#### Observation 1: Inherency.

**Semi autonomous weapons programs are expanding – strikes are increasing.**

Silverstein 2013 (Andrew, Undergraduate Political Science Major at the University of Pennsylvania, Flying Combat Drones, Within the Bounds of International Humanitarian Law, May 2013, Sound Politicks, official Undergraduate Journal of Political Science at the University of Pennsylvania, Volume 19, Spring 2013, https://www.sas.upenn.edu/polisci/sites/www.sas.upenn.edu.polisci/files/Sound%20Politicks-Volume%20XIX-Spring%202013-Final.pdf#page=10, page 14 )

These are standards that can be applied not only to drones in Pakistan but also in Afghanistan, Iraq, Yemen, and Somalia, bringing UCAVs within the confines of the law. By all indications, the US [Semi Autonomous Weapons] program will continue on a course of growth. They are here to stay. CIA Director, Leon Panetta answered the dubiousness surrounding the drone [Semi Autonomous Weapons]program saying, “Very frankly, it’s the only game in town.” Their popularity is growing, especially as domestic American support for foreign military influence deteriorates. The argument presented may beg the question of whether, if kept at the status quo, the program ought to end in Pakistan

#### Plan:

**The United States Congress should statutorily limit the President’s presidential war power**

**by banning the use of Semi-Autonomous Weapons.**

#### Advantages

**Scenario 1: Strikes violate international law.**

**Michael N. Schmitt \* & Jeffrey S. Thurnher. 2013** (\* Chairman and Professor, International Law Department, United States Naval War College; Honorary Professor, Strategy and Security Institute and Law School, Exeter University (UK); Honorary Professor of International Humanitarian Law, Durham University Law School (UK). This Article derives in part from Michael N. Schmitt, Autonomous Weapon Systems and International Humanitarian Law: A Reply to the Critics, HARV. NAT'L. SEC. J. FEATURES (2013), http://harvardnsj.org/wp-content/uploads/2013/02/Schmitt-Autonomous-Weapon-Systems-and-IHL-Final.pdf. The views expressed are those of the authors alone and should not be understood as necessarily representing those of the U.S. Department of Defense or any other government entity. \*\* Lieutenant Colonel, United States Army, Military Professor, International Law Department, United States Naval War College. "Out of the Loop": Autonomous Weapon Systems and the Law of Armed Conflict page 7-8)

Distinction is one of two principles in the law of armed conflict recognized as "cardinal" by the International Court of Justice, which has also characterized it as "intransgressible." **n78 The principle of distinction serves as the fount for the law of armed conflict rules, including those regarding the use of weapon systems that seek to safeguard civilians, civilian objects, and other protected persons and places during the conduct of hostilities. Article 48 of Additional Protocol I codifies this customary law principle: "In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives." n79 The principle incontrovertibly applies to semi autonomous weapon systems.** Distinction is operationalized in a number of rules, the two most fundamental being the customary law prohibitions on making civilians n81 and civilian objects n82 the target of attacks. They are codified, respectively, in Articles 51(2) and 52(1) of Additional Protocol I: **[\*252]** Article 51(2): The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited. n83 Article 52(1): Civilian objects shall not be the object of attack or of reprisals. n84 Obviously, it would be unlawful to use an autonomous weapon system to directly attack civilians or civilian objects or to intentionally terrorize the civilian population. In this regard, note that the same issues that present themselves with regard to other weapons systems also appear in the case of autonomous weapon systems. For instance, the exception to the prohibition on attacking civilians that exists for those who directly participate in hostilities also applies to the use of autonomous weapon systems against them. n85 Similarly, the universally accepted definition of military objectives found in Article 52(2) of Additional Protocol I, pertains equally to attacks by autonomous weapon systems on objects, n86 as does the controversy over whether war-sustaining objects qualify as military objectives. n87 As these issues are common to all weapon systems, they will not be addressed here. n88  **[\*253]** Article 51(4)(a), which reflects customary international law, sets forth a further prohibition that is particularly relevant to autonomous systems. By the article, attacks that are not directed at a specific target, and, as a result, are of a nature to strike lawful targets and civilians or civilian objects without distinction, are banned. n89 Unlike the ban on indiscriminate weapons, this prohibition involves a weapon that is capable of being aimed at a lawful target, but the attacker does not do so. n90 As an example, it would clearly be unlawful to employ a programmable autonomous weapon system capable of distinguishing military from civilian aircraft without activating the relevant sensors in an environment where civilian aircraft might be present. Reduced to basics, the prohibition on indiscriminate use of a weapon capable of discrimination requires the use of any sensors associated with an autonomous weapon system capable of enhancing the ability to distinguish in a situation where civilians may be present. Of course, use of the sensors would not alone render the attack lawful. Even a discriminate attack will be unlawful if it is in violation of the rule of proportionality or the requirement to take precautions in attack. 2. Proportionality An important element of the principle of distinction is the rule of proportionality. **This customary law rule, codified in Articles 51(5)(b) and 57(2)(a)(iii) of Additional Protocol I, prohibits "an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."**  n91 It is among the most complex and misunderstood norms in the law of armed conflict with respect to both interpretation and application. n92 While the **[\*254]** discussion that follows is limited to those aspects of proportionality having particular relevance to the issue of autonomy, it must be cautioned that other issues -- such as whether the survival of the weapon system conducting the attack qualifies as "military advantage" -- that have plagued application of the rule in other contexts are no less applicable with respect to autonomous weapon systems.

**International law key to human rights and preventing war.**

**United Nations 2008.** (2008 Treaty Event Universal Participation and implementation-Dignity and justice for all of us. <http://treaties.un.org/doc/source/events/2008/Press_kit/fact_sheet_5_english.pdf>)

Without it, there could be chaos. **International law sets up a framework based on States as the**

**principal actors in the international legal system, and it defines their legal responsibilities in their conduct with each other, and, within State boundaries, with their treatment of individuals. Its domain encompasses human rights, disarmament, international crime, refugees, migration, problems of nationality, the treatment of prisoners, the use of force, and the conduct of war, among others. It also regulates the global commons, such as the environment, sustainable development, international waters, outer space, global communications and world trade.**

Human rights legitimacy is critical to maintaining soft power

Nye, Professor and Former Dean Of Kennedy School of Government at Harvard, and Armitage, deputy secretary of state from 2001 to 2005, both are co-chairs of the CSIS Commission on Smart Power, 2007 [Joseph and Richard, “CSIS Reports – A Smarter, More Secure America”, http://www.csis.org/component/option,com\_csis\_pubs/task,view/id,4156/type,1/, 11/6]

Soft power is the ability to attract people to our side without coercion. Legitimacy is central to soft power. If a people or nation believes American objectives to be legitimate, we are more likely to persuade them to follow our lead without using threats and bribes. Legitimacy can also reduce opposition to—and the costs of—using hard power when the situation demands. Appealing to others’ values, interests, and preferences can, in certain circumstances, replace the dependence on carrots and sticks. Cooperation is always a matter of degree, and it is profoundly influenced by attraction. This is evident in the changing nature of conflict today, including in Iraq and against al Qaeda. In traditional conflict, once the enemy is vanquished militarily, he is likely to sue for peace. But many of the organizations against which we are fighting control no territory, hold few assets, and sprout new leaders for each one that is killed. Victory in the traditional sense is elusive. Militaries are well suited to defeating states, but they are often poor instruments to fight ideas. Today, victory depends on attracting foreign populations to our side and helping them to build capable, democratic states. Soft power is essential to winning the peace. It is easier to attract people to democracy than to coerce them to be democratic.

Soft power key to preventing warming, prolif and environmental destruction

Nye, ‘9 **[Prof. Dr. Joseph S. Nye, Vorsitzender der Trilateralen Komission, 7/2/09, http://www.securityconference.de/Prof-Dr-Joseph-S-Nye.212.0.html.]**

American leadership has been justifiably criticized in recent years, but it is difficult to see successful responses to global challenges without it. An American foreign policy that focuses on global public goods – things everyone can consume without diminishing their availability to others – will be essential to meeting the crisis of global governance. Such an approach could also help America reconcile its preponderant power with others’ interests. A small country can benefit from peace in its region, freedom of the seas, open trade, control of infectious diseases or stability in financial markets at the same time that the United States does without either diminishing the benefits to the U.S. or others. Of course, pure public goods are rare. Most public goods only partially approach the ideal case of clean air, where none can be excluded and all can benefit simultaneously. Global climate change – which I discuss further below -- is probably the most dramatic current case. According to the logic of collective action, if the largest beneficiary of a public good (like the U.S.) does not take the lead in providing disproportionate resources toward its provision, the smaller beneficiaries are unlikely to be able to produce it because of the difficulties of organizing collective action when large numbers are involved. While this responsibility of the largest often lets others become “free riders,” the alternative is that the collective bus does not move forward at all. In 2007, the Center for International and Strategic Studies sponsored a bipartisan “Smart Power Commission” that recommended such an approach. The terms and recommendations of the Smart Power Commission have begun to be accepted in Washington today. The United States could gain doubly, both from the public goods themselves, and from the way they legitimize preponderant power in the eyes of others. America can learn from the lesson of Great Britain in the 19th century, when it was also a preponderant power and took the lead in maintaining the balance of power among the major states in Europe; promoting an open international economic system; and maintaining freedom of the seas. All three issues translate relatively well to the current situation. Maintaining regional balances of power and dampening local incentives to use force to change borders provides a public good for many (but not all) countries. Similarly, maintaining open global markets is a necessary (though not sufficient) condition for alleviating poverty in poor countries even as it benefits the United States. To keep the system open, the United States must resist protectionism at home and support international economic institutions such as the World Trade Organization, the International Monetary Fund, and the Organization for Economic Cooperation and Development that provide a framework of rules for the world economy. Like l9th century Britain, America has an interest keeping international commons, such the oceans, open to all. Today, however, the international commons include new issues such as global climate change, preservation of endangered species, and the uses of outer space, as well as the “virtual commons” of cyberspace. But on some issues, such as the global climate, the United States has failed to lead. The establishment of rules that preserves access for all remains as much a public good today as in the 19th century, even though some of the issues are more complex. These three classic global public goods enjoy a reasonable consensus in American public opinion. There are also three new dimensions of global public goods in today’s world. First, the United States should lead in helping to develop and maintain international regimes of laws and institutions to organize international actions to deal with not just trade and environment, but proliferation, peacekeeping, human rights and other concerns. The U.S. benefits from the order they provide, but so do others. Unilateralists complain that the United States is constrained by international regimes, but so are others.

**Scenario Two: Future weapons**

**Semi autonomous Weapons production encourages proliferation--international and Domestic Instability.**

**Kristin Roberts March 21, 2013.** (When the whole world has drones. National Journal. <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>)

**The proliferation of** drone **[semi Autonomous Weapon] technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale.** Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last [display](http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321) at a trade show in Beijing, China showed off 25 different unmanned [aerial](http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321) vehicles. Not toys or models, but real flying machines. **It’s a classic and common phase in the life cycle of a military innovation**: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But **what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use.** This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following. America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts. To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones**[semi autonomous Weapons]** to **kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.**

**Unrestricted semi autonomous weapon proliferation guarantees global retaliatory war**

Eric **Posner**, professor at University of Chicago Law School, 5-17-**2013**, “The drone paradox; When robots eliminate the risk of casualties, wars are likely to become more common,” National Post, ln

Similarly, **we may be comfortable with giving the president authority to use military force** on his own when he must put soldiers into harm's way, knowing that he will not risk lives lightly. Presidents have learned through hard experience that the public will not tolerate even a handful of casualties if it does not believe that the mission is justified. **But when [semi autonomous Weapons]** drones **eliminate the risk of casualties, the president is more likely to launch wars too often**. **The same problem arises internationally**. The international laws that predate drones assume that military intervention across borders risks significant casualties. Since that check normally kept the peace, international law could give a lot of leeway for using military force to chase down terrorists. But **if the risk of casualties disappears, then nations might too eagerly attack, resulting in** blowback and **retaliation**. Ironically, **the reduced threat to civilians** in tactical operations **could wind up destabilizing relationships between countries, including even major powers like the United States and China, making the long-term threat to human life much greater**. These three scenarios illustrate the same lesson: that law and technology work in tandem. When technological barriers limit the risk of government abuse, legal restrictions on governmental action can be looser. **When** those **technological barriers fall, legal restrictions may need to be tightened**. These anxieties generate some standard meta-arguments that are now little more than incantations -that the president should consult with Congress more, or should use clearer standards when targeting enemies, or should be less secretive. The generic criticisms overlook basic practical hurdles. Secrecy is necessary to gather intelligence. Standards for targeting enemies will always be fuzzy because it's difficult to anticipate the shape of future threats. (The much-criticized DOJ rules for drones are hardly less clear than the rules governing ordinary police work.) And both of these factors mean that **Congress can never play more than a formulaic role**. Bans on the use of drones for domestic surveillance are premature. But U.S. courts should ready themselves to update surveillance rules to take into account drones, as well as technology like the GPS tracking devices discussed in U.S. v. Jones. Courts need to address how these technologies can be abused and whether police seem to be abusing them, and they will need to use more flexible rules than the trespass standard the Supreme Court has adopted so far. A rule against trespassing without a warrant won't stop police drones mounted with video cameras and image-identifying software from lingering outside every home as they search for suspected crooks. When it comes to presidential power, only time will tell whether the risks of blowback exceed the value of drones. Many critics seem confident that President Obama's drone war has undermined American security, but we do not know what would have happened if he had shown more restraint. Nonetheless, it is quite a paradox that we trust the president with nuclear weapons because we know that he cannot use them, while we may not trust the president with drones because we know that he can. Internationally, nations might benefit from an arms control agreement governing drones, but it is hard to imagine any such agreement in the near future, given uncertainties about how drone technologies will develop, the difficulty of monitoring drones, and the asymmetries that mean the best-equipped states will resist any constraints. But **a starting point is to recognize that the laws of war currently favour [semi autonomous Weapons]**drones because they limit civilian casualties, **while disfavouring conventional weapons - a surefire recipe for a destabilizing arms race**. It would be nice to think that future wars will be fought by robots, with no risk to civilians or even soldiers - just as in ancient times a duel between heroes could settle a dispute between armies without a battle. But the gods liked to play havoc with duels, and **drone warfare is likely to be similarly unpredictable. The long-predicted science-fiction world of robotic killing machines has finally arrived**. The law now has to catch up.

Proliferation will cause extinction

Engelhardt, ‘9 [Tom Engelhardt, co-founder of the American Empire Project, Drone Wars: Your Future has Arrived, 4/7/09, http://www.pacificfreepress.com/news/1/3990-drone-wars-your-future-has-arrived.html.]

If you want to read the single most chilling line yet uttered about drone [semi autonomous weapon]warfare American-style, it comes at the end of Christopher Drew's piece. He quotes Brookings Institution analyst Peter Singer saying of our Predators and Reapers: "[T]hese systems today are very much Model T Fords. These things will only get more advanced." In other words, our drone wars are being fought with the airborne equivalent of cars with cranks, but the "race" to the horizon is already underway. By next year, some Reapers will have a far more sophisticated sensor system with 12 cameras capable of filming a two-and-a-half mile round area from 12 different angles. That program has been dubbed "Gorgon Stare", but it doesn't compare to the future 92-camera Argus program whose initial development is being funded by the Pentagon's blue-skies outfit, the Defense Advanced Research Projects Agency. Soon enough, a single pilot may be capable of handling not one but perhaps three drones, and drone armaments will undoubtedly grow progressively more powerful and "precise." In the meantime, BAE Systems already has a drone four years into development, the Taranis, that should someday be "completely autonomous"; that is, it theoretically will do without human pilots. Initial trials of a prototype are scheduled for 2010. By 2020, so claim UAV enthusiasts, drones could be engaging in aerial battle and choosing their victims themselves. As Robert S. Boyd of McClatchy reported recently, "The Defense Department is financing studies of autonomous, or self-governing, armed robots that could find and destroy targets on their own. On-board computer programs, not flesh-and-blood people, would decide whether to fire their weapons." It's a particular sadness of our world that, in Washington, only the military can dream about the future in this way, and then fund the "arms race" of 2018 or 2035. Rest assured that no one with a governmental red cent is researching the health care system of 2018 or 2035, or the public education system of those years. In the meantime, the skies of our world are filling with round-the-clock assassins. They will only evolve and proliferate. Of course, when we check ourselves out in the movies, we like to identify with John Connor, the human resister, the good guy of this planet, against the evil machines. Elsewhere, however, as we fight our drone[semi autonomous weapon] wars ever more openly, as we field mechanical techno-terminators with all-seeing eyes and loose our missiles from thousands of miles away ("Hasta la Vista, Baby!"), we undoubtedly look like something other than a nation of John Connors to those living under the Predators. It may not matter if the joysticks and consoles on those advanced machines are somewhat antiquated; to others, we are now the terminators of the planet, implacable machine assassins. True, we can't send our drones into the past to wipe out the young Ayman al-Zawahiri in Cairo or the teenage Osama bin Laden speeding down some Saudi road in his gray Mercedes sedan. True, the UAV enthusiasts, who are already imagining all-drone wars run by "ethical" machines, may never see anything like their fantasies come to pass. Still, the fact that without the help of a single advanced cyborg we are already in the process of creating a Terminator planet should give us pause for thought... or not.

**Scenario Three: Terrorism**

#### Semi autonomous Weapons fuel terrorism--- laundry list

Blum and Heyman 10, (Gabriella Blum, Assistant Professor of Law, Harvard Law School, and Philip Heymann, James Barr Ames Professor of Law, Harvard Law School, Law and Policy of Targeted Killing, Harvard National Security Journal, Vol. 1, June 27, 2010, https://www.law.upenn.edu/institutes/cerl/conferences/targetedkilling/papers/BlumHeymannLawPolicy.pdf)

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.¶ Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.¶ The political message flowing from the use of targeted killings may be harmful to the attacking country’s interest, as it emphasizes the disparity in power between the parties and reinforces popular support for the terrorists, who are seen as a David fighting Goliath. Moreover, by resorting to military force rather than to law enforcement, targeted killings might strengthen the sense of legitimacy of terrorist operations, which are sometimes viewed as the only viable option for the weak to fight against a powerful empire. If collateral damage to civilians accompanies targeted killings, this, too, may bolster support for what seems like the just cause of the terrorists, at the same time as it weakens domestic support for fighting the terrorists.

#### Terrorism causes miscalculation that draws in Russia and China and culminates in extinction- also causes rising alert levels

Ayson 2010 (Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, “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. It 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. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ … long-standing interest in all things nuclear.”42 American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia’s use of nuclear weapons, including outside Russia’s traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase “how dare they tell us what to do” immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

The US will retaliate to a terror attack, causing extinction

Speice 06 [Patrick F., Jr. "Negligence and nuclear nonproliferation: eliminating the current liability barrier to bilateral U.S.-Russian nonproliferation assistance programs." William and Mary Law Review 47.4 (Feb 2006): 1427(59). Expanded Academic ASAP]

The potential consequences of the unchecked spread of nuclear knowledge and material to terrorist groups that seek to cause mass destruction in the United States are truly horrifying. A terrorist attack with a nuclear weapon would be devastating in terms of immediate human and economic losses. (49) Moreover, there would be immense political pressure in the United States to discover the perpetrators and retaliate with nuclear weapons, massively increasing the number of casualties and potentially triggering a full-scale nuclear conflict. (50) In addition to the threat posed by terrorists, leakage of nuclear knowledge and material from Russia will reduce the barriers that states with nuclear ambitions face and may trigger widespread proliferation of nuclear weapons. (51) This proliferation will increase the risk of nuclear attacks against the United States or its allies by hostile states, (52) as well as increase the likelihood that regional conflicts will draw in the United States and escalate to the use of nuclear weapons.

#### Observation 4 is: Solvency.

#### Only statutory restrictions solve CIA operations – they comply with the letter of the law

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

As the CIA’s role in drone strikes has gained increasing prominence and notoriety, CIA and Obama Administration officials have repeatedly offered assurances that the agency complies with the law and seeks to avoid civilian casualties in drone strikes (see The Civilian Toll). While we cannot prove and do not necessarily believe that the CIA routinely and knowingly violates US law or disregards civilian life—to the contrary, it may have set up procedures and rules related to civilian harm— the CIA does not have an ethos or culture that promotes substantial engagement with legal questions or larger discussions of civilian protection. Moreover, while the threat of public or congressional scrutiny would traditionally provide the CIA incentive to act with caution about the law, in the context of covert drone strikes these incentives are substantially reduced or altogether absent. The most generous interpretation of the CIA’s relationship to the law is that it is formalistic: the agency may conform to the strictures of the law, but there is no indication that the CIA has developed an ethos that would independently motivate adherence to the norms and values underlying the law, including those that motivate steps to reduce civilian harm. In a series of addresses in 2011 and 2012, CIA General Counsel Stephen Preston described the agency’s relationship to the law as like that of a tightly regulated business.302 At the American Bar Association Preston explained: All intelligence activities of the Agency must be properly authorized pursuant to and conducted in accordance with the full body of national security law that has been put in place over the six plus decades since the Agency was founded. All such activities are also subject to strict internal and external scrutiny. In short, the Agency is at least as rule-bound and closely watched as businesses in the most heavily regulated industries.303 Although intended to provide assurance, the analogy to business regulation is disconcerting. It suggests that rather than seeing itself as duty-bound to the law and culturally invested in its rationales, the agency relates to the law as a constraint that may undermine the agency’s goals if not carefully managed, and perhaps, in some cases, circumvented. Even in accounts favorable to the CIA, the CIA’s relationship to the law is discussed only in terms of avoiding liability and political fall-out for actions that might, if revealed, be perceived as illegal even if technically legal. There is no allusion to a concern for whether actions, though technically legal, might offend the purposes and values of the law, or brush up too closely to their limits to be appropriate. For example, Jack Goldsmith, former lawyer in the Bush administration, writes that the CIA’s 150 or so lawyers “help operators sort through the cognitive dissonance that arises from the twin injunctions to violate some laws and norms but not others.” According to Goldsmith, these lawyers “provide comfort that whatever other fallout might occur from their CIA activities, operators needn’t worry about violating what to them often felt like bewildering US legal restrictions.” In any event, “everyone in the CIA knows that trouble follows from violating US law” and people “are watching for violations and can impose various types of legal or political punishment if they find one.”304 Likewise, former CIA lawyer Afsheen John Radsan conjectures that the CIA has sought legal approval for its drone strikes because “[t]he CIA, we know is accustomed to checking off the boxes in its paperwork” and is “[m]indful of their potential legal exposure on targeted killing.”305 To be sure, recent accounts of the CIA’s torture and secret detention programs under the Bush administration reflect that CIA personnel are deeply concerned with liability and public perception. CIA personnel aggressively sought clearance from agency lawyers and others in the Bush administration for the detention and torture programs—and, for the most part, received approval. John Rizzo, a leading CIA lawyer at the time, reportedly advised the CIA to tell as many people as possible about the programs to minimize political fall-out and maximize political support.306 In internal debates at the CIA, Rizzo notes: “I never heard— and I think I would have heard—any dissent, any moral objection,” to the programs.307

#### Legislation is key to reign in endless war

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

Thanks to [semi autonomous weapons]drones, as Miller’s question suggests, “endless war” is quite possible. In this regard, it’s worth noting that the drone war is an outgrowth of Washington’s post-9/11 campaign against terrorist organizations and regimes—a campaign authorized by the Use of Force Resolution of 18 September 2001. That measure directed the president “to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”34 That final clause referring to “future acts of international terrorism” creates a loophole larger than a Reaper ground-attack drone—with a wingspan of some 66 feet—a loophole that should be tightened through legislation focusing on threats beyond Afghanistan. After all, it would be a stretch to say that the 18 September measure authorized—11-plus years later—an autopilot war against targets in Pakistan, Yemen, Somalia, and beyond. Those targets may indeed be enemies of, and threats to, the United States. But few of the drone war’s intended targets today—not to mention the unfortunates simply in the wrong place at the wrong time—“planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.” Underscoring this point, The Washington Post recently reported that a growing number of [semi autonomous weapon]drone strikes in Yemen have targeted “lower-level figures who are suspected of having links to terrorism operatives but are seen mainly as leaders of factions focused on gaining territory in Yemen’s internal struggle.”35 (Emphasis added.) Yet the drone war goes on, largely because there are no Americans in harm’s way—at least not directly.

#### Congress can oversee semi autonomous Weapons

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

Though hampered in many ways, the oversight committees have sufficient authority to impact the CIA’s activities. Congress controls the CIA’s budget and can thus influence programs, seek changes, or get answers to inquiries.326 One study found that every staffer surveyed recalled at least one instance when an intelligence committee member “threatened to statutorily withhold funding as a lever for sharing of information that would not otherwise have been forthcoming.”327 Congressional staffers can also visit CIA stations and other sites to get facts on the ground, though whether this is possible with regard to the drone program is unknown. Some information about CIA activities is provided only to congressional leaders who are part of the “Gang of Eight”328—leading members of the House and Senate. Many individuals, including members of Congress, have criticized this practice as preventing the intelligence committees from exercising effective oversight.329 Congressional oversight committees reportedly receive extensive briefings from the CIA. According to Senator Diane Feinstein, chair of the Senate Select Intelligence Committee: We receive notification with key details shortly after every strike, and we hold regular briefings and hearings on these operations. Committee staff has held 28 monthly in-depth oversight meetings to review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimize noncombatant casualties.330 House and Senate intelligence committee staff reportedly travel monthly to CIA headquarters in Virginia to review drone video and intelligence used to justify strikes.331 Asked about drone strikes in January 2012, Feinstein stated: “[T]here’s no issue that receives more attention and oversight from this committee...than counterterrorism operations in Afghanistan and Pakistan.”332

Semi autonomous Weapons are the critical internal link to instability, terrorism, and the counterinsurgency

Rogan, March 29 2010 (Christopher, army cadet, “INCREASING THE COMBAT POWER OF THE SQUAD ON PATROL: THE POTENTIAL OF THE SOLDIER-PORTABLE DRONE AS A TACTICAL FORCE MULTIPLIER” , accessed June 24 2010)

Nonetheless, it is in the very nature of American military commanders to find every possible way to give the advantage to their troops in a firefight. William H. McRaven, a former Navy SEAL and special operations theorist, writes that even the some of the most physically fit and skilled warriors in the world can find themselves on the losing end of a firefight if they do not have some sort of force multiplier—whether it is surprise, speed or firepower—to achieve relative superiority in an engagement. US troops still need some sort of force multiplier; the new constraints of fighting in a counterinsurgency environment make the use of traditional combat support options such as indirect fire nearly impossible. David Kilcullen, a leading expert in counterinsurgency theory, says that too much firepower can be counterproductive in counterinsurgency. Any form of overreaching or collateral damage in a firefight does more to damage the counterinsurgent’s cause than to help him defeat the insurgent. Peter Bergen and Katherine Tiedemann, building on recent comments from David Kilcullen and Andrew Exum, indicate that independent drone strikes have no place in counterinsurgency as they insult the local populace, kill innocent civilians, and subsequently help the insurgent more than the counterinsurgent.