### Off

#### Restriction is a prohibition of action.

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### War powers authority is defined by statute

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(Neil, “THE CONGRESS AS SURGE PROTECTOR,” http://www.acslaw.org/pdf/Kinkopf-Surge.pdf)

This understanding of the President’s power as Commander in Chief is plain enough ¶ from the text of the Constitution itself. It has also been the consistent interpretation of ¶ the Courts. Chief Justice John Marshall set forth this interpretation in a series of cases ¶ arising from the naval war with France. Most notably, in Little v. Barreme, Chief Justice ¶ Marshall held that the President’s war powers are defined by statute and may not exceed ¶ statutory limits.

**Violation: the aff doesn’t stop Obama from doing anything, but rather lets others pursue more power.**

**Vote neg:**

**1. Limits: allows plans who don’t stop Obama directly but rather lets others pursue action on him indirectly.**

**2. Bidirectionality: Obama could ramp up drones as long as law suits continue.**

**3. Extra-T: the way they write the plan text allows for people to sue heirs that unlawfully hurt someone – that’s not restricting the authority of Obama.**

### Off

#### To be queer is to experience captivity and destruction in all facets of society. Violence is protected and condoned by systems of law. Queer inferiority produces a fleshy and discursive body to be policed, disciplined, and exterminated by straight supremacy.

Lamble 11; S. *Transforming Carceral Logics: 10 Reasons to Dismantle the Prison Industrial Complex Through Queer/Trans Analysis and Action* in “Captive Genders: Trans Embodiment and the Prison-Industrial Complex” ed. Eric Stanley and Dean Spade, Pp 235-236

2. Queer, trans, and gender-non-conforming people, particularly those from low-income backgrounds and communities of color, are directly targeted by criminalization, punishment, and imprisonment. We do not know exactly how many queer, trans, and gender-nonconforming people are currently incarcerated. This is partly because most governments do not collect information on the sexual and gender identity of prisoners and partly because prisoners are not always safe to disclose their gender or sexual identities. However, we know that queer, trans, and gender-non-conforming people in Canada, the United States, and Britain are frequently over-policed, over-criminalized, and over-represented in the prison system.17 Levels of harassment, targeting, and arrest are high, particularly for young queer and trans people, those from low-income communities, people with learning disabilities and mental health issues, and people of color. Trans community organizers in the San Francisco Bay Area, for example, report that nearly half of the 20,000 transgender people in the region have been in prison or jail.18 Queer, trans, and gender-non-conforming people are funneled into the criminal system for many reasons but primarily due to systemic oppression. Because trans, queer, and gender-variant people experience widespread discrimination, harassment, and violence, we are at greater risk of social and economic marginalization. This translates into higher risks of imprisonment. We know that queer and trans youth, for example, are more likely to be homeless, unemployed, bullied at school, harassed on the street, estranged from family, and targeted by sexual violence—factors that greatly increase the risks of criminalization and imprisonment especially for queer and trans people of color.19 Trans people in particular, and those who are visibly gender-non-conforming, are routinely harassed by law enforcement and security officials for undertaking basic daily activities like using the toilet, accessing public services, or walking down the street.20 Groups like FIERCE! have shown how the “school-to-prison-pipeline” disproportionately affects queer and trans youth.21 Whether dropping out of school because of severe harassment and discrimination, feeling alienated from education curriculum, experiencing suicidal thoughts, or turning to criminalized coping mechanisms like drug and alcohol use, queer and trans youth often have less chances for success in school.22 “Zero tolerance” policies, heightened surveillance, and increased police presence in schools further contribute to criminalization and dropout rates, particularly for queer and trans youth of color. “Quality of life” ordinances, such as “anti-social behavior orders” and “safe streets acts,” are also routinely used to remove queer and trans youth from public spaces and criminalize their social activities.23 Coupled with problems at home, many queer and trans youth find themselves homeless and unemployed.24 Once on the street, queer and trans youth have trouble accessing services and supports to get their basic needs met. Many homeless shelters and social services, for example, are not safe places for trans people (sometimes banning trans people outright), and problems with gender categories on identity documents can restrict welfare access.25 Without income, housing, family, or community support, survival often means working in criminalized economies like drug and sex trade.

#### The affirmative attempts to stabilize a world that is anti-queer – backing the laws and normative standards of safety that allow the “good white gays and lesbians” to be a part of a larger power structure of oppression. The alternative is to be in total conflict with normalcy.

The Mary Nardini Gang 9; a group of criminalized queers; criminal queers from Milwaukee, Wisconsin “toward the queerest insurrection,” https://archive.org/details/TowardTheQueerestInsurrection

In the discourse of queer, we are talking about a space of struggle against this totality - against normalcy. By “queer”, we mean “social war". And when we speak of queer as a conflict with all domination, we mean it. V See, we've always been the other, the alien, the criminal. The story of queers in this civilization has always been the narrative of the sexual deviant, the constitutional psychopathic interior, the traitor, the freak, the moral imbecile. We've been excluded at the border, from labor, from familial ties. We've been forced into concentration camps, into sex slavery, into prisons. The normal, the straight, the american family has always constructed itself in opposition to the queer. Straight is not queer. White is not of color. Healthy does not have HIV. Man is not woman. The discourses of heterosexuality, whiteness and capitalism reproduce them- selves into a model of power. For the rest of us, there is death. In his work, Jean Genet asserts that the life of a queer is one of exile - that all of the totality of this world is constructed to marginalize and exploit us. He posits the queer as the criminal. He glorifies homosexuality2 and criminality as the most beautiful and lovely forms of conflict with the bourgeois world. He writes of the secret worlds of rebellion and joy inhabited by criminals and queers. Quoth Genet, “Excluded by my birth and tastes from the social order, I was not aware of its diversity. Nothing in the world was Irrelevant: the stars on a general’s sleeve, the stock-market quotations, the olive harvest, the style of the judiciary, the wheat exchange, flower-beds. Nothing. This order, fearful and feared, whose details were all inter-related, had a meaning: my exile.” VI A fag is bashed because his gender presentation is far too femme. A poor transman can’t afford his life-saving hormones. A sex worker is murdered by their client. A genderqueer persyn is raped because ze just needed to be “fucked straight”. Four black lesbians are sent to prison for daring to defend themselves against a straight-male attacker.1 Cops beat us on the streets and our bodies are being destroyed by pharmaceutical companies because we can’t give them a dime. Queers experience, directly with our bodies, the violence and domination of this world. Class, Race, Gender, Sexuality, Ability; while often these interrelated and overlapping categories of oppression are lost to abstraction, queers are forced to physically understand each. We’ve had our bodies and desires stolen from us, mutilated and sold back to us as a model of living we can never embody Foucault says that “power must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization; as the processes which, through ceaseless struggles and confrontations, transforms, strengthens or reverses them; as the support which these force relations find in one another, thus forming a chain or system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies.” We experience the complexity of domination and social control amplified through heterosexuality. When police kill us, we want them dead in turn. When prisons entrap our bodies and rape us because our genders aren’t similarly contained, of course we want fire to them all. When borders are erected to construct a national identity absent of people of color and queers, we see only one solution: every nation and border reduced to rubble. VII The perspective of queers within the heteronormative world is a lens through which we can critique and attack the apparatus of capitalism. We can analyze the ways in which Medicine, the Prison System, the Church, the State, Marriage, the Media, Borders, the Military and Police are used to control and destroy us. More importantly, we can use these cases to articulate a cohesive criticism of every way that we are alienated and dominated. Queer is a position from which to attack the normative - more, a position from which to understand and attack the ways in which normal is reproduced and reiterated. In destabilizing and problematizing normalcy, we can destabilize and become a problem for the Totality. The history of organized queers was borne out of this position. The most marginalized - transfolk, people of color, sex workers - have always been the catalysts for riotous explosions of queer resistance. These explosions have been coupled with a radical analysis wholeheartedly asserting that the liberation for queer people is intrinsically tied to the annihilation of capitalism and the state. It is no wonder, then, that the first people to publicly speak of sexual liberation in this country were anarchists, or that those in the last century who struggled for queer liberation also simultaneously struggled against capitalism, racism and patriarchy and empire. This is our history.

#### The impact is ontological captivity. Violence and captivity transforms queer life into a life vulnerable to extermination. The queer body becomes a site to be destroyed not just in the moment, but a *concept* that must be assimilated under the “common sense” morality of straight supremacy.

Stanley 11; Eric A Stanley (PhD History of Consciousness @ UC Santa Cruz; visiting faculty in Critical Studies @ San Francisco Art Institute; director of Homotopia and Criminal Queers, coeditor of Captive Genders: Trans Embodiment and the Prison Industrial Complex; former homeless youth in Richmond VA.). "Near Life, Queer Death Overkill and Ontological Capture."Social Text 29.2 107 (2011): 1-19

“Dirty faggot!” Or simply, “Look, a Gay!” These words launch a bottle from a passing car window, the target my awaiting body. In other moments they articulate the sterilizing glares and violent fantasies that desire, and threaten to enact, my corporal undoing. Besieged, I feel in the ﬂeshiness of the everyday like a kind of near life or a death-in-waiting. Catastrophically, this imminent threat constitutes for the queer that which is the sign of vitality itself. What then becomes of the possibility of queer life, if queerness is produced always and only through the negativity of forced death and at the threshold of obliteration? Or as Achille Mbembe has provocatively asked, in the making of a kind of corporality that is constituted in the social as empty of meaning beyond the anonymity of bone, “But what does it mean to do violence to what is nothing? ”' In another time and place, “‘Dirty nigger!’ Or simply, ‘Look, a Negro!’ ” (“Sale négre! ou simplement: Tiens, un négre! ”) opened Frantz Fanon’s chapter 5 of Black Skin, White Masks, “The Lived Experience of the Black” (“L’expérience vécue du Noir”), infamously mistranslated as “The Fact of Blackness.” I start with “Dirty faggot!” against a logic of ﬂattened substitution and toward a political commitment to non-mimetic friction. After all, the racialized phenomenology of blackness under colonization that Fanon illustrates may be productive to read against and with a continuum of antiqueer violence in the United States. The scopic and the work of the visual must ﬁgure with such a reading of race, gender, and sexuality. It is argued, and rightfully so, that the instability of queerness obscures it from the epidermalization that anchors (most) bodies of color in the ﬁelds of the visual. When thinking about the difference between anti-Semitism and racism, which for Fanon was a question of the visuality of oppression, he similarly suggests, “the Jew can be unknown in his Jewishness.”’ Here it may be useful to reread Fanon through an understanding of passing and the visual that reminds us that Jews can sometimes not be unknown in their Jewishness. Similarly I ask why antiqueer violence, more often than not, is correctly levied against queers. In other words, the productive discourse that wishes to suggest that queer bodies are no different might miss moments of signiﬁcation where queer bodies do in fact signify differently. This is not to suggest that there is an always locatable, transhistorical queer body, but the ﬁercely ﬂexible semiotics of queerness might help us build a way of knowing antiqueer violence that can provisionally withstand the weight of generality.4 Indeed, not all who might identify under the name queer experience the same relationship to violence. For sure, the overwhelming numbers of trans/queer people who are murdered in the United States are of color.’ Similarly, trans/gender nonconforming people, people living with HIV/ AIDS and/or other ability issues, undocumented and imprisoned trans/ queer people, sex workers, and working-class queers, among others, experience a disproportionate amount of structural violence. In turn, this structural violence more often than not predisposes them to a greater amount of interpersonal violence. Yet many lesbian, gay, bisexual, and transgender (LGBT) folks in the United States who have access to normative power may in their daily lives know very little about either structural or personal violence. The long history and magniﬁed present of gay assimilation illustrates these varying degrees of possibility and power available to some at the expense of others. In contrast, I am marking queer as the horizon where identity crumbles and vitality is worked otherwise. To this end, queer might be a productive placeholder to name a nonidentity where force is made to live. This is not to suggest that the negativity of queer and methodologies of violence deﬁne the end of queer worlding or that the parameters of opposition are sedimented as such.‘ On the contrary, the very fact that queers do endure is evidence, as Fred Moten has beautifully argued about the history of blackness in relation to slavery, that “objects can and do resist.”7 I start here, in reference to Fanon’s text, because he continues to offer us among the most compelling analyses of structural abjection, (non)recognition, and psychic/corporal violence. “Look, a Negro!” violently freezes Fanon in a timeless place as a black object, overdetermined from without, as a signiﬁer with no meaning of its own making. In a similar way, the “dirty faggot” of my opening places queerness in the anonymity of history and shocks it into the embodied practice of feeling queer in a particular place, body, and time. This meditation will attempt to understand how the queer approximates the cutting violence that marks the edges of subjectivity itself. Race and gender ﬁgure the contours of my thinking on the work of violence in the gathering up of queer remains. Here the force of violence that interests me is not introduced after the formation of something that might be called queer. I am using the term queer to precisely index the col- lision of difference and violence. In other words, queer is being summoned to labor as the moment when bodies, non-normative sexuality/genders, and force materialize the im/possibility of subjectivity. Against an identity that assumes a prior unity, queer disrupts this coherence and also might function as a collective of negativity, void of a subject but named as object, retroactively visible through the hope of a radical politics to come.

#### This is a process of overkill, where the individual is set in to symbolize the extermination of the whole. Straight law protects these forms of violence that go beyond death, allowing the deletion of the past, present, and future of queer populations. The first question of this debate is: “What does it mean to do violence to what is nothing?”

Stanley 11; Eric A Stanley (PhD History of Consciousness @ UC Santa Cruz; visiting faculty in Critical Studies @ San Francisco Art Institute; director of Homotopia and Criminal Queers, coeditor of Captive Genders: Trans Embodiment and the Prison Industrial Complex; former homeless youth in Richmond VA.). "Near Life, Queer Death Overkill and Ontological Capture."Social Text 29.2 107 (2011): 1-19

Overkill is a term used to indicate such excessive violence that it pushes a body beyond death. Overkill is often determined by the postmortem removal of body parts, as with the partial decapitation in the case of Lauryn Paige and the dissection of Rashawn Brazell. The temporality of violence, the biological time when the heart stops pushing and pulling blood, yet the killing is not finished, suggests the aim is not simply the end of a specific life, but the ending of all queer life. This is the time of queer death, when the utility of violence gives way to the pleasure in the other’s mortality. If queers, along with others, approximate nothing, then the task of ending, of killing, that which is nothing must go beyond normative times of life and death. In other words, if Lauryn was dead after the first few stab wounds to the throat, then what do the remaining fifty wounds signify? The legal theory that is offered to nullify the practice of overkill often functions under the name of the trans- or gay- panic defense. Both of these defense strategies argue that the murderer became so enraged after the “discovery” of either genitalia or someone’s sexuality they were forced to protect themselves from the threat of queerness. Estanislao Martinez of Fresno, California, used the trans- panic defense and received a four- year prison sentence after admittedly stabbing J. Robles, a Latina transwoman, at least twenty times with a pair of scissors. Importantly, this defense is often used, as in the cases of Robles and Paige, after the murderer has engaged in some kind of sex with the victim. The logic of the trans- panic defense as an explanation for overkill, in its gory semiotics, offers us a way of understanding queers as the nothing of Mbembe’s query. Overkill names the technologies necessary to do away with that which is already gone. Queers then are the specters of life whose threat is so unimaginable that one is “forced,” not simply to murder, but to push them backward out of time, out of History, and into that which comes before.27 In thinking the overkill of Paige and Brazell, I return to Mbembe’s query, “But what does it mean to do violence to what is nothing?”28 This question in its elegant brutality repeats with each case I offer. By resituating this question in the positive, the “something” that is more often than not translated as the human is made to appear. Of interest here, the category of the human assumes generality, yet can only be activated through the specificity of historical and politically located intersections. To this end, the human, the “something” of this query, within the context of the liberal democracy, names rights- bearing subjects, or those who can stand as subjects before the law. The human, then, makes the nothing not only possible but necessary. Following this logic, the work of death, of the death that is already nothing, not quite human, binds the categorical (mis)recognition of humanity. The human, then, resides in the space of life and under the domain of rights, whereas the queer inhabits the place of compromised personhood and the zone of death. As perpetual and axiomatic threat to the human, the queer is the negated double of the subject of liberal democracy. Understanding the nothing as the unavoidable shadow of the human serves to counter the arguments that suggest overkill and antiqueer violence at large are a pathological break and that the severe nature of these killings signals something extreme. In contrast, overkill is precisely not outside of, but is that which constitutes liberal democracy as such. Overkill then is the proper expression to the riddle of the queer nothingness. Put another way, the spectacular material- semiotics of overkill should not be read as (only) individual pathology; these vicious acts must indict the very social worlds of which they are ambassadors. Overkill is what it means, what it must mean, to do violence to what is nothing.

### Off

#### Targeted killing’s vital to counterterrorism---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.

#### Constraining targeted killing’s role in the war on terror causes extinction

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.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

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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.

#### Targeted killing against terrorists is a moral imperative---the point of terrorism is senseless, un-targeted killing---responding with force is necessary to preserve and uphold the value of innocent lives---in the context of Camus, targeted killing is most analogous to the figure of the just assassin

Michael Walzer 13, Professor Emeritus of Social Science at the Institute for Advanced Study and co-Editor of Dissent Magazine, 1/11/13, “Targeted Killing and Drone Warfare,” http://www.dissentmagazine.org/online\_articles/targeted-killing-and-drone-warfare

First things first. Untargeted killing, random killing, the bomb in the supermarket, the café, or the bus station: we call that terrorism, and its condemnation is critically important. No qualifications, no apologies: this is wrongfulness of the first order. But someone who takes aim at a particular person, a political official, a military officer, is engaged in a different activity. He may be a just assassin, as in Camus’s play, though I don’t think that the justice of the killing depends on the killer’s willingness to accept death himself (which is Camus’s argument). It depends on the character of the official or the officer, the character of the regime he serves, and the immediate political circumstances: what else is there to do? But even if the assassination is a wrongful act, as it most often is in history if not in literature, the wrongfulness is of a second order. By aiming at a person thought to be guilty of something, the assassin indicates his rejection of aimless killing. Someone in his organization probably thought that it would be better to kill the official’s extended family or to put a bomb in the restaurant where he and “his kind” regularly dine; he refused to do that or, at least, he didn’t do it.

There are radical limits on political assassinations. In democracies, they can never be justified; it is only the blood of tyrants that waters the tree of liberty. And even with tyrants, a trial is preferable to an assassination whenever it is possible to bring down the tyrannical regime without killing its leader. In wartime, international law bars the killing of political leaders on the grounds that they are the ones who will in the end negotiate the peace treaty. But some political leaders, with whom one can’t imagine negotiating, are legitimate targets—Hitler the obvious example. Killing Hitler would have been “extra-judicial” but entirely justified. Tyrants do have to be targeted, however; blowing up the neighborhood in which they live is not a moral option.

Military leaders are obviously legitimate targets in wartime. A sniper sent to a forward position to try to kill a visiting colonel or general is engaged in targeted killing, but no one will accuse him of acting extra-judicially and therefore wrongly. It is probably best to think of insurgent organizations in roughly the same way that we think about states. If they have separated their political and military leaders, it is only the second group who should be targeted since we may eventually negotiate with the first group. I don’t believe that the same distinction is morally required in the case of terrorist organizations, though it may be prudent to make it. Individuals who plan, or organize, or recruit for, or participate in a terrorist attack are all of them legitimate targets. It would be better to capture them and bring them to trial, but that is often not a reasonable option—the risks are too high; innocent bystanders would be killed in the attempt; the planning would take time, and the terrorist attacks are imminent or actual. In cases like this, the phrase “war on terror” makes sense. More often, I think, the “war” is police work, and targeted killing is not permissible for the police. If the terrorist campaign has ended, only the police can deal with the men and women who organized it—and lawyers and judges after the police.

The targeted killing of insurgents and terrorists in wartime is subject to the same constraints as any other act of war. It will have to meet very strict standards of proportionality; given that the target is a single person, it will be difficult to justify any injury to innocent bystanders. So the targeting must be undertaken with great care; collecting information about the targeted individuals, their schedules, their whereabouts, their families and neighbors, is critically important, and if it involves risk for agents in the field, the risks must be accepted before the killing can be justified.

#### Turn---Alternatives: Moral evaluation of drones requires considering the most likely alternatives that would replace targeted killings---they’re all worse for civilian casualties and state violence

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

EFFECTIVENESS IS ONE THING, MORALITY ANOTHER. The leading objection to drone warfare today is that it supposedly involves large, or "excessive," numbers of civilian casualties, and that the claims of precision and discrimination are greatly overblown. These are partly factual questions full of unknowns and many contested issues. The Obama administration did not help itself by offering estimates of civilian collateral damage early on that ranged absurdly from zero to the low two digits. This both squandered credibility with the media and, worse, set a bar of perfection -- zero civilian collateral damage -- that no weapon system could ever meet, while distracting people entirely from the crucial question of what standard civilian harms should be set against.¶ The most useful estimates of civilian casualties from targeted killing with drones come from the New America Foundation (NAF) and the Foundation for Defense of Democracies, which each keep running counts of strikes, locations, and estimates of total killed and civilian casualties. They don't pretend to know what they don't know, and rely on open sources and media accounts. There is no independent journalistic access to Waziristan to help corroborate accounts that might be wrong or skewed by Taliban sources, Pakistani media, Pakistani and Western advocacy groups, or the U.S. or Pakistani governments. Pakistan's military sometimes takes credit for drone strikes against its enemies and sometimes blames drone strikes for its own air raids against villages. A third source of estimates, UK-based The Bureau of Investigative Journalism (TBIJ), comes up with higher numbers.¶ TBIJ (whose numbers are considered much too high by many knowledgeable American observers) came up with a range, notes Georgetown law professor and former Obama DOD official Rosa Brooks. The 344 known drone strikes in Pakistan between 2004 and 2012 killed, according to TBIJ, between "2,562 and 3,325 people, of whom between 474 and 881 were civilians." The NAF, she continues, came up with slightly lower figures, somewhere "between 1,873 and 3,171 people killed overall in Pakistan, of whom between 282 and 459 were civilians." (Media have frequently cited the total killed as though it were the civilians killed.) Is this a lot of civilians killed? Even accepting for argument's sake TBIJ's numbers, Brooks concludes, if you work out the "civilian deaths per drone strike ratio for the last eight years…on average, each drone strike seems to have killed between 0.8 and 2.5 civilians." In practical terms, adds McNeal, this suggests 'less than three civilians killed per strike, and that's using the highest numbers" of any credible estimating organization.\*¶ Whether any of this is "disproportionate" or "excessive" as a matter of the laws of war cannot be answered simply by comparing total deaths to civilian deaths, or civilian deaths per drone strike, however. Although commentators often leap to a conclusion in this way, one cannot answer the legal question of proportionality without an assessment of the military benefits anticipated. Moreover, part of the disputes over numbers involves not just unverifiable facts on the ground, but differences in legal views defining who is a civilian and who is a lawful target. The U.S. government's definition of those terms, following its longstanding views of the law of targeting in war, almost certainly differs from those of TBIJ or other liberal nongovernmental groups, particularly in Europe. Additionally, much of drone warfare today targets groups who are deemed, under the laws of war, to be part of hostile forces. Targeted killing aimed at individuated high-value targets is a much smaller part of drone warfare than it once was. The targeting of groups, however, while lawful under long-standing U.S. interpretations of the laws of war, might result in casualties often counted by others as civilians.¶ Yet irrespective of what numbers one accepts as the best estimate of harms of drone warfare, or the legal proportionality of the drone strikes, the moral question is simply, What's the alternative? One way to answer this is to start from the proposition that if you believe the use of force in these circumstances is lawful and ethical, then all things being equal as an ethical matter, the method of force used should be the one that spares the most civilians while achieving its lawful aims. If that is the comparison of moral alternatives, there is simply no serious way to dispute that drone warfare is the best method available. It is more discriminating and more precise than other available means of air warfare, including manned aircraft -- as France and Britain, lacking their own drones and forced to rely on far less precise manned jet strikes, found over Libya and Mali -- and Tomahawk cruise missiles.¶ A second observation is to look across the history of precision weapons in the past several decades. I started my career as a human-rights campaigner, kicking off the campaign to ban landmines for leading organizations. Around 1990, I had many conversations with military planners, asking them to develop more accurate and discriminating weapons -- ones with smaller kinetic force and greater ability to put the force where sought. Although every civilian death is a tragedy, and drone warfare is very far from being the perfect tool the Obama administration sometimes suggests, for someone who has watched weapons development over a quarter century, the drone represents a steady advance in precision that has cut zeroes off collateral-damage figures.¶ Those who see only the snapshot of civilian harm today are angered by civilian deaths. But barring an outbreak of world peace, it is foolish and immoral not to encourage the development and use of more sparing and exact weapons. One has only to look at the campaigns of the Pakistani army to see the alternatives in action. The Pakistani military for many years has been in a running war with its own Taliban and has regularly attacked villages in the tribal areas with heavy and imprecise airstrikes. A few years ago, it thought it had reached an accommodation with an advancing Taliban, but when the enemy decided it wanted not just the Swat Valley but Islamabad, the Pakistani government decided it had no choice but to drive it back. And it did, with a punishing campaign of airstrikes and rolling artillery barrages that leveled whole villages, left hundreds of thousands without homes, and killed hundreds.¶ But critics do not typically evaluate drones against the standards of the artillery barrage of manned airstrikes, because their assumption, explicit or implicit, is that there is no call to use force at all. And of course, if the assumption is that you don't need or should not use force, then any civilian death by drones is excessive. That cannot be blamed on drone warfare, its ethics or effectiveness, but on a much bigger question of whether one ought to use force in counterterrorism at all.

#### Turn---Distancing created 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 decisionmaking 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 raise the threshold for violence because they spotlight civilian casualties

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

The drone’s promise of precision killing and perfect safety for operators is so seductive, in fact, that some scholars have raised a different moral question: Do drones threaten to lower the threshold for lethal violence?

“In the just-war tradition, there’s the notion that you only wage war as a last resort,” said Daniel R. Brunstetter, a political scientist at the University of California at Irvine who fears that drones are becoming “a default strategy to be used almost anywhere.”

With hundreds of terrorist suspects killed under President Obama and just one taken into custody overseas, some question whether drones have become not a more precise alternative to bombing but a convenient substitute for capture. If so, drones may actually be encouraging unnecessary killing.

Few imagined such debates in 2000, when American security officials first began to think about arming the Predator surveillance drone, with which they had spotted Osama bin Laden at his Afghanistan base, said Henry A. Crumpton, then deputy chief of the C.I.A.’s counterterrorism center, who tells the story in his recent memoir, “The Art of Intelligence.”

“We never said, ‘Let’s build a more humane weapon,’ ” Mr. Crumpton said. “We said, ‘Let’s be as precise as possible, because that’s our mission — to kill Bin Laden and the people right around him.’ ”

Since then, Mr. Crumpton said, the drone war has prompted an intense focus on civilian casualties, which in a YouTube world have become harder to hide. He argues that technological change is producing a growing intolerance for the routine slaughter of earlier wars.

“Look at the firebombing of Dresden, and compare what we’re doing today,” Mr. Crumpton said. “The public’s expectations have been raised dramatically around the world, and that’s good news.”

#### Drones increase the threshold for violence

Kenneth Anderson 13, Professor of International Law at American University, September 2013, “A Too Perfect Weapon?,” Commentary, Vol. 136, No. 2, p. 6-7

As to Mr. Alazar's point that drones pose so little risk to the U.S. forces operating them that they tempt political leaders to reach too quickly and easily to use force, he is correct in seeing it as the heart of the anti-drone argument. Despite its surface appeal, it is an incoherent and immoral argument. It rests upon the observation that less risk to a side's forces reduces its political and other disincentives to use force, so that political leaders resort to force too easily. Note that the argument is exactly the same if, as I stated in the article, harm to civilians is also reduced. If political leadership is even mildly responsive to the disincentives civilian deaths pose to using force, and if drones are less harmful to civilians as well as more protective of one's own forces, then the temptation to use force more frequently is increased.

But saying that drones make it "easier" to resort to force is not the same as saying that drones make it "too easy." To know whether it is "too easy" for a president to use force through drones, and not just "easier," requires an answer to the question of what the "right" or "optimal" amount of the use of force is. But there is no neutrally "optimal" value, because what the two sides want is not reducible to a common denominator under a common criterion of efficiency; quite the contrary. If there's no conceptual basis for saying what the right amount of war is, then it's not possible to say whether drones make it too easy -- or, for that matter, not easy enough.

Finally, the "solution" to the problem of political leadership's resorting to force too easily is simply immoral: a scenario whereby a side should put its soldiers at risk in order to force their own political leaders to weigh the risk as they ought. This is, as I wrote, a hostage-taking argument. It uses the soldiers as mere means, in the Kantian sense, to the ends of pressuring leaders.

#### Drones institutionalize a vastly stronger commitment to military proportionality than other weapons---removal from active combat and multiple decision-makers reviewing targets makes damage to civilians far less likely

Michael W. Lewis 12, Associate Professor of Law at Ohio Northern University Pettit College of Law, Spring 2012, “ARTICLE: SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield,” Texas International Law Journal, p. lexis

Another operational advantage that drones provide is greater legal compliance with IHL's requirements of military necessity and proportionality. Although many of the early criticisms of drones were directed at their allegedly indiscriminate nature, which purportedly resulted in disproportionate civilian casualties, n17 the reality of drone strikes is that they provide many more opportunities for disproportionate attacks to be halted prior to weapons employment. For manned aircraft both the target identification and the final proportionality decision are left in the hands of one or two crewmembers whose attention is divided between flying the aircraft, looking for (and possibly evading) surface-to-air missiles and ground fire, identifying the target, assessing the proportionality of the attack, and accurately delivering the weapon. n18 In contrast, the longer loiter time of drones allows for a much higher level of confidence that the target has been properly identified, thereby meeting the [\*298] military necessity requirement. Even more critically, the drone's sensors allow many sets of eyes, including those of JAG lawyers trained to assess proportionality, to make a proportionality determination at the time of weapons release. Even if the drone is evading fire at the time of weapons release, those making the final decision to carry out the attack are not dealing with the decision-impairing effects of mortal fear. Although the sanitary environment of the drone control room has been criticized for making war too much like a video game, n19 it undoubtedly leads to much sounder proportionality determinations.