, Colin Owens, and Matt Callen, is associate director of the School of Middle Eastern & North African Studies at the University of Arizona and director of SISMEC, graduate of the School of Middle Eastern & North African Studies and the School of Government and Public Policy, and PhD candidate at the School of Middle Eastern & North African Studies. “Drone Warfare in Yemen: Fostering Emirates through Counterterrorism?,” Middle East Policy Council, 2013. http://mepc.org/journal/middle-east-policy-archives/drone-warfare-yemen-fostering-emirates-through-counterterrorism

An extensive CT drone campaign requires coordination with the central government of the territories in question. Evidently, Ali Abdallah Saleh's Yemeni government knew of the program and participated in it. Wikileaks revealed the particulars of a 2010 meeting with General David Petraeus, in which former President Saleh said (speaking of air strikes in general), "We'll continue saying the bombs are ours, not yours." Moreover, Saleh lamented mistakes due to the inaccuracy of cruise-missile strikes and preferred that the United States use fixed-wing aircraft (i.e., drones) in the future. Since then, the administration has increased its drone strikes and expanded the targeting parameters within Yemen and the Horn of Africa. Among the many ironies of drone strikes, Saleh's candor showed that old-style authoritarians are not above happily claiming credit for borrowed military power to enhance their "legitimacy."¶ Over the last decade, FATA has been subject to the largest drone campaign to date. The program started off slowly in 2004 under the Bush administration and has been expanded greatly. During Bush's tenure, there were approximately 50 strikes in FATA from 2004 to 2009. In Obama's first two years in office, from 2009 to 2010, the number of strikes in FATA tripled in half as much time. After 2010, the busiest year, drone strikes in FATA have decreased from 70 in 2011 to less than 25 in the first half of 2012. Notwithstanding the decrease in drone usage in FATA, this new and largely preferred program for "disrupting" or "decapitating" U.S. foes is not in decline; it has simply shifted location.¶ In our previous article, we posited that the increasing number of drone strikes in FATA and the decreasing ratio of deaths of so-called "high-value targets" (HVTs) to total deaths was a result of the larger payloads on UAVs and increasingly lax targeting requirements. And, as with the case of Pakistan, new technologies and the recent White House authorization that gave the Central Intelligence Agency (CIA) and the Joint Special Operations Command (JSOC) more options to conduct strikes in Yemen, will likely produce a similar outcome.1 New technology with larger payload capacity and wider targeting parameters through the use of "signature strikes," designed to eliminate groups of people who appear (conveniently and posthumously) to be militants, will likely produce an increase in the lethality and frequency of drone strikes in Yemen.

#### Yemen drone strikes will cause wide spread blowback and strengthen the capacity of AQAP – retaliatory attacks, AQAP recruitment, US policy strategic confusion, undermines Yemeni government credibility to govern, and upsets US-Yemen relations

Hudson et al 13

Dr. Leila Hudson, Colin Owens, and Matt Callen, is associate director of the School of Middle Eastern & North African Studies at the University of Arizona and director of SISMEC, graduate of the School of Middle Eastern & North African Studies and the School of Government and Public Policy, and PhD candidate at the School of Middle Eastern & North African Studies. “Drone Warfare in Yemen: Fostering Emirates through Counterterrorism?,” Middle East Policy Council, 2013. http://mepc.org/journal/middle-east-policy-archives/drone-warfare-yemen-fostering-emirates-through-counterterrorism

Just as likely, as the case of FATA has clearly shown, increased strikes in Yemen will produce distinct forms of blowback. This will manifest itself in terms of increased recruitment for al-Qaeda or affiliated groups and a reduction of the Yemeni leadership's ability to govern, increasing competition from alternative groups.¶ In the case of drone use in FATA, we identified five distinct forms of blowback, all of which are directly applicable to the use of drones in Yemen. The first, purposeful retaliation is typified by the events of the 2009 Khost bombing of CIA Camp Chapman and, more recently, an al-Qaeda attack earlier in 2012 on a liquid-natural-gas pipeline running through Yemen's Shabwa province.2 The motivation behind both of these attacks has been cited as the unremitting presence of, and specific attacks from, U.S.-operated drones. The second form of blowback deals with the increased ability of AQAP to recruit new members, especially those who have had friends or family killed in the attacks. Third, an overreliance on drones creates strategic confusion. While the United States is not waging a counterinsurgency (COIN) campaign next to Yemen — as it is in Afghanistan, Pakistan's western neighbor — the control of the drone program has oscillated between the CIA and JSOC, reducing U.S. accountability and blurring the lines between military and intelligence operations. Taken together, these three factors foster two additional forms of blowback: the continued destabilization of Yemen and an increasingly precarious alliance between the American and Yemeni governments. All told, these distinct forms of blowback combine to heighten Yemen's ungovernability.

#### Building government trust with citizens and tribes is key to disable AQAP – drones undermine that goal

Schmitz 12

Charles Schmitz, specialist on the Middle East and Yemen and president of the American Institute for Yemeni Studies, “Understanding Yemen’s Al Qaeda Threat,” PBS Frontline Interview with Azmat Khan, May 29, 2012. <http://www.pbs.org/wgbh/pages/frontline/foreign-affairs-defense/al-qaeda-in-yemen/understanding-yemens-al-qaeda-threat/>

The alternative is what is working right now. The Yemeni military allied with the “local committees” in Abyan have turned the tide against Al Qaeda’s insurrection. Ansar al-Sharia is led by Al Qaeda, but it is a different kind of movement than the terrorist organization of Al Qaeda. Ansar al-Sharia tried to hold territory and to govern local affairs. In the Abbottabad papers, bin Laden told his leaders that this was a mistake. Al Qaeda was not in a position to govern and to provide services to people. Furthermore, controlling territory meant opening up a front of conventional military conflict that Al Qaeda cannot win.¶ Bin Laden was right: Ansar al-Sharia was only successful when the Yemeni military and security were divided and fighting amongst themselves. They exploited some local grievances, and they capitalized on the large number of unemployed, poor, young who have no future in Yemen to patch together a fighting force. Only the Yemeni forces can effectively fight such a counterinsurgency battle. They know the territory and the people and only Yemenis can put together a political solution that will address the issues that Ansar al-Sharia exploited. A local military commander in Yemen explained that what the Yemeni need from the U.S. is economic aid to relieve the extreme poverty that feeds Ansar al-Sharia.¶ As far as Al Qaeda the terrorist organization, local cells can hide and operate anywhere. They have shown their ability to strike in Sana’a, Hudeida, Aden; and recall that the 9/11 conspiracy was run from Hamburg, Germany. Fighting this kind of organization requires good intelligence and good police work, which in turn depends upon the legitimacy of the government. If people feel that the government is on their side, they will work with intelligence and the police help root out illegal activity.¶ The same applies to tribes. If tribes feel that the government is fair and can be trusted then they will side with security forces against Al Qaeda. The U.S. administration claims that Yemen is an ungoverned space in which Al Qaeda can operate freely, but Yemen is not ungoverned. There is local law and local society. The recent years saw lots of political conflict and chaos, and Al Qaeda exploited it, but the drone campaign is a short-term and short-sighted solution. Only political and economic stability will work in the long run, and in the short run drones may delay stability by inflaming people against the Americans and their Yemeni supporters.

#### AQAP has the intent and capacity to shut down the Bab al-Mandeb

Thomas 11

(Matthew, MA Nonproliferation and Terrorism Studies, “Al Qaeda in the Land of Faith and Wisdom: The Fall of Saleh and March on Al-Aqsa,” Monterey Institute of International Studies, May 8)

AQAP is well aware of the positive implications of Yemen’s strategic location in the Gulf of Aden. One of the world’s five energy chokepoints, the Bab al-Mandeb strait or Gate of Tears adjoining Yemen, is a strategic link between the Indian Ocean and the Mediterranean Sea, via the Red Sea and the Suez Canal. “An estimated 3.2 million bbl/d flowed through this waterway in 2009 (vs. 4 million bbl/d in 2008) toward Europe, the United States, and Asia.” Bab al-Mandeb has also proven vulnerable to terrorist and pirate attacks, as demonstrated by the previous bombings of the USS Cole in 2000 and Limburg French oil tanker in 2002. Yemen’s sparse oil resources, which are concentrated in the southern half of the country, are projected to be completely gone in the very near future. This is unfortunate for AQAP, which coincidentally maintains a power base in the southern half of Yemen. AQAP has made its intentions to exploit Yemen’s strategic position quite clear. If AQAP can overcome other tribal rulers and secessionists and dominate the state, it intends to cut off the oil lifeline from its Western enemies, and any remnants of Saleh’s government should it by way of some miracle hold on to poser. As Emir al-Wuhayshi explains: The interest that is shown towards AQAP is because of the strategic importance of the Arabian Peninsula. This is the place of the revelation, the birthplace of Islām, the land of the two holy Mosques and the blood of the saĥāba runs through the veins of its sons. Because of the greed of the Americans, they have vital interests in the Arabian Peninsula. The passage ways of commerce pass through its waters and oil is stolen from it. So this place is a vein of life for the Americans. AQAP recruits from both within the region and internationally. Yemen’s political destabilization is advantageous to AQAP, as the group appeals to potential recruits disillusioned and frustrated with Saleh’s regime. Also, in order to maintain ties with the wealthy Saudi counterparts, AQAP consistently seeks recruits from within the Kingdom. AQAP’s recruiting method “uses a combination of theological and socioeconomic issues” that call for the entire Muslim community to wage jihad, but uses messages “with specific appeals targeting Yemenis and Saudis.” The organization’s international objectives of attacking the U.S. and Western interests in general are supported by targeting individuals within the U.S. homeland, such as the Fort Hood shooter Major Nidal Hassan and Christmas Day bomber Umar Farouk Abdulmutallab. The fiery clerical leader of AQAP, Anwar al-Awlaki, having been born and raised for the majority of his life in the U.S. is familiar with the Western culture and lifestyle. As a result, he has been able to use this familiarity with Western society to AQAP’s advantage in recruiting and radicalizing American Muslims. The media arm of AQAP, Sada al-Malahim (echo of epics), continues to urge Muslims to take up jihad and attack infidels wherever they may be. One interesting section in the second issue of Inspire magazine even suggested American Muslims purchase a large pick-up truck to mow down, or run over, as many infidels as possible. Indeed, the magazine proves to be a valuable propaganda tool in enticing others to join AQAP’s ranks and take up the black banner of Islam in waging armed jihad. AQAP maintains ties with several terrorist groups both locally and internationally. There is documented evidence of collaboration between AQAP and other al-Qaeda affiliates. The alliance between AQAP and the Somali terrorist group Ḥarakat al-Shabab al-Mujahidin, better known as al-Shabab, personifies a combination of interests to uniting as one force in the Gulf of Aden. At one point, al-Qaeda even called for creating a united jihadist maritime force. The established tie between AQAP and al-Shabab represents a considerable threat to Western interests in the region, particularly in the Gulf of Aden. AQAP has, also, sought to cooperate with al-Qaeda in the Islamic Maghreb (AQIM) in a recently foiled plot in France. Indeed, AQAP coordinated with another al Qaeda affiliate AQIM, to dispatch a cell of North Africans across the Mediterranean Sea by boat from North Africa to carry out an attack France. AQAP’s operational funding comes mainly from contributions through its wealthy Saudi members and associates. By strengthening ties with members and sympathizers from Saudi Arabia, AQAP is able to channel funds from wealthy donators. Money has even been reported to come to AQAP by way of fellow mujahidin in Iraq. Also, AQAP relies on Zakat or alms giving for funding. Zakat is similar to tithing in the Christian world and is one of the pillars of Islam. Several charities and front groups associated with AQAP present a façade of good-will for Islam and for the group. Funds are solicited for the stated intent of building mosques and schools but are often diverted to support AQAP and other terrorist organizations. Some of the organizations through which AQAP is able to radicalize, recruit, and finance include: al-Iman University; al-Haramain Foundation; al-Islah charity; al-Hikmah al-Yamania Charity; al-Manhal Charitable Society; Charitable Society for Social Welfare; the Commission on Scientific Signs in the Quran and Sunnah. The use of Hawala, an informal value transfer system, is a preferable AQAP financial management mechanism which operates outside of the formal banking system and leaves no paper trail. The Hawala system has come under more scrutiny since 9/11, and been a consistent problem in combatting terrorism financing for al-Qaeda and its affiliates. Another source of AQAP funding is the black market in the failed state of Somalia. In consort with al-Shabab, the al Qaeda affiliate in Somalia, AQAP is involved in the lucrative drug, arms, and human trafficking trade in the region. Arms trafficking is big business in Yemen and the inability of the Saleh regime to control it is indicative of just how weak the regime is presently. A recent plot (March 2011) to smuggle 16,000 pistols from Turkey to Yemen is a case in point. The shipment was intercepted by Dubai police but many believe other shipments are getting through and are a harbinger of more disruption and violence. In such a destabilizing scenario AQAP stands to gain in its quest for political power in Yemen. However, to hold power the AQAP must convince, cajole, and perhaps defeat Yemen’s other powerful tribes that value tribal allegiance above all else. Dealing with the tribes is unavoidable for AQAP and inevitable in the case of a political revolution which becomes increasingly likely given the number of governments to fall in the region these past few months. The following quote from Faris Sanabani, creator and publisher of the English language Observer in Yemen, accurately depicts AQAP’s gravitas in Yemen, Al Qaida in Yemen is more than an organisation, it is a melting pot for whomever has an issue and wants to go violent. So if you have an issue that you can’t deal with, if you feel you are the victims of injustice, if you’re broke, al Qaida increasingly seems to be an option. As Yemenis struggle to cope with the lack of basic services such as access to food and water, employment, and education, they are finding more in common with AQAP and those tribal authorities opposed to Saleh’s regime. If this situation continues to persist, Yemen—particularly the southern half of the nation—will become almost entirely devoid of government control. Also, AQAP’s resilience against increased U.S. operations targeting training camps in southern Yemen has bolstered the group’s image among those who have suffered because of American airstrikes and likewise increased AQAP’s recruiting opportunities among those disenfranchised by U.S. attacks. As a result, AQAP is on the road to establishing a firm base in the highly martial tribal provinces, and subsequently should be able to expand operations into other areas in the region like Saudi Arabia, as well as, overseas in Europe and the U.S. AQAP’s previous declaration to attack Western interests and cut off America’s oil lifeline were not idle threats as demonstrated by past attacks on oil wells and pipelines in the region. In addition, given AQAP’s strategic position in territory near the Bab al-Mandeb strait and increased cooperation with al-Shabab in Somalia, it is highly plausible that AQAP could conduct future attacks on oil shipments in the Gulf of Aden, much like the previous attack against the French Limburg. AQAP’s relationship with Saudi donors in terms of recruiting and financing is key to its calls to overthrow the apostate Saudi regime, and the August 2009 failed assassination attempt against Prince Muhammad bin Nayif suggests that AQAP related attacks might continue and possibly intensify within the Saudi Kingdom. AQAP is smart. It has studied and learned from the “Anbar awakening” and other al-Qaeda in Iraq failures which resulted in the alienation of the local population. AQAP avoids making similar mistakes and is proving an ability to adapt to Yemen’s dynamic socio-political circumstance. Indeed, AQAP has proven more successful than other al-Qaeda affiliates by “pursuing a shrewd strategy” of focusing exclusively on attacking U.S., Yemeni and the Saudi governments, while avoiding attacks against the local populace. Ultimately, the group’s success has been in large part to the group’s patient foresight and restraint in not overextending itself in waging global jihad. What effects would a failed state in Yemen have on AQAP? What are the regional and international consequences? What is the appropriate U.S. response to a potential failed state in Yemen? These questions are increasingly relevant demanding a deeper examination of the conditions of a failed state and positive correlations with non-state actors, such as terrorist organizations. The risk of Yemen becoming a failed state grows daily and will undoubtedly prove advantageous to AQAP’s future modus operandi. As David Carment observes, If Yemen continues on its current trajectory it will become a failed state in the next several months. Yemen's implosion would have a significant impact on Saudi Arabia, itself feeling the direct effects of upheaval on its border with Yemen. Failure would also give al-Qaida unprecedented operational space in the south. The impending fall of Yemeni President Ali Abdullah Saleh coincides with an era of unprecedented political upheaval in the Middle East. Yemen as a failed state would exacerbate cross-border issues with Saudi Arabia, allowing smugglers, refugees, illegal workers, and terrorists to move even more freely between the two countries. The lack of border security may lead to an increase in AQAP agents infiltrating into Saudi Arabia and subsequent rise in terrorist attacks within the Kingdom. Furthermore, AQAP’s relationship with al-Shabab in neighboring Somalia will certainly become heightened should Yemen become a failed state. The proximity of two failed states with increased terrorist collaboration and prevalence of transnational organized crime, located in the strategic Gulf of Aden is a potential doomsday scenario in which the region, already struggling to recover from rampant political revolutions could follow Yemen into chaos.

#### Closing the strait collapses the economy, hegemony and causes Iran expansionism

UPI 10

(“Al-Qaida threatens to close key oil artery,” Feb. 24, 2010. UPI. http://www.upi.com/Top\_News/Special/2010/02/24/Al-Qaida-threatens-to-close-key-oil-artery/UPI-27151267027462/#ixzz1XPTj8CWP. CR)

SANAA, Yemen, Feb. 24 (UPI) -- Amid the growing war jitters infecting much of the Middle East and fears Iran may seek to close the Gulf's Strait of Hormuz, a key oil artery, there are growing concerns that jihadists in Yemen plan to block another maritime choke point to disrupt oil supplies. Said al-Shihri, the deputy commander of al-Qaida in the Arabian Peninsula, recently outlined a radical strategy: joining forces with Islamist militants in Somalia, across the Gulf of Aden from Yemen, to take control of the Bab el-Mandab, a narrow waterway between Yemen and Eritrea that links the Indian Ocean with the Mediterranean via the Red Sea. For that to be anywhere near effective, AQAP would need freedom of access in southern Yemen, where it has bases and where the central government in Sanaa is grappling with a growing secessionist movement. This goes a long way to explaining AQAP's recent statements voicing support for southern secessionists, who are led by old-style socialists who once formed a separate state until the union with the north in 1990. AQAP recently described supporting the southern cause as a religious duty for all Muslims. AQAP leader Nasser al-Wahishi declared, "We are obligated to support them." Al-Shihri, a former Guantanamo detainee from Saudi Arabia, said in a 12-minute audiotape released Feb. 8 that controlling the Bab al-Mandeb -- Arabic for "Gate of Tears" because of the navigational hazards ancient seafarers faced there -- would "bring it back under the protection of Islam." He urged Somali jihadists, who have links to al-Qaida, to join with AQAP to "create a great victory and international power for us … "Then the strait will be closed and the grip of will be tightened around the throat of the Jews, because the U.S. supports them through (the strait), by means of the Red Sea in particular." That is in line with Osama bin Laden's recent call for an economic jihad to bleed the West. Following an offer by the al-Shebab militants in Somalia, who are fighting a U.S.-backed transitional federal government, to join forces with AQAP, al-Shihri declared they would wage war on the Americans on two fronts. The Red Sea, which is linked to the Mediterranean at its northern end via the Suez Canal, is one of the most critical maritime routes in the world. Thirty percent of world trade runs through the Bab al-Mandeb. Since the 1973 Arab-Israeli war, it has become a vital security issue for the countries along its littoral and to the major powers who depend on its for swift military deployments, as in the 1990-91 Gulf War and the 2003 U.S.-led invasion of Iraq. A major new operational theater in the conflict against Islamist extremism in that region would cause considerable problems for the United States, Egypt and Israel, as well as for Saudi Arabia and the Arab states of the Gulf. They depend on access to the Red Sea to transport oil and gas exports to the West. A jihadist breakthrough in the strait would also open the way for Iranian expansion into the region and into Africa, where it is making a major effort to secure allies and markets.

#### Economic decline causes protectionism and war

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 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 defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski 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 crisis could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 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). Seperately, 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 behavious 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. Crisis could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflict self-reinforce each other. (Blomberg & Hess, 2002. P. 89) Economic decline has been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘**D**iversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increase incentives to fabricate external military conflicts to create a ‘rally around the flag’ effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are 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 to an increase in the use of force. In summary, recent economic scholarship positively correlated economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crisis and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

### Advantage 2: Drone Proliferation

#### Drone arms race is underway

Boyle 2013

[MICHAEL J. BOYLE, Ph.D- Michael Boyle is an Assistant Professor of Political Science at La Salle University in Philadelphia. “The costs and consequences of drone warfare,” International Affairs, January 1, 2013, http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=946befe6-cb0f-406e-8eeb-8cf208339510%40sessionmgr10&vid=1&hid=25//wyo-ng]

A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before another supplier steps in to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities

#### Drone courts limit executive behavior and are key to solve transparency in drone strikes

Wexler 13

(Lesley, Professor of Law, University of Illinois College of Law, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” 2013, Social Science Research Network/) /wyo-mm

This chapter suggests the judiciary may play an important role in the debate over the executive branch’s decisions regarding IHL even if it declines to speak to the substance of such cases. First, advocates may use courts as a visible platform in which to make their arguments and spur conversations about alternative, non-judicially mandated transparency and accountability measures. As they did with the trio of detention cases, advocates can leverage underlying constitutional concerns about the treatment of citizens to stimulate interest in the larger IHL issues. Second, litigants may use courts to publicize and pursue Freedom of Information (FOIA) requests and thus enhance transparency. Even if courts decline to grant FOIA requests, the lawsuits can generate media attention about what remains undisclosed. Third, and most robustly, Congress may pass legislation that would facilitate either prospective review of kill lists through a so-called drone court or remove procedural barriers to retrospective damage suits for those unlawfully killed by a drone strike. Even the threat of such judicial role may influence executive branch behavior.

#### The plan solves international norms- US can shape and limit drone prolif and provide diplomatic pressure

Zenko, 2013

[Micah, Council of Foreign Relations, Reforming U.S. Drone Strike Policies, January 2013, Council Special Report No. 65, Online] /Wyo-MB

History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone proliferation and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international normative framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.

#### The US has a narrow window of opportunity to shape drone proliferation, only US reform will solve

Zenko, 2013

[Micah, Council of Foreign Relations, Reforming U.S. Drone Strike Policies, January 2013, Council Special Report No. 65, Online] /Wyo-MB

In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would undermine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies. Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### Scenario 1 is global conflict

#### Failure to implement clear international standards for drone use makes global warfare inevitable

Roberts, 2013

[Kristin, national journal, When the Whole World Has Drones, 3-22-13, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321] /Wyo-MB

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines.¶ It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.¶ America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts.¶ To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.¶ Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan.¶ This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

#### Drone use erodes norms for war and causes global conflict that leads to extinction

Falk, 2012

[Richard, Richard Falk is Chair of the Nuclear Age Peace Foundation and Professor Emeritus at Princeton University, The Menace of Present and Future Drone Warfare, 2-13-12, http://www.wagingpeace.org/articles/db\_article.php?article\_id=328] /Wyo-MB

Perhaps, the most important difference between the torture and drone debates has to do with future implications. Although there are some loopholes involving extraordinary rendition and secret CIA operated overseas black sites, torture has been credibly prohibited by President Obama. Beyond this, the repudiation of torture has been understood in a manner that conforms to the general international consensus rather than the narrowed conception insisted upon by the Bush-era legalists. In contrast, drones seem destined to be central to operational planning for future military undertakings of the United States, with sharply escalating appropriations to support both the purchase of increasing numbers and varieties of drone. The government is engaging in a major research program designed to make drones available for an expanding range of military missions and to serve as the foundation of a revolutionary transformation of the way America will fight future wars. Some of these revolutionary features are already evident: casualty-free military missions; subversion of territorial sovereignty; absence of transparency and accountability; further weakening of political constraints on recourse to war.¶ Future war scenarios involve attacks by drones swarms, interactive squadrons of drones re-targeting while in a combat zone without human participation, and covert attacks using mini-drones. A further serious concern is the almost certain access to drone technology by private sectors actors. These musings are not science fiction, but well financed undertakings at or beyond the development stage. It is in these settings of fhere, especially, where the analogy to nuclear weapons seems most pertinent, and discouraging. Given the amount invested and the anticipated profitability and utility of drones, it may already be too late to interrupt their development, deployment, and expanding sphere of use. Unlike nuclear weaponry, already some 50 countries reportedly possess drones, mainly adapted to surveillance. As with nuclear weaponry, the United States, and other leading political actors, will not agree to comprehensive prohibitions on the use of drones for lethal purposes.¶ If this line of reasoning is generally correct, there are two likely futures for attack drones: an unregulated dispersion of the weaponry to public and private actors with likely strategic roles undermining traditional international law limits on war making and public order; or a new non-proliferation regime for drones that permits all states to possess and use surveillance drones within sovereign space and allows some states to make discretionary use of drones globally and for attack purposes until a set on constraining regulations can be agreed upon by a list of designated states. That is, drone military technology will perpetuate the two-tier concept of world order that has taken shape in relation to nuclear weapons, and reflects the consensus that both nuclear disarmament and unrestricted proliferation of nuclear weaponry are unacceptable. In this regard, a counter-proliferation regime for drones is a lesser evil, but still an evil.¶ The technological momentum that has built up in relation to drones is probably too strong to be challenged politically. The military applications are too attractive, the technology is of a cutting edge fantasy quality, the political appeal of war fighting that involves minimum human risk is too great. At the same time, for much of the world this kind of unfolding future delivers a somber message of a terrifying unfolding vulnerability. At present, there seems to be no way to insulate societies from either intrusive and perpetual surveillance or the prospect of targeted killing and devastation conducted from a remote location. It may be contended that such an indictment of drones exaggerates their novelty. Has not the world lived for decades with weapons of mass destruction possessed by a small number of non-accountable governments and deliverable anywhere on the planet in a matter of minutes? This is superficially true, and frightening enough, but the catastrophic quality of nuclear weaponry and its release of atmospheric radioactivity operates as an inhibitor of uncertain reliability, while with drone their comparative inexpensiveness and non-apocalyptic character makes it much easier to drift mindlessly until an unanticipated day of reckoning occurs by which time all possibilities of control will have been long lost.¶ As with nuclear weaponry, climate change, and respect for the carrying capacity of the earth, we who are alive at present may be the last who have even the possibility of upholding the life prospects of future generations. It seems late, but still not too late to act responsibly, but we will not be able to make such claims very much longer. Part of the challenge is undoubtedly structural. For most purposes, global governance depends on cooperation among sovereign states, but in matters of war and peace the world order system remains resolutely vertical and under the control of geopolitical actors, perhaps as few as one, who are unwilling to restrict their military activities to the confines of territorial boundaries, but insist on their prerogative to manage coercively the planet as a whole. When it comes to drones the fate of humanity is squeezed between the impotence of state-centric logic and the grandiose schemes of the geopolitical mentality.

#### Scenario 2 is South China Sea

#### Chinese drone acquisition threatens U.S. interests in the Asia-Pacific and causes aggression – only reforming our drone policy checks them

CBS 5-3 (China emerges as new force in drone warfare, Associated Press, 3 May 2013, http://www.cbsnews.com/8301-202\_162-57582699/china-emerges-as-new-force-in-drone-warfare/, da 8-3-13) PC

China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict.¶ China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula.¶ "China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI.¶ "The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said.

#### Chinese Drone proliferation collapses Japan China relations, and increases instability between China and the U.S. in the South China Sea

Basu, 13

Writes for the IPCS, Institute of Peace and Conflict Stories “China: The Dawn of the Drones” <http://www.ipcs.org/article/military/china-the-dawn-of-the-drones-3948.html>, accessed 9/2/13,WYO/JF

¶ The primary role of China’s growing drone programme is to help Beijing control and monitor disputed territories in the Asia-Pacific region. Put simply, drones help China deter countries from intervening in the area by helping to detect and target potential violators of the areas they are trying to deny. Indeed, Beijing’s deployment of drones near the disputed Senkaku/Diaoyu Islands impacted Sino-Japanese relations [recently](http://www.guardian.co.uk/world/2013/jan/08/china-japan-drone-race), prompting Tokyo to place its own defence programme under review, with the aim of introducing its own drones to patrol the disputed waters by 2015. For China then, drones could act as the ideal surveillance tool in the event of a crisis - a proxy weapon to deter assertive behaviour over territories China considers its own - such as the South China Sea and the Senkaku Islands. China’s move into large-scale drone deployment is a significant indication of its military’s growing sophistication. It could not only challenge American dominance in the Asia-Pacific, but could also elevate the threat to any neighbours with which China has territorial disputes, such as Vietnam, Japan, India or the Philippines. Within China, drones are already patrolling the borders, and a navy drone was deployed to the western province of Sichuan to provide aerial surveillance, in the aftermath of last month’s deadly earthquake. However, on a wider geopolitical canvas, Chinese drones could be the tipping point for giving the Chinese an edge in possible future disputes in Asia with the US, as American foreign policy continues its rebalancing trends within the Asia-Pacific. Indeed, China has already made it clear that the drones are capable of carrying bombs and missiles as well as conducting reconnaissance missions, potentially turning them into offensive weapons in the event of a border conflict. The thought of armed UAVs patrolling the skies over disputed territories like the Paracel and the Spratly Islands is enough to cause anxiety among ASEAN members, besides greatly enhancing China’s ocean surveillance. On the other hand, it is equally important to remember that Chinese drones are not yet as sophisticated as their US counterparts in terms of range, hardware, and engines. Official makers COSIC admit that progress is needed in half a dozen major areas, from airframe designs to digital linkups. Secondly, the Chinese drones on display at the Zhuhai Airshow are prototypes and not finished products. Nor have Chinese drones ever been put to military use. In the light of these facts, it is perhaps safe to say that the Chinese agenda for impact is twofold: to maintain surveillance over key territories in dispute, and to stoke fears of a UAV race between the US and China, which has already manifested itself - as evidenced by the DSB report - in the top echelons of the Pentagon.

#### Conflict in the SCS escalates to full-scale nuclear war

STRAITS TIMES 1995

[staff, “Choose Your Own Style of Democracy”, May 21, p. ln// wyo-tjc]

In his speech, Dr Mahathir also painted three scenarios for Asia.

**In the first -the worst possible scenario -Asian countries would go to war against each other, he said. It might start with clashes** between Asian countries **over the Spratly Islands** because of China's insistence that the South China Sea belonged to it along with all the islands, reefs and seabed minerals. **In this scenario, the United States would offer to help** and would be welcomed by Asean, he said. The Pacific Fleet begins to patrol the South China Sea. **Clashes occur between the Chinese navy and the US Navy. China declares war on the US and a full-scale war breaks out with both sides resorting to nuclear weapons.**

#### Extinction

Lieven 12 Anatol, Professor in the War Studies Department – King’s College (London), Senior Fellow – New America Foundation (Washington), “Avoiding US-China War,” New York Times, 6-12, http://www.nytimes.com/2012/06/13/opinion/avoiding-a-us-china-war.html

Relations between the United States and China are on a course that **may one day lead to war**. This month, Defense Secretary Leon Panetta announced that by 2020, 60 percent of the U.S. Navy will be deployed in the Pacific. Last November, in Australia, President Obama announced the establishment of a U.S. military base in that country, and threw down an ideological gauntlet to China with his statement that the United States will “continue to speak candidly to Beijing about the importance of upholding international norms and respecting the universal human rights of the Chinese people.” The dangers inherent in present developments in American, Chinese and regional policies are set out in “The China Choice: Why America Should Share Power,” an important forthcoming book by the Australian international affairs expert Hugh White. As he writes, “Washington and Beijing are already sliding toward rivalry by default.” To escape this, White makes a strong argument for a “concert of powers” in Asia, as the best — and perhaps only — way that this looming confrontation can be avoided. The economic basis of such a U.S.-China agreement is indeed already in place. The danger of conflict does not stem from a Chinese desire for global leadership. Outside East Asia, Beijing is sticking to a very cautious policy, centered on commercial advantage without military components, in part because Chinese leaders realize that it would take decades and colossal naval expenditure to allow them to mount a global challenge to the United States, and that even then they would almost certainly fail. In East Asia, things are very different. For most of its history, China has dominated the region. When it becomes the largest economy on earth, it will certainly seek to do so. While China cannot build up naval forces to challenge the United States in distant oceans, it would be very surprising if in future it will not be able to generate missile and air forces sufficient to deny the U.S. Navy access to the seas around China. Moreover, China is engaged in territorial disputes with other states in the region over island groups — disputes in which Chinese popular nationalist sentiments have become heavily engaged. With communism dead, the Chinese administration has relied very heavily — and successfully — on nationalism as an ideological support for its rule. The problem is that if clashes erupt over these islands, Beijing may find itself in a position where it cannot compromise **without severe damage** to its domestic legitimacy — very much the position of the European great powers in 1914. In these disputes, Chinese nationalism collides with other nationalisms — particularly that of Vietnam, which embodies strong historical resentments. The hostility to China of Vietnam and most of the other regional states is at once America’s greatest asset and greatest danger. It means that most of China’s neighbors want the United States to remain militarily present in the region. As White argues, even if the United States were to withdraw, it is highly unlikely that these countries would submit meekly to Chinese hegemony. But if the United States were to commit itself to a military alliance with these countries against China, Washington would risk embroiling America in their territorial disputes. In the event of a military clash between Vietnam and China, Washington would be faced with the choice of either holding aloof and seeing its credibility as an ally destroyed, or fighting China. Neither the United States nor China would “win” the resulting war outright, but they would certainly inflict **catastrophic damage** on each other and on the world economy. If the conflict escalated into a **nuclear exchange**, **modern civilization would be wrecked**. Even a prolonged period of military and strategic rivalry with an economically mighty China will gravely weaken America’s global position. Indeed, U.S. overstretch is already apparent — for example in Washington’s neglect of the crumbling states of Central America.

### Plan

#### Plan: The United States federal government should establish a federal court with jurisdiction over targeted killing orders.

### Solvency

#### Judicial review solves clarification of limits to AUMF, and encourages the executive to restrain its use of war power

Jaffer, 2013

[Jameel Jaffer, Director of the ACLU's Center for Democracy, Reaction: Judicial Review of Targeted Killings, 126 Harv. L. Rev. F. 185 (2013), http://www.harvardlawreview.org/issues/126/april13/forum\_1002.php] /Wyo-MB

The argument for some form of judicial review is compelling, not least because such review would clarify the scope of the government’s authority to use lethal force. The targeted killing program is predicated on sweeping constructions of the 2001 Authorization for Use of Military Force (AUMF) and the President’s authority to use military force in national self-defense. The government contends, for example, that the AUMF authorizes it to use lethal force against groups that had nothing to do with the 9/11 attacks and that did not even exist when those attacks were carried out. It contends that the AUMF gives it authority to use lethal force against individuals located far from conventional battlefields. As the Justice Department’s recently leaked white paper makes clear, the government also contends that the President has authority to use lethal force against those deemed to present “continuing” rather than truly imminent threats.¶ These claims are controversial. They have been rejected or questioned by human rights groups, legal scholars, federal judges, and U.N. special rapporteurs. Even enthusiasts of the drone program have become anxious about its legal soundness. (“People in Washington need to wake up and realize the legal foundations are crumbling by the day,” Professor Bobby Chesney, a supporter of the program, recently said.) Judicial review could clarify the limits on the government’s legal authority and supply a degree of legitimacy to actions taken within those limits.¶ It could also encourage executive officials to observe these limits. Executive officials would be less likely to exceed or abuse their authority if they were required to defend their conduct to federal judges. Even Jeh Johnson, the Defense Department’s former general counsel and a vocal defender of the targeted killing program, acknowledged in a recent speech that judicial review could add “rigor” to the executive’s decisionmaking process. In explaining the function of the Foreign Intelligence Surveillance Court, which oversees government surveillance in certain national security investigations, executive officials have often said that even the mere prospect of judicial review deters error and abuse.

#### A drone court would solve judicial oversight of targeted killings while maintaining a balance between counterterrorism needs and civil liberties concerns

McKelvey, 2011

[Benjamin, Executive Development Editor on the Editorial Board of the Vanderbilt Journal of Transnational Law, Due process rights and the targeted killing of suspected terrorists: the unconstitutional scope of executive killing power, Vanderbilt Journal of Transnational Law, v.44, no.5, 2011 Nov, p.1353(32), Online] /Wyo-MB

As the Aulaqi case demonstrates, any resolution to the problem of targeted killing would require a delicate balance between due process protections and executive power.204 In order to accomplish this delicate balance, Congress can pass legislation modeled on the Foreign Intelligence Surveillance Act (FISA) that establishes a federal court with jurisdiction over targeted killing orders, similar to the wiretapping court established by FISA.205 There are several advantages to a legislative solution. First, FISA provides a working model for the judicial oversight of real-time intelligence and national security decisions that have the potential to violate civil liberties.206 FISA also effectively balances the legitimate but competing claims at issue in Aulaqi: the sensitive nature of classified intelligence and national security decisions versus the civil liberties protections of the Constitution.207 A legislative solution can provide judicial enforcement of due process while also respecting the seriousness and sensitivity of executive counterterrorism duties.208 In this way, congress can alleviate fears over the abuse of targeted killing without interfering with executive duties and authority.¶ Perhaps most importantly, a legislative solution would provide the branches of government and the American public with a clear articulation of the law of targeted killing.209 The court in Aulaqi began its opinion by explaining that the existence of a targeted killing program is no more than media speculation, as the government has neither confirmed nor denied the existence of the program.210 Congress can acknowledge targeted killing in the light of day while ensuring that it is only used against Americans out of absolute necessity.211 Independent oversight would promote the use of all peaceful measures before lethal force is pursued.

## 2AC

#### “Statutory restrictions” can mandate judicial review, but are *enacted* by congress

Mortenson 11 (Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

#### And, Restrictions are legal limitations on activities

Law.Com 9

(“restriction”, The People's Law Dictionary by Gerald and Kathleen Hill (legal writers), <http://dictionary.law.com/Default.aspx?selected=1835&bold=restrict>, accessed 9-9-9)

restriction

n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects managed by homeowners' associations or similar organizations, such organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions" intended to enhance the use of common facilities and property which are recorded and incorporated into the title of each owner.

Fear appeals mobilize for action against nuclear war. And failure to discuss the consequences of nuclear war means the discussion gets dominated by trivial issues that lose focus on preventing war.

Caldicott ’86 (Helen, MD, Founder – Women's Action for Nuclear Disarmament, Co-Founder – Physicians for Social Responsibility, and Lecturer – New School for Social Research on the Media, Global Politics and the Environment, Bulletin of the Atomic Scientists, “Helen Caldicott on Tactics”, May, Ebsco)

"A Historical View of Scare Tactics" by Paul Boyer, and "Scared Stiff or Scared into Action" by Peter Sandman and Jo- Ann Valenti— attributed the lack of vigor in the U.S. antinuclear movement at least in part to numbing induced by terror. And both mentioned me as a purveyor of "fear tactics?' These authors made no attempt to analyze the methods I use in a typical recruiting speech, or to interview my audiences or the activists I have recruited. I must therefore describe my approach, which has evolved from 15 years' experience and give my own reasons for the current decline in the movement. I have found that all audiences will respond positively to an address that incorporates the following subjects: • The medical and ecological consequences of nuclear war ("bombing run"). People need to know that the human race is facing extinction from "nuclear winter?' The description of a single nuclear explosion personalizes the events experienced by two populations in Ja-pan. My experience shows that if I omit this part of my talk, the question and answer period is dominated by trivial and irrelevant arguments over technical and numerical questions about hardware and the Soviet Union. • Military-industrial-political complex. The first part of the talk prepares the audience for the even more alarming facts about the deception of the public by their elected government and Admin-istration officials, as well as the mani-pulative control of both groups by the Pentagon and the powerful weapons- producing corporations; the complexi-ties of the new and destabilizing first- strike weapons, and doctrines such as that for nuclear war-fighting as enun-ciated in the Defense Department's five- year guidance plan; and the influence of the right-wing movement. My experience is that the audience is more shocked by this than by the "bombing run." • My talks always include my own personal rhapsody about the earth's plants and animals, and my love of life and of my fellow humans. I remind people of their own deep dedication to the welfare of their children and their hopes for the future. It is this which causes the most pain for audiences—the beauty, not the horror. They often cry. I explain that facing nuclear war and human ex-tinction is like being told you have cancer and may provoke a classical grieving response consisting of shock and disbelief, followed by depression, which may last for months. People often come out of the depression with energetic anger. This is what drives many activists who have finally accepted the dual reality: that we face extinction, and that the only viable response is to work like hell for our survival. Not everyone goes through these steps, but many of the most effective and devoted workers have. • Finally, I always emphasize that lit-erature is available and there are orga-nizations to join, petitions to sign, and lists of activities from which they can choose. I tell audiences that the therapy for despair is action and that they have a social obligation to work for the prevention of nuclear war. My experience, both in the practice of medicine dealing with catastrophic illness and in the prevention of nuclear war, is that people can respond magnificently to even the most horrible reality. But they cannot deal with half-truths, lies, or doubts. The deep hidden terror which this subject induces generates "psychic numbing;' and people are grateful and relieved when their fears are legitimized. In thousands of letters, and in meet-ings with people years later, no one has ever suggested that I have induced a state of permanent numbness. Anecdotal evidence from leaders of new movements such as Beyond War, Citizens Network, and Pro-Peace indicates that my method has recruited the majority of those who respond to their initiatives. This approach has also been a catalyst for the freeze movement and for such groups as Physicians for Social Responsibility (PSR), Women's Action for Nuclear Disarmament (WAND), and the organization that won the 1985 Nobel Peace Prize, International Physicians for the Prevention of Nuclear War.

#### Perm do both—the aff is key to solve arbitrary use of state power—solves their K impacts

Alford, 2011

[Ryan Patrick, Assistant Professor, Ave Maria School of Law, THE RULE OF LAW AT THE CROSSROADS: CONSEQUENCES OF TARGETED KILLING OF CITIZENS, UTAH LAW REVIEW, NO. 4, Online] /Wyo-MB

The Al-Aulaqi lawsuit makes it clear that the same arguments that the Plantagenet and Stuart kings used in attempts to weaken the Magna Carta and subsequent constitutional protections have been revived in a modern form. The complaint correctly asserts that “[t]he right to life is the most fundamental of all¶ rights.”25 However, the response to the Defendants’ motion to dismiss notes that “the upshot of its arguments is that the executive, [who] must obtain judicial approval to monitor a U.S. citizen’s communications or search his briefcase, may execute that citizen without any obligation to justify its actions to a court or to the public.”26 These arguments were of no avail in the District Court, which held that these allegations were indeed unreviewable in any court, because the executive had asserted, purportedly correctly, that addressing a violation of the right of life involves a nonjusticiable political question. Al-Awlaki was thus told that he was to have no day in court before being killed.27¶ Accordingly, seven hundred years after the executive death warrants issued by King Edward I (and four hundred years after a decisive rejection of King James I’s tentative attempts to revive the practice), we appear to be at a similar crossroads of history. However, it remains to be seen whether carrying out an executive order to kill an American citizen will lead to a backlash that reaffirms the importance of the bulwarks against this exercise of arbitrary power over life and death, or whether it leads to an implicit decision to abandon the rule of law and the constraints on executive power that have defined our constitutional tradition for centuries.¶ The early history of the resistance to arbitrary executive authority is important to the worldview and legal theory of the Framers of the Constitution. This Article argues that this history provides the best lens through which we might scrutinize the constitutionality of the targeted killing of American citizens. In doing so, this Article attempts to bring back to the forefront what is at stake in the Al-Aulaqi lawsuit: not merely the potential harm to the targeted individual, but the damage this might inflict on our constitutional tradition. Specifically, this Article will argue that if the courts uphold a decision declaring that the president’s powers are so broad as to preclude any judicial determination of whether the targeted killing program is prohibited by the Due Process Clause, we stand to lose the benefits of a seven-hundred year old tradition of resistance to arbitrary power.¶

#### And, Drones are inevitable

Henning, 2-20-12

[Job, NYT, Embracing the Drone, http://www.nytimes.com/2012/02/21/opinion/embracing-the-drone.html?pagewanted=all&\_r=0] /Wyo-MB

Drones — more formally armed Unmanned Aerial Vehicles, or UAVs — are “in.” Since a Predator strike in Yemen against Al Qaeda in November 2002 — the first known use of a drone attack outside a theater of war — the United States has made extensive use of drones. There were nearly four times as many drone strikes in Pakistan during the first two years of the Obama administration as there were during the entire Bush administration.¶ The United States is now conducting drone strikes in Somalia as well, and their use is expected to dramatically increase in Afghanistan over the next five years as NATO troops withdraw from there.¶ Armed drones are both inevitable, since they allow the fusing of a reconnaissance platform with a weapons system, and, in many respects, highly desirable. They can loiter, observe and strike, with a far more precise application of force. They eliminate risk to pilots and sharply reduce the financial costs of projecting power. Moreover, polls show that a vast majority of Americans support the use of drones.¶

#### And, Strict review of targeted killing operations is key to maintain morality in war

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

One of the dominant, and admittedly controversial, arguments this essay advances is that states have an obligation to conduct themselves morally, including during armed conflict. Although some may find this notion inherently contradictory, "morality in armed conflict" is a term of art (and not an oxymoron) that lies at the core of the instant discussion. This concept imposes an absolute requirement that soldiers treat the civilian population of areas in which they are engaged in conflict with the utmost dignity and respect. This obligation holds true whether combat takes place "house-to-house" or using remotely piloted aircraft tens of thousands of feet up in the sky. This concept may be simple to articulate, yet it is difficult to implement; the operational reality of armed conflict short of war requires a soldier to make multiple decisions involving various factors, all of which have never-ending spin-off potential. After all, every decision is not only complicated in and of itself, but each operational situation has a number of "forks." The implication is that no decision is linear, and every decision leads to additional dilemmas and spurs further decision making.¶ Operational decision-making is thus predicated on a complicated triangle that must incorporate the rule of law, morality, and effectiveness. I have been asked repeatedly whether that triangle endangers soldiers while giving the "other side" an undue advantage. The concern is understandable; however, the essence of armed conflict is that innocent civilians are in the immediate vicinity of combatants, and there is a duty to protect them even at the risk of harm to soldiers. (12) The burden to distinguish between combatant and civilian is extraordinarily complicated and poses significant operational dilemmas for and burdens on soldiers.¶ For armed conflict conducted in accordance with the rule of law and morality, this burden of distinction can never be viewed as mere mantra. Distinction, (13) then, is integral to the discussion. It is as relevant and important to the soldier standing at a check-point, uncertain whether the person standing opposite him is a combatant or civilian, as it must be in any targeted killing dilemma. The decision whether to operationally engage must reflect a variety of criteria and guidelines. (14) Otherwise, the nation state conducts itself in the spirit of a video game where victims are not real and represent mere numbers, regardless of the degree of threat they pose.¶ At the most fundamental level, operational decision making in the context of counterterrorism involves the decision whether to kill an individual defined as a legitimate target. (15) Although some argue killing is inherently immoral, I argue that killing in the context of narrowly defined self-defense is both legal and moral provided that the decision to "pull the trigger" is made in the context of a highly circumscribed and criteria-based framework. If limits are not imposed in defining a legitimate target, then decisions take on the hue of both illegality and immorality.

**Fear of death is key to value to life – recognizing death is inevitable allows us to create a world of love.**

**Kelsang 99** - internationally renowned teacher of Buddhism (Geshe, (, http://www.tharpa.com/background/fear-of-death.htm)

A healthy fear of death would be the fear of dying unprepared, as this is a fear we can do something about, a danger we can avert. If we have this realistic fear, this sense of danger, we are encouraged to prepare for a peaceful and successful death and are also **inspired** to make the most of our very precious human life **instead of wasting it.** This "sense of danger" inspires us to make preparations so that we are no longer in the danger we are in now, for example by practicing **moral discipline**, purifying our negative karma, and accumulating as much merit, or good karma, as possible. We put on a seat belt out of a sense of danger of the unseen dangers of traffic on the road, and that seat belt protects us from going through the windshield. We can do nothing about other traffic, but we can do something about whether or not we go through the windscreen if someone crashes into us. Similarly, we can do nothing about the fact of death, but we can seize control over how we prepare for death and how we die. Eventually, through Tantric spiritual practice, we can even attain a deathless body. In Living Meaningfully, Dying Joyfully, Geshe Kelsang says: Dying with regrets is not at all unusual. To avoid a **sad and meaningless end** to our life we need to remember continually that we too must die. Contemplating our own death will inspire us to use our life wisely by developing the inner refuge of spiritual realizations; otherwise we shall have no ability to protect ourself from the sufferings of death and what lies beyond. Moreover, when someone close to us is dying, such as a parent or friend, we shall be powerless to help them because we shall not know how; and we shall experience sadness and frustration at our inability to be of genuine help. Preparing for death is one of the kindest and wisest things we can do both for ourself and others. The fact of the matter is that this world is not our home. We are travelers, passing through. We came from our previous life, and in a few years, or a few days, we shall move on to our next life. We entered this world empty-handed and alone, and we shall leave empty-handed and alone. Everything we have accumulated in this life, including our very body, will be left behind. All that we can take with us from one life to the next are the imprints of the positive and negative actions we have created. If we ignore death we shall **waste our life** working for things that we shall only have to leave behind, creating many negative actions in the process, and having to travel on to our next life with nothing but a heavy burden of negative karma. On the other hand, if we base our life on a realistic awareness of our mortality, we shall regard our spiritual development as far more important than the attainments of this world, and we shall view our time in this world principally as an opportunity to cultivate positive minds such as patience, love, compassion, and wisdom. Motivated by these virtuous minds we shall perform many positive actions, thereby creating the cause for future happiness.

**Even if you think death isn’t the true “end,” it still destroys the ontological subject which is a reason to vote to avoid it**

**Paterson**, **3** – Department of Philosophy, Providence College, Rhode Island (Craig, “A Life Not Worth Living?” Studies in Christian Ethics, Vol. 16, No. 2, pp. 1-20, 2003, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1029225)

Contrary to those accounts, I would argue that it is **death** per se that **is** really the **objective evil** for us, not **because it deprives us of a prospective future of overall good** judged better than the alternative of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, **death** in itself is an evil to us because it **ontologically destroys the** current **existent subject** — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, **independently of calculations about better or worse possible lives.** Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81 In conclusion, concerning willed human actions, it is justifiable to state that **any intentional rejection of human life** itself **cannot** therefore **be warranted since it is** an expression of an **ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good** that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

#### Preventing extinction is the highest ethical priority – we should take action to prevent the Other from dying FIRST, only THEN can we consider questions of value to life

Paul Wapner, associate professor and director of the Global Environmental Policy Program at American University, Winter 2003, Dissent, online: http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Perm do the alt and then the plan

**Realism is inevitable—states will always seek to maximize power**

John **Mearsheimer**, Professor, University of Chicago, THE TRAGEDY OF GREAT POWER POLITICS, **2001**, p. 2.

The sad fact is that **international politics has always been a ruthless and dangerous business**, and **it is likely to remain that wa**y. Although the intensity of their competition waxes and wanes, **great powers fear each other and always compete with each other for power. The overriding goal of each state is to maximize its share of world power, which means gaining power at the expense of other states.** But **great powers** do not merely strive to be the strongest of all the great powers, although that is a welcome outcome. Their **ultimate aim is to be the hegemon**-that is, **the only great power in the system.**

Perm do the plan and then the alternative

#### We need a framework to avoid risk.

Cohen, 90

[Professor Emeritus Bernard L. Cohen at the University of Pittsburgh. Published by Plenum Press, 1990 “The Nuclear Energy Option”, http://www.phyast.pitt.edu/~blc/book/chapter7.html//uwyokb]

That doesn’t mean that we should not try to minimize our risks, but it is important to recognize that minimizing anything must be a quantitative procedure. We cannot minimize our risks by simply avoiding those we happen to think about. For example, if one thinks about the risk of driving to a destination, one might decide to walk, which in most cases would be much more dangerous. The problem with such an approach is that the risks we think about are those most publicized by the media, whose coverage is a very poor guide to actual dangers. The logical procedure for minimizing risks is to quantify all risks and then choose those that are smaller in preference to those that are larger. The main object here is to provide a framework for that process and to apply it to the risks in generating electric power. … **The failure of the American public to understand and quantify risk must rate as one of the most serious and tragic problems for our nation**. This chapter represents my attempt to contribute to its resolution.

## 1AR

**Focusing on epistemology or ontology selfishly ignores real world problems**

**Jarvis, 2K** – Prof Philosophy @ U South Carolina (Darryl, Studies in International Relations, “International Relations and the Challenge of Postmodernism”, pg. 2)

While Hoffmann might well be correct, **these days one can neither begin nor conclude empirical research without first discussing epistemological orientations and ontological assumptions. Like a vortex, metatheory has engulfed us all and the question of "theory" which was once used as a guide to research is now the object of research.** Indeed, for a discipline whose purview is ostensibly outward looldng and international in scope, **and at a time of ever encroaching globalization and transnationalism, International Relations has become increasingly provincial and inward looking**. **Rather than grapple with the numerous issues that confront peoples** around the world, since the early 1980s the discipline has tended more and more toward obsessive self-examination.3 **These days the politics of famine, environmental degradation, underdevelopment, or ethnic cleansing**, let alone the cartographic machinations in Eastern Europe and the reconfiguration of the geo-global political-economy, **seem scarcely to concern theorists of international politics who define the urgent task of our time to be one of metaphysical reflection and epistemological investigation**. **Arguably, theory is no longer concerned with the study of international relations so much as the "manner in which international relations as a discipline, and international relations as a subject matter, have been constructed."4** To be concerned with the latter is to be "on the cutting edge," where novelty has itself become "an appropriate form of scholarship."5