## 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.

#### 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

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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.

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

Schell, 2k

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.

**Even if predictions are not perfect we should use foresight to take action to prevent crisis**

**Kurasawa, 2004**

[Fuyuki, Professor of Sociology at York University, “Cautionary Tales: The Global Culture of Prevention

and the Work of Foresight.” 2004, Constellations, Vol. 11, No. 4]

**When engaging in** the labor of **preventive foresight, the first obstacle** that one is likely to encounter from some intellectual circles **is a deep-seated skepticism about the very value of the exercise. A radically postmodern line of thinking**, for instance, **would lead us to believe that** it is pointless, perhaps even harmful, to strive for farsightedness in light of the aforementioned crisis of conventional paradigms of historical analysis. If, contra teleological models, **history has no intrinsic meaning, direction, or endpoint to be discovered through human reason, and if**, contra scientistic futurism, **prospective trends cannot be predicted without error, then the abyss of chronological inscrutability supposedly opens up at our feet. The future appears to be unknowable, an outcome of chance. Therefore, rather than embarking upon grandiose speculation** about what may occur, we should adopt a pragmatism that abandons itself to the twists and turns of history; **let us be content to formulate ad hoc responses to emergencies as they arise. While this argument has the merit of underscoring the fallibilistic nature of all predictive schemes, it conflates the necessary recognition of the contingency of history with unwarranted assertions about the latter’s total opacity and indeterminacy. Acknowledging the fact that the future cannot be known with absolute certainty does not imply abandoning the task of trying to understand what is brewing on the horizon and to prepare for crises** already coming into their own. In fact, **the incorporation of the principle of fallibility into the work of prevention means that we must be ever more vigilant for warning signs of disaster and for responses that provoke unintended or unexpected consequences** (a point to which I will return in the final section of this paper). In addition, from a normative point of view, **the acceptance of historical contingency and of the self-limiting character of farsightedness places the duty of preventing catastrophe squarely on the shoulders of present generations. The future no longer appears to be a metaphysical creature of destiny or of the cunning of reason, nor can it be sloughed off to pure randomness. It becomes, instead, a result of human action shaped by decisions in the present – including**, of course, **trying to anticipate and prepare for possible and avoidable sources of harm to our successors.**

#### Moral absolutism precludes moral responsibility. That generates evil and political irrelevance

Issac ’02

(Jeffrey, poli sci prof at Indiana – Bloomington, dir Center for the Study of Democracy and Public life, PhD from Yale, Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

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

## 2AC

### F/W

#### First, 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.

#### Second, is reasons to prefer:

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

#### B. It is predictable, the resolution demands USFG action

#### C. It is fair, 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

#### Engaging the state is critical to the ability of citizens to break into the project of solving global challenges: Engagement relies on an existing internationalist state and refocuses its energies through citizen participation in national institutions that solve for war as well as environmental and social challenges

Sassen 2009

[ColumbiaUniversity, istheauthorof TheGlobalCity (2ndedn, Princeton, 2001), Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton, 2008) and A Sociology of Globalisation (Norton,2007), among others, 2009, The Potential for a Progressive State?, uwyo//amp]

Using state power for a new global politics These post-1980s trends towards a greater interaction of national andglobal dynamics are not part of some unidirectional historical progres-sion. There have been times in the past when they may have been as strong in certain aspects as they are today (Sassen, 2008a: chapter 3). But the current positioning of national states is distinctive precisely because 270 Saskia Sassen the national state has become the most powerful complex organizational entity in the world, and because it is a resource that citizens, confined largely to the national, can aim at governing and using to develop novel political agendas. It is this mix of the national and the global that is so full of potential. The national state is one particular form of state: at the other end of this variable the state can be conceived of as a technical administrative capability that could escape the historic bounds of narrow nationalisms that have marked the state historically, or colonialism as the only form of internationalism that states have enacted. Stripping the state of the particularity of this historical legacy gives me more analytic freedom in conceptualising these processes and opens up the possibility of the denationalised state.As particular components of national states become the institutional home for the operation of some of the dynamics that are central to glob-alisation they undergo change that is difficult to register or name. In my own work I have found useful the notion of an incipient denation-alising of specific components of national states, i.e. components that function as such institutional homes. The question for research then becomes what is actually ‘national’ in some of the institutional compo-nents of states linked to the implementation and regulation of economic globalisation. The hypothesis here would be that some components of national institutions, even though formally national, are not national in the sense in which we have constructed the meaning of that term overthe last hundred years.This partial, often highly specialised or at least particularised, dena-tionalisation can also take place in domains other than that of economic globalisation, notably the more recent developments in the humanrights regime which allow national courts to sue foreign firms and dictators, or which grant undocumented immigrants certain rights. Denationalisation is, thus, multivalent: it endogenises global agendas of many different types of actors, not only corporate firms and financial markets, but also human rights and environmental objectives. Those confined to the national can use national state institutions as a bridge into global politics. This is one kind of radical politics, and only one kind, that would use the capacities of hopefully increasingly denationalized states. The existence and the strengthening of global civil society organ-isations becomes strategic in this context. In all of this lie the possibilities of moving towards new types of joint global action by denationalized states–coalitions of the willing focused not on war but on environmental and social justice projects.

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

### Risk

#### No link—The affirmative is a move away from this kind of risk assessment—drone strike decisions are based around false internal link chains behind signature strikes and the assumption that more strikes always means less terror threat.

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

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.

#### No link—we aren’t trying to use magnitude against probability, terror and SCS tensions top the list of probable threats to international stability.

#### The Aff isn’t short-termism, it’s risk management---the inherent unpredictability of social events is all the more reason for creating optimal resiliency through scenario planning

Cochrane 11

John H. Cochrane is a Professor of finance at the University of Chicago Booth School of Business and a contributor to Business Class "IN DEFENSE OF THE HEDGEHOGS" July 15 www.cato-unbound.org/2011/07/15/john-h-cochrane/in-defense-of-the-hedgehogs/

Risk Management Rather than Forecast-and-Plan The answer is to change the question, to focus on risk management, as Gardner and Tetlock suggest. There is a set of events that could happen tomorrow—Chicago could have an earthquake, there could be a run on Greek debt, the Administration could decide “Heavens, Dodd–Frank and Obamacare were huge mistakes, let’s fix them” (Okay, not the last one.) Attached to each event, there is some probability that it could happen. Now “forecasting” as Gardner and Tetlock characterize it, is an attempt to figure out which event really will happen, whether the coin will land on heads or tails, and then make a plan based on that knowledge. It’s a fool’s game. Once we recognize that uncertainty will always remain, risk management rather than forecasting is much wiser. Just the step of naming the events that could happen is useful. Then, ask yourself, “if this event happens, let’s make sure we have a contingency plan so we’re not really screwed.” Suppose you’re counting on diesel generators to keep cooling water flowing through a reactor. What if someone forgets to fill the tank? The good use of “forecasting” is to get a better handle on probabilities, so we focus our risk management resources on the most important events. But we must still pay attention to events, and buy insurance against them, based as much on the painfulness of the event as on its probability. (Note to economics techies: what matters is the risk-neutral probability, probability weighted by marginal utility.) So it’s not really the forecast that’s wrong, it’s what people do with it. If we all understood the essential unpredictability of the world, especially of rare and very costly events, if we got rid of the habit of mind that asks for a forecast and then makes “plans” as if that were the only state of the world that could occur; if we instead focused on laying out all the bad things that could happen and made sure we had insurance or contingency plans, both personal and public policies might be a lot better.

#### Perm do the plan then the alt—it’s a double-bind because either the alt can solve the impacts of the plan or it can’t solve the impacts in the status quo.

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

#### 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**.

#### No impact—this debate doesn’t spill over into the public, only we and the skills/content we retain leave the room.

#### 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.

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

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

#### They link to their own critique—they pick and choose aspects of Berube’s position on policy debate scholarship to use against us in this round.

#### First, he says that your argument is bad because it is a pre-fiat argument and, as such, avoids any of the substantive issues of the debate.

Berube 97

[David M. Berube, Associate Professor of Speech Communication and Director of Debate at the University of South Carolina, “Criticizing Kritiks: Textual analysis re-examined,” Contemporary Argumentation and Debate, 1997, cedadebate.org/cad/index.php/CAD/article/download/218/202 // wyo-cjh]

Textual analysis is and seemingly will remain an analytical quagmire. To illustrate some of the weaknesses of textual studies, I have chosen to examine kritiks as argumentative strategies in interscholastic and intercollegiate debating. I conclude they yield little, if any useful understanding, but also they confound and obscure meaning as well. “A kritik is an argument that has a special disposition. Presumably a kritik is resolved prior to any substantive issues in a debate (a priori)” (Berube, 1996, 13). In other words, they are pre-fiat arguments. In practice, kritiks can be experienced on at least three, sometimes overlapping, levels.

#### Second, He says that policy debaters should not make an appeal to external authority to interrogate policy debate method in round—means they can’t solve for change in debate practices and there’s an independent impact: the expulsion of tenured professors from the community.

Berube 97

[David M. Berube, Associate Professor of Speech Communication and Director of Debate at the University of South Carolina, “LAST SAID -- TO QUOTE OR NOT TO QUOTE,” Oct. 30, 1997, [http://cedadebate.org/pipermail/mailman/1997-October/002289.html //](http://cedadebate.org/pipermail/mailman/1997-October/002289.html%20//) wyo-cjh]

My position on the recent "Kritiks" article is: "I am not authority to decide the ultimate disposition of a kritik in a debate round. The arguments made by the students should accomplish that." The article is full of citation from others and can be used to discover reasons. If someone defers to authority for the argument, I believe they lessen their rationale. That's all. I am sorely insulted when J.T. (of SIU) asserts that I write articles and the editors and I collude to produce articles for my debaters to read in debate. ALSO, I will not apologize for being a scholar. FURTHERMORE, anyone challenging my professional honesty had better have better reasons than sour grapes. As Tuna and I discussed this summer, debate is an activity which offers very little for academics who are approaching promotion to full professor. As far as I am concerned, this display is one of the reasons why this activity has gone to the graduate students. This is not a personal affront at all for when programs are on the chopping block it sure is handy to have a tenured faculty member protecting it. Graduate students can yell, shout, and quit. The activity needs some of its advanced professorate. If you want them to stay, you should sometimes make them feel welcome.

### Anthro

#### First, impact outweighs and turns the kritik- Nuclear war makes it impossible to have a good relationship to nature and non-human life because people far too focused on maintaining survival,

#### Perm do both-

#### Perm do plan then alt- aff’s a prereq for the alt to be successful because…

#### And, Humans come first

Machan, 2

Tibor R. Machan (Leatherby Center for Bus. Ethics, Argyros School of Bus. & Econ., Chapman Univ. AND Hoover Institution) 2002

[“Why Human Beings May Use Animals” Journal of Value Inquiry; 2002; 36, 1; ABI/INFORM Global pg. 9, loghry]

One reason for the propriety of our use of animals is that we, as members of the human species, are more important or valuable than other animals and some of our activities my require the use, even killing, of animals in order to succeed at our lives, to make it flourish most. This is different from saying that human beings are uniquely important, a position avidly ridiculed by Stephen R.L. Clark, who claims that -there seems no decent ground in reason or revelation to suppose that man is uniquely important or significant.' If man were uniquely important, that would mean that one could not assign any value to plants or non-human animals apart from their relationship to human beings. The position we are considering is that there is a scale of importance in nature and that among all the various kinds of being, the kind 'human being' is prima facie the most important even while some members of the human species may indeed prove themselves to be vile and worthless, as well. In short, the position is unabashedly a specieist position. How do we establish that we are the most important or valuable kind of being? We may do so by considering whether the idea of lesser or greater importance or value in the nature of things makes clear sense and if it does, then by applying it to an understanding of whether human beings or other animals are more important. Put somewhat differently, let us suppose that ranking things in nature as more or less important makes sense, is sound. lf, furthermore, human beings qualify as more important than other animals, there is at least the beginning of a reason why we may make use of other animals for our purposes, for instance, when a trade-off is unavoidable. That there are things of different degree of value or importance in nature is at least implicitly admitted by animal rights advocates, so there is no need to argue about that here. When they insist that we treat animals differently from the way We treat, say, rocks so that we may use rocks in ways that we may not use animals, say to build our homes, animal rights champions testify, at least implicitly, that animals are more important than rocks. They happen, also, to deny that human beings rank higher than other animals or at least they do not admit that ranking human beings higher warrants our using animals for our purposes. But that is a different issue. What matters for now is that defenders of the high or equal moral status of animals admit rankings in nature. Independently of this acknowledgment, there is evidence throughout the natural world of the existence of beings of greater complexity and thus arguably of higher value. For example, while it makes no sense to evaluate as good Or bad such things as planets, rocks, or pebbles, except as they may relate to human or other animal purposes or goals, when it comes to plants and animals, the process of evaluation commences very naturally. We can speak of better or worse oaks, redwoods, zebras, foxes, or chimps. While at this point we confine our evaluation to the condition or behavior of such beings without any intimation of their having any moral or ethical responsibility for being better or worse, when we start discussing human beings, our evaluation can take on a moral component. Indeed, none are more ready to testify to this than animal rights advocates. They, after all, do not demand any change of behavior on the part of non-human animals and yet insist that human beings conform to certain moral edicts as a matter of their own choice. This means that even animal rights advocates admit outfight that to the best of our knowledge, it is with human beings that the idea of moral responsibility enters the universe. This shows, beyond a reasonable doubt, a hierarchical structure in nature. Some things, such as rocks, comets, and minerals, do not invite any other than perhaps esthetic evaluations. It is of no significance, except in relationship to the well-being of some living entities, whether they exist or what condition they are in or how they behave. However, some things, such as zebras, frogs, and redwood trees, do justify being evaluated as to whether they do well or badly but without any moral or ethical significance to the evaluations involved. Finally, some things— human beings — invite moral evaluation, in light of the fact that they exercise the initiative or basic choice as regards the good and bad, right and wrong things they can do.

#### Alt fails-

#### 1. Humans are the ones doing it- means they don’t get rid of the human benchmark the alt rejects

2. They presuppose a human benchmark, makes human centeredness inevitable and reinforces the dominant value of the human-

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.

## 1AR

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.