### Plan

#### 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 court with jurisdiction over targeted killing orders.

### Drone Prolif

#### First, the global drone arms race is underway now

Boyle 2013

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

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

#### Second, 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.

#### Third, 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?

#### Fourth, Drone courts are key limit executive behavior and to solve transparency

Wexler 13

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

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

#### Fifth, the plan solves international norms for drone use, US norms 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 capabili- ties 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 prolifera- tion 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 norma- tive 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 lead to nuclear conflict and Indo-Pak war

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.

#### Indo Pak war causes extinction

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

The greatest threat to regional security (although curiously not at the top of most lists of U.S. regional concerns) is the possibility that increased India-Pakistan tension will erupt into all-out warthat could quickly escalate into a nuclear exchange. Indeed, in just the past two decades, the two neighbors have come perilously close to war on several occasions. India and Pakistan remain the most likely belligerents in the world to engage in nuclear war. Due to an Indian preponderance of conventional forces, Pakistan would have a strong incentive to use its nuclear arsenal very early on before a routing of its military installations and weaker conventional forces. In the event of conflict, Pakistan’s only chance of survival would be the early use of its nuclear arsenal to inflict unacceptable damage to Indian military and (much more likely) civilian targets. By raising the stakes to unacceptable levels, Pakistan would hope that India would step away from the brink. However, it is equally likely that India would respond in kind, with escalation ensuing. Neither state possesses tactical nuclear weapons, but both possess scores of city-sized bombs like those used on Hiroshima and Nagasaki. Furthermore, as more damage was inflicted (or as the result of a decapitating strike), command and control elements would be disabled, leaving individual commanders to respondin an environment increasingly clouded by the fog of war and decreasing the likelihood that either government (what would be left of them) would be able to guarantee that their forces would follow a negotiated settlement or phased reduction in hostilities. As a result any suchconflict would likely continue to escalateuntil one side incurred an unacceptable or wholly debilitating level of injury or exhausted its nuclear arsenal. A nuclear conflict in the subcontinentwould havedisastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussionsof a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union wouldresult in acatastrophic and prolonged nuclear winter,which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead toglobal cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval. Although the likelihood of this doomsday scenario remains relatively low, the consequences are dire enough to warrant greater U.S. and international attention. Furthermore, due to the ongoing conflict over Kashmir and the deep animus held between India and Pakistan, it might not take much to set them off. Indeed, following the successful U.S. raid on bin Laden’s compound, several members of India’s security apparatus along with conservative politicians have argued that India should emulate the SEAL Team Six raid and launch their own cross-border incursions to nab or kill anti-Indian terrorists, either preemptively or after the fact. Such provocative action could very well lead to all-out war between the two that couldquickly escalate.

**And, Drone use erodes norms for war and causes global conflict that causes extinction**

**Falk, 2012**

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

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

#### the risk is high and impact defense doesn’t apply—Drone prolif erodes norms against war and makes conflict more likely

Cortright, 2011

[David, director of policy studies for the Kroc Institute for International Peace Studies at the University of Notre Dame, The scary prospect of global drone warfare, 10-19-11, http://www.cnn.com/2011/10/19/opinion/cortright-drones] /Wyo-MB

The development of drone weapons raises profound moral questions about the future of war. U.S. officials are fond of drone weapons because they are inexpensive and seem to make the waging of war less costly. They allow leaders to conduct military operations without risking the lives of U.S. soldiers or drawing public disapproval. They give the false impression that war can be waged with fewer costs and risks.¶ Any development that makes war appear to be easier or cheaper is dangerous and morally troubling. It lowers the political threshold of war. It threatens to weaken the moral presumption against the use of armed force.¶ The use of drone aircraft perpetuates the illusion that military force is an effective means of countering terrorism and resolving political differences. We should know better by now. After 10 years of combat in Afghanistan the threat of terrorist attack and insurgent violence remains as great as ever. May 2011 was the deadliest month for Afghan civilians since the U.N. began keeping records in 2007, the

### Terror

#### Squo expansion of drone warfare undermines U.S. moral standing, breeds Anti-Americanism, and undermines our credibility

Brooks 13

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

Former vice-chair of the Joint Chiefs of Staff General James Cartwright recently ¶ expressed concern that as a result of U.S. drone strikes, the U.S. may have “ceded some of our ¶ moral high ground.”35 Retired General Stanley McChrystal has expressed similar concerns:¶ “The resentment created by American use of unPILOTED~~manned~~ strikes… is much greater than the ¶ average American appreciates. They are hated on a visceral level, even by people who’ve never ¶ seen one or seen the effects of one,” and fuel “a perception of American arrogance.” 36 Former ¶ Director of National Intelligence Dennis Blair agrees: the U.S. needs to “pull back on unilateral ¶ actions… except in extraordinary circumstances,” Blair told CBS news in January. U.S. drone ¶ strikes are “alienating the countries concerned [and] …threatening the prospects for long-term ¶ reform raised by the Arab Spring…. [U.S. drone strategy has us] walking out on a thinner and ¶ thinner ledge and if even we get to the far extent of it, we are not going to lower the fundamental ¶ threat to the U.S. any lower than we have it now.”37¶ Mr. Chairman, Senator Inhofe, I believe it is past time for a serious overhaul of U.S.¶ counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone ¶ strikes, one that takes into account issues both of domestic legality and international legitimacy, ¶ and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist ¶ sentiment, and the future behavior or powerful states such as Russia and China. If we undertake ¶ such a rigorous cost-benefit analysis, I suspect we may come to see scaling back on kinetic ¶ counterterrorism activities less as an inconvenience than as a strategic necessity—and we may¶ come to a new appreciation of counterterrorism measures that don’t involve missiles raining ¶ from the sky.¶ This doesn’t mean we should never use military force against terrorists. In some ¶ circumstances, military force will be justifiable and useful. But it does mean we should ¶ rediscover a long-standing American tradition: reserving the use of exceptional legal authorities ¶ for rare and exceptional circumstances. ¶ Thank you for the opportunity to testify today.

#### Untailored use of drones causes blowback-new guidelines k

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.

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

Masood 13

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

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

#### 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 warning said that while 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.

#### Terrorists are trying to get nuclear weapons

Brian Michael Jenkins, 12

senior advisor to the president of the RAND Corporation and director of the National Transportation Security Center at the Mineta Transportation Institute, is a recognized authority on terrorism and security. “Tackling al Qaeda Today” <https://www.defenddemocracy.org/stuff/uploads/documents/Peaceable_Kingdom.pdf#page=167>, accessed 7/9/13,WYO/JF

The 2002 report devoted considerable attention to the prospect of terrorists with weapons of mass destruction. There was great concern at the time that 9/11 was not just the culmination of a long-term trend of escalating terrorism, but that it foreshadowed terrorist use of such weapons. Many in 167 government considered a terrorist attack with biological or nuclear weapons resulting in mass casualties to be only a matter time: some forecast that it was likely not more than a decade away. This has not occurred. Al Qaeda clearly had nuclear ambitions, and reportedly made several unsuccessful attempts to acquire fissile material. But as its organizational capabilities and human resources declined, al Qaeda’s quest for nuclear weapons was reduced to a propaganda campaign calculated to excite its followers and frighten its foes. Al Qaeda’s potential use of weapons of mass destruction, however, has remained a major preoccupation. The consequences of a worst-case scenario make it difficult to ignore the possibility of nuclear or biological terrorism. That possibility should not, however, be allowed to distort the entire counterterrorist effort, or become a national obsession that creates needless terror.

#### Terrorism causes nuclear war-

Ayson 10

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. t may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response.

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

Thomas 11

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

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

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

UPI 10

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

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

#### The impact is nuclear war

**Royal, 10**

Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, 2010. p. 213-215

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

### Solvency

#### Drone courts solve—provides credibility and independence to counterterror policy

Plaw, 2006

[Avery, associate professor of political science at the University of Massachusetts, Dartmouth, Fighting Terror Ethically and Legally: The Case of Targeting Terrorists, (A working paper prepared for the CPSA Conference, June 2006), http://www.cpsa-acsp.ca/papers-2006/Plaw.pdf] /Wyo-MB

The most telling issues raised by critics of targeting fall into three broad 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 involve 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 no doubt ¶ 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 plausibly argue, as indeed ¶ they have in regards 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. At the end of a ¶ discussion of a number of troubling legal issues raised by the war on terror, he suggests ¶ the possibility of setting up national courts loosely based on the model on the Foreign ¶ Intelligence Surveillance Court (FISC), which considers surveillance and physical search ¶ orders from the Department of Justice and US intelligence agencies related to foreign ¶ intelligence operations. (Ignatieff 2004: 134) Developing Ignatieff’s suggestion, I ¶ propose a 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 was credible and damning ¶ enough to warrant such a designation. It could also be assigned the responsibility to ¶ automatically review any actions that resulted in civilian casualties, and be given the ¶ power to publicly censure operations and government organizations which failed to ¶ adequately protect 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 permitted by its decisions ¶ violated the laws of war, in particular, by engaging in perfidy or employing unnecessary ¶ or disproportionate force.

#### And, Courts 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

#### And drones first policy undermines cooperation and counterterror credibility

Boyle 13

(Michael, International Affairs, “The costs and consequences of drone warfare,” 2013, <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>) /wyo-mm

Much of the existing debate on drones has focused on their legality under international and domestic law and their ethical use as a weapon of war.10 Setting these issues largely aside, this article will make a different case: that the Obama administration’s growing reliance on drone strikes has adverse strategic effects that have not been properly weighed against the tactical gains associated with killing terrorists. The article will focus primarily on the strategic costs of the CIA-run drone campaigns outside active theatres of war (specifically, Pakistan, Yemen and Somalia) and will not examine the benefits and costs of drones in active theatres of war such as Afghanistan.11 It will challenge the conventional wisdom that drone strikes in the ungoverned spaces of these countries are highly effective by contrasting claims about their relative efficiency at killing ‘bad guys’ with their political effects in the states where they are used. It will argue that drone strikes corrode the stability and legitimacy of local governments, deepen anti-American sentiment and create new recruits for Islamist networks aiming to overthrow these governments. Despite the fact that drone strikes are often employed against local enemies of the governments in Pakistan and Yemen, they serve as powerful signals of these governments’ helplessness and subservience to the United States and undermine the claim that these governments can be credible competitors for the loyalties of the population. This dynamic makes the establishment of a stable set of partnerships for counterterrorism cooperation difficult, if not impossible, because these partnerships depend upon the presence of capable and legitimate governments that can police their territory and efficiently cooperate with the United States. In this respect, American counterterrorism policy operates at cross-purposes: it provides a steady flow of arms and financial resources to governments whose legitimacy it systematically undermines by conducting unilateral drone strikes on their territory. This article will further argue that a drones-first counterterrorism policy is a losing strategic proposition over the long term. The Obama administration’s embrace of drones is encouraging a new arms race for drones that will empower current and future rivals and lay the foundations for an international system that is increasingly violent, destabilized and polarized between those who have drones and those who are victims of them.