# 1AC

### Plan

#### The United States federal government should substantially increase statutory restrictions on the war powers authority of the President of the United States by establishing a federal counterterrorism oversight court with jurisdiction over targeted killing orders for robotic aerial vehicles.

### Terror

#### Expansive use of targeted killing causes blowback, collateral damage, and operational errors— new guidelines 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.

#### Exclusive executive decision making in drone strikes makes groupthink and errors inevitable

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

The practical, pragmatic justification for the COAACC derives largely from considering¶ social psychological findings regarding the skewed potential associated with limiting unchecked decision-making in a group of individuals. As an initial point, psychologists have long pointed out how individuals frequently fall prey to cognitive illusions that produce systematic errors in judgment.137 People simply do not make decisions by choosing the optimal outcome from available alternatives, but instead employ shortcuts (i.e., heuristics) for convenience.138 Cognitive biases like groupthink can hamper effective policy deliberations and formulations.139 Groupthink largely arises when a group of decision-makers seek conformity and agreement, thereby avoiding alternative points of view that are critical of the consensus position.140 This theory suggests that some groups—particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfidence, and a shared world view or value system—suffer from a deterioration in their capacity to engage in critical analysis.141 Many factors can affect such judgment, including a lack of crucial information, insufficient timing for decision-making, poor judgment, pure luck, and/or unexpected actions by adversaries.142 Moreover, decision-makers inevitably tend to become influenced by irrelevant information,143 seek out data and assessments that confirm their beliefs and personal hypotheses notwithstanding contradictory evidence,144 and “[i]rrationally avoid choices that represent extremes when a decision involves a trade-off between two incommensurable values.”145 Self-serving biases can also hamper judgment given as it has been shown to induce well-intentioned people to rationalize virtually any behavior, judgment or action after the fact.146 The confirmation and overconfidence bias, both conceptually related to groupthink, also result in large part from neglecting to consider contradictory evidence coupled with an irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147¶ Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus resulted from the failure to consider alternative sources of information.148 The failures of past presidents to consider alternative sources of information, critically question risk assessments, ensure neutral-free ideological sentiment among those deliberating,149 and/or generally ensure properly deliberated national security policy has produced prominent and devastating blunders,150 including the Iraq War of 2003,151 the Bay of Pigs debacle in the 1960’s,152 and the controversial decision to wage war against Vietnam.153¶ Professor Sunstein also has described the related phenomenon of “group polarization,” which includes the tendency to push group members toward a “more extreme position.”154 Given that both groupthink and group polarization can lead to erroneous and ideologically tainted policy positions, the notion of giving the President unchecked authority in determining who is eligible for assassination can only serve to increase the likelihood for committing significant errors.155 The reality is that psychological mistakes, organizational ineptitude, lack of structural coherence and other associated deficiencies are inevitable features in Executive Branch decision-making.

Branch decision-making.

#### Impact is nuclear war

Wright, 2003

[Rusty, former associate speaker and writer with Probe Ministries, is an international lecturer, award-winning author, and journalist who has spoken on six continents. He holds Bachelor of Science (psychology) and Master of Theology degrees from Duke and Oxford universities, JFK and Groupthink: Lessons in Decision Making, http://www.probe.org/site/c.fdKEIMNsEoG/b.4221087/] /Wyo-MB

A fascinating facet of Kennedy's legacy involves the decision- making procedures he used among his closest advisors. Some brought great successes. Others were serious failures. This article looks at two specific examples: the 1961 Bay of Pigs invasion, an attempt to invade Cuba and overthrow Fidel Castro that became a fiasco, and the 1962 Cuban missile crisis that saw the world come perilously close to nuclear war.¶ Yale social psychologist Irving Janis studied these episodes carefully and concluded that too often decision makers are ~~blinded~~ by their own needs for self-esteem they get from being an accepted member of a socially important insiders group. Fears of shattering the warm feelings of perceived unanimity -- of rocking the boat -- kept some of Kennedy's advisors from objecting to the Bay of Pigs plan before it was too late. After that huge blunder, JFK revamped his decision-making process to encourage dissent and critical evaluation among his team. In the Cuban missile crisis, virtually the same policymakers produced superior results.{2}¶ "Groupthink" was the term Janis used for the phenomenon of flawed group dynamics that can let bad ideas go unchallenged and can sometimes yield disastrous outcomes. This article will consider how groupthink might have affected JFK and a major television enterprise, and how it can affect you.¶ The Bay of Pigs Invasion¶ "How could I have been so stupid?"{3} President John F. Kennedy asked that after the Bay of Pigs fiasco. He called it a "colossal mistake."{4} It left him feeling depressed, guilty, bitter, and in tears.{5} One historian later called the Bay of Pigs, "one of those rare events in history -- a perfect failure."{6}¶ What happened? In 1961, CIA and military leaders wanted to use Cuban exiles to overthrow Fidel Castro. After lengthy consideration among his top advisors, Kennedy approved a covert invasion. Advance press reports alerted Castro to the threat. Over 1,400 invaders at the Bahía de Cochinos (Bay of Pigs) were vastly outnumbered. Lacking air support, necessary ammunition and an escape route, nearly 1,200 surrendered. Others died.¶ Declassified CIA documents help illuminate the invasion's flaws. Top CIA leaders blamed Kennedy for not authorizing vital air strikes. Other CIA analysts fault the wishful thinking that the invasion would stimulate an uprising among Cuba's populace and military. Planners assumed the invaders could simply fade into the mountains for guerilla operations. Trouble was, eighty miles of swampland separated the bay from the mountains. The list goes on.{7}¶ Irving Janis felt that Kennedy's top advisors were unwilling to challenge bad ideas because it might disturb perceived or desired group concurrence. Presidential advisor Arthur Schlesinger, for instance, presented serious objections to the invasion in a memorandum to the president, but suppressed his doubts at the team meetings. Attorney General Robert Kennedy privately admonished Schlesinger to support the president's decision to invade. At one crucial meeting, JFK called on each member for his vote for or against the invasion. Each member, that is, except Schlesinger -- whom he knew to have serious concerns. Many members assumed other members agreed with the invasion plan.{8}¶ Schlesinger later lamented, "In the months after the Bay of Pigs I bitterly reproached myself for having kept so silent during those crucial discussions in the cabinet room." He continued, "I can only explain my failure to do more than raise a few timid questions by reporting that one's impulse to blow the whistle on this nonsense was simply undone by the circumstances of the discussion."{9}¶ Have you ever kept silent when you felt you should speak up? President Kennedy later revised his group decision-making process to encourage dissent and debate. The change helped avert a nuclear catastrophe, as we will see.¶ The Cuban Missile Crisis¶ Ever face tough decisions? How would you feel if your wrong decision might mean nuclear war? Consider a time when the world teetered on the brink of disaster.{10}¶ Stung by the Bay of Pigs debacle, President Kennedy determined to ask hard questions during future crises.{11} A good opportunity came eighteen months later.¶ In October 1962, aerial photographs showed Soviet missile sites in Cuba.{12} The missile program, if allowed to continue, could reach most of the United States with nuclear warheads.{13} Kennedy's first inclination was an air strike to take out the missiles.{14} His top advisors debated alternatives from bombing and invasion to blockade and negotiation.{15}¶ On October 22, Kennedy set forth an ultimatum in a televised address: A U.S. naval "quarantine" would block further offensive weapons from reaching Cuba. Russia must promptly dismantle and withdraw all offensive weapons. Use of the missiles would bring attacks against the Soviet Union.{16}¶ The U.S. Navy blockaded Cuba. Soviets readied their forces. The Pentagon directed the Strategic Air Command to begin a nuclear alert. On October 24, the world held its breath as six Soviet ships approached the blockade. Then, all six ships either stopped or reversed course.{17} Secretary of State Dean Rusk told a colleague, "We're eyeball to eyeball, and I think the other fellow just blinked."{18}¶ A maze of negotiations ensued. At the United Nations, U.S. ambassador Adlai Stevenson publicly pressed his Soviet counterpart to confirm or deny Soviet missiles' existence in Cuba. Saying he was prepared to wait for an answer "until hell freezes over," Stevenson then displayed reconnaissance photos to the Security Council.{19} Eventually, Soviet premier Nikita Khrushchev removed the missiles.{20}¶ Kennedy's decision-making process -- though imperfect -- had evolved significantly. He challenged military leaders who pressured him to bomb and invade. He heard the CIA's case for air strikes and Stevenson's counsel for negotiation. Advocates for different views developed their arguments in committees then met back together.{21} Robert Kennedy later wrote, "The fact that we were able to talk, debate, argue, disagree, and then debate some more was essential in choosing our ultimate course."{22} Many groupthink mistakes of the Bay of Pigs, in which bad ideas went unchallenged, had been avoided.{23}¶ Groupthink has serious ramifications for government, business, academia, neighborhood, family, and the ministry. One area it has affected is Christian television.

#### 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.

#### Plan is key to effective drone use—solves 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

ng said that whileOffensive, 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.”

#### Global terror threat is high and attacks against the US are immanent

ETN, 9-26-13

[E Turbo News Global Travel News Industry Reporting on information from the State department, US State Department issues worldwide travel warning, http://www.eturbonews.com/38306/us-state-department-issues-worldwide-travel-warning] /Wyo-MB

The US State Department recently released a statement cautioning Americans traveling abroad of potential terror attacks in Europe, Asia, Africa and the Middle East by al-Qaeda and its affiliated groups.¶ According to the report published on US State Government website, The Department of State has issued this Worldwide Caution to update information on the continuing threat of terrorist actions and violence against US citizens and interests throughout the world.¶ U.S. citizens are reminded to maintain a high level of vigilance and to take appropriate steps to increase their security awareness. This replaces the Worldwide Caution dated February 19, 2013, to provide updated information on security threats and terrorist activities worldwide.¶ The Department of State remains concerned about the continued threat of terrorist attacks, demonstrations, and other violent actions against U.S. citizens and interests overseas. Current information suggests that al-Qaeda, its affiliated organizations, and other terrorist groups continue to plan terrorist attacks against US interests in multiple regions, including Europe, Asia, Africa, and the Middle East. These attacks may employ a wide variety of tactics including suicide operations, assassinations, kidnappings, hijackings, and bombings.¶ Extremists may elect to use conventional or non-conventional weapons, and target both official and private interests. Examples of such targets include high-profile sporting events, residential areas, business offices, hotels, clubs, restaurants, places of worship, schools, public areas, shopping malls, and other tourist destinations both in the United States and abroad where US citizens gather in large numbers, including during holidays.¶ In early August 2013, the Department of State instructed certain US embassies and consulates to remain closed or to suspend operations August 4 through August 10 because of security information received. The US government took these precautionary steps out of an abundance of caution and care for our employees and others who may have planned to visit our installations.¶ US citizens are reminded of the potential for terrorists to attack public transportation systems and other tourist infrastructure.¶ Extremists have targeted and attempted attacks on subway and rail systems, aviation, and maritime services. In the past, these types of attacks have occurred in cities such as Moscow, London, Madrid, Glasgow, and New York City.¶ “Extremists may elect to use conventional or nonconventional weapons, and target both official and private interests,” the department said yesterday. Potential targets may include high-profile sports events, residences, businesses, hotels, clubs, restaurants, schools, places of worship, shopping malls and tourist destinations where Americans congregate.¶ Two US officials familiar with the warni it’s a routine renewal of the department’s worldwide caution, it also reflects mounting intelligence that suggests Islamic terrorist groups loosely affiliated with what remains of al-Qaeda’s core leadership in Pakistan may be planning a new series of attacks against Western targets.

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

Vladimir Z. Dvorkin ‘12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

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

the entire counterterrorist effort, or become a national obsession that creates needless terror.

#### 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.**

### Drone Prolif

#### Drone Prolif Now

Zenko, 2013

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

It is estimated that the number of states that have acquired a com- plete drone system has grown from forty-one in 2005 to seventy-six in 2012.49 Over that same period of time, the number of total drone pro- grams within those states increased from one hundred ninety-five to nine hundred.50 Like the United States, the vast majority of all drones developed by other countries will be used exclusively for government or civilian intelligence, surveillance, and reconnaissance (ISR) missions. Some advanced industrial economies—such as Russia, Taiwan, and South Korea—have developed increasingly sophisticated and largely indigenous drone capabilities, but they have also missed deadlines for when they would field armed drones, according to their own defense ministries. There is no international association for drone manufactur- ers and operators—similar to those that exist for civilian nuclear facili- ties or commercial space launches—that provides reliable information on drones or serves as a forum to exchange best practices to limit the associated risks and costs. Since most publicly available information is limited to air shows and the defense trade press, it is possible that there have been intentionally hidden advances toward states’ development of weaponized drones.

#### The US has a narrow window of opportunity to shape drone proliferation, only US reform based on transparency and restraint 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 under- mine 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 admin- istration 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.

#### Establishing a precedent of transparency and accountability spills over globally– a non-executive framework is key

Brooks 13 (Rosa, Professor of Law – Georgetown University Law Center, Bernard L. Schwartz Senior Fellow – New America Foundation, Former Counselor to the Undersecretary of Defense for Policy – Department of Defense, “The Constitutional and Counterterrorism Implications of Targeted Killing,” Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4-23, <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>)

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

#### And, independent courts are key—only checks on unilateral executive power can provide legitimacy to the United States and credibility to our counterterror policies, finally, the selection process for drone courts solves all disads to judges

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

Rather, balancing the needs of security against the imperatives of liberty is a traditional¶ role for judges to play as recognized by the founders in the Fourth Amendment.110 Two scholars of national security law have highlighted the value of judicial inclusion in this process:¶ Judicial control of targeted killing could increase the accuracy of target selection, reducing the danger of mistaken or illegal destruction of lives, limbs, and property. Independent judges who double-check targeting decisions could catch errors and cause executive officials to avoid making them in the first place.”111¶ Judges are also both knowledgeable in the vagaries of the law and accustomed to dealing with sensitive security considerations.112 These qualifications make them ideal candidates to ensure that the executive exercises constitutional and international legal restraint when targeting individuals abroad. Reforming the decision-making process to allow for judicial oversight would accomplish numerous other important goals as well. Aside from providing a valuable check on executive power to take away the most fundamental of freedoms guaranteed by our Constitution—the right to life—judicial oversight would reinforce the separation of powers framework of American government and increase democratic legitimacy by placing these determinations on more predictable and accountable legal grounds. For those fearful of judicial encroachment on executive war-making powers, there is a strong argument that this will actually strengthen the President and empower him to take decisive action without worrying about the judicial consequences. As Justice Kennedy put it, “the exercise of [executive] powers is vindicated, not eroded, when confirmed by the judicial branch.”113 Moreover, though it may be technically legal under international and domestic law, the targeted killing program has become a black spot on American credibility around the globe. The introduction of significant checks on unilateral executive power to target known terrorists can help reform that image and reinstate American moral legitimacy in its use of force against global terrorism.114

#### The plan solves international norms- US can shape and limit drone prolif and provide the ability to apply 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.

#### Unfettered drone prolif causes deterrence crises that leads to nuclear conflict

Boyle, 13 [“The costs and consequences of drone warfare”, MICHAEL J. BOYLE, International Affairs 89: 1 (2013) 1–29, assistant professor of political science at LaSalle University]

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to developand deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them. Conclusion Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, growing anti-Americanism and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack. In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156 A final, and crucial, step towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. The genie is out of the bottle: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, regulated and consistent with internationally recognized human rights standards. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157 The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an opportunity to show leadership in developing an international legal architecture which might avert some of the worst consequences of their use.

#### China’s drone prolif causes regional war—multiple flashpoints

Standaert, 2012

[Michael, Global Post, Stage set for drone chess match in Asia-Pacific, http://www.globalpost.com/dispatch/news/regions/asia-pacific/121102/china-drone-UAV-proliferation?page=0,1] /Wyo-MB

SHENZHEN, China — China’s plans to deploy surveillance drones in the East China and South China seas hint at the future of warfare in the region, but are also a reminder of how far ahead leading drone manufacturing nations like the United States and Israel remain on aviation technology.¶ Experts say interest in unmanned aerial vehicles (UAVs) is surging throughout the Asia-Pacific region without a framework of controls curtailing their proliferation and use.¶ Add the Obama administration’s policy refocusing American attention on the region — the so-called “Asia Pivot” — along with US announcements of further deployments of advanced UAVs to the area, and a massive game of drone chess looks increasingly likely.¶ In September, China commissioned its first aircraft carrier, the Liaoning, and announced plans to use drones to monitor disputed territories including the Senkaku Islands that have caused recent friction with Japan. China detailed further plans to develop drone bases in 11 coastal provinces to be operational by 2015.¶ China has been playing catch-up with drone technology leaders, having purchased some technology from Israel already and showing strong interest in increasing its own share of the global UAV market, currently estimated at $6.6 billion per year and climbing.¶ Later this month the Zhuhai Air Show will be an important place to see what technology advancements Chinese companies have made as well as what countries might be interested in purchasing Chinese UAVs. Pakistan is known to have ordered drones from China, and countries such as Brunei and Malaysia in Southeast Asia have shown interest in China's drones.¶ Dennis Gormley, a senior research fellow at the Ridgway Center for International Security Studies, said that US defense and aviation industry logic is that if it doesn’t “satisfy the growing requirement for UAVs, other states will develop their own or turn to Israel or other developers.”¶ “Of greatest concern are the intentions of China,” said Gormley, author of the book “Missile Contagion,” published in 2010.¶ In the Asia-Pacific region, the list of countries who have developed or purchased drones already includes Australia, China, India, Indonesia, Japan, South Korea, Russia, Singapore, Malaysia, Taiwan, Thailand and the Philippines, according to a report published by the US Government Accountability Office (GAO) in July this year.¶ In June, a Chinese frigate was also photographed testing a helicopter UAV, said Wilson VornDick, a lieutenant commander in the US Navy Reserves and an analyst on China’s military for the Jamestown Foundation.¶ At the end of August, China’s State Oceanic Administration (SOA) announced plans to set up UAV patrols out of 11 airbases in coastal provinces for maritime surveillance. According to state media reports a pilot program last year ran UAVs out of Liaoning province to monitor an ocean area of around 380 square miles.¶ More recently, immediately following renewed conflict with Japan over the Senkakus, the SOA announced on Sep. 23 that it was deploying UAVs to monitor specifically monitor the disputed islands as well as territories in the South China Sea, which China claims almost in its entirety.¶ Reports also indicate that Japan is using drones to monitor the Senkakus, and the Philippines is reportedly looking to purchase more UAVs from the US for monitoring its own claims in the South China Sea.

#### SCS conflict causes nuke war

Glaser 12 Bonnie S., Senior Fellow – Center for Strategic and International Studies, “Armed Clash in the South China Sea,” CFR, April, http://www.cfr.org/east-asia/armed-clash-south-china-sea/p27883

The risk of conflict in the South China Sea is significant. China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims, particularly over rights to exploit the region's possibly extensive reserves of oil and gas. Freedom of navigation in the region is also a contentious issue, especially between the United States and China over the right of U.S. military vessels to operate in China's two-hundred-mile exclusive economic zone (EEZ). These tensions are shaping—and being **shaped by—rising apprehensions about** the growth of China's military power and its regional intentions. China **has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities** to enforce its sovereignty and jurisdiction claims by force if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S. Navy in the western Pacific. Given the growing importance of the U.S.-China relationship, and the Asia-Pacific region more generally, to the global economy, the United States has a major interest in preventing any one of the various disputes in the South China Sea from **escalating militarily**. The Contingencies Of the many conceivable contingencies involving an armed clash in the South China Sea, three especially threaten U.S. interests and could potentially prompt the United States to use force. The **most likely** and **dangerous contingency** is a clash stemming from U.S. military operations within China's EEZ that provokes an **armed Chinese response**. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without permission of the coastal state violate Chinese domestic law and international law. China routinely intercepts U.S. reconnaissance flights conducted in its EEZ and periodically does so in **aggressive ways that increase the risk of an accident** similar to the April 2001 collision of a U.S. EP-3 reconnaissance plane and a Chinese F-8 fighter jet near Hainan Island. A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as occurred in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. The large growth of Chinese submarines has also **increased the danger of an incident**, such as when a Chinese submarine collided with a U.S. destroyer's towed sonar array in June 2009. Since neither U.S. reconnaissance aircraft nor ocean surveillance vessels are armed, the United States might respond to dangerous behavior by Chinese planes or ships by dispatching armed escorts. A **miscalculation** or misunderstanding could then result in a **deadly exchange of fire**, leading to further **military escalation** and precipitating a major political crisis. Rising U.S.-China mistrust and intensifying bilateral strategic competition would likely make managing such a crisis more difficult.

### Solvency

#### The creation of a federal counterterror oversight court solves all problems with the targeted killing program and all disads to judicial review

Plaw, 2007

[Avery, Assistant Professor of Political Science at the University of Massachusetts at Dartmouth. He has taught at Concordia University and was also a Visiting Scholar at New York University. His primary research and teaching interests are in contemporary political theory and the history of moral and political thought, and he has published widely on these subjects. "Terminating terror: the legality, ethics and effectiveness of targeting terrorists." Theoria 114 (2007): Academic OneFile. Web. 3 Oct. 2013] /Wyo-MB

This final section offers a briefcase that there is room for a principled compromise between critics and advocates of targeting terrorists. The argument is by example--a short illustration of one promising possibility. It will not satisfy everyone, but I suggest that it has the potential to resolve the most compelling concerns on both sides.¶ The most telling issues raised by critics of targeting fall into three categories: (1) the imperative need to establish that targets are combatants; (2) the need in attacking combatants to respect the established laws of war; and (3) the overwhelming imperative to avoid civilian casualties. The first issue seems to demand an authoritative judicial determination that could only be answered by a competent court. The second issue requires the openly avowed and consistent implementation of targeting according to standards accepted in international law--a requirement whose fulfillment would best be assured through judicial oversight. The third issue calls for independent evaluation of operations to assure that standards of civilian protection are robustly upheld, a role that could be effectively performed by a court.¶ The first issue, then, must, and the second and third can, be resolved by the introduction of credible judicial oversight. But what kind of court could be expected to maintain secrecy around sensitive intelligence and yet render authoritative determinations as to, for example, individuals' combat status? An independent international court would doubtless be ideal, but even apart from all the technical and administrative difficulties such a solution would entail and the secrecy concerns it would evoke, it seems clear that the United States and Israel would refuse to have their national security subject to the authority of a foreign body, however judicious. They would argue, as indeed they have in regard to the ICC, that the final authority in this supremely important domain must derive ultimately from the will of their own people, whose lives and community are at stake. On the other hand, critics of targeting would certainly demand an independent, competent and internationally credible body. All the more so since the court's proceedings, for obvious reasons, could not be open to public scrutiny.¶ On this difficult question Michael Ignatieff offers a helpful idea. He suggests the possibility of setting up a national court to address counterterrorism issues loosely based on the model on the Foreign Intelligence Surveillance Court (FISC), which considers surveillance and physical search requests from the Department of Justice and U.S. intelligence agencies related to foreign intelligence operations in the U.S. (Ignatieff 2004:134). Developing Ignatieff's suggestion, the new court could be called the Federal Counterterrorism Oversight Court (FCOC).¶ The institutional features of the FCOC could be designed to assure credibility and independence on one side, and secure and efficient contribution to national policy on the other. For example, like the FISC, the FCOC could be composed of seven federal court judges selected by the Chief Justice of the Supreme Court and serving staggered seven years terms. Like the FISC, the FCOC could hold its proceedings in camera, ensuring the secrecy of sensitive intelligence information. The FCOC could then consider requests from military and intelligence organizations to designate suspected terrorists as enemy combatants, assessing whether the intelligence presented warranted such a designation. It could also be assigned the responsibility to automatically review any actions that resulted in civilian casualties, and could be given the power to publicly censure operations that inadequately protected civilians, as well as to suspend, or even to terminate, targeting operations. Finally, it could also be authorized to review charges brought by other governments or private persons that targeting operations violated humanitarian law, in particular, by engaging in perfidy or employing disproportionate force.¶ In at least three key respects, however, the design of the FCOC should differ from the model of the FISC. As the FISC is charged with assessing surveillance requests from government agencies, its writs and rulings remain permanently sealed from civilian review. But in the interests of resolving the second issue of openness, the findings of the FCOC should be made public, including the names of those judged to be combatants, as well as any reprimand from the court regarding targeting operations.¶ In the second place, the FISC foregoes adversarial legal proceedings because potential subjects of surveillance can obviously not participate. It has been much criticized on this count. The FCOC should not follow this precedent which, in the views of many jurists and scholars, flies in the face of the core of the Western legal tradition. Evidently, the trials of terrorists who cannot otherwise be brought to justice will be conducted in absentia. This does not, however, necessitate the abandonment of adversarial procedure. In addition to the seven judges appointed to the court, an independent counsel should be appointed by the President of the National Bar Association to represent the interests of the accused before the court. Evidently, appropriate precautions will need to be taken to ensure the secrecy of court proceedings. But the independent counsel should also not be barred from offering general assessments of the performance of the court. Obviously this is an imperfect resolution to an intractable problem, but it should contribute significantly to ensuring the fairness of the FCOC.¶ Finally, the FCOC must be distinguished from the FISC in a third crucial sense. The recent 'domestic surveillance' scandal in the United States involving the Executive Branch's circumvention of the FISC approval process suggests safeguards would need to be built into the FCOC mandate. In the case of the FISC, President Bush issued an Executive Order which authorized the National Security Agency to carry out surveillance of any Americans suspected of links with al Qaeda without FISC approval (Risen and Lichtblau 2005). The scandal and legal consequences that ensued for the administration once this information became public in 2005 have significantly reduced the likelihood of a similar course being taken in the future. Nonetheless, the possibility should be explicitly precluded by specifying in the enabling legislation that no targeting action can be considered legally authorized without approval of the court. In response to the argument that immediate action may sometimes be required in emergency situations, the presiding justice could be permitted to issue a provisional approval based on prima facie evidence, but only subject to full subsequent review by the court.¶ Some critics and advocates of targeting will no doubt be dissatisfied with this resolution. Critics will worry that the FCOC would essentially be a rubber stamp (while robbing them of their best rhetorical point--that targetings are extra-judicial). But there is no compelling reason to believe that courts, especially high-level federal courts, must always approve government policies. After all, supreme courts in both Israel and the United States have both recently issued sharp rebukes of government counter-terrorist policies (e.g., 03-333/4 on the U.S. legal status of detainees, and 3799/02 on the IDF use of human shields).¶ On the other hand, some advocates will certainly worry that a requirement of FCOC approval will hinder the efficiency of targeting and that publishing lists of targets will render them more difficult to find. On the former point, however, there is little evidence that the incorporation of reasonable judicial procedures, such as those of the FISC, need render related policy ineffective. After all, as the 9/11 commission observed, the intelligence community succeeded in gathering the data necessary to anticipate the September 11 attack (National Commission on Terrorist Attacks upon the United States 2004: 254-77). The failure was in the domains of analysis and response. What is evident, however, is that carrying out extensive and dangerous counter-terrorist programs without judicial oversight generates widespread public skepticism and opposition (which tends to undermine the effectiveness of the programs) and leads to enormous legal difficulties in the long run--as exemplified by the American torture/rendition program.¶ On the second point, while it is true that targets may 'go to ground' if tipped off, the fact is that all or virtually all potential targets are already on most wanted lists (often with hefty price tags connected to information leading to them). In essence, they have already gone to ground--that is in part why targeting is required in the first place. Moreover, a retreat into even deeper obscurity is likely to further disrupt their ability to organize and carry out attacks. Finally, the Israeli experience suggests that targets will break cover eventually, and a little patience seems like a small price to pay for ensuring the justice of state-administered killing.¶ These answers will not fully satisfy either all critics or all advocates. But the burden of this section has been only to show that compromises are possible that address their most legitimate concerns. I think that the suggestion of an FCOC shows that a plausible and principled compromise is possible. In this light, the pertinent question becomes not whether terrorist targeting as currently practiced is uniformly legal, moral and practical or the reverse, but how institutions can best be designed to assure that terrorist targetings carried out in the future are uniformly legitimate and effective.

#### As academics we are directly responsible for what we do or don’t say about drone violence—this space is not neutral since we chose to debate the war powers topic—we have a responsibility to make the choice to say no to unrestrained use of drones

Sparrow, 2012

[Robert, School of Philosophical, Historical and Inter- national Studies, “Just say no” to drones, IEEE TECHNOLOGY AND SOCIETY MAGAZINE | SPRING 2012] /Wyo-MB

 “A Searching and Fearless Moral Inventory”¶ Nothing I have said here is intended to deny that there are many decent, well-intentioned, and conscientious people working on military robots – some of whom I would like to count as friends.5 As I said at the outset, my goal here is to provoke discus- sion and to emphasize the need for such discussion to include moral and political questions about the justification of military spending in current circumstances and also of particular conflicts. Yet it must also be acknowledged that those who are addicted to military funding are unlikely to admit that they have a problem. At least briefly, then, I want to respond to several uncon- vincing arguments that defend the ethics of military research and also acknowledge the pressures that lead many engineers to accept military funding despite their own reserva- tions about doing so.¶ I suspect that working on projects funded by the military is only possible for many engi- neers because of the psychologi- cal distance between their own activities and the consequences of war. Computer scientists work- ing on an algorithm for machine vision for the military may not see the connection between what they do and the mangled corpses that result from the operations of military robots. Moreover, engi- neers can quite properly point to the intervening responsibility of others for the uses to which their research is put.¶ It would be implausible to insist that the responsibility of engineers who design military robots was no different to that of the warfighters who operate or command them. Equally well, however, it is too swift to conclude that engineers have no responsibility for the ulti- mate uses to which their research is put. Most human projects involve a number of people who must share responsibility for the outcomes of their actions and there is a large literature on responsibility for joint and collective projects – much larger than I could plausibly survey here [28].¶ However, there are two consider- ations that are crucial to determin- ing when – and how much – people should be held responsible for con- sequences brought about by the actions of others. The first is the extent to which it is foreseeable that our actions will contribute to or facilitate the immoral acts of others. The second is the extent to which our actions and the actions of oth- ers constitute joint action – action to a common purpose – or collective action – as part of the activities of a collective agent such as a corpora- tion or nation.¶ Both of these considerations suggest that engineers working on projects funded by the military do have significant responsibility for the uses to which their research is put. If one is being funded by the military, it can hardly be a surprise when one’s research is put to use killing people. Fund- ing from the military will usually involve a group of people work- ing to a common purpose that will largely be defined by the reasons why the military provided the funding. All these individuals will then have some responsibility for the outcomes of the joint project as well as for their particular contribu- tion to it. Whether or not engineers funded by the military contribute to the actions of a collective agent is more controversial. However, military organizations are them- selves paradigmatic examples of collective agents, being so tightly structured and organized as to be capable of acting in ways (for instance, invading A fghanistan) that individuals are not. In cases where the links between research- ers and military organizations are particularly strong, as, for instance, when they are extensive and/or long-standing, when the military is the primary source of funding for a research group, or when engineers are directly employed by the mili- tary, engineers may well come to be part of a collective agent dedicated to military goals and to inherit some responsibility for the actions of this agent.¶ Another thought that allows people to rationalize working on projects that they themselves feel uneasy about is “If I don’t do it, someone else will”. This is often true – although equally well it sits uneasily alongside the belief that one is uniquely talented, which itself is often necessary to achieve success in highly competitive fields such as engineering. However, this argument neglects that we are responsible for what we do and not just for what happens as a result of our choices. That others might do what we choose not to does not absolve us of responsibility for our actions. There are always people willing to deal drugs, after all, but most of us do not conclude that it might as well be us.¶ A related argument emphasizes how much robotics research is “dual use” and then suggests that, as there is no way to prevent the results of civilian research being adopted by the military, there is little point in refusing military funding [5], [24]. Again, this elides the distinction between our own actions and the actions of unrelated parties. Other people will try to draw the line at working on offensive weaponry, while being happy to work on defen- sive systems. This distinction can sustain less moral weight than first appears because defensive systems make offensive operations possi- ble: one contributes to the military achieving its ends either way.¶ A particularly unconvinc- ing argument for participating in research on military projects is that it is justified by the civilian spin- offs it generates. This argument is too quick to concede that if research isn’t funded by the military then it will not be funded at all. Spending money on any project will gener- ate unanticipated benefits. Indeed, even “pure” research typically leads to spin-offs. If we are look- ing for technologies for civilian purposes, we would do much better to research them directly.¶ I do want to acknowledge, how- ever, that individuals, particularly aspiring engineers, may pay a high personal price for refusing to work on projects that receive mili- tary funding. Given just how much robotics research is funded by the military, engineering students look- ing for a job or a place to undertake their doctorates may face a choice between working on a military project or not gaining entry into their desired profession at all. This is a dilemma that is unlikely to be faced by philosophers! Even if one is a more senior researcher, if one refuses military funding, one’s research may not be funded, and one’s career may be seriously affected.

#### A risk of nuclear war precludes any deontological framework – uncertainty mandates that every policy decision must be able to guarantee the continued existence of the human race, and to ignore this possibility is in itself immoral and unjustified.

Schell, 2000

Schell, policy analyst and proliferation expert, 2000 (Jonathan, “The Fate of the Earth”, p. 94-5) \*This card has been gender-modified.

To say that human extinction is a certainty would, of course, be a misrepresentation—just as it would be a misrepresentation to say that extinction can be ruled out. To begin with, we know that a holocaust may not occur at all. If one does occur, the adversaries may not use all their weapons. If they do use all their weapons, the global effects, in the ozone and elsewhere, may be moderate. And if the effects are not moderate but extreme, the ecosphere may prove resilient enough to withstand them without breaking down catastrophically. These are all substantial reasons for supposing that mankind will not be extinguished in a nuclear holocaust, or even that extinction in a holocaust is unlikely, and they tend to calm our fear and reduce our sense of urgency. Yet at the same time we are compelled to admit that there may be a holocaust, that the adversaries may use all their weapons, that the global effects, including effects of which we are as yet unaware, may be severe, that the ecosphere may suffer catastrophic breakdown, and that our species may be extinguished. We are left with uncertainty, and are forced to make our decisions in a state of uncertainty. If we wish to act to save our species, we have to muster our resolve in spite of our awareness that the life of the species may not now in fact be jeopardized. On the other hand, if we wish to ignore the peril, we have to admit that we do so in the knowledge that the species may be in danger of imminent self-destruction. When the existence of nuclear weapons was made known, thoughtful people everywhere in the world realized that if the great powers entered into a nuclear-arms race the human species would sooner or later face the possibility of extinction. They also realized that in the absence of international agreements preventing it an arms race would probably occur. They knew that the path of nuclear armament was a dead end for mankind. The discovery of the energy in mass—of “the basic power of the universe”—and of a means by which man could release that energy altered the relationship between [humans] and the source of [their] life, the earth. In the shadow of this power, the earth became small and the life of the human species doubtful. In that sense, the question of human extinction has been on the political agenda of the world ever since the first nuclear weapon was detonated, and there was no need for the world to build up its present tremendous arsenals before starting to worry about it. At just what point the species crossed, or will have crossed, the boundary between merely having the technical knowledge to destroy itself and actually having the arsenals at hand, ready to be used at any second, is not precisely knowable. But it is clear that at present, with some twenty thousand megatons of nuclear explosive power in existence, and with more being added every day, we have entered into the zone of uncertainty, which is to say the zone of risk of extinction. But the mere risk of extinction has a significance that is categorically different from, and immeasurably greater than, that of any other risk, and as we make our decisions we have to take that significance into account. Up to now, every risk has been contained within the frame of life; extinction would shatter the frame. It represents not the defeat of some purpose but an abyss in which all human purposes would be drowned for all time. We have no right to place the possibility of this limitless, eternal defeat on the same footing as risks that we run in the ordinary conduct of our affairs in our particular transient moment of human history. To employ a mathematical analogy, we can say that although the risk of extinction may be fractional, the stake is, humanly speaking, infinite, and a fraction of infinity is still infinity. In other words, once we learn that a holocaust might lead to extinction we have no right to gamble, because if we lose, the game will be over, and neither we nor anyone else will ever get another chance. Therefore, although, scientifically speaking, there is all the difference in the world between the mere possibility that a holocaust will bring about extinction and the certainty of it, morally they are the same, and we have no choice but to address the issue of nuclear weapons as though we knew for a certainty that their use would put an end to our species. In weighing the fate of the earth and, with it, our own fate, we stand before a mystery, and in tampering with the earth we tamper with a mystery. We are in deep ignorance. Our ignorance should dispose us to wonder, our wonder should make us humble, our humility should inspire us to reverence and caution, and our reverence and caution should lead us to act without delay to withdraw the threat we now pose to the earth and to ourselves.

# 2AC

## Case

### Terror

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

Boyle, 08 – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

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

### Prolif

#### Assessing Chinese motivation is possible and epistemologically useful---

Joseph K. **Clifton 11**,

Claremont McKenna College “DISPUTED THEORY AND SECURITY POLICY: RESPONDING TO “THE RISE OF CHINA”,” 2011, http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1164&context=cmc\_theses

First, **motives can be known**. Mearsheimer is correct in observing that assessing motives can be difficult, but this does not mean that the task is impossible. There clearly are ways of finding out information about the goals of states and the means with which they plan to achieve them. One of the most important roles of intelligence analysts, for example, is to determine state interests and expected behavior based on obtained information. The **possibility** that information may be flawed should **not lead to a rejection of all information**. People make decisions based on less than perfect knowledge all of the time. This ability to know motives extends to future motives, because an analyst can use information such as historical trends to observe consistencies or constant evolutions of motives. Prediction of the future is necessarily less certain in its accuracy, but the prediction can still be made.104¶ Second, even if there is still some uncertainty of motives, the rational response is not to assume absolute aggression. Assuming aggressive motive in a situation of uncertainty ignites the security dilemma, which could actually decrease a state’s security. Mearsheimer calls this tragic, but it is not necessary. An illustrative example is Mearsheimer’s analysis of the German security situation were the United States to withdraw its military protection. Mearsheimer argues that it would be rational for Germany to develop nuclear weapons, since these weapons would provide a deterrent, and it would also be rational for nuclear European powers to wage a preemptive war against Germany to prevent it from developing a nuclear deterrent. 105 This scenario is not rational for either side because it ignores motives. If Germany knows that other states will attack if it were to develop nuclear weapons, then it would not be rational for it to develop nuclear weapons. And if other states know that Germany’s development of nuclear weapons is only as a deterrent, then it would not be rational to prevent German nuclear development. The point is that the security dilemma exists because of a **lack of motivational knowledge,** so the proper response is to try to **enhance understanding of motives,** **not discard motivational knowledge altogether**. Misperception is certainly a problem in international politics, but reducing misperception would allow states to better conform to defensive realist logic, which results in preferable outcomes relative to offensive realism. 106¶ **Assessing motives is vital in the case of the rise of China**, because mutually preferable outcomes **can be achieved** if China is not an aggressive power, as offensive realism would have to assume, but is actually a status quo power with aims that have limited effect on the security of the U.S. and other potentially affected countries. I do not mean here to claim with certainty that China is and will always be a status quo power, and policymakers likely have access to more intentional information than what is publicly known. At the very least, **valuing motivational assessments empowers policymakers** to act on this knowledge, which is preferable because of the possibility of **reducing competition and conflict**.

## T

#### We meet—extend Plaw from 1ac solvency—plan establishes a restriction on targeted killing that limits the presidents legal authority to use force

#### Their violation are all questions of solvency not about whether the court is topical

#### 2. Counter interpretation:

#### “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).

#### In the area of means a certain scope

Elizabeth Miura 12, China Presentation, prezi.com/tccgenlw25so/chin165a-final-presentation/

"in the area of" refers to a certain scope

#### 3. We meet our counter interpretation, drone courts are legal restrictions on the targeted killing activities of the president

#### 4. Prefer our interpretation

#### Topic Education— drone courts are heart of topic in targeted killing, it is the largest policy proposal for resolving presidential authority

#### Predictable ground—best to include largest cases in the literature because they are a locus for negative and affirmative research and preparation

#### And, their interpretation is terrible and arbitrary Restrictions and regulations can both be prohibitions or limitations—no brightline to their interp

Supreme Court of Delaware 83 (THE MAYOR AND COUNCIL OF NEW CASTLE, a municipal corporation of the State of Delaware, Plaintiff Below, Appellant, v. ROLLINS OUTDOOR ADVERTISING, INC., Defendant Below, Appellee, No. 155, 1983, 475 A.2d 355; 1984 Del. LEXIS 324, November 21, 1983, Submitted, April 2, 1984, Decided)

The term "restrict" is defined as: To restrain within bounds; to limit; [\*\*9] to confine. Id. at 1182. The Supreme Court of the United States has recognized that HN5the term "regulate" necessarily entails a possible prohibition of some kind. That Court has stated: "It is an oft-repeated truism that every regulation necessarily speaks as a prohibition." Goldblatt v. Hempstead, 369 U.S. 590, 592, 8 L. Ed. 2d 130, 82 S. Ct. 987 (1962). The Supreme Court of Massachusetts in reviewing a statute containing language similar to that found in 22 Del.C. § 301 (which empowered municipalities to "regulate and restrict" outdoor advertising on public ways, in public places, and on private property within public view) held that the statute in question authorized a town to provide, through amortization, for the elimination of nonconforming off-site signs five years from the time the ordinance was enacted. The court held that the Massachusetts enabling act: Conferred on the Legislature plenary power to regulate and restrict outdoor advertising . . . . Although the word "prohibit" was omitted from [the enabling act], it was recognized that the unlimited and unqualified power to regulate and restrict can be, for practical purposes, the power to prohibit [\*\*10] "because under such power the thing may be so far restricted that there is nothing left of of it." (Citations omitted.) The court continued its discussions of the two terms by stating: The distinction between regulation and outright prohibition is often considered to be a narrow one: "that regulation may take the character of prohibition, in proper cases, is well established by the decisions of this court" . . . quoting from United States v. Hill, 248 U.S. 420, 425, 63 L. Ed. 337, 39 S. Ct. 143 (1919). John Donnelly and Sons, Inc. v. Outdoor Advertising Board, Mass. Supr., 369 Mass. 206, 339 N.E.2d 709 (1975). We hold that, through Article II, Section 25 of the Delaware Constitution and 22 Del.C. § 301, the General Assembly has authorized New Castle to terminate nonconforming off-site signs upon reasonable notice, that is, by what has come to be known as amortization. We hold that the power to "regulate and restrict" as such term applies to zoning matters includes the power, upon reasonable notice, to prohibit some of those uses already in existence.

#### 5. Prefer reasonability over competing interpretations if the aff doesn’t make debate impossible than you can’t vote against us

## Anthro

#### First, Framework:

#### Our Interpretation: The resolution asks the question of desirability of USFG action. The Role of ballot is to say yes or no to the action and outcomes of the plan.

#### Prefer it because:

#### Aff Choice: any other framework or role of the ballot moots 9 minutes of the 1ac

#### Predictable: the resolution demands USFG action

#### Fairness: Weigh Aff Impacts and the method of the Affirmative versus the Kritik, it’s the only way to test competition and determine the desirability of one strategy over another

#### Finally Framework is a voter for competitive equity—it allows both teams to compete, other roles of the ballot are arbitrary and self-serving

#### No link—aff doesn’t elevate humanness over other forms of existence, we preserve necessary preconditions for all existence.

#### Perm do both—any critique of speciesism that doesn’t engage with a robust opposing humanism is incomplete.

Sztybel 2K

[DAVID SZTYBEL, PhD in animal rights ethics from the University of Toronto's Department of Philosophy and fellow at the Oxford Center for Animal ethics, “TAKING HUMANISM SERIOUSLY: “OBLIGATORY” ANTHROPOCENTRISM”, Journal of Agricultural and Environmental Ethics 13: 181–203, 2000, <http://download.springer.com/static/pdf/653/art%253A10.1023%252FA%253A1009507315999.pdf?auth66=1392667073_1bb3768146aec7d965baff29dc781e48&ext=.pdf> // wyo-cjh]

Too many times, animal advocates simply dismiss anthropocentrism as “arbitrary” or “speciesist,” or doomed because of the argument from marginal cases, and so forth. Animal liberationist ethicists have a tougher job to do than merely rehearsing such utterly inconclusive lines of argument. This is especially so when a view can be conceived, such as OA, which does not readily succumb to any of the major animal liberationist objections. OA apparently has an advantage over any conventional animal liberation ethic insofar as it is more plausible, in ethics, to pursue the greater good, or to assign significance to entities or actions just insofar as they possess genuine worth (all other things being equal). In order to be successful, a view such as OA need not absolutely prove its correctness – it is hard to think of any moral philosophy that could. All that OA need do is provide grounds for humanists to find their own view to be plausible, and to show up other views as implausible. Such a finding would give OA the dual capacity to keep humanists in their own camp, and perhaps even to convert people from the “other side” (although the latter possibility would seem to be less likely). If humanists find their own view to be entirely plausible, then it is enough to assure – what I think is dangerous – that social practices continue according to the status quo. At the very least, I owe it to my anti-animal-liberationist opponents to listen to them, and more than that, it is also necessary to find what so many have found so philosophically appealing in anthropocentrism, rather than just heavy-handedly dismissing humanists as “prejudiced.” Still, articulating a view more clearly also renders it more vulnerable to criticism, although a stronger humanism is less vulnerable to poor criticisms. It remains that any criticism that is potent against OA may be telling against humanism, considered more generally. My own criticisms of OA relate to the question of empathy in ethics, but cannot be included here in much detail at all for reasons of space. Humanism needs to be examined in its own right, leaving room for no more than a mere sketch of what I have to offer in reply. It will take a book to say what I have to say on this score. As I hope to have made clear, humanism is a view that can be stated very persuasively, and I do not find that there are many ways of showing its fundamental deficiency. The challenge goes out to philosophers to continue to scrutinize humanism for its supposed philosophical adequacy.

#### Case outweighs and turns the critique—war increases human exploitation of non-human animals and the non-human environment in at least 5 ways.

Lallanilla No Date

[Marc Lallanilla is a science, health and environmental journalist. A member of the Society of Environmental Journalists, Marc has decades of experience as an environmental consultant, a writer and an editor. “Bombed: The Effects of War on the Environment,” About Green Living, No Date, [http://greenliving.about.com/od/greenprograms/a/Effects-Of-War-And-The-Environment.htm //](http://greenliving.about.com/od/greenprograms/a/Effects-Of-War-And-The-Environment.htm%20//) wyo-cjh]

War is waged differently today, of course, and has widespread environmental impacts that last far longer. "The technology has changed, and the potential effects of the technology are very different," said Carl Bruch, co-director of international programs at the Environmental Law Institute in Washington, D.C. Bruch, who is also the co-author of The Environmental Consequences of War: Legal, Economic, and Scientific Perspectives, notes that modern chemical, biological and nuclear warfare has the potential to wreak unprecedented environmental havoc that, fortunately, we haven't seen -- yet. "This is a great threat," said Bruch. But in some cases, precision weapons and other technological advances can shield the environment by targeting key facilities, leaving other areas relatively unscathed. "You could make the argument that these weapons have the ability to minimize collateral damage," said Geoffrey Dabelko, director of the Environmental Change and Security Program at the Woodrow Wilson Center for Scholars in Washington, D.C. It's Local: The Impact of War Today Warfare today also occurs infrequently between independent nations; more often, armed conflict breaks out between rival factions within a nation. These localized civil wars, according to Bruch, are usually beyond the reach of international treaties and bodies of law. "Internal conflict is viewed as a matter of sovereignty -- an internal matter," he said. As a result, environmental damage, like human rights violations, occurs unchecked by outside organizations. Though skirmishes, armed conflicts and open warfare vary tremendously by region and by weapons used, the effects of war on the environment usually fall into the following broad categories: Habitat Destruction: Perhaps the most famous example of habitat devastation occurred during the Vietnam War, when U.S. forces sprayed herbicides like Agent Orange on the forests and mangrove swamps that provided cover to guerrilla soldiers. An estimated 20 million gallons of herbicide were used, decimating about 4.5 million acres of the countryside. Some regions are not expected to recover for several decades. Refugees: When warfare causes the mass movement of people, the resulting impacts on the environment can be catastrophic. Widespread deforestation, unchecked hunting, soil erosion and contamination of land and water by human waste occur when thousands of humans are forced to settle in a new area. During the Rwandan conflict in 1994, much of that country's Akagera National Park was opened to refugees; as a result, local populations of animals like the roan antelope and the eland became extinct. Invasive Species : Military ships, cargo airplanes and trucks often carry more than soldiers and munitions; non-native plants and animals can also ride along, invading new areas and wiping out native species in the process. Laysan Island in the Pacific Ocean was once home to a number of rare plants and animals, but troop movements during and after World War II introduced rats that nearly wiped out the Laysan finch and the Laysan rail, as well as bringing in sandbur, an invasive plant that crowds out the native bunchgrass that local birds depend on for habitat. Infrastructure Collapse: Among the first and most vulnerable targets of attack in a military campaign are the enemy's roads, bridges, utilities and other infrastructure. While these don't form part of the natural environment, the destruction of wastewater treatment plants, for example, severely degrades regional water quality. During the 1990s fighting in Croatia, chemical manufacturing plants were bombed; because treatment facilities for chemical spills weren't functioning, toxins flowed downstream unchecked until the conflict ended. Increased Production: Even in regions not directly affected by warfare, increased production in manufacturing, agriculture and other industries that support a war effort can wreak havoc on the natural environment. During World War I, former wilderness areas of the United States came under cultivation for wheat, cotton and other crops, while vast stands of timber were clear-cut to meet wartime demand for wood products. Timber in Liberia, oil in Sudan and diamonds in Sierra Leone are all exploited by military factions. "These provide a revenue stream that is used to buy weapons," said Bruch. Scorched Earth Practices: The destruction of one's own homeland is a time-honored, albeit tragic, wartime custom. The term "scorched earth" originally applied to burning crops and buildings that might feed and shelter the enemy, but it's now applied to any environmentally destructive strategy. To thwart invading Japanese troops during the Second Sino-Japanese War (1937-1945), Chinese authorities dynamited a dike on the Yellow River, drowning thousands of Japanese soldiers -- and thousands of Chinese peasants, while also flooding millions of square miles of land. Hunting and Poaching: If an army crawls on its stomach, as is often said, then feeding an army often requires hunting local animals, especially larger mammals that often have slower rates of reproduction. In the ongoing war in Sudan, poachers seeking meat for soldiers and civilians have had a tragic effect on bush animal populations in Garamba National Park, just across the border in the Democratic Republic of Congo. At one point, the number of elephants shrunk from 22,000 to 5,000, and there were only 15 white rhinos left alive. Biological, Chemical and Nuclear Weapons: The production, testing, transport and use of these advanced weapons are perhaps the single most destructive effects of war on the environment. Though their use has been strictly limited since the bombing of Japan by the U.S. military at the end of World War II, military analysts have grave concerns about the proliferation of nuclear material and chemical and biological weaponry. "We've been very fortunate that we have not seen the devastation that we might see," said Bruch. Researchers point to the use of depleted uranium (DU) as one particularly dangerous military trend. DU is a byproduct of the uranium-enrichment process. Almost twice as dense as lead, it's valued in weapons for its ability to penetrate tank armor and other defenses. An estimated 320 tons of DU were used in the Gulf War in 1991; in addition to soil contamination, experts are concerned that soldiers and civilians may have been exposed to dangerous levels of the compound.

#### Perm do the plan then the alt.

#### Human exceptionalism good and justified

Henriques, 2013

[Gregg, Professor of Psychology at James Madison University, On Human Exceptionalism, http://www.psychologytoday.com/blog/theory-knowledge/201301/human-exceptionalism] /Wyo-MB

According to this framework, organisms are unique kinds objects, animals are unique kinds of organisms, and humans are unique kinds of animals. What is it that gives rise to these qualitative jumps in complexity? New information processing systems; 1) Life emerges via genetics; 2) Mind emerges via nervous systems; and 3) Culture emerges via human language.¶ It must be noted here that animals exist in the mental dimension. As pointed out by Bekoff and others, animals have the capacity for conscious experience and emotion, exhibit complex communication patterns and demonstrate clear evidence for nonverbal thought. Humans must be clear that we share these things with other animals. Moreover, all of these things have moral value, and I am in general agreement with Bekoff that animals are often underestimated and undervalued and our treatment of animals is one of the great moral issues of the day.¶ However, look around and observe the behaviors of people in relationship to other animals. The claim that people are just one kind of animal among many and that humans are different from dogs just as dogs are different from cats does not hold up to honest scrutiny. Humans engage in a whole different class of behaviors. Humans are as different from other animals as animals are different from plants. Whether it is writing a blog, composing a sonnet, leading a revolution, attending a class, building a computer, and on and on, it is an empirical fact that human behavior exhibits a whole separate dimension of complexity. To deny this or to claim that this observation is only based on speciest wishful thinking lacks intellectual integrity.¶ According to the unified theory, what happened was this: Human cognition advanced to allow for human language (an open symbolic syntactical system of information processing that is, despite some claims to the contrary, a fundamentally different kind of communication/information processing system). Although language was a great advantage, a problem emerged because human language affords a window into the mind. This is the problem of social justification---for the first time in evolutionary history, our ancestors were asked about and thus had to justify (give reasons for) their behavior. I have explained elsewhere why the problem of justification gave rise to the human self-consciousness system and the human culture.¶ We are the justifying animal. And that opens up a whole new, qualitative dimension of existence. It is not that other animals don’t have minds. That is an obviously misguided claim. Instead, it is better to think of it in terms of humans having two minds, whereas other animals only have one. Thus, the answer to HE is not that humans are exceptional because they are conscious and feel—other animals are conscious and feel. But humans are exceptional in that they have the capacity for self-conscious justification, which in turn is the engine that builds human cultures and knowledge systems about truth, goodness and evil. In short, HE is ultimately justified by the fact that humans alone can justify.

#### Abandoning human exceptionalism doesn’t elevate animals to the status of non-human persons, but simply reduces humans to the status of non-persons—this justifies worse atrocities against humans and continued atrocities against animals.

Smith 11

[Wesley J Smith, Senior Fellow at the Discovery Institute’s Center on Human Exceptionalism, “The Bioethics Threat to Universal Human Rights,” Human Life Review, Spring 2011, [http://www.humanlifereview.com/index.php/archives/59-2011-winter-spring/175-the-bioethics-threat-to-universal-human-rights- //](http://www.humanlifereview.com/index.php/archives/59-2011-winter-spring/175-the-bioethics-threat-to-universal-human-rights-%20//) wyo-ch]

Defending Human Dignity in the Secular Public Square Happily, human exceptionalism does not require belief in a transcendent God, or indeed, spiritual allusions of any kind if we understand that what matters morally is not the capacities of the individual—which, after all, are transitory—but our intrinsic natures as human beings—which are innate. We, and only we, in the known physical universe, are hard-wired—whether through creation, intelligent design, or random evolution—to be moral beings. Consider: Animals certainly have exceptional capabilities, e.g., the bat’s sonar or the gorilla’s strength. But these are mere physical distinctions that have no more significant moral implications than my having less value than someone with 20/20 vision because I wear glasses. In contrast, humans are exceptional in ways that separate us morally—rather than physically—from fauna, e.g., rationality, creativity, abstract thinking, moral agency and accountability—the list is long—which arise from our natures and are possessed by all of us unless interfered with by immaturity, illness, or disability. As the philosopher Hans Jonas put it so well, “something like an ‘ought to’ can issue only from man and is alien to everything outside him.”20 Because our essential human natures do not change if we are injured or too young to fully express them, none of us should be denied equality. The philosopher Carl Cohen put it this way: It is not individual persons who qualify (or are disqualified) from the possession of rights because of the presence or absence in them of some special capacity, thus resulting in the award of rights to some, but not to others. Rights are universally human; they arise in the human moral world, in a moral sphere. In the human world moral judgments are pervasive; it is the fact that all humans including infants and the senile are members of that moral community—not the fact that as individuals they have or do not have certain special capacities, or merits—that makes humans bearers of rights.21 Moreover, refusing to segregate ourselves into different moral castes is philosophically essential to maintaining universal human rights. As the noted philosopher Mortimer J. Adler wrote, if we ever came to believe that all humans do not possess equal moral status, the intellectual foundation of liberty would collapse: Those who now oppose injurious discrimination on the moral ground that all human beings, being equal in their humanity, should be treated equally in all those respects that concern their common humanity, would have no solid basis in fact to support their normative principle. A social and political ideal that has operated with revolutionary force in human history could be validly dismissed as a hollow illusion that should become defunct.22 Adler then explained why knocking humans off the pedestal of exceptionalism could lead to tyranny: On the psychological plane, we would have only a scale of degrees in which superior human beings might be separated from inferior men by a wider gap than separated the latter from non-human animals. Why, then, should not groups of superior men be able to justify their enslavement, exploitation, or even genocide of inferior human groups, on factual and moral grounds akin to those that we now rely on to justify our treatment of the animals we harness as beasts of burden, that we butcher for food and clothing, or that we destroy as disease-bearing pests or as dangerous predators? 23 That isn’t an overstatement. In bioethics, we are already seeing advocacy for just such courses. The Potential Bioethical Oppression In the West, oppression would not look like history’s previous great evils, such as American slavery or the Holocaust. Rather, it would most likely be imposed, in the name of reducing suffering, around issues and activities that come under the general heading of bioethics. For proof, we need merely look at the following partial list of current bioethical policies or proposals that (would) exploit, harvest, and kill the most weak and vulnerable among us: 1) Infanticide: Peter Singer and other bioethicists have long argued that because infants lack personal capacities, they should be allowed to be killed to benefit themselves (stop suffering), family (to ease emotional or financial burdens), or society (reducing health care costs).24 This isn’t just theoretical. Dutch doctors now openly euthanize infants born with disabling or terminal conditions under what is known as the “Groningen Protocol” (named after the Groningen University Medical Center, where many infanticides have taken place).25 Repeated studies in The Lancet indicate that 8 percent of all infants who die in the Netherlands are euthanized.26 2) Human Cloning/Fetal Farming: Discarding human exceptionalism in bioethics enables the pursuit of human cloning and the growing of cloned fetuses in artificial uteri for use in organ harvesting or medical experiments, even paying women to gestate fetuses into late term before aborting so the remains could be usable. Such a crass course has already been seriously proposed by bioethicist Jacob M. Appel: “Someday, if we are fortunate, scientific research may make possible farms of artificial ‘wombs’ breeding fetuses for their organs. . . . That day remains far off. However the prospect of fetal-adult organ transplantation is a more realistic near term possibility. A market in such organs might benefit both society and the women who choose to take advantage of it.”27 3) Redefining Death for Organ Harvesting: Some of the most notable and respected bioethicists and organ-transplant professionals have openly advocated changing the “dead donor rule” to include people with persistent unconsciousness, so that the organs of patients diagnosed to be in a persistent vegetative state could be harvested. Even though this would amount to killing for organs, such proposals are commonly made in the world’s most prestigious medical and bioethical journals. For example, several physicians writing “for the International Forum for Transplant Ethics,” opined: “If the legal definition of death were to be changed to include comprehensive irreversible loss of higher brain function, it would be possible to take the life of the patient (or more accurately to stop the heart, since the patient would be defined as dead) by a ‘lethal’ injection, and then remove the organs . . . subject to the usual criteria for consent.”28 Others have urged that such people be used in medical experimentation. Thus several Belgian bioethicists argued that permanently unconscious patients should be considered mere “living cadavers,” as a consequence of which they could be used ethically in xenotransplantation experiments in which their own kidneys would be replaced by those from pigs.29 4) Euthanasia/Organ Harvesting: Belgium has begun tying euthanasia of seriously disabled patients with organ procurement, which was documented in an international medical journal: “This case of two separate requests, first euthanasia and second, organ donation after death, demonstrates that organ harvesting after euthanasia may be considered and accepted from ethical, legal and practical viewpoints in countries where euthanasia is legally accepted. This possibility may increase the number of transplantable organs and may also provide some comfort to the donor and his (her) family, considering that the termination of the patient’s life may somehow help other human beings in need of organ transplantation.”30 Babies can’t choose to be killed. Ending the lives of the cognitively disabled for their organs would amount to a profound human-rights violation. Treating the unborn as so many tissue lines—which is a distinct issue from the usual abortion-rights-liberty claim of women controlling their own bodies—would send an insidious message that human life has no moral value based on being human whatsoever. And that is just the beginning of the threat. As science advances and we assume the power to literally remake genomes, the possibilities for intentionally creating Brave New World-type oppressed castes could leave the realm of science fiction. Indeed, in his last book, Joseph Fletcher advocated engineering a part-ape chimeric “parahuman” to “do dangerous or demeaning jobs.”31 More recently, from the other direction, Princeton biologist Lee Silver foresaw the establishment of a two-tiered caste-based system made up of genetically enhanced and superior post-humans, whom he calls the “Gen Rich,” and the unmodified human “Naturals,” who would be forced into menial pursuits. He writes: “Now, Natural children are only taught the basic skills they need to perform the kinds of tasks they’ll encounter in the jobs available to members of their class.” 32 And here you thought that “untouchables” were supposed to be a relic of the past. Conclusion: A Human Dignified Bioethics Is Essential to Maintaining Human Freedom This is why bioethics matters. Bioethical discourse and policies grapple with the essential question of human meaning. Such debates aren’t merely philosophical, but—given that bioethical policies have the potential to impact every living and future human being on the planet—have very practical, real-world consequence. The stakes could not be higher. Cochrane sees this potential too, writing: “Obviously, given controversies over abortion, stem cell research, genetic interventions, animal experimentation, euthanasia and so on, bioethics does need to engage in debates over which entities possess moral worth and why.” 33 One last important point: We often hear that politics is the art of compromise. But that only works when there is general agreement about values and ends, but debatable differences over means. That is not where we find ourselves in bioethical controversies, where the disagreements are fundamental and will determine the core governing values of society. We cannot fashion a principled compromise around the existence of human dignity—it either exists or it doesn’t. But while that precludes debate in the usual sense of the term, we can, nay, must, hold up these diametrically conflicting world views to intense public scrutiny. And we must make people understand that the contest over a “dignified” or “undignified” bioethics is too important to leave to academics and public intellectuals. All must be engaged, for the bioethics we choose to follow will determine whether our society stands for human equality and the guarantee of truly universal human rights.

#### Double-turn—they employ anthropocentric justifications for their critique of anthropocentrism, by saying speciesism is bad because it leads to more problems for humans they commodify the non-human being and link harder to the k than we do.

#### Considerations for any ethical system for animals presuppose a human benchmark—either human centric value is inevitable and they don’t solve or their k relies on an anthropocentric method of assertion without warrant.

Hayward 97

[PhD, Department of Politics at Edinburgh University, “Anthropocentrism: a Misunderstood Problem”, Environmental Values, p. asp//wyo-tjc]

But if the project of overcoming speciesism can be pursued with some expectation of success, this is not the case with the overcoming of anthropocentrism. What makes anthropocentrism unavoidable is a limitation of a quite different sort, one which cannot be overcome even in principle because it involves a non-contingent limitation on moral thinking as such. While overcoming speciesism involves a commitment to the pursuit of knowledge of relevant similarities and differences between humans and other species, the criteria of relevance will always have an ineliminable element of anthropocentrism about them. Speciesism is the arbitrary refusal to extend moral consideration to relevantly similar cases; the ineliminable element of anthropocentrism is marked by the impossibility of giving meaningful moral consideration to cases which bear no similarity to any aspect of human cases. The emphasis is on the ‘meaningful’ here: for in the abstract one could of course declare that some feature of the nonhuman world was morally valuable, despite meeting no determinate criterion of value already recognised by any human, but because the new value is completely unrelated to any existing value it will remain radically indeterminate as a guide to action. If the ultimate point of an ethic is to yield a determinate guide to human action, then, the human reference is ineliminable even when extending moral concern to nonhumans. So my argument is that one cannot know if any judgement is speciesist if one has no benchmark against which to test arbitrariness; and, more specifically, if we are concerned to avoid speciesism of humans then one must have standards of comparison between them and others. Thus features of humans remain the benchmark. As long as the valuer is a human, the very selection of criteria of value will be limited by this fact. It is this fact which precludes the possibility of a radically nonanthropocentric value scheme, if by that is meant the adoption of a set of values which are supposed to be completely unrelated to any existing human values. Any attempt to construct a radically non-anthropocentric value scheme is liable not only to be arbitrary – because founded on no certain knowledge – but also to be more insidiously anthropocentric in projecting certain values, which as a matter of fact are selected by a human, onto nonhuman beings without certain warrant for doing so. This, of course, is the error of anthropomorphism, and will inevitably, I believe, be committed in any attempt to expunge anthropocentrism altogether.

#### Double-turn: their appeal to ethics, which is a human system and applying that to non-humans is net worse for their impacts.

#### Anti-anthropocentric rhetoric reinforces a more dominant frame of human value because they reify ideological opposition to respect for non-human life

Hayward 97

[PhD, Department of Politics at Edinburgh University, “Anthropocentrism: a Misunderstood Problem”, Environmental Values, p. asp//wyo-tjc]

Anthropocentrism, widely used as a term of criticism in environmental ethics and politics, is something of a misnomer: for while anthropocentrism can intelligibly be criticised as an ontological error, attempts to conceive of it as an ethical error often involve conceptual confusion. I point out that there is no need for this confusion because a more appropriate vocabulary to refer to the defects the ethical ‘anti-anthropocentrists’ have in mind already exists. My argument is not just about semantics, though, but engages directly with the politics of environmental concern: blanket condemnations of ‘anthropocentrism’ not only condemn some legitimate human concerns, they also allow ideological retorts to the effect that criticisms of anthropocentrism amount to misanthropy. My argument, therefore, is that a more nuanced understanding of the problem of anthropocentrism allows not only a more coherent conceptualisation of environmental ethics but also a more effective politics. The article has five main sections. The first notes the paradox that the clearest instances of overcoming anthropocentrism involve precisely the sort of objectivating knowledge which many ecological critics see as itself archetypically anthropocentric. The second section then notes some ways in which anthropocentrism is not objectionable. In the third section, the defects associated with anthropocentrism in ethics are then examined: I argue, though, that these are better understood as instances of speciesism and human chauvinism. In order to explain why it is unhelpful to call these defects anthropocentrism, I note in section four that there is an ineliminable element of anthropocentrism in any ethic at all, and in the fifth section that the defects do not typically involve a concern with human interests as such anyway. Because of this last point, I also argue, the rhetoric of anti-anthropocentrism is not only conceptually unsatisfactory, it is counterproductive in practice.

## Risk

#### No link—The affirmative is a move away from this kind of risk assessment

#### Decisions to strike in the squo are based on contrived causal analysis based on where the targets spend their Friday nights

#### Plan solves bad research practices that result from insular thinking in the exec—that’s Chebab 12.

#### No Link—we don’t try to leverage magnitude against probability, we defend that terrorism and tensions in the SCS are the two most probable threats to global security.

#### Double-turn: you use evidence discussing the specific contexts of disciplines like economics, IR scholarship, business and don’t account clashes of context there. At least all of our I/L authors are discussing the same social phenomena from a policy perspective.

**There is a fundamental difference between scenario planning and predictions – the aff engages in the former and preserves individual agency while helping us to avert potential catastrophe.**

Steven Bernstein et al., “God Gave Physics the Easy Problems: Adapting Social Science to an Unpredictable World,” EJIR, 6, 43, 2000, p. 53-55

One useful alternative approach is the development of scenarios, or narratives with plot lines that map a set of causes and trends in future time. This forward reasoning strategy is based on a notion of contingent causal mechanisms, in opposition to the standard, neo-positivist focus on efficient causes, but with no clear parallel in evolutionary biology. It should not be confused with efforts by some to develop social scientific concepts directly analogous to evolutionary mechanisms (such as variation or selection) in biology to explain, for example, transformations in the international system or institutions, or conditions for optimum performance in the international political economy. Scenarios are not predictions; rather, they start with the assumption that the future is unpredictable and tell alternative stories of how the future may unfold. Scenarios are generally constructed by distinguishing what we believe is relatively certain from what we think is uncertain. The most important ‘’certainties’ are common to all scenarios that address the problem or trend, while the most important perceived uncertainties differentiate one scenario from another. The approach differs significantly from a forecasting tournament or competition, where advocates of different theoretical perspectives generate differential perspectives on a single outcome in the hope of subsequently identifying the ‘best’ or most accurate performer. Rather, by constructing scenarios, or plausible stories of paths to the future, we can identify the different driving forces (a term we prefer to independent variable, since it implies a force pushing in a certain direction rather than what is known on one side of an ‘equals’ sign) and then attempt to combine these forces in logical chains that generate a range of outcomes, rather than single futures. Scenarios make contingent claims rather than point predictions. They reinsert a sensible notion of contingency into theoretical arguments that would otherwise tend toward determinism. Scholars in international relations tend to privilege arguments that reach back into the past and parse out one or two causal variables that are then posited to be the major driving forces of past and future outcomes. The field also favors variables that are structural or otherwise parametric, thus downplaying the role of both agency and accident. Forward reasoning undercuts structural determinism by raising the possibility and plausibility of multiple futures. Scenarios are impressionistic pictures that build on different combinations of causal variables that may also take on different values in different scenarios. Thus it is possible to construct scenarios without pre-existing firm proof of theoretical claims that meet strict positivist standards. The foundation for scenarios is made up of provisional assumptions and causal claims. These become the subject of revision and updating more than testing. A set of scenarios often contains competing or at least contrasting assumptions. It is less important where people start, than it is where they end up through frequent revisions, and how they got there. A good scenario is an internally consistent hypothesis about how the future might unfold; it is a chain of logic that connects ‘drivers’ to outcomes (Rosell, 1999:126). Consider as an example one plausible scenario at the level of a ‘global future’ where power continues to shift away from the state and towards international institutions, transnational actors and local communities. The state lose its monopoly on the provision of security and basic characteristics of the Westphalian system as we have known it are fundamentally altered. In this setting, key decisions about security, economics and culture will be made by non-state actors. Security may become a commodity that can be bought like other commodities in the global marketplace. A detailed scenario about this transformation would specify the range of changes that are expected to occur and how they are connected to one another. It would also identify what kinds of evidence might support the scenario as these or other processes unfold over the next decade, and what kind of evidence would count against the scenario. This is simply a form of process tracing, or increasing the number of observable implications of an argument, in future rather than past time. Eventually, as in the heuristics of evolutionary biology, future history becomes data. But instead of thinking of data as something that can falsify any particular hypothesis, one should think of it as something capable of distinguishing or selecting the story that was from the stories that might have been.

#### Perm do the plan then the reject bad scholarship— Double bind, either the alternative is able to overcome one more instance in status quo, or the alternative can’t resolve the links

#### Perm do both—solves the links because it allows self-reflexivity that resolves their risk calc args.

#### You should evaluate ALL epistemology claims through the lens of specificity— our chains are valid until individually debunked

**Wight 7**

[Colin, Department of Politics, School of Humanities and Social Sciences, The University of Exeter, Journal of International Relations and Development, “Inside the epistemological cave all bets are off”, p. asp//wyo-tjc]

Kratochwil’s attempt to push beyond the epistemological wars by remaining inside the epistemological cave is not as puzzling as it might seem given that **he assumes all meta-theoretical debate to be epistemological.** Thus, for example, he argues that he aims to ‘review some of the issues that meta-theorizing was supposed to address and show how this project of securing knowledge through hierarchization and finding absolute foundations failed’(Kr atochwil 2007: 2). Likewise, he suggests that issues such as incommensurability, reductionism and materialism vs idealism are arcane epistemological concerns (Kratochwil 2007: 2). **But in what sense, for example, is the materialism vs idealism question epistemological**? **As it has developed in IR, this is a debate about whether social outcomes are best explained in terms of material factors or ideational ones**.8 A related debate within philosophy attempts to grasp whether being or ideas ultimately matter. **In either debate, no epistemological issues are involved until a specific claim is made.**9 **We can certainly ask any theorist** who takes a position of either side of this debate **how they know (the epistemological question) their chosen factor is determinate in the last instance**. **But their epistemological response** to this question **is not the same as the claim itself, but rather defends the claim on one or other basis**. And we assess these claims on a number of grounds. Given that we do not know in advance what the epistemological support for any given claim may be, then it also follows that **scientists cannot afford to be epistemological dogmatists, pinning their colours to only one epistemological mast.** **Philosophers can trouble themselves with convoluted debates about the relative merits of one particular epistemological stance** over another— empiricism vs rationalism, for example—after all it is their job, **but scientists need to be epistemological opportunists** (Einstein 1949) **using a wide range of** epistemological **supports** **and never knowing in advance which one, or which mix of them, is relevant until a specific claim is made**. In some respects, this might seem to place me close to the position that Kratochwil suggests is absurd. For **is not my position a form of ‘anything goes’?** Well, again agreeing with Kratochwil that we should reject traditional logic and its associated yes or no answers, I will reply both yes and no.10 **Yes, it is an ‘anything goes’ position insofar as I reject outright that we need to commit ourselves to any particular epistemological position in advance of making or judging** particular **knowledge claims**. **I can see no good reason for giving any specific epistemological standpoint a position of a priori privilege**. **But I can also answer no because this position does not mean that we are unable to make informed judgements on the basis of the evidence for the claim**. **The fact that philosophers have been unable to provide secure foundations** for one or other epistemological stance **does not alter the fact that we continue to use these positions to get along in the world**. In this respect, I agree completely with Kratochwil’s claim (2007: 11) that both absolute certainty and absolute doubt are impossible positions to hold, **and that we ‘go on’in a situation located somewhere in between**. **It may be philosophically naıve of me to claim that if I wish to know how many cars are parked in my drive, then the easiest way is to probably go and look. But I can do this without needing philosophy to prove empiricism infallible.** Equally, in certain circumstances I might be able to ascertain how many cars are in my drive without looking; if, for example, I know that at time T1 that there were three cars and that one went away at time T2, then, if asked at time T3 (assuming these events are sequential), I have a legitimate case to say ‘two’. Of course, in either case, **I could still be wrong but the point is that the claim** about the existence of a certain number of cars **can justifiably be supported on various epistemological grounds and we do not know in advance which will be the most appropriate**. **Hence the context in which the claim emerges is also an important aspect of its validity**. In both cases, there is no doubt that observation or the process of rational deduction is theoretically laden, but **to say that our concepts help carve up the world in certain ways is not to accept that they either determine the physicality of what exists or can,** in all cases, **stop an object from existing**.

#### Answer their endicts here:

#### Be careful how you weigh their indicts—they are high school level debating and, at best, they provide minimal defense to our claims. They do not amount to bad scholarship. The best scholarship is based on a synthesis of our claims and the authors. Think of our aff as an independent piece of scholarship that reviews the literature on drone courts and uses the lit to advance our own claims. Reject their view of scholarship as static it’s net worse for their debate pedagogy impact.

#### No impact—worst case impact is inaction and the 1AC disproves the impact. Scenario construction necessitates positive action against threats.

#### Non-unique—this is happening in all the other debates with policy teams and is inevitably going to continue on the high-school circuit.

#### No solvency—Texas read this K last year and kicked butt. Nothing has changed.

#### Using apocolypticism is the only way to mobilize people in a way necessary to interrogate actions that threaten extinction

Schatz 12

(JL, Binghampton University, The Journal of Ecocentrism, “The Importance of Apocalypse: The Value of End-Of-The-World Politics While Advancing Ecocriticism,” 2012, <http://ojs.unbc.ca/index.php/joe/article/view/394/382>) /wyo-mm

Third, and most importantly, ecocritics must adopt tactics that can most effectively influence other ¶ people without proscribing end goals. By this I mean that ecocritics must use those tools that can ¶ appeal to the masses while simultaneously making their appeals in such a way as not to force a choice ¶ upon them. Apocalyptic imagery is ideal for this task. It appeals to notions of shared planetary concerns¶ that serve as motivation for others to act, even without fully knowing how the apocalypse can truly be ¶ averted. By creating a compelling urge to do something that arises out of the image of planetary ¶ annihilation ecocriticism can influence a variety of people to take up arms through a multitude of ¶ techniques. Society as a whole will never mobilize to halt the very practices that threaten life without ¶ such compelling inspiration. When ecocriticism helps other people see how certain actions risk their¶ very survival it will enable our planet to evolve differently. So long as ecocriticism never gives up on the struggle, even if this different direction may bring new scenarios of apocalypse, humanity as a species ¶ can continually evolve its patterns and behaviors to advert extinction. This is not to say we will live ¶ forever. Rather it is to say that as a species we can continue to exist in harmony with the lives all around ¶ us and give our deaths meaning. Ultimately, it is through imagining the end of the world that we will be ¶ able to envision how to save it.

#### Predictions based on existential magnitude must be considered, there is no coming back from it, and there have been no previous examples to base predictions off of, and waiting to be reactive to situations is worse

Bostrom, 02

Nick Bostrom, Professor, Faculty of Philosophy, Oxford [University](http://www.nickbostrom.com/existential/risks.html) [www.nickbostrom.com](http://www.nickbostrom.com/) [Published in the Journal of Evolution and Technology, Vol. 9, No. 1 (2002). (First version: 2001)], accessed 1/16/13,WYO/JF

Existential risks are distinct from global endurable risks. Examples of the latter kind include: threats to the biodiversity of Earth’s ecosphere, moderate global warming, global economic recessions (even major ones), and possibly stifling cultural or religious eras such as the “dark ages”, even if they encompass the whole global community, provided they are transitory (though see the section on “Shrieks” below). To say that a particular global risk is endurable is evidently not to say that it is acceptable or not very serious. A world war fought with conventional weapons or a Nazi-style Reich lasting for a decade would be extremely horrible events even though they would fall under the rubric of endurable global risks since humanity could eventually recover. (On the other hand, they could be a local terminal risk for many individuals and for persecuted ethnic groups.) I shall use the following definition of existential risks: Existential risk – One where an adverse outcome would either annihilate Earth-originating intelligent life or permanently and drastically curtail its potential. An existential risk is one where humankind as a whole is imperiled. Existential disasters have major adverse consequences for the course of human civilization for all time to come. 2 The unique challenge of existential risks Risks in this sixth category are a recent phenomenon. This is part of the reason why it is useful to distinguish them from other risks. We have not evolved mechanisms, either biologically or culturally, for managing such risks. Our intuitions and coping strategies have been shaped by our long experience with risks such as dangerous animals, hostile individuals or tribes, poisonous foods, automobile accidents, Chernobyl, Bhopal, volcano eruptions, earthquakes, draughts, World War I, World War II, epidemics of influenza, smallpox, black plague, and AIDS. These types of disasters have occurred many times and our cultural attitudes towards risk have been shaped by trial-and-error in managing such hazards. But tragic as such events are to the people immediately affected, in the big picture of things – from the perspective of humankind as a whole – even the worst of these catastrophes are mere ripples on the surface of the great sea of life. They haven’t significantly affected the total amount of human suffering or happiness or determined the long-term fate of our species. With the exception of a species-destroying comet or asteroid impact (an extremely rare occurrence), there were probably no significant existential risks in human history until the mid-twentieth century, and certainly none that it was within our power to do something about. The first manmade existential risk was the inaugural detonation of an atomic bomb. At the time, there was some concern that the explosion might start a runaway chain-reaction by “igniting” the atmosphere. Although we now know that such an outcome was physically impossible, it qualifies as an existential risk that was present at the time. For there to be a risk, given the knowledge and understanding available, it suffices that there is some subjective probability of an adverse outcome, even if it later turns out that objectively there was no chance of something bad happening. If we don’t know whether something is objectively risky or not, then it is risky in the subjective sense. The subjective sense is of course what we must base our decisions on.[[2]](http://www.nickbostrom.com/existential/risks.html%22%20%5Cl%20%22_ftn2%22%20%5Co%20%22) At any given time we must use our best current subjective estimate of what the objective risk factors are.[[3]](http://www.nickbostrom.com/existential/risks.html%22%20%5Cl%20%22_ftn3%22%20%5Co%20%22) A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal. There was a real worry among those best acquainted with the information available at the time that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization.[[4]](http://www.nickbostrom.com/existential/risks.html%22%20%5Cl%20%22_ftn4%22%20%5Co%20%22) Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind’s potential permanently. Such a war might however be a local terminal risk for the cities most likely to be targeted. Unfortunately, we shall see that nuclear Armageddon and comet or asteroid strikes are mere preludes to the existential risks that we will encounter in the 21st century. The special nature of the challenges posed by existential risks is illustrated by the following points: · Our approach to existential risks cannot be one of trial-and-error. There is no opportunity to learn from errors. The reactive approach – see what happens, limit damages, and learn from experience – is unworkable. Rather, we must take a proactive approach. This requires foresight to anticipate new types of threats and a willingness to take decisive preventive action and to bear the costs (moral and economic) of such actions. · We cannot necessarily rely on the institutions, moral norms, social attitudes or national security policies that developed from our experience with managing other sorts of risks. Existential risks are a different kind of beast. We might find it hard to take them as seriously as we should simply because we have never yet witnessed such disasters.[[5]](http://www.nickbostrom.com/existential/risks.html%22%20%5Cl%20%22_ftn5%22%20%5Co%20%22) Our collective fear-response is likely ill calibrated to the magnitude of threat. · Reductions in existential risks are global public goods [13] and may therefore be undersupplied by the market [14]. Existential risks are a menace for everybody and may require acting on the international plane. Respect for national sovereignty is not a legitimate excuse for failing to take countermeasures against a major existential risk. · If we take into account the welfare of future generations, the harm done by existential risks is multiplied by another factor, the size of which depends on whether and how much we discount future benefits [15,16]. In view of its undeniable importance, it is surprising how little systematic work has been done in this area. Part of the explanation may be that many of the gravest risks stem (as we shall see) from anticipated future technologies that we have only recently begun to understand. Another part of the explanation may be the unavoidably interdisciplinary and speculative nature of the subject. And in part the neglect may also be attributable to an aversion against thinking seriously about a depressing topic. The point, however, is not to wallow in gloom and doom but simply to take a sober look at what could go wrong so we can create responsible.