# round 9 neg v. oklahoma lm

## 1nc

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#### The aff’s not topical—it defends neither statutory nor judicial restrictions—it’s purely about their individual ethic in relation to that

KAISER 80—the Official Specialist in American National Government, Congressional Research Service, the Library of Congress [Congressional Action to Overturn Agency Rules: Alternatives to the Legislative Veto; Kaiser, Frederick M., 32 Admin. L. Rev. 667 (1980)]

In addition to direct statutory overrides, there are a variety of statutory and nonstatutory techniques that have the effect of overturning rules, that prevent their enforcement, or that seriously impede or even preempt the promulgation of projected rules. For instance, a statute may alter the jurisdiction of a regulatory agency or extend the exemptions to its authority, thereby affecting existing or anticipated rules. Legislation that affects an agency's funding may be used to prevent enforcement of particular rules or to revoke funding discretion for rulemaking activity or both. Still other actions, less direct but potentially significant, are mandating agency consultation with other federal or state authorities and requiring prior congressional review of proposed rules (separate from the legislative veto sanctions). These last two provisions may change or even halt proposed rules by interjecting novel procedural requirements along with different perspectives and influences into the process.

It is also valuable to examine nonstatutory controls available to the Congress:

1. legislative, oversight, investigative, and confirmation hearings;

2. establishment of select committees and specialized subcommittees to oversee agency rulemaking and enforcement;

3. directives in committee reports, especially those accompanying legislation, authorizations, and appropriations, regarding rules or their implementation;

4. House and Senate floor statements critical of proposed, projected, or ongoing administrative action; and

5. direct contact between a congressional office and the agency or office in question.

Such mechanisms are all indirect influences; unlike statutory provisions, they are neither self-enforcing nor legally binding by themselves. Nonetheless, nonstatutory devices are more readily available and more easily effectuated than controls imposed by statute. And some observers have attributed substantial influence to nonstatutory controls in regulatory as well as other matters.3

It is impossible, in a limited space, to provide a comprehensive and exhaustive listing of congressional actions that override, have the effect of overturning, or prevent the promulgation of administrative rules. Consequently, this report concentrates upon the more direct statutory devices, although it also encompasses committee reports accompanying bills, the one nonstatutory instrument that is frequently most authoritatively connected with the final legislative product. The statutory mechanisms surveyed here cross a wide spectrum of possible congressional action:

1. single-purpose provisions to overturn or preempt **a specific rule**;

2. alterations in program authority that remove jurisdiction from an agency;

3. agency authorization and appropriation limitations;

4. inter-agency consultation requirements; and

5. congressional prior notification provisions.

#### Vote neg:

#### 1. It’s the basis for neg prep which is key to engage affs without unreasonable demands on 2Ns—we can't rely on concessionary ground to prepare strategies because it rigs the game in their favor.

#### 2. Key to process education on war powers which is a prerequisite to informed strategies and understandings of the topic

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File:1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

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#### Targeted killing disrupts leadership and makes carrying out attacks impossible

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### The impact is extinction—their strategy renounces all effective efforts to stop terrorism

Louis Rene Beres 11, Professor of Political Science and International Law at Purdue, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a nuclear or other highly destructive form of warfare, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.

For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.

Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could produce even greater harm, compelling threatened states to resort to large-scale warfare that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71

Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective.

What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.

But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that assassination should not be dismissed out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115]

What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of chemical, biological or nuclear attack may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even existentially, destructive. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

#### Causes nuclear attacks

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

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

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

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#### The political is defined by relationships of enmity and the inevitability of violence---the affirmatives attempt to limit the sovereign destroys the foundation of the political itself and makes violence worse

Rasch 5 – William Rasch, Professor of Germanic Studies at the University of Indiana, Spring 2005, “Lines in the Sand: Enmity as a Structuring Principle,” The South Atlantic Quarterly, Vol. 104, No. 2, p. 253-262 [ ] = modified

In The Concept of the Political, Schmitt concludes that ‘‘all genuine political theories presuppose [hu]man[s] to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being.’’2 This anthropological fiction—and Schmitt is aware of the claim’s fictional status—serves as the logical premise that secures Schmitt’s definition of the political as the friend/enemy distinction. We live in a world, he says, in which associations with likeminded others are our only means of security and happiness. Indiscriminate concourse of all with all cannot be the foundation for necessary political discriminations. Thus, the anthropological presupposition of evil, guilt, and violence is designed to expose what Schmitt sees as the duplicity of liberal theory, which consists in using the promise of formal equality to camouflage political power by displacing it in the realms of economics and morality. Liberal theory denies original enmity by **assuming the innate goodness of the human being**. Those—communitarians and liberals alike— who say there is no war presuppose a counterfactual ‘‘ontological priority of non-violence,’’ a ‘‘state of total peace’’ 3 that invites universal inclusion based on the ‘‘essential homogeneity and natural virtue of mankind.’’ 4 If, in such a benign state of nature, violence were to break out, such violence would be considered a perversion and, if all else were to fail, would have to be extirpated by an even greater violence. To cite John Locke, this ‘‘State of perfect Freedom’’ and universal ‘‘Equality,’’ governed solely by reason and natural law, can be disturbed only by an ‘‘Offender’’ who ‘‘declares himself to live by another Rule, than that of reason and common Equity.’’ Such a ‘‘Criminal’’ has ‘‘declared War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whom Men can have no Society nor Security.’’ 5 The political, on this view, emerges only as the result of the Fall—that is, emerges only to fight the war against war, a war always initiated by a sinful or bestial other. It seeks to make itself superfluous by restoring or, more progressively, establishing for the first time this natural order of peace. Should one demur and find the perfect state to be less than advertised, then one’s demurral would most assuredly be recog nized not as legitimate political opposition, but rather as evidence of greed, moral perversity, or some other pathological behavior.

With its pacific presuppositions, liberalism, according to Schmitt, dissolves the specificity of the political and hides the necessarily asymmetric power relations that mark all political maneuverings. By way of an anthropological sleight of hand, liberalism represents itself as an ethos, a moral and economic emancipation, and not as what it really is, namely, a power-political regime with traditional power-political aims. For Schmitt, distinctions, rather than the effacement of distinctions, structure the space within which we live, including the space of the political. Only within structured space, space literally marked by human activities, by human groupings and the boundaries they draw, do terms achieve their meanings. Norms, he repeatedly stated, are derived from situations, normal situations; they are not derived logically from underived first principles. Categories like ‘‘liberty’’ and ‘‘equality’’ can have political significance only when defined and delineated within the sphere of the political. They are neither natural nor innately human qualities; they are not self-evident truths. Consequently, Schmitt’s suspicion of liberalism, pacifism, or any other -ism that denies an initial and therefore ever-present potential war of all against all is a suspicion of those who wish to make their operative distinctions invisible, and thus incontestable, by claiming the immorality or illegality of all distinction. Schmitt’s insistence, then, on our ‘‘evil’’ nature is evidence neither of his existential misanthropy nor even, necessarily, of his conservative authoritarianism, but rather of his desire to secure the autonomy and necessity of that human mechanism called ‘‘the political.’’ To the question of whether there is a war, Schmitt emphatically answers ‘‘yes’’—by which he means to affirm not armed conflict or bloodshed as a virtue in and of itself, but rather the necessity of the view that the proverbial state of nature is, as Hobbes knew, a state marked by imperfection, and that this imperfection manifests itself as violence and the guilt associated with it.

#### The alternative is to affirm the necessity of the sovereign to define the state of exception

de Benoist 7 – Alexis de Benoist, editor of the two French academic journals Krisis and Nouvelle Ecole, has translated articles by Carl Schmitt into French and has published the first full bibliography of Schmitt’s works, 2007, “Global terrorism and the state of permanent exception: The significance of Carl Schmitt’s thought today,” in The International Political Thought of Carl Schmitt, Edited by: Odysseos and Petito, p. 85-87

The notion of the ‘state of emergency’ (Ernstfall) or the state of exception (Ausnahmezustand) plays a central role in Schmitt’s political and constitutional theory, where it is clearly linked to his critique of liberalism (see Schmitt 1985: chapter 1). For Schmitt, the exception being unpredictable, it is vain to believe that one can determine in advance the methods with which to respond to it. Liberalism, inspired either by neo-Kantian formalism or by Kelsenian positivism, cannot understand the nature of the exception, neither can it face the exception without betraying itself, because it adheres to a legal conception which is strictly formal or procedural, and which claims that a pre-established rule or norm can be applied to any situation.

Schmitt adds that, in suspending legal norms, the exception helps us to understand and appreciate the nature of the political, in the sense that it reveals to us the domain of the sovereign, meaning in this case the concrete capacity to make a decision in the face of an urgent or exceptional situation. The state of exception reveals both who is sovereign and also where sovereignty lies, in the very moment that it makes the decision appear (Entscheidung) in its ‘absolute purity’. In such conditions, one can see that the politically sovereign instance does not coincide automatically with the state. ‘Souverän ist, wer über den Ausnahmezustand entscheidet (Sovereign is he who decides on the exception)’, writes Schmitt (2004a: 13). This famous formula can be understood in two ways: first, he who is sovereign is he who decides in the case of exception, and second, also sovereign is he who decides about the exception itself, that is he who decides that it is no longer a normal situation and that the rules no longer apply. There is therefore a close connection between the exception and the decision, which Schmitt identifies as the ‘premier cause’ of all political society. To Schmitt, the purest expression of the political act is the decision in (and about) the case of exception (or emergency): the suspension of legal norms in the case of exception constitutes the ultimate manifestation of political sovereignty. Sovereignty, he underscores, is not so much the power to make laws as the power to suspend them. But one would be wrong to interpret this affirmation as an apology for arbitrariness. On the one hand, Schmitt emphasizes that in making decisions in a case of exception, the sovereign is not rendered free by circumstances to act according to his own pleasure, but he is, on the contrary, obliged to act in a way that makes him responsible for them. On the other hand, he stresses that the exception defines the rule in the sense that we cannot understand a rule without taking into consideration its limits, which is to say the circumstances that can make it inapplicable. In other words: whoever decides to derogate from the norm is equally fixing the norm.

The state of exception is also important because it reveals the original nonnormative character of the law. Moreover, it is not the law/right (Recht) which is suspended in the state of exception, but only the normative element of the law (Gesetz). Through this, the state of exception unmasks the ‘existential’ character of laws. The exception is essential, not because it is rare, but because it is unpredictable. Like the enemy himself, who cannot be determined beforehand by a pre-existing general norm – because enmity can only be defined in a specific temporal context – the exception cannot be codified in advance. In linking the law (Recht) to its non-legal source, that is the sovereign decision, Schmitt attacks all forms of constitutional rationalism, notably the theory of the rule of law (Rechtsstaat) or the positivist theory, according to which the sovereign must, under all circumstances, submit himself to the rule of law. The occurrence of an exceptional case (Ausnahmezustand), with all that is implied, shows that it is simply not possible to submit the sovereign unconditionally to the rule of law, since norms cannot predict the exception. A constitution is, in this sense, always incomplete. The most it can do is predict a situation where it is no longer applicable. However, Schmitt also underscores that the exception is, by definition, exceptional; that is, it can never be transformed into a permanent state. Exception is to rules or norms what war is to peace. As in the case of the ancient Roman dictatorships, the suspension of the norms by the sovereign can only be provisional.

It can also open a new cycle of law. In his book on dictatorship (Schmitt 1921), Schmitt states clearly that dictatorship, which can be justified in certain cases of exception, suspends norms but does not change the legal order or the nature of the state, which means that it does not have any legitimacy except inasmuch as it aims to restore the pre-existing legal order. A dictatorship therefore remains a constitutional dictatorship: the suspension of legal order does not signify its abolition.9 In an exceptional situation, if the state suspends the rule of law, it is because it wishes to preserve it. Hence, to decide on the exception means also to decide on the concrete conditions in which the norm can still be applied.

### 1nc

#### Ellis and I affirm that the war powers authority of the President of the United States should be substantially restricted in the area of signature strikes.

#### Counterplan is a narrower action that solves effective CT

**Zenko ’13** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, online]

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial counterterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and international humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 percent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gunships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forcing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making significant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allowing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resistance— such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attacking Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below. The United States will inevitably improve and enhance the lethal capabilities of its drones. Although many of its plans are classified, the U.S. military has nonspecific objectives to replace the Predators and Reapers with the Next-Generation Remotely Piloted Aircraft (RPA) sometime in the early-to-mid 2020s. Though they are only in the early stages of development, the next generation of armed drones will almost certainly have more missiles of varying types, enhanced guidance and navigation systems, greater durability in the face of hostile air defense environments, and increased maximum loiter time—and even the capability to be refueled in the air by unmanned tankers.69 Currently, a senior official from the lead executive authority approves U.S. drone strikes in nonbattlefield settings. Several U.S. military and civilian officials claim that there are no plans to develop autonomous drones that can use lethal force. Nevertheless, armed drones will incrementally integrate varying degrees of operational autonomy to overcome their most limiting and costly factor—the human being.70 Beyond the United States, drones are proliferating even as they are becoming increasingly sophisticated, lethal, stealthy, resilient, and autonomous. At least a dozen other states and nonstate actors could possess armed drones within the next ten years and leverage the technology in unforeseen and harmful ways. It is the stated position of the Obama administration that its strategy toward drones will be emulated by other states and nonstate actors. In an interview, President Obama revealed, “I think creating a legal structure, processes, with oversight checks on how we use unmanned weapons is going to be a challenge for me and for my successors for some time to come—partly because technology may evolve fairly rapidly for other countries as well.”71 History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone proliferation and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international normative framework, and U.S. compliance with that framework, would preserve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space. In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would undermine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies.

### 1nc case

#### Distancing c

#### reated by drones is good---battlefield pressure makes soldiers more likely to commit unethical actions and demonize the enemy---removal from the field of battle causes ethical decision-making and restraint

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

But Obama can make an even subtler case for drones. Well-meaning but imperfectly informed critics sometimes claim that the absence of risk to US forces explains the recklessness with which American drone operators kill combatants and noncombatants alike. Mazzetti quotes, in this context, Richard Clarke’s comment on the routinisation of asymmetry in drone warfare: ‘if the Predator gets shot down, the pilot goes home and fucks his wife. It’s OK. There’s no POW issue here.’ That noncombatants are regularly killed by pilots of unmanned aircraft sticking to their routines is widely acknowledged. But does it make sense to argue that such documented overkill results from the absence of risk to the pilots’ own lives and limbs? Obama and his supporters, rightly in my view, dismiss this line of attack as theoretically confused and empirically unproven. For one thing, the stress, panic and fear experienced on combat missions can easily increase rather than decrease the number of mistaken hair-trigger strikes on noncombatants. Reckless endangering of civilians results more often from heat-of-battle fear than from above-the-battle serenity. The drone operator is freed from the pressures of kill or be killed that can easily distort interpretations of what one sees, or thinks one sees, on the battlefield. The faux cockpits from which drones are remotely piloted are unlikely to be commandeered by berserkers.¶ An even more powerful, if still flawed, argument in favour of Obama’s campaign is the way heavy losses in any war can subconsciously put pressure on civilian politicians to inflate irrationally the aims of the conflict in order to align them with the sacrifices being made. War aims are not fixed ex ante but are constantly evolving for the simple reason that war is essentially opportunistic. Initial objectives that prove unrealistic are discarded as new opportunities emerge. Far from inducing greater caution in the use of force, heavy losses of one’s own troops may exacerbate a tendency to demonise the enemy and to hype the goals of the struggle.¶ Formulated more abstractly, the way we fight has a marked impact on when and why we fight. This is true despite what experts in the laws of war tell us about a theoretically watertight separation between jus in bello and jus ad bellum. Fighting in a way that limits the risk to one’s own troops makes it possible to fight limited-aims wars that don’t spiral into all-out wars for national survival. This, I think, is Obama’s best case for drone warfare. Land wars are ‘dumb’ because they almost inevitably involve mission creep as well as postwar responsibilities that US forces are poorly equipped to assume. Drone warfare is smart because, while helping dismantle terrorist organisations and disrupt terrorist plots, it involves less commitment on the American side, and is therefore much less likely to escalate out of control.

#### Drones are morally obligatory because they drastically reduce civilian casualties compared to any possible alternative

Scott Shane 12, National Security Reporter, New York Times, 7/14/12, “The Moral Case for Drones,” http://www.nytimes.com/2012/07/15/sunday-review/the-moral-case-for-drones.html?\_r=0

But most critics of the Obama administration’s aggressive use of drones for targeted killing have focused on evidence that they are unintentionally killing innocent civilians. From the desolate tribal regions of Pakistan have come heartbreaking tales of families wiped out by mistake and of children as collateral damage in the campaign against Al Qaeda. And there are serious questions about whether American officials have understated civilian deaths.

So it may be a surprise to find that some moral philosophers, political scientists and weapons specialists believe armed, unmanned aircraft offer marked moral advantages over almost any other tool of warfare. “I had ethical doubts and concerns when I started looking into this,” said Bradley J. Strawser, a former Air Force officer and an assistant professor of philosophy at the Naval Postgraduate School. But after a concentrated study of remotely piloted vehicles, he said, he concluded that using them to go after terrorists not only was ethically permissible but also might be ethically obligatory, because of their advantages in identifying targets and striking with precision. “You have to start by asking, as for any military action, is the cause just?” Mr. Strawser said. But for extremists who are indeed plotting violence against innocents, he said, “all the evidence we have so far suggests that drones do better at both identifying the terrorist and avoiding collateral damage than anything else we have.” Since drone operators can view a target for hours or days in advance of a strike, they can identify terrorists more accurately than ground troops or conventional pilots. They are able to time a strike when innocents are not nearby and can even divert a missile after firing if, say, a child wanders into range. Clearly, those advantages have not always been used competently or humanely; like any other weapon, armed drones can be used recklessly or on the basis of flawed intelligence. If an operator targets the wrong house, innocents will die. Moreover, any analysis of actual results from the Central Intelligence Agency’s strikes in Pakistan, which has become the world’s unwilling test ground for the new weapon, is hampered by secrecy and wildly varying casualty reports. But one rough comparison has found that even if the highest estimates of collateral deaths are accurate, the drones kill fewer civilians than other modes of warfare. AVERY PLAW, a political scientist at the University of Massachusetts, put the C.I.A. drone record in Pakistan up against the ratio of combatant deaths to civilian deaths in other settings. Mr. Plaw considered four studies of drone deaths in Pakistan that estimated the proportion of civilian victims at 4 percent, 6 percent, 17 percent and 20 percent respectively. But even the high-end count of 20 percent was considerably lower than the rate in other settings, he found. When the Pakistani Army went after militants in the tribal area on the ground, civilians were 46 percent of those killed. In Israel’s targeted killings of militants from Hamas and other groups, using a range of weapons from bombs to missile strikes, the collateral death rate was 41 percent, according to an Israeli human rights group. In conventional military conflicts over the last two decades, he found that estimates of civilian deaths ranged from about 33 percent to more than 80 percent of all deaths. Mr. Plaw acknowledged the limitations of such comparisons, which mix different kinds of warfare. But he concluded, “A fair-minded evaluation of the best data we have available suggests that the drone program compares favorably with similar operations and contemporary armed conflict more generally.” By the count of the Bureau of Investigative Journalism in London, which has done perhaps the most detailed and skeptical study of the strikes, the C.I.A. operators are improving their performance. The bureau has documented a notable drop in the civilian proportion of drone casualties, to 16 percent of those killed in 2011 from 28 percent in 2008. This year, by the bureau’s count, just three of the 152 people killed in drone strikes through July 7 were civilians.

#### Camus supports killing in response to war time atrocity- their article criticizes the domestic death penalty, drones are an attempt to "purge well"

**Camus**, Aff Novelist, **44**

(Albert, 10-18, Combat quoted in Camus At Combat p. 77-8)

Let us begin by saying that the purge is necessary. This is not as obvious as it may seem. Some people in France would like to leave things as they stand, and those who feel this way do not always do so for disreputable reasons. The only answer to this objection is the following: if we are to leave things as they stand, we must know that everything that needs to be done has been done. In fact, however, some of what needs to be done has been done, but not everything. The point is not to purge a lot but to purge well. But what does it mean to purge well? It means to respect the general principle of justice without failing to make allowances in individual cases. What is the general principle of justice in this case? It lies in proportion. It is ridiculous to make an example of some bureaucratic department head who remained faithful to his habit of obedience while leaving important industrialists and opinion-makers untouched. To every privilege correspond certain duties, and that is why the purge of government bureaucracies, which can be left to local committees,159 cannot proceed without a purge at the national level, to be conducted in strict accordance with certain well-defined principles. The state is bound to punish those functionaries who forgot that before being servants of the state they were servants of France. It must also judge the guilt of state agencies whose prestige derives from the prestige of the nation. To purge the government may be a good thing, but the instruments of justice should also be applied to other institutions such as the banks and major industries. The only way to do this, moreover, is to clarify the notion of proportional responsibility to which we alluded earlier. As inclined as we may feel to show indulgence to the feckless Frenchmen who acted with no clear idea of the national interest in mind, we are just as inclined to show no mercy to those responsible for this country’s leading interests. The case of M. Sacha Guitry can easily be settled by banning him from the stage for life.160 People should be punished by striking at their most vital interests—in this case, vanity. But such mild measures will not do in dealing with men whose lives were based on the respect and privilege they were accorded by the nation. To put it bluntly, the notion of “consorting with the enemy” (indignite nationale) is useful.161 Or, rather, it must be put to use. Furthermore, if it is indeed the case that the application of this higher moral law involves the assertion of principles of punishment incompatible with the spirit of democracy, a corrective is nevertheless available: namely, to impose a temporal limit on the exercise of what might be called moral justice. Hence if the purge is to be short-lived, it is a good idea that it be rapid and judicious. When General de Gaulle recommended indulgence for those who made mistakes, he was right in principle.162 But the applications of this principle need to be examined closely. There are social situations in which error is possible. There are others in which it is simply a crime. If the law cannot cope with these subtleties, the law must be modified when appropriate, and for a precisely delimited duration. As difficult as this may be for souls that cherish justice and liberty, we must resign ourselves to it for a brief period. If we are resolute in this decision, its dangerous consequences will be eliminated, and its effectiveness at the national level will be maintained.

#### Terror attacks demand the death penalty-this card will smoke them

**Carrol**, Prof UC Irvine, 20**07**

David, Albert Camus the Algerian, 92-5

Camus’ acceptance of the death penalty for those responsible for the worst crimes committed during the war also had a specific political justification, for as his editorials for the Resistance newspaper Combat indicate, Camus, like many others on the Left, believed that, given the success of the Resistance, France was on the verge of a socialist revolution. But to carry out such a revolution and for France to remake itself and become a true social democracy, which is what Camus and his colleagues at Combat enthusiastically advocated, France first had to punish the traitors and criminals responsible for the denunciation, torture, deportation, and murder of innocent civilians and Resistance comrades. This group of criminals included officials of Vichy France, members of the French Mi/ice, and opportunistic or ideologically committed collaborators who encouraged and defended the arrest, torture, deportation, or execution of Nazi and Vichy opponents and Jews.5 It is clear from his earliest articles on the purge trials, for example, that Camus felt that too many people had been tortured and murdered to spare those responsible for these crimes. For a brief time he thus argued that capital punishment was justified and, unlike the execution of the “monster" witnessed by his father, that executions could occur with- out transforming horrible criminals into victims. In numerous editorials for Combat, he presents capital punishment not as the perversion of justice his other writings depicted it as being, **but rather as the purest expression of justice**—the form of justice necessary to honor the memory of the victims of Nazism and the Vichy State. An unsigned editorial of this type that appeared in Combat during the period in which it was still being published clandestinely refers to the members of the French Milicc as “rotten branches [that] cannot be left attached to the tree (but] have to be lopped off, reduced to sawdust, and scattered on the ground\_\_\_\_Courts-martial would be pointless, moreover. The Milicc is its own tribunal. It has judged itself and sentenced itself to death. Those sentences will be carried out."6 In such extreme cases**, justice would thus be unproblematic and did not even need explicit laws, courts, judges, or juries to be implemented**. This is because “the Milicc has placed itself outside the law. It must be made quite clear that each militiaman, in signing his enlistment papers, is ratifying his own death sentence" (4 (128)). Justice for those so egregiously outside the law—not the law of the Vichy State, of course, but the higher law of justice itself—**is thus argued to transcend any specific legal code**. The **perpetrators of the crimes know that their own acts judge them and by their crimes they have in fact already sentenced themselves to death.** Camus justifies his support of capital punishment for French collaborators found guilty of crimes of torture or murder not by legal or political arguments, but rather through emotional arguments and by describing in minute detail the atrocious nature of their crimes. It is as if the descriptions of the crimes themselves dictated the appropriate punishment. For example, in one of the earliest editorials he published in Combat after the liberation of Paris, Camus describes the discovery in Vincennes of the bodies of thirty-four Frenchmen who had been grotesquely tortured and mutilated: “We learn of comrades who had their guts ripped out, their limbs torn off, and their faces kicked in. And the men who did these things were men polite enough to give up their seats on the subway.... Who in such circumstances would dare to speak of pardon? ... It is not hatred that will speak out tomorrow but justice itself, justice based on memory” (“The Age of Contempt," Combat |August 30, 1944I, 20-21 (157-158J). Such “unbearable images" (20 I157I) rule out the possibility of restraint, mitigation, or pardon of any sort; they demand rather immediate, absolute justice, a justice dictated by the images of the atrocious crimes themselves and the memory of their victims. In an untitled article written on the establishment of a High Court of Justice to judge Marlchal Petain, Pierre I .aval, and other prominent members of the Vichy government, Camus also expresses his support for the most extreme form of punishment for the crime of treason they committed: “If there arc some cases in which our duty is not clear or justice is difficult to define, in this case we take our stand without hesitation. The voices of the tortured and humiliated join with ours in **calling for justice of the most pitiless and decisive kind.**"7 In numerous signed editorials, Camus presents the choice faced by the High Court and in fact by all French to be the choice between being on the side of victims or on the side of perverse torturers and executioners. And when the alternative is presented in this stark way, there is clearly no choice at all, no real judgment to make of guilt or innocence, since justice is obviously on the side of the victims and out of respect for them needs to be as harsh and pitiless as the crimes themselves.8 Hut even during this period, when Camus repeatedly argues that “the purge is necessary," he also urges that the principle of proportion be respected: “The point is not to purge a lot but to purge well. But what does it mean to purge well? It means to respect the general principle of justice without failing to make allowances in individual cases" (Combat |October 18, 1944I, 77 I264-265I). If the principle of justice in such cases has to be “proportion," it would seem to Ik an extremely difficult if not impossible task, even under ideal conditions and even for the fairest, best-intentioned judges, prosecutors, and juries, to find a just proportion between, on the one hand, the memory of the suffering of the victims that would seem to demand the quickest and harshest form of punishment for those responsible and, on the other, the general repulsion that is felt by decent people when even a monstrous criminal is executed. Camus leaves no doubt, however, that in such ideal circumstances at least he feels the decision to execute those guilty of the worst crimes would be just: We know full well that on the day the first death sentence is carried out in Paris, we will feel repugnance. At that moment we will need to remember the countless other death sentences imposed on men who were pure and will have to recall so many cherished faces now buried in the ground and so many hands we once loved to shake. When we are tempted to prefer the generous sacrifices of war to the dark duties of justice, we will need to remember the dead and the unbearable image of those whom torture turned into traitors. As hard as that will be, wc will know then that pardons cannot Ik\* granted. (Combat |C)ctober 21, 1944I,82 I275I). For Camus, the memory of the victims must ultimately triumph over and negate the repugnance that would Ik felt when executions occurred. Memory alone in such instances must determine what is just; repugnance, on the other hand, must be overcome or simply forgotten—assuming, of course, an uncontrollable reaction such as his fathers could ever be overcome, ignored, or forgotten.

#### Ethical obligations are tautological—the only coherent rubric is to maximize number of lives saved

**Greene 2010** – Associate Professor of the Social Sciences Department of Psychology Harvard University (Joshua, Moral Psychology: Historical and Contemporary Readings, “The Secret Joke of Kant’s Soul”, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf), WEA)

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is anyrationallycoherentnormativemoral theory that can accommodateourmoral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization.

It seems then, that we have somehow crossed the infamous "is"-"ought" divide.  How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977).

Missing the Deontological Point  
I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstoodwhatKant and like-minded deontologistsare all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are notdistinctivelydeontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view.  
In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people asmereobjects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-beingin the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be.  
What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will getcharacteristically deontological answers. Some will betautological: "Because it's murder!"Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about thembecause they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

#### The phrase “SO CALLED” marks targeted killing as unexamined – it entices circumvention

RADNITZKY, BARTLEY, & POPPER 87 [Radnitzky, Gerard, William Warren Bartley, and Karl Raimund Popper, eds. Evolutionary epistemology, theory of rationality, and the sociology of knowledge. Open Court Publishing, 1987.]

A first step in approaching such questions is to notice, to begin to identify, what existing traditions and institutions already contribute to goals of eliminating error and distortion and enhancing the advance of knowledge, and which ones work against those same goals. Some apparently trivial existing institutions- some linguistic institutions, for instance — which of course were never developed for such purposes, in fact serve them rather subtly, economically, and effectively. There is, for instance, what I call “marked knowledge, which is a kind of evolutionary precursor to falsified know1edge. We often use standard qualifiers, such as the phrase “so-called”, to mark concepts or theories or practices about which there is already some doubt or question, which are not yet examined properly, or which are for the moment out of fashion. There are many such markers: others are the use of the phrase “First Draft” to mark a manuscript that is being circu lated for critical comments, or the phrase “trial balloon”, which one may use self- deprecatingly to offer a fresh but as yet unexamined idea. This sort of device should probably be used much more often: it could only do good if every published manuscript were prominently marked “Damaged Goods”. Or perhaps promoters of ideas could, in their own self-interest, stamp them: “ are not sure that it is in our interest to market these ideas or in your interest to accept them. Caveat emptor.” The use of such markers in the marketplace of ideas proclaims to others that we are savvy, critical, and aware of, or anticipate, such defects — or are at least aware that there is some question about such ideas. We use such devices to get optimum use out of such ideas: for our purpose is not to delete them too fast, not to eliminare what might be called effective knowledge before we have got as much as we can from it, but just to mark it as defective.. Such knowledge can be transmitted so marked whereas in natural selection in nature, there is only deletion (extinction).

#### Obama won't make silly war decisions-internal debates check

Pillar, 13 -- Brookings Foreign Policy Senior Fellow

[Paul, "The Danger of Groupthink," The National Interest, 2-26-13, webcache.googleusercontent.com/search?q=cache:6rnyjYlVKY0J:www.brookings.edu/research/opinions/2013/02/26-danger-groupthink-pillar+&cd=3&hl=en&ct=clnk&gl=us, accessed 9-23-13, mss]

David Ignatius has an interesting take on national security decision-making in the Obama administration in the wake of the reshuffle of senior positions taking place during these early weeks of the president's second term. Ignatius perceives certain patterns that he believes reinforce each other in what could be a worrying way. One is that the new team does not have as much “independent power” as such first-term figures as Clinton, Gates, Panetta and Petraeus. Another is that the administration has “centralized national security policy to an unusual extent” in the White House. With a corps of Obama loyalists, the substantive thinking may, Ignatius fears, run too uniformly in the same direction. He concludes his column by stating that “by assembling a team where all the top players are going in the same direction, he [Obama] is perilously close to groupthink.” We are dealing here with tendencies to which the executive branch of the U.S. government is more vulnerable than many other advanced democracies, where leading political figures with a standing independent of the head of government are more likely to wind up in a cabinet. This is especially true of, but not limited to, coalition governments. Single-party governments in Britain have varied in the degree to which the prime minister exercises control, but generally room is made in the cabinet for those the British call “big beasts”: leading figures in different wings or tendencies in the governing party who are not beholden to the prime minister for the power and standing they have attained. Ignatius overstates his case in a couple of respects. Although he acknowledges that Obama is “better than most” in handling open debate, he could have gone farther and noted that there have been egregious examples in the past of administrations enforcing a national security orthodoxy, and that the **Obama** administration **does not even come close** to these examples. There was Lyndon Johnson in the time of the Vietnam War, when policy was made around the president's Tuesday lunch table and even someone with the stature of the indefatigable Robert McNamara was ejected when he strayed from orthodoxy. Then there was, as the most extreme case, the George W. Bush administration, in which there was no policy process and no internal debate at all in deciding to launch a war in Iraq and in which those who strayed from orthodoxy, ranging from Lawrence Lindsey to Eric Shinseki, were treated mercilessly. **Obama's prolonged**—to the point of inviting charges of dithering—**internal debates on** the **Afghanistan** War **were the polar opposite** of this Ignatius also probably underestimates the contributions that will be made to internal debate by the two most important cabinet members in national security: the secretaries of state and defense. He says John Kerry “has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so.” The heft matters, and Kerry certainly qualifies as a big beast. Moreover, the discreet way in which a member of Congress would carry any of the administration's water, as Kerry sometimes did when still a senator, is not necessarily a good indication of the role he will assume in internal debates as secretary of state. As for Chuck Hagel, Ignatius states “he has been damaged by the confirmation process and will need White House cover.” But now that Hagel's nomination finally has been confirmed, what other “cover” will he need? It's not as if he ever will face another confirmation vote in the Senate. It was Hagel's very inclination to flout orthodoxy, to arrive at independent opinions and to voice those opinions freely that led to the fevered opposition to his nomination.

#### Camus can't provide a coherent legal philosophy

**Molnar,** PhD Philosophy Columbia, **58**

(Thomas, On Camus and Capital Punishment, Modern Age: Summer, p.301-2)

If these two points deserve careful examination (and equally careful refutation), it is not because they are cogent and hit the nail on the head, but, on the contrary, because they are dangerous in their implicit denial of the reality’ of crime. The first point reveals a strictly pragmatic approach, while the second dissolves the issue of responsibility in the muddy liquid of a psychological-sociological explanation. The whole argument easily lends itself to demagogic exploitation ; only, instead of appealing to the public’s natural sensationalism and love of violence, it plays on the chord of magnanimity and breast-beating. **The effects of the legal philosophy advocated by Camus would be as disastrous for society as the concept of collective guilt; both make a mockery of individual responsibility and block the natural course of justice.** 1) Defenders of capital punishment argue, Camus writes, that even if it is true that its abolition does not contribute to an immediate increase in the number of criminal acts, one cannot calculate the number of un-committed crimes that the mere legal existence of the supreme penalty has discouraged and prevented. This argument is, of course, as weak as that of Camus himself; it enters into the game of pragmatism and statistics, it does not take into consideration the nature of the crimes committed, it plays on psychological factors nobody is able to fathom. The real answer to Camus’ first point is that regardless of the rate of criminality, punishment is ordinarily meted out as the only immediate and conceivable reaction to crime, rooted in our concept of the natural law. When a mother slaps her child for disregarding her instructions (a practice, by the way, which raises, significantly, cries of horror from most psychologists and all progressive educators), she does not expect the child never to do the same thing again, nor that the other childrenbrothers or friends-have been given an everlasting example; rather, the slap expresses an immediate and sound reaction, intending to balance the child’s misdeed against others (or against the family mores) by an amount of suffering for him as author of the action. Beyond the mother’s immediate response, avenging, in some way, the injury against a visible (or invisible) order, there is, of course, the further and inseparable intention of “teaching the child a lesson.” But again, this does not amount exactly to discouraging him from repeating the same thing; it merely informs him that each time he commits act A, he takes risk R that punishment P might follow. The legal systems of civilized nations express the same idea. Thus the law does not punish only in order to set an example and prevent other misdeeds, but also because our innate concept of justice, reinforced by tradition, **demands an immediate reaction against crime and a penalty possibly equal to the amount of suffering or damage caused**. It is understood that no common scale may be found for the nature of the crime and the nature of punishment: the Biblical “an eye for an eye, a tooth for a tooth” is not always practicable in highly complex societies. But it would offend our sense of justice if the Biblical recommendation were completely ignored, and if the murderer of an innocent child, let us say, were punished by a light sentence in jail.

#### Prioritizing questions of existence over the practical questions of politics and authority is impossible. Saying that the philosophical question informs the practice isn’t an excuse to ignore the practice.

HANCOCK 10 A professor of political science at Brigham Young University. [Hancock, Ralph. "Transcendence as a Human and Political Problem: The Case of David Walsh." APSA 2010 Annual Meeting Paper. 2010.]

Professor Walsh has replied to my reservations (and to Tim Fuller‟s) concerning the primacy of “existence” over what I consider a more genuinely “practical” deference to substantial hierarchies of goods by insisting on a kind of separation between theory and practice. Allow me to quote him at some length: I am extremely grateful to Ralph Hancock and Tim Fuller for putting forth, in different ways, some of the strongest objections to this rereading of the great modern philosophers. The concern with the privileging of autonomy and of openness, namely, that they may lead to the forms of moral emptiness we regularly encounter within liberal polities, is one that I share. No amount of talk about imperatives, or virtues, can substitute for their concrete emergence within the lived practice of civic responsibility. But this is why what is covered in The Growth of the Liberal Soul does not have to be covered in The Modern Philosophical Revolution. They are complementary. The philosophical thinkers are not necessarily guides to politics, and their own political positions must often be separated, sometimes severely, from their philosophical apprehensions. Political wisdom is gained through experience, and their experiences were often distinctly nonpolitical. Besides, there is hardly a correlation between philosophical penetration and the prudential enact-ment of public policy. This is why I thought it necessary to devote a study to the single most successful modern political form. At the same time, it is impossible for acute analysts of the political to include within their thought an elaboration of its own metaphysical truth. Yet this is just what is needed when they are assailed, as Tocqueville is, by the uncertainty as to whether there is a God. The spiritual renovation of modern society cannot simply depend on a few exemplary individuals, nor can it be sustained by a warning of the dire consequences of its disintegration, but it will necessarily include a philosophical reflection on the faith that underpins it. Practical engagement with the world is indispensable, but so too is a grasp of the horizon of meaning within which it occurs. Ralph Hancock is correct that these are two different modes of practice, but that does not mean that they are unrelated. The abbreviated language of rights might seem a rather unpromising foundation on which to build the practice of self-government, but we Let me attempt here to respond to his latest formulations in an attempt to reduce, or at least more accurately assess, the distance by which we seem to be talking past one another. It will become clear that I think it a mistake to separate analysis of the political from “an elaboration of … metaphysical truth,” or “practical engagement” from “grasp of the horizon of meaning.” In a certain sense Walsh and I agree on the deep inter-connection of theory and practice, though we seem to draw different conclusions from this insight. In particular, we agree that there is no theory that is not also a practice; that is, there is no pure speculative thinking that does not arise from and is not obliged in some way to address its pre-theoretical ground, the “existence” of the thinker as somehow meaningful prior to any simply theoretical insight or construction. We agree, to put it simply, that meaning exists before it is articulated, and that meaning always exceeds any articulation. Our difference, then, may be said to concern what is the “right” way for thinking to address or to engage this ground, meaning‟s spilling over the limits of reason. The problem, as Prof. Walsh aptly notes, always has to do with how we say what cannot adequately be said. But whereas Walsh, following Heidegger and his progeny, chooses to insist upon the sheer, elusive form of existence, upon our capacity to free ourselves perpetually from any given or politically-socially authorized contents, I seek to articulate what I call the “responsibility of reason,” thinking‟s acutely self-aware sponsorship of fragile hierarchies of meaning. By befriending such practical meanings, thinking at the same time affirms itself as humanly, concretely meaningful, worthy, an activity or manner of being of representable dignity. How to choose between Walsh‟s heady Heideggerian formalism and my allegedly more “responsible” moral-political articulation of reason? Again, Walsh‟s tendency is to divide the labor and to let philosophers have their exhilarating existentialism while at the same time we give due respect to the moderation of statesmen. But I ask: what can stop the philosopher‟s enthusiasm for limitless existence from invading the authoritative limits that must shelter actual practice? Is it merely an accident that Walsh‟s philosophical heroes are for the most part politically noxious? Can the most intrepid thinker of existence exempt himself from the human interest in connecting the love of truth with (to paraphrase Plato) the right ordering of cities and households? Heidegger could not. Is that a mere accident? Or, to approach the problem from the side of practical (moral-political) practice: can authoritative practice ignore or dispense with authority of reason? Does not a shared, mostly implicit ontological understanding, a sense of the way things are, underlie communally authorized practices? And, if so, can practical men finally resist the authority and natural prestige (a prestige rooted in the distinctive human capacity to speak and reason) of radical existential criticism?

## 2nc

### at: perm

#### CP is narrower restriction—even if it’s targeted killing, functional competition is key

#### A “target killing” is an intentional use of lethal force against a specific individual

Alston, Professor of Law, New York University School of Law, 11

(Philip, UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010, “ARTICLE: The CIA and Targeted Killings Beyond Borders,” 2 Harv. Nat'l Sec. J. 283, lexis, accessed 7-22-13, CMM)

There are thus three central requirements for a workable definition. The first is that it be able to embrace the different bodies of international law that apply and is not derived solely from either IHRL or IHL. The second is that it should not prejudge the question of the legality or illegality [\*298] of the practice in question. And the third is that it must be sufficiently flexible to be able to encompass a broad range of situations in relation to which it has regularly been applied.¶ The common element in each of the very different contexts noted earlier is that lethal force is intentionally and deliberately used, with a degree of pre-meditation, against an individual or individuals specifically identified in advance by the perpetrator. n43 In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from unintentional, accidental, or reckless killings, or killings made without conscious choice. It also distinguishes them from law enforcement operations, e.g., against a suspected suicide bomber. Under such circumstances, it may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill.¶ Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal. This is in contrast to other terms with which "targeted killing" has sometimes been interchangeably used, such as "extrajudicial execution," "summary execution," and "assassination," all of which are, by definition, illegal. n44 Consistent with the detailed analysis developed by Nils Melzer, n45 this Article adopts the following definition: a targeted killing is the intentional, premeditated, and deliberate use of lethal force, by States or their agents acting under color of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. n46

#### Signature strikes aren’t targeted killings – they’re fundamentally different.

Anderson, Professor at Washington College of Law, American University, 11

(Kenneth, Hoover Institution visiting fellow, member of Hoover Task Force on National Security and Law; nonresident senior fellow, Brookings Institution, 8-29-11, “Distinguishing High Value Targeted Killing and “Signature” Attacks on Taliban Fighters,” http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/, accessed 9-13-13, CMM)

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains:¶ The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there.¶ High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say.¶ Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.)¶ This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.¶ Moreover, to the extent that one can have confidence in counts of civilian casualties (though there is a convergence on accepting that drone warfare is gradually producing far lower civilian casualty counts than alternative means), it is still crucial to distinguish between the two types of strategic uses of drones. Totals that run the two activities together are not analytically very useful. Moreover, there is some reason to believe that the kind of targeting that might produce the most civilian casualties is, under some circumstances (and perhaps counterintuitively) targeting a single, individual terrorist leader, rather than a larger group of fighters. The reason is that a terrorist leader in Al Qaeda might well deliberately surround himself with many women and children all the time, as human shields, thus raising at least the possibility of greater civilian harm, should political authorities decide that a strike is warranted despite the civilian presence. The Taliban formation might consist of more fighters, but fewer civilians.¶ These are analytic possibilities; the publicly available data does not seem to me sufficiently robust to draw strong conclusions about the kind of activity and civilian casualties. My point is an analytic one – one has not said very much about drone warfare without disentangling the distinct strategic uses to which the weapon is put.

### ethics

#### Nah

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse, AG)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

#### State is a wholly different animal—Camus ethics might make sense for individual, but it’s ONLY possible to talk about drones in the context of the state because the state owns and operates those drones—if you changed drone policy on the platform of “I think murder is bad” you would have to be accountable for the unintended consequences

#### Here’s ev that politics requires a higher level of attention to detail—means consequences aren’t just “blackmail” they’re a reality you have to confront

**Isaac 02** – Professor of political science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power.

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

#### Says law absolves of responsibility—purely abstract and makes no sense—every criminal enforcement statute

Smith 2012 (Andrea, “The Moral Limits of the Law: Settler Colonialism and the Anti-Violence Movement” settler colonial studies 2, 2 (2012) Special Issue: Karangatia: Calling Out Gender and Sexuality in Settler Societies)

Aside from Derrick Bell, because racial and gender justice legal advocates are so invested in the morality of the law, there has not been sustained strategising on what other possible frameworks may be used. Bell provides some possibilities, but does not specifically engage alternative strategies in a sustained fashion. Thus, it may be helpful to look for new possibilities in an unexpected place, the work of anti-trust legal scholar Christopher Leslie. Again, the work of Leslie may seem quite remote from scholars and activists organizing against the logics of settler colonialism. But it may be the fact that Leslie is not directly engaging in social justice work that allows him to disinvest in the morality of the law in a manner which is often difficult for those who are directly engaged in social justice work to do. This disinvestment, I contend is critical for those who wish to dismantle settler colonialism to rethink their legal strategies. In ‘Trust, Distrust, and Anti-Trust’, Christopher Leslie explains that while the economic impact of cartels is incalculable, cartels are also unstable.18 Because cartel members cannot develop formal relationships with each other, they must develop partnerships based on informal trust mechanisms in order to overcome the famous ‘prisoners’ dilemma’. The prisoner’s dilemma, as described by Leslie, is one in which two prisoners are arrested and questioned separately with no opportunity for communication between them. There is enough evidence to convict both of minor crimes for a one year sentence but not enough for a more substantive sentence. The police offer both prisoners the following deal: if you confess and implicate your partner, and your partner does not confess, you will be set free and your partner will receive a ten-year sentence. If you confess, and he does as well, then you will both receive a five-year sentence. In this scenario, it becomes the rational choice for both to confess because if the first person does not confess and the second person does, the first person will receive a ten-year sentence. Ironically, however, while both will confess, it would have been in both of their interests not to confess. Similarly, Leslie argues, cartels face the prisoners’ dilemma. If all cartel members agree to fix a price, and abide by this price fixing, then all will benefit. However, individual cartel members are faced with the dilemma of whether or not they should join the cartel and then cheat by lowering prices. They fear that if they do not cheat, someone else will and drive them out of business. At the same time, by cheating, they disrupt the cartel that would have enabled them to all profit with higher prices. In addition, they face a second dilemma when faced with anti-trust legislation. Should they confess in exchange for immunity or take the chance that no one else will confess and implicate them? Cartel members can develop mechanisms to circumvent pressures. Such mechanisms include the development of personal relationships, frequent communication, goodwill gestures, etc. In the absence of trust, cartels may employ trust substitutes such as informal contracts and monitoring mechanisms. When these trust and trust substitute mechanisms break down, the cartel members will start to cheat, thus causing the cartel to disintegrate. Thus, Leslie proposes, anti-trust legislation should focus on laws that will strategically disrupt trust mechanisms. Unlike racial or gender justice advocates who focus on making moral statements through the law, Leslie proposes using the law for strategic ends, even if the law makes a morally suspect statement. For instance, in his article, ‘Anti-Trust Amnesty, Game Theory, and Cartel Stability’, Leslie critiques the federal Anti-Trust’s 1993 Corporate Lenience Policy that provided greater incentives for cartel partners to report on cartel activity. This policy provided ‘automatic’ amnesty for the first cartel member to confess, and decreasing leniency for subsequent confessors in the order to which they confessed. Leslie notes that this amnesty led to an increase of amnesty applications.19 However, Leslie notes that the effectiveness of this reform is hindered by the fact that the ringleader of the cartel is not eligible for amnesty. This policy seems morally sound. Why would we want the ringleader, the person who most profited from the cartel, to be eligible for amnesty? The problem, however, with attempting to make a moral statement through the law is that it is counter-productive if the goal is to actually break up cartels. If the ringleader is never eligible for amnesty, the ringleader becomes inherently trustworthy because he has no incentive to ever report on his partners. Through his inherent trustworthiness, the cartel can build its trust mechanisms. Thus, argues Leslie, the most effective way to destroy cartels is to render all members untrustworthy by granting all the possibility of immunity. While Leslie’s analysis is directed towards policy, it also suggests an alternative framework for pursuing social justice through the law, to employ it for its strategic effects rather than through the moral statements it purports to make. It is ironic that an anti-trust scholar such as Leslie displays less ‘trust’ in the law than do many anti-racist/anti-colonial activists and scholars who work through legal reform.20 It also indicates that it is possible to engage legal reform more strategically if one no longer trusts it. As Beth Richie notes, the anti-violence movement’s primary strategy for addressing gender violence was to articulate it as a crime.21 Because it is presumed that the best way to address a social ill is to call it a ‘crime’, this strategy is then deemed the correct moral strategy. When this strategy backfires and does not end violence, and in many cases increases violence against women, it becomes difficult to argue against this strategy because it has been articulated in moral terms. If, however, we were to focus on legal reforms chosen for their strategic effects, it would be easier to change the strategy should our calculus of its strategic effects suggest so. We would also be less complacent about the legal reforms we advocate as has happened with most of the laws that have been passed on gender violence. Advocates presume that because they helped pass a ‘moral’ law, then their job is done. If, however, the criteria for legal reforms are their strategic effects, we would then be continually monitoring the operation of these laws to see if they were having the desired effects. For instance, since the primary reason women do not leave battering relationships is because they do not have another home to go, what if our legal strategies shifted from criminalising domestic violence to advocating affordable housing? While the shift from criminalisation may seem immoral, women are often removed from public housing under one strike laws in which they lose access to public housing if a ‘crime’ (including domestic violence) happens in their residence, whether or not they are the perpetrator. If our goal was actually to keep women safe, we might need to creatively rethink what legal reforms would actually increase safety.

### decapitation strategy good

#### A new study incorporating long-term metrics proves counter-terrorism is successful

**Price, 12** - major in the U.S. Army and former Assistant Professor of Social Sciences at the U.S. Military Academy (Bryan, “Targeting Top Terrorists” International Security, Spring, <http://shakes31471.typepad.com/files/how-leadership-decapitation-contributes-to-counterterrorism.pdf>)

I argue that leadership decapitation significantly increases the mortality rate of terrorist groups, even after controlling for other factors. Using an original database—the largest and most comprehensive of its kind—I analyzed the effects of leadership decapitation on the mortality rate of 207 terrorist groups from 1970 to 2008. The analysis differs from previous quantitative studies because it evaluates the effects of decapitation on the duration of terrorist groups as opposed to the number, frequency, or lethality of attacks after a group experiences leadership decapitation.15 In doing so, it challenges the conventional wisdom regarding terrorist group duration and addresses some of the most pressing questions about the effectiveness of decapitation. For example, does it matter whether a terrorist group leader is killed versus captured? Does the size, ideology, or age of the group increase its susceptibility to organizational death? In addition to answering these questions, this study illustrates the importance of evaluating the long-term effects of counterterrorism policies in conjunction with the short-term metrics more commonly used today.

The article is structured as follows. First, I survey the literature on leadership decapitation and show why new metrics are needed to accurately evaluate its effectiveness. I then use concepts from leadership studies, organizational ecology, and terrorism to provide a theoretical explanation for why terrorist groups are particularly susceptible to decapitation tactics. I argue that terrorist groups have unique organizational characteristics that amplify the importance of their top leaders and make leadership succession more difficult. After discussing the data limitations inherent in terrorism research, I identify the covariates most likely to influence terrorist group duration and then explain how I estimated them. Following a review of the main findings, I conclude with some thoughts on the possible implications of bin Laden’s death for al-Qaida and recommendations for policymakers.

### 2nc impact overview

#### Extinctions categorically distinct—it means NOBODY gets to affirm value of life or have conditions of resistance for those forms of injustice—it comes prior to everything else

**Nye, 86** (Joseph S. 1986; Phd Political Science Harvard. University; Served as Assistant Secretary of Defense for International Security Affairs; “Nuclear Ethics” pg. 45-46)

Is there any end that could justify a nuclear war that threatens the survival of the species? Is not all-out nuclear war just as self contradictory in the real world as pacifism is accused of being? Some people argue that "we are required to undergo gross injustice that will break many souls sooner than ourselves be the authors of mass murder."73 Still others say that "when a person makes survival the highest value, he has declared that there is nothing he will not betray. But for a civilization to sacrifice itself makes no sense since there are not survivors to give meaning to the sacrifical [sic] act. In that case, survival may be worth betrayal." Is it possible to avoid the "moral calamity of a policy like unilateral disarmament that forces us to choose between being dead or red (while increasing the chances of both)"?74 How one judges the issue of ends can be affected by how one poses the questions. If one asks "what is worth a billion lives (or the survival of the species)," it is natural to resist contemplating a positive answer. But suppose one asks, "is it possible to imagine any threat to our civilization and values that would justify raising the threat to a billion lives from one in ten thousand to one in a thousand for a specific period?" Then there are several plausible answers, including a democratic way of life and cherished freedoms that give meaning to life beyond mere survival. When we pursue several values simultaneously, we face the fact that they often conflict and that we face difficult tradeoffs. If we make one value absolute in priority, we are likely to get that value and little else. Survival is a necessary condition for the enjoyment of other values, but that does not make it sufficient. Logical priority does not make it an absolute value. Few people act as though survival were an absolute value in their personal lives, or they would never enter an automobile. We can give survival of the species a very high priority without giving it the paralyzing status of an absolute value. Some degree of risk is unavoidable if individuals or societies are to avoid paralysis and enhance the quality of life beyond mere survival. The degree of that risk is a justifiable topic of both prudential and moral reasoning.

### at: blowback

#### Prefer our evidence---critics are wrong---drones are highly effective at CT, and don’t cause high civilian casualties or blowback

Alex Young 13, Associate Staff, Harvard International Review, 2/25/13, “A Defense of Drones,” Harvard International Review, http://hir.harvard.edu/a-defense-of-drones

The War on Terror is no longer a traditional conflict. The diffuse, decentralized nature of terrorist organizations had already made this an unconventional war; now, the use of unmanned aircraft has added another non-traditional layer. Conventional military strategies have failed in Iraq and Afghanistan: the United States has, in many cases, stopped sending people into combat, opting instead for airstrikes by unmanned aerial vehicles. Over the past decade, US military and intelligence agencies have expanded their use of unmanned Predator and Reaper drones; these robotic aircraft are generally used to carry out targeted strikes against known members of terrorist groups. US reliance on drones in Afghanistan, Pakistan, Yemen, and other countries has changed the nature of the war on terror.

This strategy is not without controversy. The Obama administration’s heavy use of unmanned drones in the War on Terror has come under fire from a variety of opponents, including human rights groups, think tanks, and even foreign governments. Critics claim that drone strikes cause civilian casualties, incorrectly target only the most prominent leaders of terrorist groups, and create backlash against the US. To hear some tell it, the use of drones exacerbates, rather than solves, the problem of terrorism.

The reality is not so bleak: drones are very good at what they do. Unmanned attacks are highly effective when it comes to eliminating specific members of terrorist organizations, disrupting terrorist networks without creating too much collateral damage. Their effectiveness makes drone strikes a vital part of US counterterrorism strategy.

Predator and Reaper drones are not the indiscriminate civilian-killers that some make them out to be: strikes are targeted and selective. This has become increasingly true as drone technology has improved, and as the military has learned how best to use them. A confluence of factors has made drone strikes much better at eliminating enemy militants while avoiding civilians: drones now carry warheads that produce smaller blast radiuses, and the missiles carrying those warheads are guided using laser, millimeter-wave, and infrared seekers. The result has been less destructive drone strikes that reach their intended target more reliably. A number of non-technological shifts have also made drones a more useful tool: Peter Bergen, a national security analyst for CNN, summarized on July 13th, 2012 that more careful oversight, a deeper network of local informants, and better coordination between the US and Pakistani intelligence communities have also contributed to better accuracy. Data gathered by the Long War Journal indicates that the civilian casualty rate for 2012 and the beginning of 2013 is only 4.5 percent. Even Pakistani Major General Ghayur Mehmood acknowledges that, “most of the targets [of drone strikes] are hard-core militants.” Imprecise drone strikes that cause many civilian casualties are now a thing of the past. This improved accuracy may also help to mitigate anti-American sentiment that stems from civilian casualties.

#### Targeted killings play several irreplaceable functions in CT:

#### 1) Leadership decapitation

#### a) Drones are key---militants can’t replace senior leaders

Patrick B. Johnston 13, Associate Political Scientist, RAND Corporation, and Anoop Sarbahi, postdoctoral scholar in the Department of Political Science at the University of California, Los Angeles, July 2013, “The Impact of U.S. Drone Strikes on Terrorism in Pakistan and Afghanistan,” <http://patrickjohnston.info/materials/drones.pdf>

We expect drone strikes that kill terrorist leaders will be associated with reductions in terrorist attacks. Previous research convincingly demonstrates that conducting effective terrorist attacks requires skilled individuals, many of whom are well-educated and come from upper middle- class backgrounds. 21 Indeed, captured documents containing detailed biographical data on foreign al Qa’ida militants in Iraq illustrate that among the foreign terrorists—who are conventionally known to be more sophisticated than local fighters—their most commonly listed “occupation” prior to arriving in Iraq was that of “student.” For militants for whom information on “experience” was available, “computers” was the most commonly listed experience type, just ahead of “weapons.”22

In the context of northwest Pakistan, where militant freedom of movement is limited by the threat of drone strikes, we expect that militant groups will be unable to replace senior leaders killed in drone strikes because recruiting and deploying them, perhaps from a foreign country with a Salafi jihadist base, will be costly and difficult. This is not to say that leaders killed in drone strikes are irreplaceable. On the contrary, other militants are likely to be elevated within their organization to replace them. But we also anticipate that those elevated to replace killed leaders will be, on average, of lower quality to the organization than their predecessors. Thus, we predict that the loss of leaders will be associated with the degradation of terrorists’ ability to produce violence. This logic implies Hypothesis 3:

H3: All else equal, drone strikes that kill one or mor e terrorist leader(s) will lead to a decrease in terrorist violence.

#### B) Comparative ev—they force reliance on more intrusive methods—drones undermine training, communication, specialization, recruitment, and operational effectiveness

**Byman, 13** – Daniel, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution (“Why Drones Work,” Foreign Policy, July/August 2013, <http://www.foreignaffairs.com/articles/139453/daniel-byman/why-drones-work?page=show> //Red)

NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. **drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives** in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban -- top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are **prone to errors and miscalculations.** And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” **Leaders**, however, **cannot give orders** when they are incommunicado, **and training on a large scale is nearly impossible** when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to **choose between having no leaders and risking dead leaders.** Critics of drone strikes often fail to take into account the fact that the alternatives are either too risky or unrealistic. To be sure, in an ideal world, militants would be captured alive, allowing authorities to question them and search their compounds for useful information. Raids, arrests, and interrogations can produce vital intelligence and can be less controversial than lethal operations. That is why they should be, and indeed already are, used in stable countries where the United States enjoys the support of the host government. But in war zones or unstable countries, such as Pakistan, Yemen, and Somalia, arresting militants is highly dangerous and, even if successful, often inefficient. In those three countries, the government exerts little or no control over remote areas, which means that it is highly dangerous to go after militants hiding out there. Worse yet, in Pakistan and Yemen, the governments have at times cooperated with militants. If the United States regularly sent in special operations forces to hunt down terrorists there, **sympathetic officials could easily tip off the jihadists**, likely leading to firefights, U.S. casualties, and possibly the deaths of the suspects and innocent civilians. Of course, it was a Navy SEAL team and not a drone strike that finally got bin Laden, but in many cases in which the United States needs to capture or eliminate an enemy, raids are too risky and costly. And even if a raid results in a successful capture, it begets another problem: what to do with the detainee. Prosecuting detainees in a federal or military court is difficult because often the intelligence against terrorists is inadmissible or using it risks jeopardizing sources and methods. And given the fact that the United States is trying to close, rather than expand, the detention facility at Guantánamo Bay, Cuba, it has become much harder to justify holding suspects indefinitely. It has become more politically palatable for the United States to kill rather than detain suspected terrorists. Furthermore, although a drone strike may violate the local state’s sovereignty, it does so to a lesser degree than would putting U.S. boots on the ground or conducting a large-scale air campaign. And compared with a 500-pound bomb dropped from an F-16, the grenadelike warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone. Finally, using drones is also far less bloody than asking allies to hunt down terrorists on the United States’ behalf. The Pakistani and Yemeni militaries, for example, are known to regularly torture and execute detainees, and they often indiscriminately bomb civilian areas or use scorched-earth tactics against militant groups. Some critics of the drone program, such as Ben Emmerson, the UN's special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, have questioned the lethal approach, arguing for more focus on the factors that might contribute to extremism and terrorism, such as poverty, unemployment, and authoritarianism. Such a strategy is appealing in principle, but it is far from clear how Washington could execute it. Individuals join anti-American terrorist groups for many reasons, ranging from outrage over U.S. support for Israel to anger at their own government’s cooperation with the United States. Some people simply join up because their neighbors are doing so. Slashing unemployment in Yemen, bringing democracy to Saudi Arabia, and building a functioning government in Somalia are laudable goals, but they are not politically or financially possible for the United States, and even if achieved, they **still might not reduce the allure of jihad.** In some cases, the most sensible alternative to carrying out drone strikes is to do nothing at all. At times, that is the right option: if militants abroad pose little threat or if the risk of killing civilians, delegitimizing allies, or establishing the wrong precedent is too high. But sometimes imminent and intolerable threats do arise and drone strikes are the best way to eliminate them.

#### No blowback – systematic first person interviews disprove – their evidence makes racist and unjustified assumptions.

**Swift 12** – (7/1, Christopher, fellow at the University of Virginia's Center for National Security Law, “The Drone Blowback Fallacy,” Foreign Affairs, http://www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy?page=show)

Critics argue that drone strikes create new adversaries and drive al Qaeda's recruiting. As the Yemeni youth activist Ibrahim Mothana recently wrote in The New York Times, "Drone strikes are causing more and more Yemenis to hate America and join radical militants; they are not driven by ideology but rather by a sense of revenge and despair." The Washington Post concurs. In May, it reported that the "escalating campaign of U.S. drone strikes [in Yemen] is stirring increasing sympathy for al Qaeda-linked militants and driving tribesmen to join a network linked to terrorist plots against the United States." The ranks of al Qaeda in the Arabian Peninsula (AQAP) have tripled to 1,000 in the last three years, and the link between its burgeoning membership, U.S. drone strikes, and local resentment seems obvious.

Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics, and other sources. These subjects came from 14 of Yemen's 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects' names to protect their safety -- a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.

These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative, and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, **none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and al Qaeda recruiting**. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping al Qaeda more than they were hurting it.

#### Actually causes backlash against AQ and the Taliban – frees up population to fight back

**Llenza 11** – (2011, Michael, Diplomacy Department, Norwich University, US Navy fellow at the Atlantic Council’s Brent Scowcroft Center on International Security, “Targeted Killings in Pakistan: A Defense,” Global Security Studies, Spring, 2011, Volume 2, Issue 2)

In the end, what matters to the policy makers is whether the targeted killings are an effective means of counter-terrorism. The nature of transnational terrorist groups means that large-scale military operations will not be particularly effective against them (Anderson, 2009, p.7). They are few in number, dispersed across several borders and more efficiently targeted through narrower means (ibid.). Although overt warfare is most useful in eliminating a regime that harbors terrorist groups, it is not an effective means of going after the terrorists themselves (ibid.).

A former CIA officer compared the Predator strikes to attacking a beehive one bee at a time, “you can kill some very important bees, but the hive is going to remain (Raddatz, p.42).” **What counter-terrorism specialists are counting on though is that such strikes will eliminate not just the queen bees, but also their most valuable workers**, **those with the knowledge that takes years to acquire**, such as some of the bomb makers and paramilitary specialists who have been killed. While a long list of charismatic leaders willing to take the fight to the U.S. will probably remain, **those who possess the knowledge to actually inflict damage as well as pass on to others the training required to do so, will dwindle**. There is therefore good reason to believe that targeted killings will weaken and demoralize organizations that already suffer from no clear institutional structure (Statman). **Killing such individuals should in the end make it more difficult for the terror machinery to function** (ibid.).

Taliban spokesperson Tariq Azam has stated that their meetings within the FATA no longer take place in direct view of the skies and that they have been forced underground (Khan & Arnoldy). **Citizens of the tribal regions have begun to form armed posses and have torched the homes of Taliban members** and their supporters **as well as destroyed training camps** (ibid.). Still drone strikes are a counter-terrorism option, not a counter insurgency strategy. Drone attacks have empowered the people of the region to act against the Taliban but failure on behalf of the government to stabilize the regions will only result in their return (ibid.)

### intel

#### Allied terror coop is high now, despite frictions

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Despite some frictions, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on Counterterrorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

#### There’s no impact to anti-drones backlash

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any politically significant outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

## 1nr

### T 1nr

#### Reforming institutions is valuable overcomes fear of political interdependence, and it lets us articulate positive notions of collective autonomy. The alternative is the tyranny of the self as a center of empty volition—engaging these structures helps us value the inevitable intrusions of other people as part of our Being

Scrogin '12 Katy, The Other Journal "Toward a Hopeful Politics: Václav Havel’s Legacy of Responsible Commitment" January 10

http://theotherjournal.com/2012/01/10/toward-a-hopeful-politics-vaclav-havels-legacy-of-responsible-commitment/

We must be wary, of course, of drawing parallels between Communist Czechoslovakia and our lives, culture, and politics in a twenty-first-century representative democracy. Indeed, in comparison to the social pressures and government influence that Havel and his people faced in Czechoslovakia, fear cannot seem anything but tame in the United States. For example, it may sound farfetched to say that the individualism typical of US culture masks a particular type of fear. Recent outcries against “socialism” and perceived government intrusion into our “freedoms,” however, display an extreme form of American anxiety about interdependence, a sense of apprehension and fear that Havel’s insights may be particularly suited to helping us address and alleviate. As the sociologist Robert N. Bellah points out, in thinking about collective self-governance, Americans suffer from a language problem; the country was founded upon and reared on self-sufficiency and personal independence. Consequently, our habits of thought and terms of discourse have caused us to become unaccustomed—even unable—to thinking about collective life in any way but as a group of individuals, a group in which each member strives for individual autonomy and leaves the others to do the same for themselves. Bellah notes that this disposition amounts to “***ontological individualism***. That is, the self is the only real thing in the world. I am real. All of you are more or less fictitious.” Living according to such an outlook, “limited to a language of radical individual autonomy,” people “cannot think of themselves or others except as arbitrary centers of volition. They cannot express the fullness of being that is actually there.”[11] The way in which many Americans envision the good life, then, not only entails neglect of others’ needs and desires, but it also involves being constantly on guard against potential constraints that may be placed upon us. True autonomy, we believe, is equivalent to freedom ***from*** anything that would make claims upon the individual. Demands are feared as encroachments upon our ability to direct our life as we desire. If we cannot successfully avoid such intrusions, we are obviously not fully independent, and hence, we are not worthy to be called individuals. Additionally, if people dare to ask others for assistance, such requests are not only seen as proof of the petitioners’ weakness, but they are also often interpreted as attempts by the petitioners to achieve their desires by piggybacking on the hard work of others instead of doing that work themselves. Absent here is the understanding that humans cannot act in isolation from each other and that interdependence contributes to the health, strength, and richness of individuals and societies. The valorization of isolated autonomy is evident, for example, in cries against government welfare programs, immigrant amnesty, public health care, government regulation of business, and “socialism” in general.[12] People who take this perspective fear both that their material possessions will be decreased or taken away and that they will somehow be cheated if others receive assistance that they do not believe they require. This sense of *ressentiment*[13] may disguise the unacknowledged fear that if we accept the validity of social safety nets, we may have to make use of them at some point in our own lives, thereby compromising our independence. And people tend to mask this fear with the openly declared anxiety that, should such assistance to others continue, the country as we know it will become unrecognizable and that we will abandon our historical respect for individual freedom along with it. As has been especially evident in recent national conversations about health care and taxation, for example, some people who expect such outcomes attempt to avoid this destruction of individual freedom by broadcasting ill-informed pronouncements that are intended to instill equal levels of fear in others. As a result, policy discussions become confused and then stall as legislators attempt to separate fact from falsity and sometimes give in to their own fear of losing their jobs by backing away from contested issues.[14] Throughout this process, rhetoric becomes increasingly angry and accusatory, a situation which polarizes debates to an even greater degree and calls into doubt the belief that people of varying opinions are able to or even desirous of working or living together. In spite of the division that occurs due to this devotion to self-sufficiency, hope may lie in the reality of our interconnected lives. Although we praise personal independence, Americans often participate in volunteer work and social groups that encourage or even require members’ involvement in each other’s lives. Religious organizations are especially exemplary in this regard. Here, members not only support each other emotionally, spiritually, and often, materially, due to their grounding in a transcendent, but even more importantly, they frequently reach out to people outside of their organization who are in need. Within such organizations, demands are made upon members’ time and finances;[15] these believers give up some degree of their “freedom from” in order to expand their community’s “freedom to” work in truth to Being. And they do all of this without giving up their individuality; they do this without receiving money, recognition, or some sort of compensating favor that evens the sum total of benefits gained by each party. Religious organizations, of course, are just as susceptible as any other group to the sorts of fears I discussed previously,[16] but at their best, these organizations embody the sort of hopeful responsibility in Being that Havel sees as requisite for a just world. In doing so, they paint a picture of human interdependence that keeps individuality and freedom intact. The potential danger of these and other organizations, however, may lie in a tendency to circumscribe responsible action within the groups themselves and to view with suspicion and fear the outside world that does not practice the same traditions or subscribe to some or all of their beliefs. The fact, though, that we are able to participate as complex individuals within smaller organizations provides us with evidence that some form of interdependence and acceptance of demands upon our time and money do not constitute threats to our autonomy. It should also demonstrate that addressing the needs of others neither robs us of our freedom nor provides the recipients of our efforts with an unfair advantage over us. In short, the reality of participation in voluntary organizations should furnish us with hope for the possibility and desirability of a communal life of interdependent solidarity and respect. The good that emerges when we surrender our fears—along with our time, energy, and even money—to further the efforts of these smaller-scale organizations should be spread to the wider (political) community. At least three objections may emerge in response to my arguments. First, the claim may be made that Havel’s understanding of Being amounts to an empty pluralism which renders all convictions equally valid as long as no one infringes on anyone else’s preferences. In such a case, particular belief systems might constitute nothing more than idiosyncratic personal preferences with no legitimate claim to make demands of others within the wider public sphere. Second, my suggestion that we translate our efforts at collective interaction within religious and other voluntary organizations into wider political activity may be read as an assertion that involvement with the secular and/or the public sphere overrides all other commitments. Third and following on the coattails of the previous objection, some readers may object to the comparison between participation in voluntary organizations and involvement in broader political self-governance, as if the two forms of cooperation were essentially the same. Regarding the first objection, I admit that Havel’s understanding of Being *is* extremely general and that it appears to leave no room for competing belief systems to make claims of greater or lesser validity regarding the specific look of Being. But even though Havel expresses discomfort at “replacing an uncertain ‘something’ with a completely unambiguous personal God,” his appeals to transcendence refuse to deny the value of particular metaphysical claims.[17] Although he never embraced a specific religious tradition as his own, Havel recognized and was unwilling to reject the hope provided to adherents of various belief systems within his country’s dissident movement. To this extent he was decisively post-secular in inclination. With all of their differences intact, Catholics, reform Communists, atheists, agnostics, Slovaks, Czechs, and others acted together in Being to bring down a government that had not allowed any of them to take responsibility for themselves *as* themselves. Another thinker who may provide further insight into how me might fruitfully coexist despite our different beliefs is Abdulaziz Sachedina. In defending the compatibility of the *Universal Declaration of Human Rights* with Muslim theology, Sachedina notes that a sense of universal justice is fundamental to most religions. Recognition of this parallel should, he says, allow adherents of different faiths to act in support of universal rights, permitting them to converse about the protections of those rights without having to set aside their own interpretations of them. He observes that “traditional societies had universal notions of justice and had worked towards principles of coexistence among themselves and others long before the secular modernist spoke about the contractarian theory of corporate life that shaped modern politics.”[18] Hence, religious groups should not fear that subscribing to statements of universal human rights will compromise their beliefs. Acknowledging our interconnection in Being, then, does not constitute a leveling of our differences or encourage an atmosphere where anything goes. Rather, this recognition of commonality allows us to bring our differences to the table and to decide together how to behave responsibly toward each other *as* different people. At the very least, the call to responsibility within Being reminds us to listen to each other as we are and to set aside the fear that such reception on our part will compromise our beliefs. Contrary to the second objection—that with my appeal to expand our interaction with others beyond the boundaries of voluntary organizations I am likewise asserting that our concern for politics should override all other responsibilities—my suggestion is merely that our participation in voluntary organizations be expanded to wider political participation. I do not propose naive trust in government or claim that an active political life constitutes our highest good. My appeal is, rather, a call to a form of participation in Being that, as shown by low voter turnout and political involvement in the United States,[19] has been neglected by much of the nation’s populace. Hopeful participation in collective public governance means that by finding solidarity with others—including our neighbors, officials, and the media—and pressing forward in action, we hold ourselves *and* all others accountable to the health of Being as a whole. Performing such work requires having enough hope in the possibilities of collective existence that we are able to engage in difficult conversations that go beyond safe, surface generalities or simplistic sound bites and slogans, that go beyond fear of unknown outcomes and that open us to the possible demands that our neighbors may make upon us. The third objection is somewhat related to the second—namely, that I cannot hold up voluntary organizations as proof that we have nothing to fear from the demands of government. It may be objected that the two entities, broadly construed, exhibit fundamentally distinct natures: the very adjective used to describe the first sort—“voluntary”—points to their essential dissimilarity. As opposed to the rule of government, we may leave the “jurisdiction” of a voluntary organization at any time; we may choose to follow or not to follow the precepts of such organizations without incurring any legal penalty against ourselves. I acknowledge these differences. I acknowledge that government may seem like a menacing force we cannot escape—even if we leave the country, we will find ourselves under the rule of yet another authority. And I acknowledge that when we think about government, especially at the federal level, we reflect upon how decision makers and bureaucrats are faceless and disconnected from us. These realities make it difficult to feel as if our presence is valued or even noticed. However, the government depends upon us, the very people it rules. The political realm is a space in which we may transform government to act more responsibly toward us, a shaping process that bears similarities to the work—such as committee and planning meetings, budgeting and fund-raising, construction of bylaws and regulations, and so forth—that we carry out in maintaining the health of our voluntary organizations.[20] Therefore, in holding up the activities of these smaller institutions as proof that we are *able* to devote parts of ourselves to a collective project of decision making and action, I merely point out the capacities we already demonstrate in actively and responsibly structuring our individual and collective lives, without viewing the demands of such activity as infringements upon our freedom.