# GSU COIN 1AC 1.0

### 1AC Terrorism

**Contention one is terrorism –**

#### Nuclear terrorism is an imminent threat – ease of access to material, motivation and expertise

**Jaspal** – Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Pakistan **12** (Zafar Nawaz, “Nuclear/Radiological Terrorism: Myth or Reality?”, Journal of Political Studies, Vol. 19, Issue - 1, 2012, 91:111)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dualuse nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does not**eliminate** completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth. Farsighted rationality obligates that one should not miscalculate transnational terrorist groups — whose behavior suggests that they have a death wish — of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs(Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18). Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a“religious duty” (Yusufzai, 1999, January 11). The IAEA also reported that “al-Qaeda was actively seeking an atomic bomb.” Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had “revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda” (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that “we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10).” On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that “I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29).” He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers in the nuclear scientific bureaucracies. It also authenticates bin Laden’s Deputy Ayman Zawahiri’s claim which he made in December 2001: “If you have $30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available (Allison, 2010, January: 2).” The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33Defense Secretary Robert Gates admitted in 2008 that “what keeps every senior government leader awake at night is the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear (Mueller, 2011, August 2).” Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out: “Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred” (Whiteneck, 2005, Summer: 187) Since taking office, President Obama has been reiterating that “nuclear weapons represent the ‘gravest threat’ to United States and international security.” While realizing that the US could not prevent nuclear/radiological terrorist attacks singlehandedly, he launched 47an international campaign to convince the international community about the increasing threat of nuclear/ radiological terrorism. He stated on April 5, 2009: “Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold(Remarks by President Barack Obama, 2009, April 5).” He added: “One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe” (Remarks by President Barack Obama, 2009, April 5). In July 2009, at the G-8 Summit, President Obama announced the convening of a Nuclear Security Summit in 2010 to deliberate on the mechanism to “secure nuclear materials, combat nuclear smuggling, and prevent nuclear terrorism” (Luongo, 2009, November 10). President Obama’s nuclear/radiological threat perceptions were also accentuated by the United Nations Security Council (UNSC) Resolution 1887 (2009). The UNSC expressed its grave concern regarding ‘the threat of nuclear terrorism.” It also recognized the need for all States “to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists.” The UNSC Resolution called “for universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism.” (UNSC Resolution, 2009) The United States Nuclear Posture Review (NPR) document revealed on April 6, 2010 declared that “terrorism and proliferation are far greater threats to the United States and international stability.” (Security of Defence, 2010, April 6: i). The United States declared that it reserved the right to“hold fully accountable” any state or group “that supports or enables terrorist efforts to obtain or use weapons of mass destruction, whether by facilitating, financing, or providing expertise or safe haven for such efforts (Nuclear Posture Review Report, 2010, April: 12)”. This declaration underscores the possibility that terrorist groups could acquire fissile material from the rogue states**.**

#### Nuclear terrorism cause a 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.

#### Scenario 1 is Yemen –

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

**Hudson et al 13**

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

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

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

**Hudson et al 13**

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

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

#### Yemen instability ignites tensions an already shaken relationship between Saudi Arabia and Iran

Berger et al 2012 (May, Lars Berger, Lecturer in politics and contemporary history of the middle east at the university of salford/Manchester, Maurice Doring, MA in political science, international law and philosophy from the University of Bonn, Sven-Eric Fikenscher, research fellow at Geothe University, Ahmed Salf, Exeutive Director of the Sheba Center for Strategic Studies, Ahmed Al-Wahishi, Executive Secretary of the Yemeni International Affairs Center, “Yemen and the Middle East Conference The Challenge of Failing States and Transnational Terrorism”, <http://usir.salford.ac.uk/22952/1/Yemen_and_the_Middle_East_Conference.pdf>)

While in a geographical and political sense Yemen is far from being a central actor in the envisioned MEC, its political future could easily shape the gathering on several levels. First, the Middle East Conference aims at establishing a WMD/DVs Free Zone. On the one hand, Yemen is a party to all three legal documents banning weapons of mass destruction: the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention (BTWC), and the Chemical Weapons Convention (CWC). In addition, Sana’a has embraced the Gulf Cooperation Council’s (GCC) call for a Gulf WMD Free Zone, independent of Israeli nuclear policy. On the other hand, when it comes to the problématique of WMD and proliferation, Yemen might store chemical weapons, depending on whether rumors about the use of nerve gas against anti- government protesters in early 2011 turn out to be true. In addition, Yemen imported various WMD-capable aircraft and missiles and probably still operates most of them (see Table No. 1). In the aircraft realm, Yemeni decision-makers from the North, the South, and the unifi ed country alike have mostly received Soviet/Russian fighter jets and bombers. 1 The current level of instability and the threat of further deterioration could thus spoil any serious arms control effort in Yemen. This is particularly troublesome since the country, given its history and affiliation with the Arab League, will have to be part of far- reaching regional disarmament initiatives. The prospect of an Arab state with an uncontrolled chemical arsenal is likely to affect Israeli and Iranian calculations with regard to the **MEC**. Both states are suspicious of the Arab League and tensions between Iran and Saudi Arabia, which is particularly influential in Yemen, have recently worsened. Second, with a long history as one of the region’s eminent weapons markets, Yemen has the potential to serve as a major gateway for illicit weapons, both conventional and unconventional, entering the Arab peninsula and other parts of the Arab East. If the situation escalates, states with an interest in such technology might, for instance, try to obtain missiles and their spare parts or attempt to gain access to sensitive material from the country’s suspected chemical warheads. This could contribute to the prolif- eration of delivery systems as well as WMD thereby undermining the MEC. In 2011, protesters seized an army base in Sana’a, while Al-Qaeda in the Arab Peninsula (AQAP) has, on a frequent basis, been able to temporarily control several cities and launch deadly assaults on military bases in the southern province of Abyan. Such developments could offer AQAP the chance to use existing dual-use laboratories or even to build their own facilities capable of producing biological and chemical material in remote areas under their control. Third, Yemen has the potential to play a more prominent role in the ongoing tensions between Saudi Arabia and Iran. Riyadh has a long history of attempts to shape the course of political events in Yemen with which it shares a 1,800 km-long border. Saudi Arabia’s different reactions to domestic calls for change in Bahrain and Syria have made clear that it is viewing the ‘Arab Spring’ primarily through the lens of its long-running conflict with Iran. From a Saudi point of view, instability in Yemen opens up the specter of increased Iranian influence at a time when Tehran’s foothold in the Arab world’s northern tier comes under strain in the context of the popular uprising against the Assad regime in Syria. a number of narrowly foiled terrorist attacks on U.S. targets and the 2009 Fort Hood shooting in Texas have shifted global attention towards Yemen’s status as the home to Al-Qaeda in the Arab Peninsula. Continuing instability in Yemen allows AQAP to regroup and pose a direct threat to the security of Saudi Arabia and other countries on the Arab peninsula. It also puts AQAP into a position to intensify its support for the ‘home-grown’ attempted terrorist attacks the United States has witnessed over the last couple of years. In short, Yemen’s instability has the potential to allow transnational actors to undermine the security arrangements which the region’s state actors might contemplate as part of the envisioned MEC.

**Iran-Saudi conflict escalates and goes nuclear – no defense**  
**Robb 12** (Charles, B.A. from the University of Wisconsin–Madison, J.D. at the University of Virginia Law School, Charles Wald, Master of Political Science degree in international relations, Troy State University, Bipartisan Policy Center Board Member “The Price of Inaction: Analysis of Energy and Economic Effects of a Nuclear Iran,” October 10th, 2012, <http://bipartisanpolicy.org/sites/default/files/PriceofInaction.pdf)>

Saudi Arabia would be very likely to try to follow Iran across the nuclear threshold. Should it¶ do so, the world would face the possibility of an Iran-Saudi nuclear exchange—a¶ catastrophic humanitarian event that would threaten the entirety of Gulf oil exports for an¶ extended period of time.¶ In early 2008, the Senate Foreign Relations Committee concluded: “If Iran obtains a nuclear¶weapon, it will place tremendous pressure on Saudi Arabia to follow suit.”xix By 2012, some¶ experts believe it has already begun to do so. Two main factors could drive Saudi Arabia to¶ pursue a nuclear weapon: (1) a decades-long Saudi-Iran cold war waged along sectarian,¶ religious, ethnic, and geopolitical lines and (2) a deep-seated competition over the energy¶ policies that form the lifeblood of both regimes.¶ The Sunni Saudi monarchy and Shiite Iranian theocracy each claim leadership of the Islamic¶ world. This sectarian competition for primacy is reinforced by ethnic differences: Saudi¶ Arabia is the largest and most populous Arab country astride the Gulf, but it is dwarfed by¶ Iran’s much larger Persian-majority population. These competing claims have pitted the two¶ countries in an enduring cold war and proxy conflict spanning from Lebanon to Iraq and the¶ Arabian Peninsula. Iran—under both the Shah and the ayatollahs—has routinely sought to¶ use its conventional military capabilities, large population, geostrategic position, expansive¶ resources, and ties to armed groups to shift the balance of power in the Persian Gulf in its¶ favor and at the expense of its Sunni Arab neighbors.xx¶ As a result, Saudi Arabia has made it clear it views a nuclear-capable Iran as an existential¶ threat. In 2008, King Abdullah urged the United States to “cut off the head of the snake,”¶ one instance of his “frequent exhortations [to] the United States to attack Iran to put an¶ end to its nuclear weapons program,” according to U.S. diplomatic cables revealed by¶ Wikileaks.xxi With uncertain prospects for a halt to Iran’s nuclear program—peaceful or¶ otherwise—in 2009, the King informed a senior American official, “If [Iran] gets nuclear¶ weapons, we will get nuclear weapons.” This year, senior Saudi officials reiterated that “it¶ would be completely unacceptable to have Iran with a nuclear capability and not the¶ kingdom [of Saudi Arabia].”xxii¶ Rather than lose time developing an indigenous nuclear program, it is likely the Saudi¶ kingdom would seek to obtain a nuclear warhead from Pakistan ready to mount on its CSS-¶ 2 ballistic missiles. Close Saudi-Pakistani security ties date back to shared Cold War–era¶ interests, and it is widely believed that Riyadh bankrolled Islamabad’s nuclear weapons¶ program with the stipulation that Pakistan would sell nuclear devices to Saudi Arabia in an¶ emergency; in the words of a senior Saudi official, “within weeks.”xxiii Pakistan would benefit¶ by receiving much-needed cash and could demand in return dual-key authority over missile¶ launches, both to control Saudi policy and to bolster its own second-strike capability against¶ India.¶ At best, this would create a nuclear-armed standoffbetween the two most powerful and¶ mutually antagonistic countries in the Persian Gulf. At worst, it could devolve into atomic warfare. Iran’s and Saudi Arabia’s small arsenals, lack of durable communication channels,¶ poor civilian oversight of command-and-control systems, erratic intelligence, proximity to¶ each other, religious ardor, and sectarian divide would all distinguish this scenario from the¶Cold War balance between the United States and the Soviet Union.

#### Scenario 2 is Blowback –

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

#### Drones destroys intelligence gathering--- alienates allies and prevents them from cooperating with the u.s

**Cronin 13** (AUDREY KURTH CRONIN is Professor of Public Policy at George Mason University. “Why Drones Fail” Foreign Affairs, 00157120, Jul/Aug2013, Vol. 92, Issue 4

That is because a crucial element in the success of U.S. counter-terrorism has been close collaboration with allies on issues of terrorist financing, the extradition of terrorist suspects, and, most important, the sharing of vital intelligence. Obama ran for office in 2008 on the promise that he would restore the United States' reputation abroad. But his administration's unilateralism and lack of transparency on targeted killings are undermining the connections that were painstakingly built over the past decade, particularly with Pakistan and Yemen. This decreases the likelihood that allies will cooperate with Washington and increases the chances of terrorist attacks against Americans. Of course, if drones actually stop another major attack along the lines of 9/11, they might be worth all the international opprobrium. But for the moment, the only sure thing Washington is doing is driving down international support for the United States and alienating local populations. All this in pursuit of preventing what is almost impossible to stop: a small cell of determined jihadists trying to carry out a minor attack on U.S. soil. That much was made clear by the tragic Boston Marathon bombings in April.

#### Effective joint intelligence efforts are key to stop terrorism.

**Cristian and Andreea 13,** (Mărcău Flavius-Cristian, PhD Candidate, Babes-Bolyai University, Ciorei Mihaela Andreea, MA, Constantin Brâncuși University from Targu-Jiu, THE ROLE OF INTELLIGENCE IN THE FIGHT AGAINST TERROR, European Scientific Journal, vol.9, No.2, January 2013, <http://eujournal.org/index.php/esj/article/download/708/792>)

Terrorist threats are highly topical and won’t disappear in the next decade. Most likely they will undergo changes so that diversification will be unstoppable. The terrorist attacks have been, are and will be irregular, and will track the vulnerabilities of states and will act to spread terror. Thus, the fight against terrorism is not, and can not be easy. And this is not necessarily because terrorists would be very powerful, but because they are devoid of any logic and any philosophy. Combating terrorism cannot come out of the laws and customs of war and the armed struggle and, therefore, the difficulties of such confrontations will always be very high”28.¶ The informational field, by definition is a closed one which must find ways to integrate into the system, connection and operation, which should sufficiently facilitate the visibility on disruptive factors of regional and global balances, to provide the state administrations and transnational organizational possibility of an action conceptually unique and with joint efforts to prevent, stop and reduce the harmful effects of the evolution of human civilization and the individual29.¶ After 11 September, the vast majority of information agencies have reorganized their defense systems and contraterrorist fight, began to exchange information about terrorist organizations (share intelligence) and work together to foil terrorist plans. So, the global antiterrorist fight must include joint strategic cooperation, common and pragmatic and sincere cooperation.¶ Through patience and vigilance, terrorists continue their cause through an understanding of our society. Thus, it becomes imperative to do the same and to obtain information about those who choose to attack our freedoms and our way of life. The information collection will prove invaluable in this case, but this tool must be used as well as possible at strategic, operational and tactical level.

#### Drones only spread terrorist organizations out and creates affiliates associated with former al-Qaeda members

**Boyle, 13** (Michael J. Boyle, Assistant Professor of Political Science at La Salle University in Philadelphia. He was previously a Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence (CSTPV) at the University of St. Andrews. He is also an alumnus of the Political Science Department at La Salle. “The costs and consequences of drone warfare” International Affairs 89: 1 (2013) 1–29)

Yet the evidence that drones inhibit the operational latitude of terrorist groups and push them towards collapse is more ambiguous than these accounts suggest.57 In Pakistan, the ranks of Al-Qaeda have been weakened significantly by drone strikes, but its members have hardly given up the fight. Hundreds of Al-Qaeda members have fled to battlefields in Yemen, Somalia, Iraq, Syria and elsewhere.58 These operatives bring with them the skills, experience and weapons needed to turn these wars into fiercer, and perhaps longer-lasting, conflicts.59 In other words, pressure from drone strikes may have scattered Al-Qaeda militants, but it does not neutralize them. Many Al-Qaeda members have joined forces with local insurgent groups in Syria, Mali and elsewhere, thus deepening the conflicts in these states.60 In other cases, drones have fuelled militant movements and reordered the alliances and positions of local combatants. Following the escalation of drone strikes in Yemen, the desire for revenge drove hundreds, if not thousands, of Yemeni tribesmen to join Al-Qaeda in the Arabian Peninsula (AQAP), as well as smaller, indigenous militant networks.61 Even in Pakistan, where the drone strikes have weakened Al-Qaeda and some of its affiliated movements, they have not cleared the battlefield. In Pakistan, other Islamist groups have moved into the vacuum left by the absence of Al-Qaeda, and some of these groups, particularly the cluster of groups arrayed under the name Tehrik-i-Taliban Pakistan (TTP), now pose a greater threat to the Pakistani government than Al-Qaeda ever did.62 Drone strikes have distinct political effects on the ecology of militant networks in these countries, leaving some armed groups in a better position while crippling others. It is this dynamic that has accounted for the US decision gradually to expand the list of groups targeted by drone strikes, often at the behest of Pakistan. Far from concentrating exclusively on Al-Qaeda, the US has begun to use drone strikes against Pakistan’s enemies, including the TTP, the Mullah Nazir group, the Haqqani network and other smaller Islamist groups.63 The result is that the US has weakened its principal enemy, Al-Qaeda, but only at the cost of earning a new set of enemies, some of whom may find a way to strike back.64 The cost of this expansion of targets came into view when the TTP inspired and trained Faisal Shahzad to launch his attack on Times Square.65 Similarly, the TTP claimed to be involved, possibly with Al-Qaeda, in attacking a CIA outpost at Camp Chapman in the Khost region of Afghanistan on 30 December 2009.66

#### Turning that tide is critical – al-Qaeda affiliates pose a high risk of nuclear and biological terrorism

**Allison**, IR Director @ Harvard, **12** [Graham, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government, Harvard Kennedy School, "Living in the Era of Megaterror", Sept 7, <http://belfercenter.ksg.harvard.edu/publication/22302/living_in_the_era_of_megaterror.html>. BJM]

Forty years ago this week at the Munich Olympics of 1972, Palestinian terrorists conducted one of the most dramatic terrorist attacks of the 20th century. The kidnapping and massacre of 11 Israeli athletes attracted days of around-the-clock global news coverage of Black September’s anti-Israel message. Three decades later, on 9/11, Al Qaeda killed nearly 3,000 individuals at the World Trade Center and the Pentagon, announcing a new era of megaterror. In an act that killed more people than Japan’s attack on Pearl Harbor, a band of terrorists headquartered in ungoverned Afghanistan demonstrated that individuals and small groups can kill on a scale previously the exclusive preserve of states. Today, how many people can a small group of terrorists kill in a single blow? Had Bruce Ivins, the U.S. government microbiologist responsible for the 2001 anthrax attacks, distributed his deadly agent with sprayers he could have purchased off the shelf, tens of thousands of Americans would have died. Had the 2001 “Dragonfire” report that Al Qaeda had a small nuclear weapon (from the former Soviet arsenal) in New York City proved correct, and not a false alarm, detonation of that bomb in Times Square could have incinerated a half million Americans. In this electoral season, President Obama is claiming credit, rightly, for actions he and U.S. Special Forces took in killing Osama bin Laden. Similarly, at last week’s Republican convention in Tampa, Jeb Bush praised his brother for making the United States safer after 9/11. There can be no doubt that the thousands of actions taken at federal, state and local levels have made people safer from terrorist attacks. Many are therefore attracted to the chorus of officials and experts claiming that the “strategic defeat” of Al Qaeda means the end of this chapter of history. But we should remember a deeper and more profound truth. While applauding actions that have made us safer from future terrorist attacks, we must recognize that they **have not reversed an inescapable reality**: The relentless advance of science and technology is making it possible for smaller and **smaller groups to kill** **larger** and larger **numbers of people**. If a Qaeda affiliate, or some terrorist group in Pakistan whose name readers have never heard, acquires highly enriched uranium or plutonium made by a state, they can construct an elementary nuclear bomb capable of killing hundreds of thousands of people. At biotech labs across the United States and around the world, research scientists making medicines that advance human well-being are also capable of making pathogens, like anthrax, that can produce massive casualties. What to do? Sherlock Holmes examined crime scenes using a method he called M.M.O.: motive, means and opportunity. In a society where citizens gather in unprotected movie theaters, churches, shopping centers and stadiums, opportunities for attack abound. Free societies are inherently “target rich.” Motive to commit such atrocities poses a more difficult challenge. In all societies, a percentage of the population will be homicidal. No one can examine the mounting number of cases of mass murder in schools, movie theaters and elsewhere without worrying about a society’s mental health. Additionally, actions we take abroad unquestionably impact others’ motivation to attack us. As Faisal Shahzad, the 2010 would-be “Times Square bomber,” testified at his trial: “Until the hour the U.S. ... stops the occupation of Muslim lands, and stops killing the Muslims ... we will be attacking U.S., and I plead guilty to that.” Fortunately, it is more difficult for a terrorist to acquire the “means” to cause mass casualties. Producing highly enriched uranium or plutonium requires expensive industrial-scale investments that only states will make. If all fissile material can be secured to a gold standard beyond the reach of thieves or terrorists, aspirations to become the world’s first nuclear terrorist can be thwarted. Capabilities for producing bioterrorist agents are not so easily secured or policed. While more has been done, and much more could be done to further raise the technological barrier, as knowledge advances and technological capabilities to make pathogens become more accessible, the means for bioterrorism will come within the reach of terrorists. One of the hardest truths about modern life is that the same advances in science and technology that enrich our lives also empower potential killers to achieve their deadliest ambitions. To imagine that we can escape this reality and return to a world in which we are invulnerable to future 9/11s or worse is an illusion. For as far as the eye can see, we will live in an era of megaterror.

#### Bioweapons are imminent and cause extinction – they’re easily obtainable and overwhelm our best defenses

**Myhrvold,** July **2013** [Nathan, formerly Chief Technology Officer at Microsoft, is co-founder of Intellectual Ventures—one of the largest patent holding companies in the world, “Strategic Terrorism: A Call to Action”, The Lawfare Research Paper Series Research paper NO . 2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>, BJM]

Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and **kill a large part of humanity with it**. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes **only a handful of individuals** to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological **science has frighteningly undermined the correlation between the lethality of a weapon and its cost**, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included. The 9/11 attacks involved at least four pilots, each of whom had sufficient education to enroll in flight schools and complete several years of training. Bin Laden had a degree in civil engineering. Mohammed Atta attended a German university, where he earned a master’s degree in urban planning—not a field he likely chose for its relevance to terrorism. A future set of terrorists could just as easily be students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. Hundreds of universities in Europe and Asia have curricula sufficient to train people in the skills necessary to make a sophisticated biological weapon, and hundreds more in the United States accept students from all over the world. Thus it seems **likely** that sometime in the near future a small band of terrorists, or even a single misanthropic individual, will **overcome our best defenses** and do something truly terrible, such as fashion a bioweapon that **could kill millions or even billions** **of people**. Indeed, **the creation of such weapons within the next 20 years seems to be a virtual certainty**. The repercussions of their use are hard to estimate. One approach is to look at how the scale of destruction they may cause compares with that of other calamities that the human race has faced.

#### 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.”

### 1AC Norms

#### Drones are proliferating now- this undermines us security interests

**Boyle, 13** (Michael J. Boyle, Assistant Professor of Political Science at La Salle University in Philadelphia. He was previously a Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence (CSTPV) at the University of St. Andrews. He is also an alumnus of the Political Science Department at La Salle. “The costs and consequences of drone warfare” International Affairs 89: 1 (2013) 1–29)

An important, but overlooked, strategic consequence of the Obama administration’s embrace of drones is that it has generated a new and dangerous arms race for this technology. At present, the use of lethal drones is seen as acceptable to US policy-makers because no other state possesses the ability to make highly sophisticated drones with the range, surveillance capability and lethality of those currently manufactured by the United States. Yet the rest of the world is not far behind. At least 76 countries have acquired UAV technology, including Russia, China, Pakistan and India.120 China is reported to have at least 25 separate drone systems currently in development.121 At present, there are 680 drone programmes in the world, an increase of over 400 since 2005.122 Many states and non-state actors hostile to the United States have begun to dabble in drone technology. Iran has created its own drone, dubbed the ‘Ambassador of Death’, which has a range of up to 600 miles.123 Iran has also allegedly supplied the Assad regime in Syria with drone technology.124 Hezbollah launched an Iranian-made drone into Israeli territory, where it was shot down by the Israeli air force in October 2012.125 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.

#### Introducing restrictions is the only way to stop drone proliferation that prevents instability.

Roberts 13 (Kristin, When the Whole World Has Drones, National Journal, 21 March 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321, da 8-1-13)

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

#### Drones increase the likelihood of conflict and accidental conflict

**Sparrow, 9** (ROBERT SPARROW, The author is a Senior Lecturer in the School of Philosophy and Bioethics, Faculty of Arts, Monash University, Predators or Plowshares? Arms Control of Robotic Weapons, IEEE TECHNOLOGY AND SOCIETY MAGAZINE | SPRING 2009)

A more powerful reason for considering arms control is the danger that the development of unmanned systems will dramatically reduce the threshold of confl ict and will increase the risk of accidental war. At the strategic level, the development of robotic weapons may lower the political costs of going to war by promoting the illusion that war can be fought without casualties [6], [16], [19]. It is clear that the possibility of removing American warfi ghters from the front line of combat is one of the main factors driving interest in UMS in the United States [7], [12], [16], [17], [18, p. 14], [23], [26], [31], [32], [34], [37]. In part, this goal refl ects the morally admirable dedesire to save the lives of U.S. warfighters. However, it is diffi cult to avoid the suspicion that the desire to minimize the risks to U.S. personnel also stems in part from a perception that the American public has a low tolerance for casualties, which negatively impacts on the ability of the United States to project force abroad [5], [15], [20, p. 79], [26, p. 77]. If it becomes possible to project military power and engage an enemy in combat using a force consisting mainly of UMS, governments may be much more willing to go to war [5, p. 26], [27], [28]. UMS will also lower the threshold of confl ict at the strategic level by decreasing the amount of time available to nations to determine whether an attack is imminent, or even under way, and also how to respond if it is. Part of the U.S. military’s interest in UMS, and especially UAVs and Unmanned Undersea Vehicles (UUVs), stems from the belief that it will eventually become possible to deploy unmanned systems for much longer periods and at a greater tempo of operations than manned systems [31]. By taking the human being out of the system, unmanned systems partially decouple the limits of the system from the limits of its operators. UAVs can be smaller, faster, fl y higher (or lower), and conduct longer and more dangerous missions than manned systems [40]. For instance, because the operators of Predator and Global Hawk UAVs work in shifts, these systems are capable of near continuous operation and are limited only by the need to refuel and maintain the aircraft [10]. Researchers in the United States are currently working on providing UAVs with the capacity to undergo in-fl ight refueling [9], [21] in order to further increase the range and extend the period of operations of these systems. Similarly, it is hoped that UUVs will eventually be capable of missions in shallower waters than manned submersibles [13]. The development of long-range UMS capable of extended operations may make it possible for some states to maintain a permanent armed presence just outside the airspace and territorial waters of their potential enemies, in the form of “loitering” UMS. These forces might be capable of carrying out a devastating attack in a fashion that would allow their target very little time to respond. If an attack is suspected or seems imminent, there is a brief window of opportunity between possible contact and destruction available to determine whether one is under attack by UMS. This places states under signifi cant pressure to mobilize their own forces, and increases the chance that war will occur in error. The widespread use of UMS may also increase the amount of contact between opposing forces during peacetime and so further multiply the opportunities for an accident or incident to escalate to confl ict. Thus one can envision that, in the future, not only will strategic rivals patrol the limits of each other’s territories with squadrons of UAVs, Unmanned Surface Vehicles (USVs), and UUVs ready to attack at a moment’s notice. But these systems may, in turn, be shadowed by further groups of systems poised to destroy them. In these circumstances, accidents or even mere uncertainty about the intentions of an enemy may trigger a full-scale confl ict. Placing robots in space is likely to greatly exacerbate these diffi culties [1].

**These conflicts go nuclear.**

Jürgen **Altmann 10,** Researcher and lecturer at the University of Dortmund, is one of the founding members of the International Committee for Robot Arms Control, http://www.irf.ac.at/index.php?option=com\_content&task=view&id=314&Itemid=1

**Where do you see the main challenges for the international community regarding the use of armed un~~man~~ned systems by the military**. What are the specific challenges of autonomous systems as compared to current telerobotic systems? **The main challenge is in deciding whether the present trend should continue and expand to many more countries and to many more types of armed uninhabited vehicles** (in the air, on and under water, on the ground, also in outer space**), or whether efforts should be taken to constrain this arms race and limit the dangers connected to it**. Here not only governments, but non-governmental organisations and the general public should become active. **Autonomous systems obviously would open many new possibilities for war by accident** (possibly **escalating up to nuclear war) and for violations of the international laws of warfare**. A human decision in each single weapon use should be the minimum requirement.

#### Aggressive Chinese drone deployment creates multiple scenarios for Asian war – draws in the US

Gertz, **13** (Bill senior editor of the Washington Free Beacon, national security reporter, 3-26-2013, “Game of Drones,” Washington Free Beacon, http://freebeacon.com/game-of-drones/)

China’s military is expanding its unmanned aerial vehicle forces with a new Predator-like armed drone and a new unmanned combat aircraft amid growing tensions with neighbors in Asia, according to U.S. intelligence officials. New unarmed drone deployments include the recent stationing of reconnaissance and ocean surveillance drones in Northeast Asia near Japan and the Senkaku islands and along China’s southern coast. Drones also are planned for the South China Sea where China has been encroaching on international waters and bullying nations of that region in asserting control over international waters, said officials familiar with intelligence reports. “Unmanned aerial vehicles are emerging as critical enablers for PLA long range precision strike operations,” said Mark Stokes, a former military intelligence official now with the Project 2049 Institute. “A general operational PLA requirement appears to be persistent surveillance of fixed and moving targets out to 3,000 kilometers of Chinese shores.” Japan, meanwhile, is developing and purchasing military drone capabilities to counter what it regards as Chinese aggression and Beijing’s growing military capabilities as Tokyo’s dispute with China over the Senkaku islands intensifies, the officials said. After Chinese aircraft intruded into Japanese airspace over the Senkakus undetected late last year, Tokyo stepped up efforts to seek drone capabilities. The efforts include building an indigenous missile-tracking drone and high-altitude U.S. drones. So far, unlike Beijing, Tokyo asserts its drone will be unarmed, the officials said. “China has started deploying UAVs for reconnaissance and oceanic surveillance purposes in the vicinity of disputed maritime territories, such as the Senkaku Islands,” said one military source. Of particular concern to U.S. intelligence agencies are two new missile-equipped drones known as the CH-4 and Yi Long. The aircraft were shown off along with six other military drones at a major Chinese arms show last November in Zhuhai. Photos of the drones reveal the designs appear to be copied from the U.S. Predator armed drone that has been leading the Obama administration’s war on al Qaeda in Pakistan and elsewhere. Photos of the CH-4 show it armed with Blue Arrow-7 anti-tank missiles that appear similar in size to the U.S. Hellfire fired from Predators. Even more of a concern, according to the officials, are intelligence reports from Asia indicating that China is well along in building a large stealth unmanned combat aerial vehicle (UCAV)—an upiloted jet—that was revealed recently in an online Chinese military video. The drone combat jet is nearly identical in shape to the experimental batwing-shaped U.S. Air Force X-47B currently under development. The X-47B was tested on an aircraft carrier in December. The Chinese UCAV is expected to have enough range to reach the U.S. island of Guam, some 1,800 miles from the Chinese coast and the hub of the Pentagon’s shift to Asia, officials said. Video and photos of the Chinese UCAV were posted on Chinese military enthusiast Internet sites recently. Also, a model of the drone combat jet was on display at Zhuhai. The aircraft is being built by the China Shenyang Aerospace Institute and could be deployed on China’s new aircraft carrier, officials said. Richard Fisher, a China military analyst with the International Assessment and Strategy Center, said the first prototype flying wing UCAV was completed at China’s Hongdu Aircraft Corp in mid-December. The drone weighs 10 to 14 tons and could be carrier based. “This means that the U.S. attempt to ‘outrange’ an emergent PLA anti-access systems, like the DF-21D anti-ship ballistic missile, could soon be outflanked by a new PLA carrier-based UCAV,” Fisher said. Japan, alarmed at fierce Chinese reaction to its efforts to solve the Senkakus dispute by nationalizing several of the uninhabited but oil-rich islands last year, is bolstering its military forces with both missile-detecting and maritime surveillance with drones. Japanese Defense Ministry officials, quoted in press reports, have called the purchase of several long-range U.S. Global Hawk surveillance drones an urgent priority. Tokyo is seeking up to three Global Hawks by 2015 but could speed up purchases in response to what it regards as growing Chinese aggressiveness toward Japan over the Senkakus. The U.S. military currently has Global Hawks deployed at Guam. The Japanese do not plan to develop armed drones and plan to limit initial purchases to the Global Hawk, which fly nearly 60,000 feet for extended missions. It is able to track vessels using sensors and radar. Japan also is developing an unmanned drone aircraft that will be used to detect North Korean nuclear missile attacks and to counter the Chinese military buildup, the officials said. The anti-missile drone program is being developed over the next four years with the first drone deployed by 2020. It will use infrared sensors designed to detect missiles shortly after launch. China’s drone program is believed to have benefitted from its aggressive economic and cyber espionage operations against the United States. Those efforts have included breaking into both government and defense industry networks and stealing valuable drone technology. Officials also said China’s drone program is receiving a boost from an unlikely source: Taiwan. The largest Chinese drone production center is being built at Wuhan in Hubei province, site of a joint construction project by China’s Wuhan Visiontek Inc. and Taiwan’s Carbon-Based Technology, Inc. Officials said China launched a crash program to develop military drones beginning around 2007. Beijing is planning a range of unmanned aircraft capabilities, including high-altitude, long-endurance drones, integrated air and sea warfare drones, sea-based drones and UCAVs. More than 60 drones were on display in Beijing last June, including a drone helicopter, and a drone with simulated birds’ wings. Additionally, officials have said drone bases are being set up in the South China Sea to monitor Scarborough reef, which is claimed by Philippines and China; Macclesfield Bank; the Paracel Islands; and the Spratly Islands. China also is using drone to monitor the Socotra Reef claimed by South Korea. A report made public March 11 by the Project 2049 Institute on Chinese drones estimated that China has more than 280 military drones. “The PLA has developed one of the largest and most organizationally complex UAV programs in the world,” the report stated. For the immediate future, the Chinese drones are monitoring disputed maritime and land boundaries that are likely to “increase tensions” since other states in the region lack the same capabilities. “Like any new capability, UAVs may encourage the inexperienced to overreach and engage in risk taking,” the report said. “There could be a sense that because human pilot lives are not at stake, operators can push farther than they otherwise might.” An isolated UAV attack during a crisis also could lead to a major conflict. “In the future, PRC decision-makers might feel compelled to order ‘plausibly deniable’ UAV attacks as a means of sending a political signal only to inadvertently wind up escalating tensions,” the report said. Over the long term, Chinese drones will support the expansion of Chinese military operational areas by pushing the ability to hit targets further into the western Pacific. The report said China likely will use its UAV force for targeting and guidance of the DF-21D anti-ship ballistic missile designed to strike U.S. aircraft carriers more than a thousand miles from China’s coast. “While the potential for a large scale conflict in the region currently appears low, the lack of adequate preparation for worst case scenarios could encourage and invite adventurous adversary behavior, ultimately increasing risks to peace and stability,” the report stated. U.S. intelligence agencies reported earlier this month that China plans to build 11 drone bases along its coastline by 2015, with each base deploying at least one unmanned aircraft. The People’s Liberation Army currently has two drone bases in northeast Liaoning province. A third base was disclosed further south at Lianyungang, Jiangsu Province, also on the Bohai Sea. The bases were announced in August by the State Oceanic Administration, which has been used as a proxy by the Chinese military to lay claim to international waters and islands as part of a strategy of pushing Chinese maritime control hundreds and eventually thousands of miles from the coast through what Beijing calls its two Asian island chain strategy. The island chains stretch from Northeast Asia through Southeast Asia. The two bases in the Bohai Sea are located at Yingkou and Dalian to provide surveillance of the Bohai and Yellow Seas. China called U.S. aircraft carrier exercises held in the Yellow Sea three years ago “a threat to China” even though the carrier maneuvers were carried out in international waters. The maritime surveillance drones provide high-definition remote imagery and will be used by China to respond to emergencies in the region and also to identify what China claims are illegal resource extraction from undersea gas and oil deposits. U.S. officials regard recent highlighting of attack drones as a sign that Beijing remains intent on taking control of the Senkakus. The increased use of drones by both China and Japan is expected to increase tensions over the Senkakus, the officials said. According to Fisher, China is also exporting two of its armed drones, the Yi Long and CH-3, to the United Arab Emirates and Pakistan. The UAE government purchased the Yi Long, and a smaller CH-3 was sold to Pakistan and repackaged by Islamabad as the Shahpar. Fisher said he is concerned China will sell the new and larger CH-4 to Iran. “Because it is not connected to the Aviation Industries Corporation (AVIC) which wants to do business in the United States, the CH-4 stands a better chance of being sold to Iran,” he told the Free Beacon. “China’s willingness to sell UCAV technology to terrorist-linked states means that terrorists may soon have another deadly tool with which to attack the United States.

#### US/ china war leads to extinction

**Jiakr,** 9-8-**10**. “America media: United States, if a nuclear war would lead to human extinction.” <http://jiakr.com/article?v=6&u=america-media-united-states-if-a-nuclear-war-would-lead-to-human-extinction>.

Global Times, October 12 Associated Press reported that American International Asian News edition was published October 7, former research fellow of the Ground Self-Defense Military Takai - Mitsuo (Mitsuo Takai) entitled "US-China nuclear war will come to an end of the world" in articles. They show that by the Federation of American Scientists and the National Resources Defense Council jointly by the United States how to deal with the Sino-US nuclear war may occur contents of the report to make the right response. The report predicts that the result is that the fate of the Sino-US nuclear war no matter which side can Wynn, and is likely to result in doom. Takai - Mitsuo urged Japan and other places who are advocating a nuclear arms race of people, should look at the recent disclosure of U.S. scientists on nuclear war a number of strategic missiles and objective analysis findings, and then decide whether you need to continue to advocate point of view. Commenting on the article, he asked to Taiwan, if China in 20 major cities in the United States fired 20 each chop, which carry 5 million tonnes of explosive equivalent Dongfeng -5 warhead intercontinental ballistic missiles, what would happen? Until recently, the prevailing view in Washington also believed that in the event of such a scale nuclear attack will lead to the nation's 400 million casualties, almost able to destroy most of the United States. To avoid this end of the world like what happened to the emergence of a consistent view is that the U.S. will have to implement pre-emptive nuclear strike against China and China strategy to eliminate a potential threat. However, such as Federation of American Scientists (Federation of American Scientists) and the National Resource Conservation Commission (National Resource Defense Council) such as research institutions have had a more sober minded researchers, who view the facts in 2006, made with the U.S. Nuclear hard-liners view a different view. Federation of American Scientists and the National Resources Defense Council study of several areas related to the mountains of China in Henan intercontinental ballistic missile (ICBM) silos, nuclear strikes several situations, and analyze affected. One situation is a direct attack on 60 locations, including 20 major missile silos and camouflaged silos blow. And in each location to carry the fight against all use a W76 class, equivalent to 10 million tons of multiple independently targetable warheads drilling ground. These missiles fired by the U.S. ballistic missile submarines. In order to ensure a nuclear strike to destroy the protective ability of these highly rigid silos, the United States will not adopt a similar air explosion of Hiroshima and Nagasaki atomic bomb, because that will greatly explosion and heat dissipation. Therefore, nuclear will be posted in the silo exploded near the entrance to result in the use of a huge impact, the physical destruction of them. In this case, from a nuclear attack, will release 60 of about 6 trillion tons of TNT explosive equivalent, will be on the ground to create a high degree of more than 12 kilometers, is rich in high-level radioactive dust and debris, consisting of a huge mushroom cloud. 24 hours after the explosion, mushroom cloud of the deadly impact will be driven by the westerly winds to the spread of the Nanjing and Shanghai. It will the residents of most cities of radiation, while polluted water, food and crops, causing incalculable damage. 6 trillion tons of equivalent impact created by nuclear explosions than the Hiroshima atomic bomb 360 times the power of bigger, it will cause at least 400 million deaths. Such large-scale destruction on the civilian population will go far beyond the military strength to destroy the enemy's war effort. This will lead to serious political damage, and damage to the United States there is a war capability will also losing the support of all States. On the other hand, China's strategic nuclear counterattack may choose to retaliate against U.S. military forces in East Asia, the use, including Dongfeng -3, -4 and Dongfeng Dongfeng missiles, including medium-range ballistic missiles -21, China Liaoning, Shandong, 2 ballistic missile base in the province is still intact. Report that if the United States to destroy China's entire nuclear counterattack capabilities, the U.S. military the only option is tohave to spend almost all of nuclear weapons, which would be catastrophic harm the environment, and may even lead tothedestruction ofallmankind. Therefore, the Federation of American Scientists and the National Resources Defense Council recommends that United States leaders of the summing-up costs are staggering out of the vicious circle of the nuclear arms race and to promote nuclear disarmament talks with China. The proposal's appeal is worth the nuclear hard-liners to listen to. (Drop-hui / Bo Shi) (This article Source: Global Times)

### 1AC Plan

**Plan: The congress of 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.**

### 1AC Solvency

#### Drone courts limit the President’s ability to strike

**Rushforth** 12 (Elinor June Rushforth, J.D. candidate, University of Arizona, 2012, Fall, 2012 Arizona Journal of International and Comparative Law 29 Ariz. J. Int'l & Comp. Law 623, Note: There's An App For That: Implications Of Armed Drone Attacks And Personality Strikes By The United States Against Non-Citizens, 2004-2012)

Because of staunch political and military support for the drone program, it is unlikely that these attacks will diminish in the near future. If that is indeed the case, it is more important than ever that the Executive, in conjunction with Congress and the judiciary, set out clear standards for these lethal operations. The nation has faced these difficult questions before and “[i]n keeping with the purpose and the pragmatism of Mathews v. Eldridge, this investigation should be as thorough, independent, and public as possible without damage to national security.”189 Specifically, a heightened and public standard of review is needed for the CIA drone program as the military operates within its own chain of command. There should be an open standard of selection that clearly delineates why an individual becomes a target, how long they may be targeted, and who reviews the information about the target. Though these standards are likely to remain classified based on national security concerns, there has been success in integrating national security cases into the judicial process; for example, in the Guantanamo detainee cases.190 A federal court or panel should also be created, similar to Foreign Intelligence Surveillance Courts that will aid in the targeting process and issue a warrant for a strike.191Because of the U.S. commitment to the rule of law, any lethal program not operated by a military branch should be subject to a more public and judicially overseen review. The CIA needs to define exactly who they are searching for; whether it is the “anyone who aids and abets” terrorism level of involvement or a mere scintilla of suspicion. By defining whom they are targeting, a level of credence will be lent to the program. Further, the United States should take a page out of Israel’s playbook and declare that there must be actionable intelligence against the proposed target that identifies “the target as a person actively involved in acts of terrorism.”192 There must be an actual plan of attack (time, place, means) in place by that individual that is known through the intelligence;193 this will lessen the likelihood of opportunistic targeting that risks error and miscalculation. Further, an assessment of the distinction and proportionality of the attack should be tied into the decision to attack,194 as well as a reflection on potential domestic political consequences195 and foreign political blowback from an attack.196 Then, supervisors should review a package of information about the proposed target and decide if the intelligence is good enough to continue up the chain of command. Due to the Executive’s reassurances, a review process similar to this is already in place, however, without sacrificing national security interests this standard of selection should be made more public. Though the decision to attack terrorist organizations, and those providing material support, has already been made,197 public support for the tactics used in the Overseas Contingency Operations should help guide the executive and legislative game plan. The next level of review should be a statutorily created court that is the last stop on the targeted killing process. Though there may be some grumbling among judges and politicians about overextended courts and full dockets, national security concerns and the risk of lethal mistakes should outweigh reluctance to introduce an important check on targeted killing. The President, and perhaps Congress, could also be reluctant to allow courts into what they deem a core executive function.198 Attorney General Eric Holder gave the public another piece of the Obama administration’s targeted killing model when he claimed that the Constitution “guarantees due process, not judicial process” and that “due process takes into account the realities of combat.”199 This signals to the public that the Obama administration will remain wary of any encroachment and that the imposition of judicial process on targeted killing would be fought. However, these reviewing courts could develop in several ways. As suggested by Murphy and Radsan, a court mirroring the Foreign Intelligence Surveillance Court (FISC) is not outside the realm of possibility.200 Another option is the expansion of the jurisdiction of the current FISCs. The judges and staff already have the necessary security mechanisms in place to handle sensitive matters, and there would be less financial and political blowback from expanding an existing framework. Perhaps the most complex suggestion is the creation of a new national security court to deal exclusively with cases having national security implications. Such a court could address not only drone strikes, but the whole plethora of emerging national security and terrorism related concerns. For example, Guantanamo detainee cases could be tried in the national security court rather than in a military commission, cases of trafficking, and materially supporting terrorist groups could be tried there instead of in Article III courts. A new national security court, though logistically far off, could be the judicial response to the legislative expansion of the homeland security field (e.g. the creation of the Department of Homeland Security). One of the most looming challenges to creating this kind of court, especially in the case of targeted killings and drone strikes, is the lack of judicial precedent on such matters.201 Arguably, some of the preceding suggestions face logistical, political, and practical difficulties, but judicial action in such critical matters to U.S. national security is paramount. Regardless of the type of judicial mechanism used to ensure the lawfulness of a targeted killing, the Chief Justice of the U.S. Supreme Court should designate district court judges from every region where CIA drone operators are stationed, with several in the District of Columbia. These judges will preside over courts with jurisdiction to "hear applications and grant orders," whose job would be approving or rejecting targeted killing warrants. n202 The hearings will be held expeditiously and records will be kept according to security measures "established by the Chief Justice in consultation with the Attorney General and the Director of National Intelligence." n203 The application for an order approving a targeted killing will be submitted by a designated CIA official, or DOJ official in conjunction with the CIA investigative team, "in writing upon oath or affirmation" after review and [\*654] approval by the supervisor of the drone program at a given outpost. n204 This application will include all necessary and pertinent information needed for the judge's decision. n205 This information shall include who the target is (if known), what action or information led to this targeting, any informant information, imminent threat analysis, known links to terrorists or terrorist organization, and a distinction and proportionality analysis (if available). These warrants could be made before locating a target. Once a suitable application has been assembled, the designated official may submit the application and receive a warrant that would be good for a specific period. If the target is not found within that period, a renewal request may be made by adding an addendum to the above described application with any new and pertinent information. n206 An expedited process would also apply to newly acquired targets by which the CIA official could make an emergency application. Further, an authorization made by the President, through the Attorney General, could bypass this application process in appropriate exigent circumstances. There would also be a semi-annual report to Congress from CIA officials on targeted killing application procedures. An act creating this court would also address sanctions and liabilities, likely monetary fines or professional sanctions, of CIA and DOJ officials who do not comply with the procedures. Although any judicial action that encroaches on the Executive's autonomy in the national security realm will likely face pushback, judicial review is an important check on the Executive's power. To assuage the separation of powers issues that could arise in the creation of this court on targeted killing and drone strike operations, the legislative and judicial branches will have to ensure they are not unconstitutionally restricting the President's authority. V. CONCLUSION Simply put, this paper has created more questions than it has answered given the subject's cloaked and secret nature. However, it has also demonstrated that for the targeted killing and drone program to continue unchecked without a more public standard of target selection and judicial involvement is not prudent. While perhaps not in violation of international law or the AUMF, given that "nothing in the language of Article 51 restricts the right to engage in self-defense actions to circumstances of armed attacks by a 'state,'" n207 the amorphous nature of terrorist networks will remain a problem for those who continue to rely on traditional war-fighting paradigms. Furthermore, a workable definition of "terrorism" is a necessity given the inter-state and inter-agency nature of this program and the United States' prohibition on the use of assassination. By [\*655] determining that terrorist leaders and their affiliates are not technically within E.O. 12,333's definition, the Administration is ignoring the possibility that eventually the United States may face the reality, however clichéd, that "one man's terrorist is another man's freedom fighter." n208 Again, asymmetric warfare requires thinking outside the box of traditional wartime and law enforcement paradigms. Most importantly, this paper sought to find ways in which the United States could identify legitimate targets and a role for the judicial system in that process. A standard of selection should include at the very least: (1) a workable definition of terrorist/terrorism and a determination that the target fits that definition; (2) a determination that the target is engaged in terrorist acts; (3) that the target has an actual plan of attack in place determined through known intelligence; (4) an analysis of the distinction and proportionality of the attack; (5) the inability to capture the target; and (6) and a blowback analysis. After this information has been compiled, it should be reviewed and sent up the chain of command. Without ignoring the realities of real-time, actionable intelligence, the information should then be reviewed by a statutorily created court. Though an undoubtedly complex solution, the creation of a court designed to deal with national security issues is the answer to pressing legal issues surrounding targeted killing. President Obama's confirmation that drones are used in the Federally Administered Tribal Areas to go "after al-Qaeda suspects who are up in very tough terrain along the border between Afghanistan and Pakistan" and that "for us to be able to get them in another way would involve probably a lot more intrusive military action than the one we are already engaging in" ignites foreign sovereignty questions that remain unanswered. n209 Does the United States require permission from a sovereign government before targeting a person in its territory? What if the United States fails to get that permission? What if the region in question does not have a functioning government? The United States faces an increasing number of threats worldwide and these international questions must be answered. An expert in the field, Peter Singer, analyzes the impact on the drone pilot, the autonomous weapons systems and their capacity, and the danger of going to war when it is too easy." n210 He discusses the morality of "good" wars and the fear that "without public debate and support and without risking troops, the decision to go to war becomes the act of a nation that doesn't give a damn." n211 With so much unknown about the consequences of robotic warfare, is it responsible to expand its use? And finally, determining the real risk and cost to the foreign civilian population should be a top priority whenever lives may be lost. The risks that civilian populations may turn against the counter-insurgency efforts of the United States are too great to ignore the human concerns of technological advancement. Despite the importance of reflection on the meaning of those [\*656] advances, we remain woefully unprepared to answer moral and legal questions surrounding our advancements. 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#### Judicial control increases accuracy of target selection and reduces mistaken destruction

**Murphy and Radsan, 9** (Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004. “Due Process and Targeted Killing of Terrorists” Cardozo Law Review, Vol. 31, p. 405, 2009 William Mitchell Legal Studies Research Paper No. 126 Texas Tech Law School Research Paper No. 2010-06. March 1, 2009, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1349357)

Where the paradigm of war applies, the executive dominates in deciding who lives or dies. Justice O‘Connor nonetheless claimed in Hamdi that the war on terror does not give the executive a ―blank check‖ to do as it pleases in the name of security.189 If one accepts this premise, then the question becomes how to control the executive‘s war power without unduly hampering it. Under a Mathews-style approach, to determine whether due process demands a particular procedural control over targeted killing, one should: (a) identify the range of legitimate interests that the procedure might protect; (b) assess the degree to which adoption of the procedure actually would protect these interests; and (c) weigh these marginal benefits against the damage the procedure may cause other legitimate interests.190 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. More broadly, judicial control of targeted killing could serve the interests of all people—targets and non-targets—in blocking the executive from exercising an unaccountable, secret power to kill.191 If possible, we should avoid a world in which the CIA or other executive officials have unreviewable power to decide who gets to live and who dies in the name of a shadow war that might never end. Everyone has a cognizable interest in stopping a slide into tyranny.