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### Plan Text

#### Plan: The United States Federal Government ought to substantially increase judicial restrictions on the war powers authority of the President of the United States by designating District Court judges to approve or reject targeted killings involving the use of drone strikes based on a strict scrutiny test.

### Advantage 1 – International Norms

#### Advantage One is International Norms—

#### Despite Obama’s recent rhetoric—Executive authority and usage of drones remains unrestricted

Kaplan 13 [Fred, Slate’s “War Stories” columnist, “Obama’s Post-9/11 World,” <http://www.slate.com/articles/news_and_politics/war_stories/2013/05/barack_obama_national_defense_university_speech_nothing_new_about_drones.single.html>, ALB]

President Obama’s speech today on U.S. counterterrorism policy was actually two speeches in one. The first outlined a supposedly new, restrictive policy on drone strikes that was neither new nor restrictive. The second called for shutting down the Guantánamo detention center—not a new position for the president but the revival of a long-dormant one, unfurled in blazing colors along with a vision of a genuinely new way of approaching global terrorism.**¶** In the days leading up to the speech, drones were assumed to be the main topic—specifically, whether and how to change the practice of using drones to kill terrorist suspects in countries outside formal war zones, namely, Pakistan, Yemen, and Somalia. These strikes have aroused intense bitterness abroad and growing controversy at home.**¶** Early on in his speech, Obama defended the use of drones, noting that they are often the only way to kill people who are planning attacks on the United States and that, while these weapons sometimes kill innocent civilians, they kill far fewer civilians than other forms of military power, such as conventional airstrikes or troop incursions on the ground.**¶** But then, Obama conceded that these weapons had to be subjected to restrictions, lest they be used too casually. Specifically, it had to be determined that the person killed poses a “continuing, imminent threat” against the United States; that capturing the person alive was infeasible; and that there was “near certainty” that the strike would kill or injure no civilians.**¶** This sounds reasonable, except that these same standards were outlined—with much of the exact same language**—**in a**n** unclassified 16-page “white paper” that the Justice Department released back in February. And the way that the paper defined those terms rendered the restrictions meaningless.¶ Key to this loophole was—and presumably still is—the definition of “imminent threat.” As the white paper put it, “The condition that an operational leader [of al-Qaida or an affiliated organization] presents an ‘imminent’ threat of violent attack against the United States does not require the United States to have clear evidence that a specific attack … will take place in the immediate future.”**¶** So, “imminent” doesn’t really mean imminent.¶ The paper’s logic was this. Al-Qaida is “continually planning strikes” against the United States. “By its nature, therefore,” an assessment of its threats “demands a broad concept of imminence.” In other words, the threat of an attack is always imminent; it’s a condition, not a restriction.¶ Similarly, because the threat is always imminent, the Justice Department paper went on, “the United States is likely to have only a limited window of opportunity” to mobilize a raid to capture the terrorist. Therefore, it is always “infeasible” to capture rather than kill.**¶** Obama’s (and the white paper’s) third condition for launching a drone strike—a near certainty that no innocents are killed in the attack—is a real restriction, and the Obama administration does seem to be at least trying to abide by it. According to data gathered from open sources by three private research organizations—the New America Foundation, the Bureau of Investigative Journalism, and Long War Journal—the number of civilians killed by drone strikes in Pakistan has declined dramatically in the past few years. So far this year, the estimates of civilian deaths range from zero to 11. In part, this is due to the fact that there have been only 12 drone strikes in Pakistan in 2013—which means, by the way, that there might have been, on average, as many as one civilian killed in nearly every strike.**¶** It is hard to gauge these estimates because the administration does not release figures about drone strikes in Pakistan or how many people they’ve killed—because all drone strikes outside war zones (that is, outside Afghanistan) are covert operations conducted not by the military but by the CIA. Everything about them, therefore, is classified.¶ This is another way in which Obama’s speech was disappointing. At a background press briefing held just two hours in advance of the speech, “senior administration officials” said that the president would “express preference” for putting the U.S. military, not the CIA, in charge of these sorts of strikes. The officials did not specify which part of the military—the regional combatant commands (which might be less likely to launch attacks across borders) or the Joint Special Operations Command (which has authority to wage secret strikes against al-Qaida worldwide). But still, this would be a change that would probably widen oversight.**¶** However, President Obama’s speech said nothing about this issue. (An official told me afterward that there’s still an internal debate on the subject.) Nor did it say anything about banning or restricting “signature strikes”—the phrase used for strikes aimed not at specific individuals but rather at people whose behavior bears the “signature” of terrorists, even if their names or precise roles in the terrorist network are unknown.**¶** In short, the speech heralded nothing new when it comes to drone strikes.

#### The US is key to set a precedent—Absent the plan Drone prolif is inevitable

Roberts 13 [Kristin, News Editor for National Journal, Master’s in Security Studies from Georgetown University, Master’s in Journalism from Columbia University, “When the Whole World Has Drones,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321?print=true>, ALB]

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

#### Lack of oversight on our drones sets a dangerous international precedent that spills over globally—Only the plan can solve

Alston 11 [Philip, Pomeroy Professor of Law, New York University School of Law, was UN Special Rapporteur on extrajudicial, summary, or arbitrary executions from 2004 until 2012, “The CIA and Targeted Killings Beyond Borders,” 2 Harv. Nat’l Sec. J. 283, pg. lexis, ALB]

3. Self-interest: Setting Prudent Precedents for Others¶ Because the United States inevitably contributes disproportionately to the shaping of global regime rules, and because it is making more extensive overt use of targeted killings than other states, its approach will heavily influence emerging global norms. This is of particular relevance in relation to the use of drones. There are strong reasons to believe that a permissive policy on drone-fired targeted killings will come back to haunt the United States in a wide range of potential situations in the not too distant future.¶ In 2011, a senior official noted that while for the past two decades the United States and its allies had enjoyed "relatively exclusive access to sophisticated precision-strike technologies," that monopoly will soon come to an end. In fact, in the case of drones, some 40 countries already possess the basic technology. Many of them, including Israel, Russia, Turkey, China, India, Iran, the United Kingdom, and France either have or are seeking drones that also have the capability to shoot laser-guided missiles. Overall, the United States accounts for less than one-third of worldwide investment in UAVs. On "Defense Industry Day," August 22, 2010, the Iranian President unveiled a new drone with a range of 1,000 kilometers (620 miles) and capable of carrying four cruise missiles. n607 He referred to the drones as a "messenger of honor and human generosity and a saviour of mankind," but warned ominously that it can also be "a messenger of death for enemies of mankind (SIC)." ¶ To date, the United States has opted to maintain a relatively flexible and open-ended legal regime in relation to drones, in large part to avoid setting precedents and restricting its own freedom of action. But this policy seems to assume that other states will not acquire lethal drone technology, will not use it, or will not be able to rely upon the justifications invoked by the United States. These assumptions seem questionable. American commentators favoring a permissive approach to targeted killings abroad are generally very careful to add that such killings would under no circumstances be permitted within the United States. ¶ Thus when the United States argues that targeted killings are legitimate when used in response to a transnational campaign of terror directed at it, it needs to bear in mind that other states can also claim to be so afflicted, even if the breadth of the respective terrorist threats is not comparable. Take Russia, for example, in relation to terrorists from the Caucasus. It has characterized its military operations in Chechnya since 1999 as a counter-terrorism operation and has deployed "seek and destroy" groups of army commandoes to "hunt down groups of insurgents." It has been argued that the targeted killings that have resulted are justified because they are necessary to Russia's fight against terrorism. Although [\*443] there are credible reports of targeted killings conducted outside of Chechnya, Russia has refused to acknowledge responsibility for, or otherwise justify, such killings. It has also refused to cooperate with any investigation or prosecution. n613¶ In 2006, the Russian Parliament passed a law permitting the Federal Security Service (FSB) to kill alleged terrorists overseas, if authorized to do so by the President. n614 The law defines terrorism and terrorist activity extremely broadly, including "practices of influencing the decisions of government, local self-government or international organizations by terrorizing the population or through other forms of illegal violent action," and also any "ideology of violence." n615¶ Under the law, there appears to be no restriction on the use of military force "to suppress international terrorist activity outside the Russian Federation." n616 The law requires the President to seek the endorsement of the Federation Council to use regular armed forces outside Russia, but the President may deploy FSB security forces at his own discretion. According to press accounts, at the time of the law's passage, "Russian legislators stressed that the law was designed to target terrorists hiding in failed States and that in other situations the security services would work with foreign intelligence services to pursue their goals." n617 There is no publicly available information about any procedural safeguards to ensure Russian targeted killings are lawful, the criteria for those who may be targeted, or accountability mechanisms for review of targeting operations. In adopting the legislation, Russian parliamentarians claimed that, "they were emulating Israeli and US actions in adopting a law [\*444] allowing the use of military and special forces outside the country's borders against external threats." n618¶ China is another case in point. It has consistently characterized unrest among its Uighur population as being driven by terrorist separatists. But Uighur activists living outside China are not so classified by other states. That means that China could invoke American policies on targeted killing to carry out a lethal attack against a Uighur activist living in Europe or the United States. The Chinese Foreign Ministry welcomed the killing of Osama bin Laden as "a milestone and a positive development for the international anti-terrorism efforts," adding ominously in reference to the Uighur situation that, "China has also been a victim of terrorism." When a journalist asked how American practice in Pakistan compared to possible Chinese external action against a Uighur to a senior United States counter-terrorism official, the latter distinguished the situations from one another on the unconvincing grounds of Pakistan's special relationship with the United States. ¶ A more realistic note was struck by Anne-Marie Slaughter after bin Laden's killing when she observed that "having a list of leaders that you are going to take out is very troubling morally, legally and in terms of precedent. If other countries decide to apply that principle to us, we're in trouble." The conclusion to be drawn is that the United States might, in the not too distant future, need to rely on international legal norms to delegitimize the behavior of other states using lethal drone strikes. For that reason alone, it would seem prudent today to be contributing to the construction of a regime that strictly limits the circumstances in which one state can seek to kill an individual in another state without the latter's consent and without complying with the applicable rules of international law. To the extent that the United States genuinely believes it is currently acting within the scope of those rules it needs to provide the evidence.

#### And, unchecked drone prolif collapses deterrence and guarantees Indo-Pak miscalc

Boyle 13 [Michael J., Assistant Professor of Political Science at La Salle University in Philadelphia, “The costs and consequences of drone warfare,” <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, ALB]\*\*we reject any offensive language used in our evidence

A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, ¶ specifically nuclear deterrence. Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another. While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these ¶ states will exercise the same level of restraint with drone surveillance, which is unmanned (SIC), low cost, and possibly deniable. States may be more willing to engage ¶ in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response. This may have been Hezbollah’s logic in sending a drone into Israeli airspace in ¶ October 2012, possibly to relay information on Israel’s nuclear capabilities. After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities. One could imagine two rival states—for ¶ example, India and Pakistan—deploying drones to test each other’s capability ¶ and resolve, with untold consequences if such a probe were misinterpreted by ¶ the other as an attack. As drones get physically smaller and more precise, and as ¶ they develop a greater flying range, the temptation to use them to spy on a rival’s ¶ nuclear programme or military installations might prove too strong to resist. If ¶ this were to happen, drones might gradually erode the deterrent relationships that ¶ exist between nuclear powers, thus magnifying the risks of a spiral of conflict ¶ between them.

\*\*\*GENDERED LANGUAGE SAID IN CONTEXT\*\*\*

#### Lack of US-led norms cause Chinese drone aggression in maritime disputes—That increases tensions

**Bodeen 13** (Christopher Bodeen has a degree from Tufts University, correspondent on China at Associated Press, May 3rd, 2013, "China's Drone Program Appears To Be Moving Into Overdrive," Huffington Post, www.huffingtonpost.com/2013/05/03/china-drone-program\_n\_3207392.html)

BEIJING -- Determined to kill or capture a murderous Mekong River drug lord, China's security forces considered a tactic they'd never tried before: calling a drone strike on his remote hideaway deep in the hills of Myanmar.¶ The attack didn't happen – the man was later captured and brought to China for trial – but the fact that authorities were considering such an option cast new light on China's unmanned aerial vehicle program, which has been quietly percolating for years and now appears to be moving into overdrive.¶ Chinese aerospace firms have developed dozens of drones, known also as unmanned aerial vehicles, or UAVs. Many have appeared at air shows and military parades, including some that bear an uncanny resemblance to the Predator, Global Hawk and Reaper models used with deadly effect by the U.S. Air Force and CIA. Analysts say that although China still trails the U.S. and Israel, the industry leaders, its technology is maturing rapidly and on the cusp of widespread use for surveillance and combat strikes.¶ "My sense is that China is moving into large-scale deployments of UAVs," said Ian Easton, co-author of a recent report on Chinese drones for the Project 2049 Institute security think tank.¶ China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict.¶ China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula.¶ "China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI.¶ "The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said.¶ Though China claims its military posture is entirely defensive, its navy and civilian maritime services have engaged in repeated standoffs with ships from other nations in the South China and East China seas. India, meanwhile, says Chinese troops have set up camp almost 20 kilometers (12 miles) into Indian-claimed territory.

#### US precedent is key to prevent the collapse of our aircraft carriers and Chinese drone sales

Wood 12 [David, “American Drones Ignite New Arms Race from Gaza to Iran to China,” The Huffington Post, 11/27, <http://www.huffingtonpost.com/2012/11/27/american-drones_n_2199193.html>, ALB]\*\*we reject any offensive language used in this evidence

The drone wars are here.**¶** While President Obama ponders new legal and moral guidelines to govern America's growing use of armed robot aircraft, the world outside the White House is engaged in a revolutionary frenzy of building, arming and flying killer drones.**¶** Small, inexpensive and lethal, drones enable everyone from terrorists to theChinese People's Liberation Army to engage in what the Pentagon acknowledges is a new arms race with "alarming" consequences. More than 50 countries operate surveillance drones and, increasingly, are fitting them with weapons.**¶** The U.S. covertly uses armed drones to assassinate alleged terrorists or insurgents in Pakistan, Sudan and Somalia. In Pakistan alone, some 2,341 people identified as Taliban and al Qaeda leaders have been killed, according to one authoritative account. Armed drones are increasingly active in Afghanistan as well, where they've completed 1,160 strike missions since 2009, according to the latest Air Force data. American spy drones operate globally, from the Western Pacific to Iran, where a secret U.S. spy drone was shot down last December.**¶** But American drones are not alone in the sky. Spy drones routinely shadow U.S. aircraft carrier strike groups and other military exercises. Drones crisscross the Persian Gulf. Israeli drones have circled over Gaza during the recent fighting there. Experts say it's a rare conflict that doesn't attract spy drones; even the United Nations has considered using drones to monitor the fighting in Congo.**¶** Using unmanned (SIC) aircraft with cameras is nothing new, of course. But armed(SIC) drone technology is different: the rapidly spreading technology gives attackers a new edge, whether they are clandestine terrorist gangs or global superpowers. Small and highly maneuverable, drones can befuddle air defense systems built to intercept big, lumbering aircraft.**¶** In the dismaying history of war machinery, armed drones are a "game-changing technology, akin to gunpowder, the steam engine, the atomic bomb -- opening up possibilities that were fiction a generation earlier but also opening up perils that were unknown a generation ago," said Peter W. Singer**,** an expert on drone technology and its ramifications for the Brookings Institution, a Washington think-tank.**¶** A new Pentagon study frets that enemy drones could be a "very serious threat" to U.S. aircraft carriers in the Pacific and elsewhere, as well as to "supply convoys and other combat support assets which have not had to deal with an airborne threat in generations." On the battlefield, an enemy could create chaos and confusion simply by flooding the airspace with drones, and any U.S. bases within drone range would have to be closed, the report said.**¶** "For UAVs [Unmanned (SIC) Aerial Vehicles], the U.S. currently has limited dedicated defensive capabilities other than fighters or surface-to-air missiles, giving the enemy a significant asymmetric cost advantage," the Pentagon's Defense Science Board report concluded in its July 2012 study.**¶** In essence, **the study suggested,** armed drones are the equivalent of the Improvised Explosive Device (IED), a simple, cheap and effective weapon which has forced the U.S. to spend billions of dollars in defense while experiencing growing casualties: 1,330 Americans have been killed in Afghanistan by IEDs, including 125 so far this year.**¶** An incident early last month dispelled any doubts about the spread of drone technology. On Oct. 6, a small unmanned aircraft flew high over Israel's Mediterranean coast, headed for its nuclear reactor at Dimona. Soaring for 35 miles through heavily guarded Israeli airspace, the intruder was eventually shot down by an Israeli F-16.**¶** Against such small and maneuverable threats, Israel's missile defenses -- including its Arrow and Iron Dome missile defense systems, so effective against rockets fired from Gaza this month -- are less effective.**¶** Israeli officials speculated the drone in October was on a reconnaissance mission or possibly a practice run for a later suicide attack on the nuclear site. Hezbollah, the radical Islamic militia and political party based in Lebanon, later claimed that it had assembled and launched the drone. Experts said the aircraft was in all likelihood provided by Iran, which already has operational drones and claims its newest drone, the Shahed-129, has a range of 1,250 miles. The distance from Tehran to Tel Aviv: 988 miles.**¶** A day after Israel shot down the Hezbollah drone, an armed Israeli drone fired a missile that wounded two activists and eight passers-by in Gaza.**¶** On Nov. 1, two Iranian jet fighters fired multiple rounds at an American Predator drone over the Persian Gulf; the spy drone was conducting "routine surveillance," Pentagon spokesman George Little explained. The drone got away unharmed.**¶** Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.**¶** Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned (SIC) systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned (SIC) aircraft," the Pentagon study reported.

#### Chinese drones guarantee US-China war by destroying U.S. aircraft carriers and drones—They’ll use dong-feng missiles

Gertz 13(Bill has been a media fellow at the [Hoover Institution on War, Revolution and Peace](http://en.wikipedia.org/wiki/Hoover_Institution_on_War,_Revolution_and_Peace) at [Stanford University](http://en.wikipedia.org/wiki/Stanford_University), He has also written for [*National Review*](http://en.wikipedia.org/wiki/National_Review), [*The Weekly Standard*](http://en.wikipedia.org/wiki/The_Weekly_Standard) and *Air Force Magazine*. He has lectured on defense, national security, and media issues at the [Defense Department’s](http://en.wikipedia.org/wiki/United_States_Department_of_Defense) National Security Leadership Program, [Johns Hopkins University](http://en.wikipedia.org/wiki/Johns_Hopkins_University) School of Advanced International Studies, the [FBI National Academy](http://en.wikipedia.org/wiki/FBI_National_Academy), the [National Defense University](http://en.wikipedia.org/wiki/National_Defense_University), and the [CIA](http://en.wikipedia.org/wiki/CIA).[[3]](http://en.wikipedia.org/wiki/Bill_Gertz#cite_note-3) , March 26, [http://www.washingtontimes.com/news/2013/mar/26/china-stepping-drone-deployment/?page=all)\*\*we](http://www.washingtontimes.com/news/2013/mar/26/china-stepping-drone-deployment/?page=all)**we) reject any offensive language used in our evidence

[China](http://www.washingtontimes.com/topics/china/)’s military is expanding its unmanned aerial vehicle forces with a new Predator-like armed(SIC) drone and a new unmanned combat aircraft amid growing tensions with neighbors in Asia, according to United States intelligence officials. New unarmed drone deployments include the recent stationing of reconnaissance and ocean surveillance drones in Northeast Asia near [Japan](http://www.washingtontimes.com/topics/japan/) and the Senkaku islands and along [China](http://www.washingtontimes.com/topics/china/)’s southern coast. Drones also are planned for the South China Sea where [China](http://www.washingtontimes.com/topics/china/) has been encroaching on international waters and bullying nations of that region in asserting control over international waters, said officials familiar with intelligence reports. “Unmanned aerial vehicles are emerging as critical enablers for PLA long range precision strike operations,” said [Mark Stokes](http://www.washingtontimes.com/topics/mark-stokes/), a former military intelligence official now with the Project 2049 Institute. “A general operational PLA requirement appears to be persistent surveillance of fixed and moving targets out to 3,000 kilometers of Chinese shores.” [Japan](http://www.washingtontimes.com/topics/japan/), meanwhile, is developing and purchasing military drone capabilities to counter what it regards as Chinese aggression and Beijing’s growing military capabilities as Tokyo’s dispute with [China](http://www.washingtontimes.com/topics/china/) over the Senkaku islands intensifies, the officials said. After Chinese aircraft intruded into Japanese airspace over the Senkakus undetected late last year, Tokyo stepped up efforts to seek drone capabilities. The efforts include building an indigenous missile-tracking drone and high-altitude U.S. drones. So far, unlike Beijing, Tokyo asserts its drone will be unarmed, the officials said. “[China](http://www.washingtontimes.com/topics/china/) has started deploying UAVs for reconnaissance and oceanic surveillance purposes in the vicinity of disputed maritime territories, such as the Senkaku Islands,” said one military source. Of particular concern to [U.S. intelligence](http://www.washingtontimes.com/topics/us-intelligence/) agencies are two new missile-equipped drones known as the CH-4 and [Yi](http://www.washingtontimes.com/topics/yi/) Long. The aircraft were shown off along with six other military drones at a major Chinese arms show last November in Zhuhai. Photos of the drones reveal the designs appear to be copied from the U.S. Predator armed(SIC) drone that has been leading the [Obama administration](http://www.washingtontimes.com/topics/barack-obama/)’s war on [al Qaeda](http://www.washingtontimes.com/topics/al-qaeda/) in [Pakistan](http://www.washingtontimes.com/topics/pakistan/) and elsewhere. Photos of the CH-4 show it armed with Blue Arrow-7 anti-tank missiles that appear similar in size to the U.S. Hellfire fired from Predators. Even more of a concern, according to the officials, are intelligence reports from Asia indicating that [China](http://www.washingtontimes.com/topics/china/) is well along in building a large stealth unmanned combat aerial vehicle (UCAV)—an upiloted jet—that was revealed recently in an online [Chinese military](http://www.washingtontimes.com/topics/peoples-liberation-army/) video. The drone combat jet is nearly identical in shape to the experimental batwing-shaped U.S. Air Force X-47B currently under development. The X-47B was tested on an aircraft carrier in December. The Chinese UCAV is expected to have enough range to reach the U.S. island of [Guam](http://www.washingtontimes.com/topics/guam/), some 1,800 miles from the Chinese coast and the hub of the [Pentagon](http://www.washingtontimes.com/topics/pentagon/)’s shift to Asia, officials said. Video and photos of the Chinese UCAV were posted on [Chinese military](http://www.washingtontimes.com/topics/peoples-liberation-army/) enthusiast Internet sites recently. Also, a model of the drone combat jet was on display at Zhuhai. The aircraft is being built by the China Shenyang Aerospace Institute and could be deployed on [China](http://www.washingtontimes.com/topics/china/)’s new aircraft carrier, officials said. [Richard Fisher](http://www.washingtontimes.com/topics/richard-fisher/), a [China](http://www.washingtontimes.com/topics/china/) military analyst with the [International Assessment](http://www.washingtontimes.com/topics/international-assessment/) and [Strategy Center](http://www.washingtontimes.com/topics/strategy-center/), said the first prototype flying wing UCAV was completed at [China](http://www.washingtontimes.com/topics/china/)’s [Hongdu Aircraft Corp](http://www.washingtontimes.com/topics/hongdu-aircraft-corp/) in mid-December. The drone weighs 10 to 14 tons and could be carrier based. “This means that the **U**.S. attempt to ‘outrange’ an emergent PLA anti-access systems, like the DF-21D anti-ship ballistic missile, could soon be outflanked by a new PLA carrier-based UCAV,” [Fisher](http://www.washingtontimes.com/topics/richard-fisher/) said. [Japan](http://www.washingtontimes.com/topics/japan/), alarmed at fierce Chinese reaction to its efforts to solve the Senkakus dispute by nationalizing several of the uninhabited but oil-rich islands last year, is bolstering its military forces with both missile-detecting and maritime surveillance with drones. [Japanese Defense Ministry](http://www.washingtontimes.com/topics/japanese-defense-ministry/) officials, quoted in press reports, have called the purchase of several long-range U.S. Global Hawk surveillance drones an urgent priority. Tokyo is seeking up to three Global Hawks by 2015 but could speed up purchases in response to what it regards as growing Chinese aggressiveness toward [Japan](http://www.washingtontimes.com/topics/japan/) over the Senkakus. The [U.S. military](http://www.washingtontimes.com/topics/us-military/) currently has Global Hawks deployed at [Guam](http://www.washingtontimes.com/topics/guam/). The Japanese do not plan to develop armed drones and plan to limit initial purchases to the Global Hawk, which fly nearly 60,000 feet for extended missions. It is able to track vessels using sensors and radar. [Japan](http://www.washingtontimes.com/topics/japan/) also is developing an unmanned drone aircraft that will be used to detect North Korean nuclear missile attacks and to counter the [Chinese military](http://www.washingtontimes.com/topics/peoples-liberation-army/) buildup, the officials said. The anti-missile drone program is being developed over the next four years with the first drone deployed by 2020. It will use infrared sensors designed to detect missiles shortly after launch. [China](http://www.washingtontimes.com/topics/china/)’s drone program is believed to have benefitted from its aggressive economic and cyber espionage operations against the United States. Those efforts have included breaking into both government and defense industry networks and stealing valuable drone technology. Officials also said [China](http://www.washingtontimes.com/topics/china/)’s drone program is receiving a boost from an unlikely source: Taiwan. The [largest Chinese drone production center](http://www.washingtontimes.com/topics/strategy-center/) is being built at Wuhan in Hubei province, site of a joint construction project by [China](http://www.washingtontimes.com/topics/china/)’s Wuhan Visiontek Inc. and Taiwan’s Carbon-Based Technology, Inc. Officials said [China](http://www.washingtontimes.com/topics/china/) launched a crash program to develop military drones beginning around 2007. Beijing is planning a range of unmanned aircraft capabilities, including high-altitude, long-endurance drones, integrated air and sea warfare drones, sea-based drones and UCAVs. More than 60 drones were on display in Beijing last June, including a drone helicopter, and a drone with simulated birds’ wings. Additionally, officials have said drone bases are being set up in the South China Sea to monitor Scarborough reef, which is claimed by Philippines and [China](http://www.washingtontimes.com/topics/china/); Macclesfield Bank; the Paracel Islands; and the Spratly Islands. [China](http://www.washingtontimes.com/topics/china/) also is using drone to monitor the Socotra Reef claimed by South Korea. A report made public March 11 by the Project 2049 Institute on Chinese drones estimated that [China](http://www.washingtontimes.com/topics/china/) has more than 280 military drones. “The PLA has developed one of the largest and most organizationally complex UAV programs in the world,” [the report stated.](http://issuu.com/openbriefing/docs/pla_uav_project) For the immediate future, the Chinese drones are monitoring disputed maritime and land boundaries that are likely to “increase tensions” since other states in the region lack the same capabilities. “**Like any new capability, UAVs may encourage the inexperienced to overreach and engage in risk taking,” the report said. “There could be a sense that because human pilot lives are not at stake, operators can push farther than they otherwise might**.” **An isolated UAV attack during a crisis** also **could lead to a major conflict**. “In the future, **PRC decision-makers might feel compelled to order ‘plausibly deniable’ UAV attacks as a means of sending a political signal only to inadvertently wind up escalating tensions**,” the report said. Over the long term, Chinese drones will support the expansion of [Chinese military](http://www.washingtontimes.com/topics/peoples-liberation-army/) operational areas by pushing the ability to hit targets further into the western Pacific. The report said [China](http://www.washingtontimes.com/topics/china/) likely will use its UAV force for targeting and guidance of the DF-21D anti-ship ballistic missile designed to strike U.S. aircraft carriers more than a thousand miles from [China](http://www.washingtontimes.com/topics/china/)’s coast. “While the potential for a large scale conflict in the region currently appears low, the lack of adequate preparation for worst case scenarios could encourage and invite adventurous adversary behavior, ultimately increasing risks to peace and stability,” the report stated.

#### Dong-feng missiles are the biggest threat—The US is unprepared

Johnson 13 (Robert, Jan 25, “China Successfully Tests 'Carrier Killer' Missile In The Gobi Desert [REPORT]”)

China's PLA "sunk" a U.S. aircraft carrier during a war game in remote China using its DF-21D "Carrier Killer" missile, reports Taiwan paper [Want China Times](http://www.wantchinatimes.com/news-subclass-cnt.aspx?id=20130123000112&cid=1101). The China Times is a 63 year old Taiwanese paper slightly [slanted toward unification](http://www.washingtonpost.com/world/tycoon-prods-taiwan-closer-to-china/2012/01/20/gIQAhswmFQ_story.html), but with a solid reputation and accurate reporting. The Times report originates with a Google Earth image published at [SAORBOATS](http://www.saorbats.com.ar/foro/index.php) Argentinian internet forum. The photo shows two big craters on a 600 foot platform deep in China's Gobi desert t**hat Chinese military testers used to simulate the flight deck of an aircraft carrier.** There has been [talk of the DF-21 for years](http://www.businessinsider.com/china-fire-carrier-killer-missile-taiwan-elections-2011-12) with estimates of its range, threat, and theater changing implications, but this could be the first known test of the rocket. The **Dong-Feng-21D ballistic missile is expected to ring China's coast on its truck-mounted launcher, posing a significant threat to U.S. Naval forces in the region.**

#### Drones are the biggest internal link to conflict

Koebler 13 (Jason is a Science and Technology Reporter and graduated from [University of Maryland College Park](http://www.linkedin.com/edu/school?id=18570), March 14, “Report: Chinese Drone 'Swarms' Designed to Attack American Aircraft Carriers”, [http://www.usnews.com/news/articles/2013/03/14/report-chinese-drone-swarms-designed-to-attack-ariersmerican-aircraft-car](http://www.usnews.com/news/articles/2013/03/14/report-chinese-drone-swarms-designed-to-attack-american-aircraft-carriers))

"**When** the **Chinese look at UAVs,** **they see tremendous capabilities for high-end conflict**. We've been using them for low-intensity situations," Easton says. "The **Chinese have done an overwhelming number of studies discussing using UAVs as having the capabilities of hitting U.S. aircraft carrier strike groups. That's what they're planning to do."** Easton says that in China, UAV development is studied by nearly every company that has its hands in aerospace technology. Other military tools are often built by a couple companies focused in a city or two, but the sheer scale of the Chinese drone industry might lead the country to innovate faster than the U.S. can. "**We** generally **don't worry about** the **Chinese building a better submarine, fighter plane, or** aircraft **carrier than us, but with UAVs**, I think it might be a little different," he says. "They have organized their UAV programs in such a way where they could be very innovative in terms of weapon systems."

#### South China Sea conflict goes nuclear—Tensions are high

Dupont 13 [“High stakes tension on the China Seas”, Alan Dupont, The Australian, 12 March 2013]

It is clear that **the Senkaku/Diaoyu islands in the East China Sea have become the most dangerous, high-stakes maritime dispute** in East Asia **as a** lightning rod **for** **long-standing historical animosities**and rising Sino-Japanese tensions over their respective places in the region's new order.¶It **is not simply a territorial dispute amenable to resolution by legal adjudication or reasonable political accommodation**. This much is clear from the recent Falklands Islands analogy by Japanese Prime Minister Shinzo Abe, who has put Beijing on notice that he is determined to defend the Senkakus against perceived Chinese encroachments, whatever the cost.¶¶ Many observers are sceptical that Abe will match his words with deeds, given the disappointments of his first term, his reputation for pragmatism and deeply entrenched pacifist sentiment in Japan. But **public attitudes towards China are hardening, providing more political space for Abe to play the role of defender of the national interest.** Moreover, a consensus is emerging among Japan's previously quiescent foreign policy and strategic community, that the Senkakus are critical strategic links in the island chain running from Japan to Indonesia that geographically constrains China's maritime ambitions, and they must not be allowed to fall into Chinese hands**.¶¶Should China take control of the Senkakus, they could quickly garrison the islands as they have in the South China Sea, building heliports and radar installations** which would allow them to gather unique intelligence on the activities of Japanese and American forces on nearby Okinawa and the Sakashima Islands. **This would significantly weaken US and Japanese control of the western Pacific**, complicate the defence of Taiwan and **breach what China has long regarded as an enclosing maritime ``great wall''**.¶¶ These strategic anxieties are increasingly driving Japanese and US policy on the Senkakus, and the jockeying for naval pre-eminence in the East and South China Seas explains much about China's preparedness to assert its territorial claims extending as far south as Indonesia's Natuna Islands, thousands of kilometres from the Chinese mainland.¶¶ Japan's options are few. They include appeasement and confrontation. But each, for diametrically opposed reasons, would be high-risk choices. Appeasement would only encourage China to ratchet up its pressure on Japan to make further territorial concessions. Confrontation risks serious military conflict, which is in no one's interests, least of all Japan's.¶¶ Abe knows this and is likely to pursue a more calibrated, carrot and stick approach, combining elements of co-operation and deterrence. Militarily, the key elements of his strategy are already apparent, notably a willingness to boost defence spending, redeploy significant numbers of troops to the southern region of Japan, increase intelligence collection against China, and the Peoples Liberation Army in particular, and loosen the self-imposed restraints on the export of sensitive defence technologies.¶¶ Politically, **Abe has toughened his language on China, sought and received reassurances from the Obama administration that the Senkakus fall within the terms of the US-Japan Security Agreement** and, unusually in post-war Japan, appealed to Japanese patriotism. He has also reminded China of the enormous investment both countries have in the relationship and that his door remains open to dialogue.¶¶ This constitutes a more coherent and workable strategy which ought to give the equally new Chinese leadership pause for reflection, provided Abe sticks to his guns. The worry is that already inflamed Chinese nationalism, never far from the surface on matters Japan, could be deliberately fanned by a PLA intent on dominating China's eponymously named contiguous seas, making it difficult for China's leader, Xi Jinping, to take a more conciliatory approach.¶¶**The unwillingness of the Chinese government to curb provocative public interventions by Chinese military representatives is not reassuring**. Along with credible reports that the PLA is engaged in aggressive, widespread cyber hacking, this indicates that **hawks in the Chinese** **military have aspirations to play a far more influential role in Chinese domestic and foreign policy** than has been the case since the early years of the Chinese Peoples Republic. This is not good news for Sino-Japanese relations.¶¶ Abe has to be careful that in taking a firmer stance on the islands, he does not provide China's hawks with gratuitous opportunities for exploiting existing tensions. But he should also resist any demands by Japan's own hawks for the military to pre-emptively occupy the Senkakus and establish a garrison force there. **This would almost certainly** trigger a countervailing Chinese response **and further complicate attempts totake the heat out ofwhat threatens to rival North Korea's nuclear weapons program as East Asia's number one security concern**.

### Advantage 2 – Pakistan

#### Advantage Two is Pakistan—

#### Current drone policy makes instability in Pakistan inevitable and triggers a coup

Boyle 13 [Michael J., Assistant Professor of Political Science at La Salle University in Philadelphia, “The costs and consequences of drone warfare,” <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, ALB]\*\*we reject any offensive language used in this evidence  
Pakistan¶ The escalation of drone strikes in Pakistan to its current tempo—one every few ¶ days—directly contradicts the long-term American strategic goal of boosting the ¶ capacity and legitimacy of the government in Islamabad. Drone attacks are more ¶ than just temporary incidents that erase all traces of an enemy. They have lasting ¶ political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about ¶ because drones provide a powerful signal to the population of a targeted state that ¶ the perpetrator considers the sovereignty of their government to be negligible.¶ The popular perception that a government is powerless to stop drone attacks on its ¶ territory can be crippling(SIC) to the incumbent regime, and can embolden its domestic ¶ rivals to challenge it through violence. Such continual violations of the territorial integrity of a state also have direct consequences for the legitimacy of its ¶ government. Following a meeting with General David Petraeus, Pakistani President Asif Ali Zardari described the political costs of drones succinctly, saying that ¶ ‘continuing drone attacks on our country, which result in loss of precious lives ¶ or property, are counterproductive and difficult to explain by a democratically ¶ elected government. It is creating a credibility gap.’ Similarly, the Pakistani High ¶ Commissioner to London Wajid Shamsul Hasan said in August 2012 that¶ what has been the whole outcome of these drone attacks is that you have directly or ¶ indirectly contributed to destabilizing or undermining the democratic government. ¶ Because people really make fun of the democratic government—when you pass a resolution against drone attacks in the parliament and nothing happens. The Americans don’t ¶ listen to you, and they continue to violate your territory.76¶ The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing ¶ perception that the Pakistani civilian government is unable to stop drone attacks is ¶ particularly dangerous in a context where 87 percent of all Pakistanis are dissatisfied with the direction of the country and where the military, which has launched ¶ coups before, remains a popular force.¶ The political effects of this signal are powerful and lasting even when the ¶ reality of the relationship between the perpetrator and the targeted state is more ¶ complex. For example, the government of Pakistan has been ambivalent about ¶ drone strikes, condemning them in some cases but applauding their results in ¶ others. Much has been made of the extent to which the Pakistani government ¶ has offered its ‘tacit consent’ for the US drone strikes on its territory. The US ¶ has been willing to provide details on drone strikes after the fact, but has refrained ¶ from providing advance warning of an attack to the Pakistani government for fear ¶ that the information might leak. Pakistan has been operationally compliant with ¶ drone strikes and has not ordered its air force to shoot down drones in Pakistani ¶ airspace. Despite official denials, it has been revealed that the Pakistani government has permitted the US to launch drones from at least one of its own airbases.80¶ Whatever the complexity of its position and the source of its ambivalence over ¶ drone strikes, the political effects of allowing them to escalate to current levels ¶ are increasingly clear. The vast expansion of drone warfare under the Obama ¶ administration has placed enormous pressure on Pakistan for its complicity with the US, multiplied the enemies that its government faces and undermined parts of ¶ the social fabric of the country. By most measures, Pakistan is more divided and ¶ unstable after the Obama administration’s decision to ramp up the tempo and scale ¶ of drone attacks than it was during the Bush administration.

#### Drones strikes aren’t ending—Kerry’s statement was wrong

Mazzetti and Landler 13 [Mark and Mark, NYT, “Despite Administration Promises, Few Changes in Drone War,” <http://www.nytimes.com/2013/08/03/us/politics/drone-war-rages-on-even-as-administration-talks-about-ending-it.html?pagewanted=all&_r=0>, ALB]

¶ ¶ There were more drone strikes in Pakistan last month than any month since January. Three missile strikes were carried out in Yemen in the last week alone. And after Secretary of State John Kerry told Pakistanis on Thursday that the United States was winding down the drone wars there, officials back in Washington quickly contradicted him.¶ ¶ ¶ More than two months after President Obama signaled a sharp shift in America’s targeted-killing operations, there is little public evidence of change in a strategy that has come to define the administration’s approach to combating terrorism.¶ ¶ Most elements of the drone program remain in place, including a base in the southern desert of Saudi Arabia that the Central Intelligence Agency continues to use to carry out drone strikes in Yemen. In late May, administration officials said that the bulk of drone operations would shift to the Pentagon from the C.I.A.¶ ¶ But the C.I.A. continues to run America’s secret air war in Pakistan, where Mr. Kerry’s comments underscored the administration’s haphazard approach to discussing these issues publicly. During a television interview in Pakistan on Thursday, Mr. Kerry said the United States had a “timeline” to end drone strikes in that country’s western mountains, adding, “We hope it’s going to be very, very soon.”¶ ¶ But the Obama administration is expected to carry out drone strikes in Pakistan well into the future. Hours after Mr. Kerry’s interview, the State Department issued a statement saying there was no definite timetable to end the targeted killing program in Pakistan, and a department spokeswoman, Marie Harf, said, “In no way would we ever deprive ourselves of a tool to fight a threat if it arises.”¶ ¶ Micah Zenko, a fellow with the Council on Foreign Relations, who closely follows American drone operations, said Mr. Kerry seemed to have been out of sync with the rest of the Obama administration in talking about the drone program. “There’s nothing that indicates this administration is going to unilaterally end drone strikes in Pakistan,” Mr. Zenko said, “or Yemen for that matter.”

#### Pakistani instability and a coup goes nuclear

Pitt 9 - a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn't Want You to Know" and "The Greatest Sedition Is Silence." (5/8/09, William, “Unstable Pakistan Threatens the World,” http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183)

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But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all.Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weaponsin its hip pocket,right in the middle ofone ofthe most dangerous neighborhoods in the world.The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact thatPakistan, andIndia, and Russia, and China all possess nuclear weaponsand share the same space means any ongoing or escalating violence over there hasthe real potential to crack open the very gates of Hellitself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools.About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believedPakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spinesof those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armedIndia couldbe galvanized into military actionof some kind,as couldnuclear-armedChina ornuclear-armedRussia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured,the specter (or reality) ofloose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster.We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely serious about addressing the situation. So should we all.

#### Drone strikes uniquely destroy relations—They’re the biggest reason for anti-American sentiment

Boyle 13 [Michael J., Assistant Professor of Political Science at La Salle University in Philadelphia, “The costs and consequences of drone warfare,” <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, ALB]

Drone strikes have an invidious and subtle effect on the social fabric of the societies ¶ where they occur. Drones do not just affect their targets, but spread fear and suspicion throughout the society in unexpected ways. As Brian Glyn Williams has ¶ noted, in Pakistan drones are often described by local villagers as machays (wasps) ¶ for their stings or bangana (thunder) for their ability to strike without warning.114¶ While drones terrify their intended targets, innocent villagers are equally terrified of being in the wrong place at the wrong time when an attack occurs. Drones ¶ produce among the civilian population a ‘wave of terror’ which has been described ¶ by some mental health professionals as ‘anticipatory anxiety’.David Rohde, ¶ a journalist who was captured and held by the Taliban, has described the fear ¶ produced by drone strikes as the aircraft were heard whirring overhead for hours ¶ at a time and calls them a ‘potent, unnerving symbol of unchecked American ¶ power’.116 This fear leads ordinary civilians to refrain from helping those wounded ¶ in drone strikes in case they are targeted in a ‘double tap’ strike. Drones have ¶ inhibited normal economic and social activity, and even made parents reluctant ¶ to send their children to schools that might be accidentally targeted. The drones ¶ have also turned neighbours on neighbours and fuelled communal mistrust in a ¶ society where overlapping family, tribal and social ties are crucial. The targets of ¶ drone strikes are often pinpointed by paid informants who place small electronic ¶ targeting devices in the homes or vehicles of suspected terrorists.118 Yet there is no ¶ way to tell whether these chips are left with real terrorist operatives or with those ¶ against whom the informant has a personal grudge. Rumours of these chips have ¶ produced high levels of mistrust in the community as ‘neighbors suspect neighbors of spying for the US, Pakistani or Taliban intelligence or using drone strikes ¶ to settle feuds’. While the drones circling overhead spread fear throughout the ¶ population and disrupt normal life, the suspicion produced by these chips and ¶ other means of nominating targets have eroded the trust that underlies much of ¶ religious, economic and political life in these societies.¶ The use of drones also has a series of second-order political effects that must ¶ be weighed against advantages accrued through the killing of terrorist operatives. ¶ Drones can subject governments to high levels of political pressure that make ¶ compliance with US requests more costly. They can multiply the ranks of enemies ¶ in insurgencies and undermine the social fabric that allows many of these societies ¶ to function. Many of these consequences are systematically discounted in analyses ¶ of drones that focus exclusively on how many terrorists are killed relative to civilians. More generally, these costs illustrate a central inconsistency of American ¶ policy: that if the commitment to degrade or destroy terrorists is put into practice with drone strikes, it will damage the perceived competence and legitimacy of ¶ governments that the US is most dependent upon for counterterrorism cooperation. The long-term goal of building strong and legitimate governments that can ¶ police their territory and work as reliable partners with the United States is undermined by a drones-first policy that sidelines these governments or treats them as ¶ subservient accomplices to the brute exercise of American power.

#### US-Pakistan relations are key to resolve Kashmir—Prevents Indo-Pak war

Riedel 8 Bruce, senior fellow in the Saban Center for Middle East Policy at the Brookings Institution, (“Pakistan and Terror: The Eye of the Storm”, The annals of the American academy of political and social science, July, 2008, sage journals)

But this does not rule out an option that would involve a major effort to resolve the Kashmir problem on a more realistic basis. The basis for such an approach would be to complement the ongoing Indo-Pakistani bilateral dialogue. That dia- logue has already produced a series of confidence-building measures between the two countries, reopening transportation links, setting up hotlines between military commands, and holding periodic discussions at the foreign secretary level on all the issues that divide the two. Unfortunately, the dialogue has not seriously addressed the Kashmir issue because of the significant gulf between the two parties and India’s refusal to negotiate while still a target of terrorist attacks planned and organized in Pakistan. The United States has been reluctant to engage more actively in the Kashmir dispute in light of the Indian posture that outside intervention is unwarranted and that Kashmir is a purely bilateral issue. Faced with the likelihood of India’s rejection of outside intervention, American diplomacy has put the Kashmir prob- lem in the “too hard” category and left it to simmer. The results are all too pre- dictable. The Kashmir issue periodically boils over, and the United States and the international community have to step in to try to prevent a full-scale war. This was the case during the Kargil crisis in 1999, after the terrorist attack on the Indian parliament in 2001, and again in 2002 when India mobilized its army for war on the Pakistani border. A unique opportunity for quiet American diplomacy to help advance the Kashmir issue to reach a better, more stable solution may exist in 2009. The U.S.- India nuclear deal agreed to during President Bush’s July 2005 visit to South Asia should create a more stable and enduring basis for U.S.-Indian relations than at any time in history. The deal removes the central obstacle to closer strategic ties between Washington and New Delhi: the nuclear proliferation problem, which has held back the development of their relationship for two decades. In the new era of U.S.-Indian strategic partnership, Washington should be more prepared to press New Delhi to be more flexible on Kashmir. It is clearly in the American interest to try to defuse a lingering conflict that has generated global terrorism and repeatedly threatened to create a full-scale military con- frontation on the subcontinent. It is also in India’s interest to find a solution to a conflict that has gone on for too long. Since Kargil, India has been more open to an American role in Kashmir because it senses Washington is fundamentally in favor of a resolution on the basis of the status quo, which favors India. The United States currently has better relations with both India and Pakistan than at any time in the past several decades. The U.S. rapprochement with India, begun by President Clinton and advanced by President Bush, is now supported by an almost unique bipartisan consensus in the American foreign policy estab- lishment and the Congress. At the same time, U.S.-Pakistani relations are stronger now than at any time since the Reagan years, and the sanctions that poi- soned U.S.-Pakistani ties for decades have been removed by legislation sup- ported by both Republicans and Democrats. It is a unique moment. A Kashmir solution would have to be based around a formula for both making the line of control a permanent and normal international border (perhaps with some minor modifications) and creating a permeable frontier between the two parts of Kashmir so that the Kashmiri people could live more normal lives. A spe- cial condominium might be created to allow the two constituencies to work together on issues that are internal to Kashmir, such as transportation, the envi- ronment, sports, and tourism. It is unlikely that the two states will be able to reach such an agreement on their own given the history of mistrust that pervades both sides of the problem. A quiet American effort to promote a solution, led by the next U.S. president, is probably essential to any effort to move the parties toward an agreement. Resolution of the Kashmiri issue would go a long way to making Pakistan a more normal state and less preoccupied with India. It would also remove a major rationale for the army’s disproportionate role in Pakistani national security affairs, thus helping to restore genuine civilian democratic rule in the country. A resolution of the major outstanding issue between Islamabad and New Delhi would reduce the arms race between the two countries and the risk of nuclear conflict. And it would remove the need for Pakistan to find allies, such as the Taliban, LeT, and al Qaeda, to fight asymmetric warfare against India. Of course, it would not resolve all the tensions between the two neighbors or end the problem of the Taliban in Afghanistan. But more than anything else it would set the stage for a different era in the subcontinent and for more produc- tive interaction between the international community and Pakistan. The alternative is to let Kashmir simmer and avoid trying to find a means to advance the Indo-Pakistani dialogue. In the long run, this approach is virtually certain to lead to another crisis in the subcontinent. Sooner or later, the two countries will again find themselves on the precipice of war. In a worst-case sce- nario, a terrorist incident like the July 2006 metro bombings in Mumbai or the hijacking of IA 814 could spark an Indian military response against targets in Pakistan allegedly involved in the planning and orchestration of terrorism. And that could lead to nuclear war. The next president must adopt a more sophisticated approach to Pakistan and its terror nexus that goes beyond threats and sanctions, beyond commando raids and intelligence cooperation, beyond aid and aircraft sales. It is time to come to grips with what motivates Pakistan’s behavior and make peace.

#### Extinction

Korb 12 Senior Fellow Center for American Progress, (Lawrence- Assistant Secretary of Defense under Reagan, (Lawrence, March/April, “No first use: The way to contain nuclear war in South Asia” Bulletin of Atomic Scientists, Vol 68 No 2, p 34-42, SagePub)

In the twenty-first century, the Indian subcontinent has surpassed Europe as the most likely region for nuclear war. Over the past three decades, the Cold War giants—the United States and Russia—have reduced their nuclear arsenals by more than 70 percent (Cirincione, 2011). Meanwhile, India and Pakistan have begun the world’s second nuclear arms race. Since their partition in 1947, India and Pakistan have fought three major wars and remained on the brink of conflict for more than six decades. The South Asian neighbors carried out rival nuclear weapons tests in 1998 and are now estimated to possess at least 80 nuclear weapons each (Oswald, 2011). Pakistan has more than doubled the size of its arsenal in the past four years, likely as a means of countering India’s greater conventional strength (Korb and Rothman, 2011). As these countries develop more advanced nuclear capabilities, chances increase that even a relatively small skirmish could escalate into a nuclear conflict. For example, earlier this year, Pakistan announced it had tested a small nuclear warhead designed to be used against invading troops on Pakistani soil (The Economist, 2011). A nuclear war between India and Pakistan would be an absolute catastrophe. A Natural Resources Defense Council study found that even a limited nuclear exchange consisting of as few as 10 warheads could result in about three million casualties (Natural Resources Defense Council, 2002). Moreover, the effects of such a conflict would not be confined to South Asia: According to a recent article in Scientific American, a major regional nuclear conflict could spark a global “nuclear winter,” with worldwide implications for agriculture (Robock and Toon, 2010). Given the terrible effects of a nuclear exchange, much ink has been spilled articulating policies to prevent war, particularly a nuclear war, between India and Pakistan. However, little has been written about how the United States should respond if diplomacy fails—that is, if a nuclear war breaks out between India and Pakistan, how can the United States contain the conflict so it does not come to involve other nations with alliances or interests in the region and significantly larger nuclear arsenals? Foreign interests and the Indian subcontinent On the surface, preventing foreign intervention in a nuclear conflict appears to be a simple task. Asking how to keep countries from jumping into a nuclear war seems like asking how people can be kept from running into burning buildings. It’s not hard; they have plenty of reasons to steer clear. But the web of alliances, rivalries, and power politics on the Indian subcontinent means that foreign intervention in any major conflict between India and Pakistan—even a nuclear one—cannot be discounted. China, in particular, has close ties to Islamabad and views Pakistan as integral to its strategy of containing Indian influence on the subcontinent. Beijing—which has provided military and, allegedly, nuclear aid to Islamabad—would almost certainly provide some sort of support to Pakistan, be it covert or open, in the event of a conflict with India. Such assistance could enflame the smoldering rivalry between Beijing and New Delhi.1 China is not the only nation with strong strategic interests in the region. As the United States attempts to extricate itself from Afghanistan without further destabilizing Central Asia, it will need the support of both India and Pakistan, who have dramatically different visions for the future of Afghanistan. The United States has long had an on-and-off relationship with Pakistan and now needs Islamabad’s support in cracking down on the region’s terrorist organizations. Pakistan, on the other hand, worries that when the NATO mission in Afghanistan ends, the Indians and Afghanis will join forces to encircle it. The United States is also seeking to establish a strategic partnership with India, cemented in part with a civilian nuclear cooperation agreement signed by the Bush administration. Finally, Russia has had a long-term relationship with India and is concerned about increasing Chinese influence on the subcontinent. The outbreak of hostilities between India and Pakistan is more than a remote possibility. The contentious issue of Kashmir presents one road to conflict. This territorial dispute has already prompted the two South Asian powers to go to war twice, and India and Pakistan remain far from resolving their differences on the disputed region. An attack by a terrorist organization with ties to Islamabad presents a second and far more frightening path to conflict. In 2008, the terrorist group Lakshar-e-Taiba carried out a brutal attack on Mumbai, India’s largest city, killing more than 160 people and bringing the city to a standstill for two days. A gunman captured in the attack said he trained in Pakistan for more than a year (Perlez and Sengupta, 2008). Lakshar-e-Taiba is widely believed to have ties to elements of the Pakistani government’s intelligence agency, and it operates and recruits openly in Pakistan (Goldberg and Ambinder, 2011). Further, Lakshar-e-Taiba is hardly the only militant organization with a hatred of India and connections to the Pakistani military or its intelligence service. While India showed tremendous restraint in responding to the Mumbai attacks, there are no guarantees that it would choose to restrain itself after another such incident.

### Solvency

#### Authority of District Courts judges are key—Most effective and speedy process

Rushforth 12 [Elinor June, Fall, Arizona Journal of International and Comparative Law, There's An App For That: Implications Of Armed Drone Attacks And Personality Strikes By The United States Against Non-Citizens, 2004-2012, .D. candidate, University of Arizona, James E. Rogers College of Law, Class of 2013]

Regardless of the type of judicial mechanism used to ensure the lawfulness of a targeted killing, the Chief Justice of the U.S. Supreme Court should designate district court judges from every region where CIA drone operators are stationed, with several in the District of Columbia. These judges will preside over courts with jurisdiction to "hear applications and grant orders," whose job would be approving or rejecting targeted killing warrants. n202 The hearings will be held expeditiously and records will be kept according to security measures "established by the Chief Justice in consultation with the Attorney General and the Director of National Intelligence." n203¶ The application for an order approving a targeted killing will be submitted by a designated CIA official, or DOJ official in conjunction with the CIA investigative team, "in writing upon oath or affirmation" after review and [\*654] approval by the supervisor of the drone program at a given outpost. n204 This application will include all necessary and pertinent information needed for the judge's decision. n205 This information shall include who the target is (if known), what action or information led to this targeting, any informant information, imminent threat analysis, known links to terrorists or terrorist organization, and a distinction and proportionality analysis (if available).¶ These warrants could be made before locating a target. Once a suitable application has been assembled, the designated official may submit the application and receive a warrant that would be good for a specific period. If the target is not found within that period, a renewal request may be made by adding an addendum to the above described application with any new and pertinent information. n206 An expedited process would also apply to newly acquired targets by which the CIA official could make an emergency application. Further, an authorization made by the President, through the Attorney General, could bypass this application process in appropriate exigent circumstances. There would also be a semi-annual report to Congress from CIA officials on targeted killing application procedures. An act creating this court would also address sanctions and liabilities, likely monetary fines or professional sanctions, of CIA and DOJ officials who do not comply with the procedures. Although any judicial action that encroaches on the Executive's autonomy in the national security realm will likely face pushback, judicial review is an important check on the Executive's power. To assuage the separation of powers issues that could arise in the creation of this court on targeted killing and drone strike operations, the legislative and judicial branches will have to ensure they are not unconstitutionally restricting the President's authority.

#### Strict Scrutiny is key—Requires evidence based verification and definitional restraint which prevents civilian casualties and reestablish credibility

Guiora 12 [Amos, Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Drone Policy: A Proposal Moving Forward,” <http://jurist.org/forum/2013/03/amos-guiora-drone-policy.php>, ALB]

Targeted killing sits at the intersection of law, morality, strategy and policy. I am a proponent of targeted killing because it enables the state to protect its innocent civilian population. However, my support for targeted killing is conditioned on the process being subject to rigorous standards, criteria and guidelines.¶ My advocacy of both targeted killing and criteria-based decision-making rests largely on 20 years of experience with a "seat at the table" of operational counterterrorism. The dangers inherent in the use of state power are enormous. On the opposite side of the equation, however, is the terrible cost of terrorism; after all, terrorists deliberately target innocent civilians.¶ However, broad definitions of imminence combined with new technological capabilities drastically affect the implementation of targeted killing ¶ predicated on legal and moral principles. The recently released US Department of Justice (DOJ) "white paper" regarding the Obama administration's drone policy defines "imminence" so expansively there need not be clear evidence of a specific attack to justify the killing of an individual, including US citizens. This extraordinary broadness creates a targeted killing paradigm akin to interrogation excesses under the Bush administration that followed in the wake of the Bybee Memo.¶ The solution to this search for an actionable guideline is adoption of a strict scrutiny standard which would enable operational engagement of a non-state actor predicated on intelligence information subject to admissibility standards akin to a court of law. Such intelligence would have to be reliable, material and probative.¶ To re-phrase, this strict scrutiny test seeks to strike a balance by enabling the state to act sooner but § Marked 10:10 § subjecting that action to significant restrictions. This paradigm would be predicated on narrow definitions of imminence and legitimate targets. Rather than enabling the consequences of the DOJ memo, the strict scrutiny test would ensure implementation of person-specific operational counterterrorism. That is the essence of targeted killing conducted in accordance with the rule of law and morality in armed conflict.¶ This proposal is predicated on the understanding that, while nation states need to engage in operational counterterrorism, mistakes regarding the correct interpretation and analysis of intelligence information can lead to tragic mistakes. Adopting admissibility standards akin to criminal law minimizes operational error.¶ Rather than relying on the executive branch to make decisions in a "closed world" devoid of oversight and review, the intelligence information justifying the proposed action must be submitted to a court that would ascertain the information's admissibility. The discussion before the court would necessarily be conducted ex parte; however, the process of preparing and submitting available intelligence information to a court would significantly contribute to minimizing operational error that otherwise would occur.¶ The logistics of this proposal are far less daunting than might seem — the court before which the executive would submit the evidence is the US Foreign Intelligence Surveillance Court (FISA Court), established by the Foreign Intelligence Surveillance Act. Presently, FISA Court judges weigh the reliability of intelligence information in determining whether to grant government ex parte requests for wire-tapping warrants. Under this proposal, judicial approval is necessary prior to undertaking a counterterrorism operation predicated solely on intelligence information. The standard the court would adopt in determining the information's reliability is the same applied in the traditional criminal law paradigm.¶ The court would cross-examine the representative of the executive branch and subsequently rule as to the information's admissibility. While some may suggest that the FISA Court is largely an exercise in "rubber-stamping," the importance of this proposal is in requiring the government to present the available information to an independent judiciary as a precursor to engaging in operational counterterrorism.¶ While this proposal explicitly calls for changing the nature of the relationship between the executive and the judicial branches of the government, it would serve to minimize collateral damage in drone attacks predicated on narrow definitions of legitimate target.¶ This proposal does not limit the state's fundamental right to self-defense. Rather, it creates a process seeking to objectify counterterrorism by seeking to establish standards for determining the reliability of intelligence information that is the backbone of targeted killing decision-making.¶ The practical impact? A drone policy predicated on the rule of law and morality rather than the deeply troubling paradigm established by the Obama administration in the DOJ white paper.

#### Zero checks on drone use now—The Plan’s rule-oriented process is key

Crandall 12 [Carla, Law Clerk to the Honorable Laura Denvir Stith, Supreme Court of Missouri, J.D., “Ready…Fire…Aim! A Case for Applying American Due Process Principles Before Engaging in Drone Strikes,” April, Florida Journal of International Law, pg. lexis]

In November 2002, a drone operated by the Central Intelligence Agency (CIA) launched a Hellfire missile at an automobile carrying suspected al-Qaeda members in Yemen. [n1](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n1) The airstrike, one of the first known operations of its type, [n2](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n2) allegedly resulted in six deaths, including those of a prominent al-Qaeda leader and a U.S. citizen. [n3](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n3) Since that assault, the use of drones by U.S. personnel engaged in the war on terror has increased dramatically, both in number and scope. [n4](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n4) Most starkly, as evidenced by the September 30, 2011 strike that killed U.S.-born Anwar al-Awlaki, government officials have even authorized drone operators to target American citizens believed to be engaged in the war on terror. [n5](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n5) Despite the expanded use of drones, however, the legitimacy of these attacks remains unclear. Most commentators who have addressed the legitimacy of more general targeted killings have examined the issue within the framework of either international humanitarian law (IHL) or international human rights law (IHRL). [n6](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n6) Those limited few who have [\*57] analyzed the subject through the lens of American due process have limited their scrutiny to the absence of post-deprivation rights. [n7](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n7) They suggest, for instance, that the United States should implement some sort of Bivens-type action as a remedy for the survivors of erroneous drone strikes. [n8](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n8) As this Article explains, however, none of these approaches yield wholly satisfactory answers as to which framework should govern the use of drones within the context of the war on terror. And though the idea that American due process principles ought to be applied ex post represents a significant contribution to the debate, it too ultimately falls flat. Indeed, such an approach unduly narrows the obligation of U.S. officials to the standard of readying, firing, and then aiming- requiring them to perform a detailed review of the strikes only after the fact. Instead, this Article argues that the United States ought to be held to a higher, ex ante standard-that of "aiming" before firing-and posits that such a standard is practically attainable. In doing so, the Article proceeds as follows. Part II describes the capabilities and current employment of drones and explains why resolving the legitimacy of their use is so critical. Specifically, it highlights that, despite the unsettled nature of the law in this area, targeted killings by drone strikes have increased exponentially in recent years-in some instances against arguably questionable targets. Part III examines current attempts to address the legitimacy of drone assaults and explains why they fail to adequately govern the use of these weapons. While this Part explores the applicability of IHRL and IHL, it does not undertake to resolve the debate as to which regime does or ought to apply to these operations. To the contrary, it argues that limitations within each framework have prevented consensus from forming around the applicability of either. Accordingly, U.S. officials [\*58] must arguably look to other sources to find guiding principles to legitimize targeted killings via drones. Though it is admittedly not entirely clear whether constitutional guarantees apply in the foreign locales where these strikes occur-or to the foreign nationals who are often their target-this Part proposes that American due process principles nevertheless ought to be invoked before such strikes occur, because failing to do so allows the executive to act with impunity in a legal void. Part IV argues that, in Hamdi v. Rumsfeld [n9](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n9) and Boumediene v. Bush, [n10](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n10) the Supreme Court signaled the process that may be due before drones are used to eliminate known terrorist targets. In extending the Hamdi and Boumediene analysis to targeted killings by drones, this Part also begins the inquiry into the procedural protections that due process may demand before U.S. officials engage in such actions. Part V concludes. II. Background & Context As used here, targeted killing is defined as the "extra-judicial, premeditated killing by a state of a specifically identified person not in its custody." [n11](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n11) Though some have argued that targeted killing so defined amounts to illegal assassination, [n12](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n12) others have instead suggested that "assassination generally is regarded as an act of murder for political reasons." [n13](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n13) Given that targeted killings via drones do not, to this point, appear to have been undertaken for political reasons, the author accepts, for present purposes, that these attacks "can be a legally and morally justifiable means of protecting the American people." [n14](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n14) The inquiry here is what procedures, if any, are necessary before the commencement of a drone strike to ensure that it is indeed legitimate. [n15](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n15) [\*59] Unfortunately, neither U.S. law nor U.S. policy has kept pace with evolving technological advances related to warfare, or with the changing operational realities presented specifically by the war on terror. This Part discusses why addressing this failing-at least as it pertains to drones-is of such critical importance. In particular, it highlights that the use of drones has expanded exponentially during the past two decades. There are two major explanations for this momentous growth. First, advances in technology have increased drone capabilities and, therefore, the contribution they make to various operational missions. As importantly, the asymmetrical nature of the war on terror [n16](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n16) has factored significantly in the employment of drones and made them a critical tool in the execution of military operations related to the war. A. The Development and Capabilities of Drones Today's drones were developed in the early 1990s, and as their value became more evident, their deployment by the CIA and U.S. military mushroomed. [n17](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n17) From 2000 to 2006, for instance, "the Department of Defense's inventory of unmanned aircraft grew from fewer than 50 to over 3,000." [n18](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n18) Originally designed to provide persistent surveillance of targets, drones offer a strategic advantage over conventional military aircraft because they can "hover above a target for up to forty hours before" refueling. [n19](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n19) They do this without an onboard pilot, [n20](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n20) so even when malfunctions or anti-aircraft weapons cause drones to crash, U.S. military casualties are limited. [n21](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n21) This feature has become increasingly important to U.S. military strategists and policymakers as public support for overseas troop deployments has waned. [n22](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n22) With "pilotless" weapons [\*60] systems like drones, operational missions can be carried out without such deployments. Beyond this, as technological innovations emerged, new capabilities were incorporated into drone platforms, making them more potent tools in military operations. Most significantly, though they were originally designed solely for reconnaissance purposes, drones became a self-contained weapons system when their platforms were reconfigured to support armament with laser-guided Hellfire missiles. [n23](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n23) This engineering development was accompanied by commensurate advance-ments in the onboard optics systems that facilitated better target identification. [n24](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n24) In the meantime, drones became more lethal given increases in both the speed and altitude at which they were capable of operating. [n25](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n25) Finally, the effectiveness of drones also increased as stealth technology emerged to make attacks more clandestine. [n26](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n26) B. The Use of Drones During the War on Terror As important as these developments were to the burgeoning of drones, it was not until the U.S. government had a sustained requirement for their deployment that their full force became evident. That requirement came after the attacks of September 11th with the commencement of the global war on terror. Since the very first night of the U.S. invasion in Afghanistan, [n27](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n27)drones have been used for a wide array of terrorism-related missions. For example, though their primary mission has remained reconnaissance, they have also been used for battle-damage assessments, relaying target information to on-ground operators, and spotting hazards to U.S. forces like roadside improvised [\*61] explosive devices. [n28](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n28) The most contentious aspect of drone operations, however, has been their role in targeted killings. 1. Killing via Drone News articles are littered with reports of drone strikes against alleged terrorists around the globe-from Afghanistan and Iraq, to Yemen and Pakistan. [n29](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n29) Though the classified nature of the drone program makes precise estimates difficult, one study indicates that in Pakistan alone, drones operated by the United States killed over one-thousand people between 2006 and 2009.[n30](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n30) Among these were numerous senior al-Qaeda leaders, and other high-value targets. In fact, "[c]ounterterrorism officials credit drones with having killed more than a dozen senior Al Qaeda leaders and their allies in the past year, eliminating more than half of the C.I.A.'s twenty most wanted 'high value' targets." [n31](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n31) Drones have played such a significant part in the war on terror largely because conventional military force has proven ineffective at combating the asymmetrical threats posed by small pockets of al-Qaeda terrorists. [n32](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n32) Moreover, given that the war's battlefields have often been located in urban environments, using drones has arguably limited collateral damage that might otherwise have occurred with more conventional weapons systems. [n33](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n33) Further, at least from the U.S. government's perspective, the results have been remarkable. During the early stages of the war, for example, General Tommy Franks, who was then commanding all U.S. troops in the Middle East, stated that drones [\*62] were his "most capable sensor[s] in hunting down and killing Al Qaeda and Taliban leadership and [that they proved] absolutely critical to [the U.S.] fight." [n34](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n34) Moreover, as the lethality of drones became more evident to insurgents, their utility increased simply because strikes began to "serve as a deterrent to potential combatants and sow paranoia and distrust among terrorists groups." [n35](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n35) Even those militants who remained true to their cause were forced to "operate far more cautiously, which divert[ed] their energy from planning new attacks." [n36](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n36) As apparently effective as these drone attacks have been, though, some commentators argue that in light of the collateral damage they cause, their use actually foments the terrorist insurgency. "[E]very one of these dead noncombatants represents an alienated family, a new desire for revenge, and more recruits for a militant movement that has grown exponentially even as drone strikes have increased." [n37](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n37) Indeed, after a particularly high barrage of drone assaults in early 2009, one senior Pakistani Taliban leader specifically vowed to carry out suicide attacks against security forces until the strikes ceased. [n38](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n38) This response is indicative of the attitude that "[w]hile violent extremists may be unpopular, for a frightened population they seem less ominous than a faceless enemy that wages war from afar and often kills more civilians than militants." [n39](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n39) And though some may have believed the Obama Administration would stop both the literal and figurative bleeding carried out under the Bush Administration, drone strikes during the Obama presidency have only increased. [n40](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n40) "During his first nine and a [\*63] half months in office, [Barak Obama] authorized as many C.I.A. aerial attacks in Pakistan as George W. Bush did in his final three years in office." [n41](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n41) 2. The Hunted All of this raises the question of who precisely is being targeted by these drone strikes. Most operational details on this front are veiled in secrecy, preventing an entirely comprehensive understanding of the drone program. [n42](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n42) Nevertheless, given classified leaks and certain public disclosures, the program's broad contours are clear enough to raise concern. In 2002, for example, the New York Times reported that the U.S. government had created a secret list of terrorist leaders dubbed high-value targets. [n43](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n43) With the creation of the list came authority for the CIA to kill these targets should capture be impractical and if collateral civilian casualties could be minimized. [n44](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n44) Authority for such targeted killings apparently rested on law of war principles; namely, that the listed persons were enemy combatants, and thus legitimate targets. [n45](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n45) [\*64] Initially, this high-value target list evidently contained only "the worst of the worst" terrorists. [n46](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n46) The Yemeni drone strike mentioned at the outset, for instance, was allegedly carried out against a listed senior al-Qaeda leader who had directed the group's October 2000 attack against the U.S.S. Cole, a U.S. naval warship that had been refueling in Yemen's Gulf of Aden. [n47](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n47)Other notorious figures on the original list were Osama bin Laden and his deputy Ayman al- Zawahiri. [n48](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n48) Significantly, however, though the individuals on the initial list were perhaps the most incorrigible terrorists, the target selection was evidently not intended to remain static. While "[t]he precise criteria for adding someone to the list [were] unclear," anonymous government sources have indicated that "the evidence against each person [had to] be clear and convincing" before his or her name appeared. [n49](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n49) However rigorous the target selection process may have been in the beginning, it appears to have quickly devolved in ways that lead one to question the legitimacy of attacking listed persons. In August 2009, for example, a Senate Foreign Relations Committee report revealed principles for listing individuals on a kill-list called the Joint Integrated Prioritized Target List (JIPTL). [n50](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n50) The report noted that the "standards for getting on the list require two verifiable human sources and substantial additional evidence." [n51](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n51) Although this might sound robust, it led to a significant expansion of listed high-value targets. [n52](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n52) In fact, the report acknowledged that the JIPTL, which originally contained only about two dozen names, [n53](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n53) had over three-hundred and fifty targets by August 2009. [n54](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n54) Philip Alston, a former U.N. Special Rapporteur, explains that this is evidence of a type of mission-creep seen in other terrorism-related programs. [n55](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n55) It is a lot like the torture issue. You start by saying we will just go after the handful of 9/11 masterminds. But, once you have put the [\*65] regimen of waterboarding and other techniques in place, you use it much more indiscriminately. It becomes standard operating procedure. It becomes all too easy. Planners start saying, "Let's use drones in a broader context." Once you use targeting less stringently, it can become indiscriminate. [n56](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n56) Even as the list expands, multiple sources have indicated that informants with targeting information have been "notoriously unreliable." [n57](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n57) A former CIA officer noted, for example, that sources often "say an enemy of theirs is Al Qaeda because they just want to get rid of somebody. Or they [make information] up because they want[] to prove they [are] valuable, so that they [can] make money." [n58](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n58) Mistakes in discerning an informant's credibility are fatal; once an individual is placed on the JIPTL, "[t]he military places no restrictions on the use of force" against him or her. [n59](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.715167.991905467&target=results_DocumentContent&returnToKey=20_T17935585916&parent=docview&rand=1376007144291&reloadEntirePage=true" \l "n59)

## 2AC

### CP – Presidential Policy Directive

#### Only due process solves and is key to rule of law

Guiora 13 [Amos N., Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Targeted Killing: When Proportionality Gets All Out of Proportion,” University of Utah College of Law Research Paper No. 1, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2230686>, ALB]

The U.S. drone policy raises profoundly important questions regarding the very nature of operational counterterrorism; its implementation reveals how morality and the rule of law are applied in an inherently ambiguous and amorphous paradigm. At present, the increasingly broader and more flexible definition of imminence, combined with a continually growing reliance on sleek new technology, is highly problematic and raises significant concerns about whether law and morality are truly serving as the necessary guiding force here. Law not only provides a state with the right to engage those who deliberately and randomly target innocent civilians—it also provides the essential guiding framework for the extent to which and manner by which the state can target and engage those individuals. Simply articulating an aggressive, tough on terrorism policy is not sufficient. Rather, the devil truly is in the details: the state must carefully define both the limits of force and how that limited force is to be applied. Such a carefully-defined limit and application of force is the essence of both morality in armed conflict and the rule of law. In contrast, deliberately operating in an open-ended paradigm with opaque parameters where state power is broadly defined and implemented opens the door, unnecessarily, to significant violations of morality and law.¶ Unlimited drone warfare where limits, targets, and goals are not narrowly defined creates an operational environment in which anyone killed, regardless of whether intended or unintended, is considered a legitimate target. This expanded articulation of legitimate target, premised on significant expansion of tolerable collateral damage, creates a slippery slope that inevitably results in the deaths of otherwise innocent individuals. The allure of modern technology has led many decision makers to minimize the need to carefully distinguish between the individuals who pose a threat and those who do not.¶ Decision makers must not lose sight of the fact that targeted killing, on the basis of received and actionable intelligence information, is inherently a problematic; it poses extraordinary operational challenges that must be resolved precisely because of targeted killing’s importance to lawful self-defense. It must be operationalized in the most careful, narrow, and specific manner possible—meaning that a discriminating analysis of who is a legitimate target must be matched by equally discriminating analysis of who constitutes collateral damage, how much collateral damage is likely, and, most important, how much collateral damage is legally and morally acceptable or tolerable.¶ Morality in armed conflict is not a mere mantra: it imposes significant demands on the nation state that must adhere to limits and considerations beyond simply killing “the other side.” For better or worse, drone warfare of today will become the norm of tomorrow. Multiply the number of attacks conducted regularly in the present and you have the operational reality of future warfare. It is important to recall that drone policy is effective on two distinct levels: it takes the fight to terrorists directly involved, either in past or future attacks, and serves as a powerful deterrent for those considering involvement in terrorist activity.53 However, its importance and effectiveness must not hinder critical conversation, particularly with respect to defining imminence and legitimate target. The overly broad definition, “flexible” in the Obama Administration’s words, raises profound concerns regarding how imminence is applied. That concern is concrete for the practical import of Brennan’s phrasing is a dramatic broadening of the definition of legitimate target. It is also important to recall that operators—military, CIA or private contractors—are responsible for implementing executive branch guidelines and directives.55 For that very reason, the approach articulated by Brennan on behalf of the administration is troubling.

#### That prevents extinction

IEER 3 (Institute for Energy and Environmental Research 03 “Rule of Power or Rule of Law?”, <http://www.lcnp.org/pubs/exesummary.pdf>)

The evolution of international law since World War II is largely a response to the demands of states and individuals living within a global society with a deeply integrated world economy. In this global society, the repercussions of the actions of states, non-state actors, and individuals are not confined within borders, whether we look to greenhouse gas accumulations, nuclear testing, the danger of accidental nuclear war, or the vast massacres of civilians that have taken place over the course of the last hundred years and still continue. Multilateral agreements increasingly have been a primary instrument employed by states to meet extremely serious challenges of this kind, for several reasons. They clearly and publicly embody a set of universally applicable expectations, including prohibited and required practices and policies. In other words, they articulate global norms, such as the protection of human rights and the prohibitions of genocide and use of weapons of mass destruction. They establish predictability and accountability in addressing a given issue. States are able to accumulate expertise and confidence by participating in the structured system established by a treaty. However, influential U.S. policymakers are resistant to the idea of a treaty based international legal system because they fear infringement on U.S. sovereignty and they claim to lack confidence in compliance and enforcement mechanisms. This approach has dangerous practical implications for international cooperation and compliance with norms. U.S. treaty partners do not enter into treaties expecting that they are only political commitments that can be overridden based on U.S. interests. When a powerful and influential state like the United States is seen to treat its legal obligations as a matter of convenience or of national interest alone, other states will see this as a justification to relax or withdraw from their own commitments. When the United States wants to require another state to live up to its treaty obligations, it may find that the state has followed the U.S. example and opted out of compliance. Undermining the international system of treaties is likely to have particularly significant consequences in the area of peace and security. Even though the United States is uniquely positioned as the economic and military sole superpower, unilateral actions are insufficient to protect the people of the United States. For example, since September 11, prevention of proliferation of weapons of mass destruction is an increasing priority. The United States requires cooperation from other countries to prevent and detect proliferation, including through the multilateral disarmament and nonproliferation treaties. No legal system is foolproof, domestically or internationally. While violations do occur, “the dictum that most nations obey international law most of the time holds true today with greater force than at any time during the last century.” And legal systems should not be abandoned because some of the actors do not comply. In the international as in the domestic sphere, enforcement requires machinery for deciding when there has been a violation, namely verification and transparency arrangements. Such arrangements also provide an incentive for compliance under ordinary circumstances. Yet for several of the treaties discussed in this report, including the BWC, CWC, and CTBT, one general characteristic of the U.S. approach has been to try to exempt itself from transparency and verification arrangements. It bespeaks a lack of good faith if the United States wants near-perfect knowledge of others’ compliance so as to be able to detect all possible violations, while also wanting all too often to shield itself from scrutiny. While many treaties lack internal explicit provisions for sanctions, there are means of enforcement. Far more than is generally understood, states are very concerned about formal international condemnation of their actions. A range of sanctions is also available, including withdrawal of privileges under treaty regimes, arms and commodity embargoes, travel bans, reductions in international financial assistance or loans, and freezing of state or individual leader assets. Institutional mechanisms are available to reinforce compliance with treaty regimes, including the U.N. Security Council and the International Court of Justice. Regarding the latter, however, the United States has withdrawn from its general jurisdiction. One explanation for increasing U.S. opposition to the treaty system is that the United States is an “honorable country” that does not need treaty limits to do the right thing. This view relies on U.S. military strength above all and assumes that the U.S. actions are intrinsically right, recalling the ideology of “Manifest Destiny.” This is at odds with the very notion that the rule of law is possible in global affairs. If the rule of power rather than the rule of law becomes the norm, especially in the context of the present inequalities and injustices around the world, security is likely to be a casualty. International security can best be achieved through coordinated local, national, regional and global actions and cooperation. Treaties, like all other tools in this toolbox, are imperfect instruments. Like a national law, a treaty may be unjust or unwise, in whole or in part. If so, it can and should be amended. But without a framework of multilateral agreements, the alternative is for states to decide for themselves when action is warranted in their own interests, and to proceed to act unilaterally against others when they feel aggrieved. This is a recipe for the powerful to be police, prosecutor, judge, jury, and executioner all rolled into one. It is a path that cannot but lead to the arbitrary application and enforcement of law. For the United States, a hallmark of whose history is its role as a progenitor of the rule of law, to embark on a path of disregard of its international legal obligations is to abandon the best that its history has to offer the world. To reject the system of treaty-based international law rather than build on its many strengths is not only unwise, it is extremely dangerous. It is urgent that the United States join with other countries in implementing existing global security treaties to meet the security challenges of the twenty-first century and to achieve the ends of peace and justice to which the United States is committed under the United Nations Charter

### DA – Terrorism Flex

#### Drones are increasing terrorism now

Huffington Post 8/10 [2013, Yemen Drone Strikes Bring New Round Of Terror To Embattled Country, http://www.huffingtonpost.com/2013/08/10/yemen-drone-strikes\_n\_3737554.html]

On Friday night, Farea al-Muslimi, a young Yemeni journalist and activist, went for a drive with a friend around the capital city of his home, Sanaa.¶ It was a holiday weekend, the second day of the Muslim holy festival of Eid al-Fitr, and the streets were calm. But what struck al-Muslimi the most as they crossed through the town, was that they hardly encountered any security presence.¶ "We didn't see a single checkpoint," he told HuffPost. "No one buys the idea that there is a security threat here. They simply don't see it -- I don't see it."¶ Over the previous week, the United States and other Western nations ramped up terror alerts about Yemen, a small nation on the tip of the Arabian peninsula that attracts a disproportionate amount of American attention. A recent terrorism alert prompting the closures of nearly two dozen American embassies around the Arab world was "emanating from Yemen," the U.S. said, and earlier in the week American citizens were urged to flee Yemen. The staff of the U.S. embassy there was spirited to Germany on a military cargo plane.¶ However, as the week progressed, signs of terror did not take the form of an attack by al Qaeda of the Arabian Peninsula, an increasingly powerful franchise of the feared terrorist organization, but instead, as Haykal Bafana, a Sanaa-based Yemeni lawyer, put it recently, of an "orgy of drones."¶ Over the past 10 days, at least nine American drone strikes have been conducted across the country's remote provinces, most recently on Saturday evening. At least 36 people, all of them immediately deemed "suspected militants" by the Yemeni government, were killed, according to wire service counts. On Thursday alone, there were three drone attacks, an unprecedented rate; Saturday's was the fifth in 72 hours.¶ For those left in Yemen, it has been like living in a universe parallel to the one described in American terror alerts, Bafana said on Saturday. "It's like there are two different Yemens," he said. "The one the U.S. and Yemeni government claims is always under a terrorist threat, and the one we actually live in, with drones. It's like they stepped through the looking glass."¶ For Farea al-Muslimi, that's meant a week of fear and anger. "You can tell how frustrated the people here are," al-Muslimi said, when reached by phone late on Friday.¶ Earlier in the week, he said, when an American P-3 Orion spy plane circled over Sanaa for nearly 10 hours, loudly buzzing as residents tried to celebrate the start of Eid, residents stopped in their tracks to protest. "People were standing in the street and screaming at it," he said.¶ Al-Muslimi became something of an American household name, at least in the relatively small circle of people who monitor America's counter-terrorism policies and drone usage, earlier this year when he live-Tweeted accounts of a drone strike from his family's village, Wessab.¶ He subsequently traveled to Washington, D.C., where he testified before Congress about the experience, telling lawmakers that drone strikes were destroying America's image in Yemen, and driving ordinary citizens into the arms of al Qaeda and other militants. "What violent militants had previously failed to achieve, one drone strike achieved in an instant," he said at the time.¶ In the ensuing months, amid a growing atmosphere of dissent about the use and abuse of drone warfare in Washington, President Barack Obama found himself compelled to speak publicly about the policy. In a speech in May, he acknowledged America's role in drone strikes and pledged to create a legal framework for oversight of the program.¶ But The New York Times and others have since reported that the reality in targeted areas like Yemen shows that drone policy is anything but reformed.¶ In Yemen, there have already been 22 strikes this year, close to the pace in 2012 when Obama ordered a record 42 drone strikes, according to the Long War Journal. And in Pakistan, another frequent target of American drones, there were more strikes in July than in any month since January.¶ The history of U.S. drone wars in Yemen includes a number of tactical successes, of course, including the strike that killed feared al Qaeda propagandist Anwar al-Awlaki, an American citizen. But it's also littered with devastating failures: innocent families and children have been hit by misguided missiles, first-aid responders have found themselves targeted by a practice known as "double-tapping," and even some prominent anti-al Qaeda clerics have been assassinated.¶ The day after Obama was reelected for his second term, for instance, he ordered a strike that killed a tribal leader known for negotiating with al Qaeda militants to reduce their lethality. More recently, officials acknowledged that a strike last summer killed Salem Ahmed bin Ali Jaber, a popular sheik who a few days earlier delivered a sermon on the evils of al Qaeda.¶ Mohammed al-Qadhi, a Sanaa-based Yemeni journalist, said that so far there is no conclusive evidence that the current attacks killed innocents. Others, including Bafana, who tracks the strikes through his own network, said the first strikes last week in Hadhramauat killed at least four civilians, including a child.¶ Either way, al-Qadhi said the latest strikes are producing an uptick in popular discontent and protest -- on Facebook and Twitter, in the targeted villages, and at the now-vacant American embassy in Sanaa.¶ "People feel they don't have a government anymore," al-Qadhi said by phone. "They feel we don't have a government to attack the militants, so the Americans are handling it for us, and they are encroaching onto the sovereignty of Yemen."¶ The killings, he added, "may be good for Americans but in the end it doesn't solve the problem completely, especially if some civilians are killed. It just creates a kind of sympathy with al Qaeda. And I think al Qaeda will not stop attacking. I think they will retaliate, and they will fire back again in retaliation to these attacks."¶ The practitioners of America's counterterrorism strategy also sometimes seem at a loss to explain the U.S. policy's objectives.¶ “It’s too early to tell whether we’ve actually disrupted anything,” a top U.S. official told The Washington Post this week, of the most recent round of strikes. “What the U.S. government is trying to do here is to buy time."¶ To al-Muslimi, the return of drone warfare almost reflects an aimlessness among American policymakers. "Just like troubled teenagers with bad parents might run to the addiction of drugs and alcohol when it has problems, Americans are running to drones when they have terrorism problems," he said. "Alcohol makes you forget your failures, and for the Americans it seems like drones are for when they want to forget their counter-terrorism failures. It's senseless."¶ Meanwhile, he said, this week's action may have made some Americans feel better, but it's only increasing the sense of terror in Yemen.¶ "When there is a normal war, people can hide, or they can stay away from the military -- they can make choices and be careful," al-Muslimi said. "But when drones come, you just don't know when you'll be next. The fear is incredible."

#### Drones increase terrorism

Poling 13 Foreign Policy Initiative 1-16 (Caitlin, “The U.S. Needs a More Broad-Based Strategy to Combat Al Qaeda in Yemen,” <http://www.foreignpolicyi.org/content/us-needs-more-broad-based-strategy-combat-al-qaeda-yemen>, Mike)

For most of the past decade, Yemen has remained on the periphery of American national security policy. During this time, officials in the administration, Department of Defense, State Department, and Intelligence Community have been unable to devote as much attention as needed to Yemen due to American engagement in Iraq and Afghanistan. However, the Arab Spring uprisings that began in 2011 along with the September 2012 protests and embassy attacks in response to an American-made anti-Muslim video have demonstrated the importance of security in states like Yemen. Our nation’s continued involvement in Yemen is an important component of our national security. Despite all of the other challenges our country currently faces worldwide, our commitment in Yemen should be strengthened. Al Qaeda in the Arab Peninsula (AQAP), the Al Qaeda (AQ) node based out of Yemen, is widely believed to be the most lethal of the AQ affiliates, and has attempted on several occasions to attack the United States directly and harbored, until his killing in September 2011, Anwar al Alwaki, a U.S. citizen and extremist cleric responsible for the radicalization of the Fort Hood shooter and the 2009 Detroit Christmas Day bomber. The Arab Spring, and resulting uprising in Yemen that began in January 2011, as well as an ongoing Houthi rebellion in the north and secessionist movement in the south, have diverted the attention of the Yemeni security forces from counterterrorism efforts, and at the same time, restricted U.S. forces’ ability to operate on the ground. As a result, AQAP has gained strength and operating room amidst the power vacuum. According to April 2012 estimates by White House counter-terrorism advisor and nominee for CIA Director John Brennan, AQAP has more than a thousand members in Yemen and close ties to al Qaeda Core in Pakistan. The Director of National Intelligence, James Clapper, testified in early 2011 that AQAP remains the AQ node most likely to conduct a transnational attack. Yemen is a fragile and challenged nation, but it is not yet failed – there are concrete steps our country can take to help stabilize Yemen, strengthen its capacity for countering AQAP, and prevent it from becoming another Afghanistan or Somalia. The Obama Administration’s Yemen Strategic Plan is a good start, focused on combating AQAP in the short term, increasing development assistance to meet long term challenges, and building international support in order to maximize global efforts to stabilize Yemen. However, the continued excessive use of Unmanned Aerial Vehicle (UAV) airstrikes remains an unaddressed issue. Policymakers should conduct a full assessment of their impact on the Yemeni population and altering their use. The use of airstrikes conducted by UAVs, colloquially known as ‘drones,’ has rapidly expanded during the past decade. However, little has been done to study their long-term effects on populations and American objectives in Yemen. Although touted as “cost-effective,” the true cost of drone strikes among target populations is not adequately taken into account. Drone strikes create a number of problems hindering our objectives – including providing propaganda material for terrorist groups, fueling hostility, increasing retaliatory attacks by AQAP and other extremist groups, and undermining the authority of the already fragile Yemeni government. President Obama authorized at least 42 strikes in Yemen in 2012, a dramatic increase from years prior. Drone strikes have been successful in targeting and eliminating AQAP leadership; however, American drones have killed twelve times more low-level fighters than mid-to-high level AQ leaders since 2008. Killing low-level militants by drone rather than attempting to capture can lead to a loss of potential intelligence. Despite the success in targeting AQ members, drones alone do not suffice as an American counterterrorism strategy in Yemen. As American drone strikes have increased in frequency, so have retaliatory attacks from AQAP. On September 11, 2012 AQAP attempted to assassinate Yemen’s defense minister via car bomb, killing seven bodyguards and five civilians in the heart of Sana’a. This attack was viewed as a direct response to the American drone strike that took out top AQAP operative Said al-Shehri earlier that month. Even more alarmingly, AQAP has now offered a bounty for the killing of the U.S. Ambassador to Yemen, Geral Feierstein, or any American soldiers in Yemen. While there is no easy solution to the ongoing instability and AQAP presence in Yemen, the U.S. should avoid a drone-centric counterterrorism policy in Yemen. The current American policy, while avoiding risk for Americans on the ground, ignores the very real potential for blowback in the long-term. Instead, the administration should limit drone strikes to only targeting high value individuals; use drone strikes as part of a wider strategy that attempts to address some of the Yemen-specific grievances that are the root causes of terrorism; restore American and allied Special Forces presence in Yemen from the pre-2011 unrest; and work towards building effective Yemeni security forces that can pursue AQAP targets on the ground. A combination of limited high value target drone strikes, increased non-military aid and training of Yemeni forces for counterterrorism efforts are more likely to achieve our nation’s goal of a secure and stable Yemen.

#### Plan solves—Restrictions are key to more careful targeting which is more effective at stopping terrorists

Radsan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law; AT&T Professor of Law, Texas Tech University School of Law, MEASURE TWICE, SHOOT ONCE:¶ HIGHER CARE FOR¶ CIA-TARGETED KILLING, http://illinoislawreview.org/wp-content/ilr-content/articles/2011/4/Murphy.pdf)

If other considerations are ignored, it is easy to conclude that the¶ United States is better off killing more AQ/T combatant members. Each¶ kill causes some damage to AQ/T, degrading operations and demoralizing¶ members. The incremental benefits from each strike, however, are¶ very difficult to measure. If government assurances are true that the¶ procedures are “extremely robust” and “rigorous,”150 then targets that¶ are highest on the CIA’s list should be able to satisfy very strict requirements¶ of distinction and target identification. These strikes should disrupt¶ AQ/T operations by killing leaders, by making members fear the¶ skies, and by creating anxiety that there are informants within AQ/T¶ ranks helping call in the strikes. Yet, as with most things in nature, the¶ law of diminishing returns might apply to additional attacks against less certain¶ and less-important targets: killing the fiftieth most important target¶ will probably cause much less disruption than the twentieth. As the¶ strikes move down the AQ/T “organizational charts,” the targets presumably¶ become less certain and more replaceable. While there was only¶ one Osama Bin Laden, the eleventh-in-command can probably replace¶ the tenth-in-command.

### DA – Ptx

#### Won’t pass- health care controversy and ideological opposition

Gregory 11/6/2013 (Paul, research fellow at the Hoover Institution, at Stanford, and the Cullen Professor of Economics at the University of Houston, President Obama's Loss Of Trust Over Obamacare Imperils Immigration Reform, http://www.forbes.com/sites/paulroderickgregory/2013/11/06/veracity-and-lost-presidencies/)

The President’s “misspeaking” on his Obama Care pledges have doomed any chance of immigration reform, or any other major reform, for that matter. Obama may go into campaign mode on immigration reform to gain Hispanic votes, but it will be only talk. There can be no comprehensive reform of anything – immigration, entitlements, or the national debt — if legislators and, more importantly, the voters do not trust the President’s word.¶ Obama has declared immigration reform his top legislative priority for the rest of his term. In June of 2012, the Senate passed the Border Security, Economic Opportunity, and Immigration Modernization Act, which spends more on border security, provides provisional legal status and eventual pathway to citizenship for people living in the country illegally, and outlines reforms for the existing visa programs for immediate relatives and skilled workers.¶ House Speaker John Boehner declared the Senate bill a nonstarter and expressed hope that the House would produce its own bill. A House bi-partisan group of four Republicans and four Democrats began drafting such a plan but has subsequently fallen apart with only one Republican remaining. The chances of passage of any comprehensive immigration reform during the Obama years are about zero.¶ Irrespective of your views, comprehensive immigration reform requires a high degree of trust. Under the Senate bill, the president must enforce border security, decide the disposition of criminal undocumented workers, and set visa regulations, among other things. The Republicans in Congress cannot take the political risk of passing immigration reform to see parts of it enforced, other parts ignored, and yet other parts made unrecognizable by executive order.¶ One Republican member of the collapsed bi-partisan House team put it this way (House immigration group collapses):¶ “If past actions are the best indicators of future behavior; we know that any measure depending on the president’s enforcement will not be faithfully executed,…It would be gravely irresponsible to further empower this administration by granting them additional authority or discretion with a new immigration system.”¶ The Obama administration has made a practice of not enforcing legislation it does not like (DOMA, no child left behind, medical marijuana, gay spousal benefits, to name a few) and by executing other initiatives by executive action (de facto execution of the Dream act). Added to this history of selective enforcement, we have the problem of the President’s veracity. Can we take the President’s solemn pledge to raise border security to legislated levels seriously after he broke an even more solemn promise to the American people on his legacy Obama Care legislation (If you like your policy or your doctor you can keep them).

#### Boehner won’t bring it to the floor- he’ll ONLY do piecemeal

Washington Times 11/5/2013 (Obama’s new pledge: It’ll be ‘easy’ for Republicans to back immigration reform, http://www.washingtontimes.com/news/2013/nov/5/obama-aims-make-it-easy-gop-back-immigration-refor/?utm\_source=RSS\_Feed)

President Obama on Tuesday summoned leading CEOs to the White House to showcase support for a broad immigration reform package, telling Republicans that the business community’s position should make it “easy” to get the measure through the House.¶ But Republican leaders may not be swayed by their traditional business allies. They point to the failed rollout of Obamacare as clear proof that a massive bill — such as the immigration measure that passed the Senate this year — is the wrong approach and would lead to even greater problems.¶ House Speaker John A. Boehner, Ohio Republican, and others in his party also may feel emboldened to scrap the Senate plan and move forward with smaller, targeted pieces of legislation after a coalition of influential conservative groups urged them Tuesday to do just that.¶ “The House of Representatives is in a unique position to propose genuinely conservative solutions to fix our broken immigration system. We, therefore, encourage the House to continue its work to address the different aspects of the immigration issue in a piecemeal basis,” reads a letter signed by the heads of the American Principles Project, the American Conservative Union, Conservatives for Immigration Reform, the Hispanic Leadership Fund and other organizations.¶ The groups urged House Republicans to pursue “legal status to undocumented immigrants, but not a special path to citizenship,” a key difference from what the Senate has approved. The groups also called for the establishment of “market-oriented mechanisms to meet the demand our economy has for foreign workers.”¶ “If President Obama and the Democrats are willing to kill immigration reform in the House because they disagree with these principles, it would show that they are more interested in using the issue politically than actually solving the problem,” the letter said.¶ With House action on the Senate bill becoming less likely each day, the president mounted a perhaps last-ditch push to spur Republicans to action and, in turn, give the White House a major victory on one of its key second-term domestic policy initiatives.¶ At the end of the government shutdown last month, Mr. Obama identified three challenges — a long-term budget, immigration reform and a farm bill — that, he said, realistically could be addressed on a bipartisan basis in the coming months. With a farm bill still in limbo and budget negotiations between House and Senate leaders just getting underway, the president has thrown his full weight behind the push to enact a far-reaching immigration bill and give the administration a badly needed political win.¶ “Although right now there has been some resistance from House Republicans, what’s been encouraging is there have been a number of House Republicans who think this is the right thing to do,” Mr. Obama said just before he met with some of the nation’s top CEOs, including the heads of McDonald's, Lockheed Martin, Motorola Solutions and Marriott.¶ “It’s my estimation that we actually have the votes to get comprehensive immigration reform done right now. The politics are challenging for the speaker and others. We want to make it as easy for him as possible. This is not an issue where we’re looking for a political win. This is one where we’re looking for a substantive win for the U.S. economy.”¶ Mr. Obama is correct when he speaks of bipartisan support; 14 Senate Republicans supported immigration reform when it passed the chamber over the summer.¶ In addition, a handful of House Republicans have signed on as co-sponsors to a House proposal that mirrors the Senate version.¶ But amid the troubles with Obamacare and a growing recognition that the White House may have oversold and underdelivered on its health care reform legislation, House Republicans have a new argument to sink the Senate plan and instead pass smaller measures.¶ “If the president is insisting on one massive, Obamacare-style bill that people don’t understand, we aren’t going to get very far,” said Brendan Buck, a spokesman for Mr. Boehner. “The speaker has made clear publicly and privately that, while it’s important we address immigration reform, the House is not going to consider the Senate plan. Instead, we remain committed to a common-sense, step-by-step approach that gives people confidence immigration reform has been done the right way.”¶ Opposition to the Senate bill is coming from quarters beyond Capitol Hill and outside the political realm.

#### No link – courts are isolated

Whittington 05 Keith E., Cromwell Professor of Politics – Princeton University, ““Interpose Your Friendly Hand”: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, American Political Science Review, 99(4), November, p. 585, 591-592

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician’s own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

#### PC isn’t key

**Jacobs and King 10** – University of Minnesota, Nuffield College, (Lawrence and Desmond, “Varieties of Obamaism: Structure, Agency, and the Obama Presidency,” Perspectives on Politics (2010), 8: 793-802)

But personality is not a solid foundation for a persuasive explanation of presidential impact and the shortfalls or accomplishments of Obama's presidency. Modern presidents have brought divergent individual traits to their jobs and yet they have routinely failed to enact much of their agendas. Preeminent policy goals of Bill Clinton (health reform) and George W. Bush (Social Security privatization) met the same fate, though these presidents' personalities vary widely. And presidents like Jimmy Carter—whose personality traits have been criticized as ill-suited for effective leadership—enjoyed comparable or stronger success in Congress than presidents lauded for their personal knack for leadership—from Lyndon Johnson to Ronald Reagan.7 Indeed, a personalistic account provides little leverage for explaining the disparities in Obama's record—for example why he succeeded legislatively in restructuring health care and higher education, failed in other areas, and often accommodated stakeholders. Decades of rigorous research find that impersonal, structural forces offer the most compelling explanations for presidential impact.8 **Quantitative research that compares legislative success and** presidential **personality** **finds no** overall **relationship**.9 In his magisterial qualitative and historical study, Stephen Skowronek reveals that institutional dynamics and ideological commitments structure presidential choice and success in ways that trump the personal predilections of individual presidents.10 **Findings point to** the **predominant** **influence** **on presidential legislative success of** the **ideological** and partisan **composition of Congress, entrenched** **interests**, identities, and institutional design, and a constitutional order that invites multiple and competing lines of authority. The widespread presumption, then, that Obama's personal traits or leadership style account for the obstacles to his policy proposals is called into question by a generation of scholarship on the presidency. Indeed, the presumption is not simply problematic analytically, but practically as well. For the misdiagnosis of the source of presidential weakness may, paradoxically, induce failure by distracting the White House from strategies and tactics where presidents can make a difference. Following a meeting with Obama shortly after Brown's win, one Democratic senator lamented the White House's delusion that a presidential sales pitch will pass health reform—“Just declaring that he's still for it doesn't mean that it comes off life support.”11 Although Obama's re-engagement after the Brown victory did contribute to restarting reform, the senator's comment points to the importance of ideological and partisan coalitions in Congress, organizational combat, institutional roadblocks, and anticipated voter reactions. **Presidential sales pitches go only so far.**

#### No impact

Brandt and Ulfelder 11—\*Patrick T. Brandt, Ph.D. in Political Science from Indiana University, is an Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas. \*\*Jay Ulfelder, Ph.D. in political science from Stanford University, is an American political scientist whose research interests include democratization, civil unrest, and violent conflict. [April, 2011, “Economic Growth and Political Instability,” Social Science Research Network]

These statements anticipating political fallout from the global economic crisis of 2008–2010 reflect a widely held view that economic growth has rapid and profound effects on countries’ political stability. When economies grow at a healthy clip, citizens are presumed to be too busy and too content to engage in protest or rebellion, and governments are thought to be flush with revenues they can use to enhance their own stability by producing public goods or rewarding cronies, depending on the type of regime they inhabit. When growth slows, however, citizens and cronies alike are presumed to grow frustrated with their governments, and the leaders at the receiving end of that frustration are thought to lack the financial resources to respond effectively. The expected result is an increase in the risks of social unrest, civil war, coup attempts, and regime breakdown.

Although it is pervasive, the assumption that countries’ economic growth rates strongly affect their political stability has not been subjected to a great deal of careful empirical analysis, and evidence from social science research to date does not unambiguously support it. Theoretical models of civil wars, coups d’etat, and transitions to and from democracy often specify slow economic growth as an important cause or catalyst of those events, but empirical studies on the effects of economic growth on these phenomena have produced mixed results. Meanwhile, the effects of economic growth on the occurrence or incidence of social unrest seem to have hardly been studied in recent years, as empirical analysis of contentious collective action has concentrated on political opportunity structures and dynamics of protest and repression.

This paper helps fill that gap by rigorously re-examining the effects of short-term variations in economic growth on the occurrence of several forms of political instability in countries worldwide over the past few decades. In this paper, we do not seek to develop and test new theories of political instability. Instead, we aim to subject a hypothesis common to many prior theories of political instability to more careful empirical scrutiny. The goal is to provide a detailed empirical characterization of the relationship between economic growth and political instability in a broad sense. In effect, we describe the conventional wisdom as seen in the data. We do so with statistical models that use smoothing splines and multiple lags to allow for nonlinear and dynamic effects from economic growth on political stability. We also do so with an instrumented measure of growth that explicitly accounts for endogeneity in the relationship between political instability and economic growth. To our knowledge, ours is the first statistical study of this relationship **to simultaneously address** the **possibility of nonlinearity and problems of endogeneity**. As such, we believe this paper offers what is probably the most rigorous general evaluation of this argument to date.

As the results show, some of our findings are surprising. Consistent with conventional assumptions, we find that social unrest and civil violence are more likely to occur and democratic regimes are more susceptible to coup attempts around periods of slow economic growth. At the same time, our analysis shows no significant relationship between variation in growth and the risk of civil-war onset, and results from our analysis of regime changes contradict the widely accepted claim that economic crises cause transitions from autocracy to democracy. While we would hardly pretend to have the last word on any of these relationships, our findings do suggest that the relationship between economic growth and political stability is neither as uniform nor as strong as the conventional wisdom(s) presume(s). We think these findings also help explain why the global recession of 2008–2010 has failed thus far to produce the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social unrest associated with the crisis.

### K – Buddhism

#### Framing—The role of the ballot is to evaluate the simulated policy outcomes of government implementation of the plan

#### b. It’s key to decision-making skills

Hodson 10 Derek, professor of education – Ontario Institute for Studies @ University of Toronto, “Science Education as a Call to Action,” Canadian Journal of Science, Mathematics and Technology Education, Vol. 10, Issue 3, p. 197-206

\*\*note: SSI = socioscientific issues

The final (fourth) level of sophistication in this issues-based approach is concerned with students findings ways of putting their values and convictions into action, helping them to prepare for and engage in responsible action, and assisting them in developing the skills, attitudes, and values that will enable them to take control of their lives, cooperate with others to bring about change, and work toward a more just and sustainable world in which power, wealth, and resources are more equitably shared. Socially and environmentally responsible behavior will not necessarily follow from knowledge of key concepts and possession of the “right attitudes.” As Curtin (1991) reminded us, it is important to distinguish between caring about and caring for. It is almost always much easier to proclaim that one cares about an issue than to do something about it. Put simply, our values are worth nothing until we live them. Rhetoric and espoused values will not bring about social justice and will not save the planet. We must change our actions. A politicized ethic of care (caring for) entails active involvement in a local manifestation of a particular problem or issue, exploration of the complex sociopolitical contexts in which the problem/issue is located, and attempts to resolve conflicts of interest. FROM STSE RHETORIC TO SOCIOPOLITICAL ACTION Writing from the perspective of environmental education, Jensen (2002) categorized the knowledge that is likely to promote sociopolitical action and encourage pro-environmental behavior into four dimensions: (a) scientific and technological knowledge that informs the issue or problem; (b) knowledge about the underlying social, political, and economic issues, conditions, and structures and how they contribute to creating social and environmental problems; (c) knowledge about how to bring about changes in society through direct or indirect action; and (d) knowledge about the likely outcome or direction of possible actions and the desirability of those outcomes. Although formulated as a model for environmental education, it is reasonable to suppose that Jensen's arguments are applicable to all forms of SSI-oriented action. Little needs to be said about dimensions 1 and 2 in Jensen's framework beyond the discussion earlier in the article. With regard to dimension 3, students need knowledge of actions that are likely to have positive impact and knowledge of how to engage in them. It is essential that they gain robust knowledge of the social, legal, and political system(s) that prevail in the communities in which they live and develop a clear understanding of how decisions are made within local, regional, and national government and within industry, commerce, and the military. Without knowledge of where and with whom power of decision making is located and awareness of the mechanisms by which decisions are reached, intervention is not possible. Thus, the curriculum I propose requires a concurrent program designed to achieve a measure of political literacy, including knowledge of how to engage in collective action with individuals who have different competencies, backgrounds, and attitudes but share a common interest in a particular SSI. Dimension 3 also includes knowledge of likely sympathizers and potential allies and strategies for encouraging cooperative action and group interventions. What Jensen did not mention but would seem to be a part of dimension 3 knowledge is the nature of science-oriented knowledge that would enable students to appraise the statements, reports, and arguments of scientists, politicians, and journalists and to present their own supporting or opposing arguments in a coherent, robust, and convincing way (see Hodson [2009b] for a lengthy discussion of this aspect of science education). Jensen's fourth category includes awareness of how (and why) others have sought to bring about change and entails formulation of a vision of the kind of world in which we (and our families and communities) wish to live. It is important for students to explore and develop their ideas, dreams, and aspirations for themselves, their neighbors and families and for the wider communities at local, regional, national, and global levels—a clear overlap with futures studies/education. An essential step in cultivating the critical scientific and technological literacy on which sociopolitical action depends is the application of a social and political critique capable of challenging the notion of technological determinism. We can control technology and its environmental and social impact. More significantly, we can control the controllers and redirect technology in such a way that adverse environmental impact is substantially reduced (if not entirely eliminated) and issues of freedom, equality, and justice are kept in the forefront of discussion during the establishment of policy.

#### c. Drone discussions re-orient symbolic representations of global issues—Macro-political discussion key to overcome institutional bias

Green and Bernal 13 [May 29th, Droning Toward the Boundless War, Volume 25, Issue 2, Pages 212-218, Published authors under, Peace Review: A Journal of Social Justice, <http://www.tandfonline.com/doi/full/10.1080/10402659.2013.785324>]

War reminds us of our disconnection from one another. If we begin with acknowledging our common humanity, war comes when those small differences between us become amplified. We fail to see in the eyes of another that they are our brothers and sisters. We remove ourselves from the intimacy of knowing what war brings. Through the quiet embrace of an illusion, we fail to see the blood spilled by “them” as also our blood. The irony of war is that it provides a kind of curious veil that places our individual and collective anxiety about death “out there” into someone who will die on our behalf and kill so that we may live. What we consider to be vital in our lives is increasingly about ideologies, resources, and dominance. Behind this veil is an admixture of beliefs that our life is better than those who have become the enemy. What many of us seek unconsciously to protect is not so much life in the sense of our physical safety; rather, it has become more about a way of life where war keeps the balance of the scales tipped to our advantage a bit longer.¶ Our human differences were once about the survival of one tribe over another, one kingdom ruling another, and one nation conquering its neighbor. Warfare was for millennia face-to-face, where club and spear and sword were the implements of the mortal wound. Then with the bullet and the bomb, the mine and the missile, death from war became a more distant affair. The impact of taking a life became visible only in its aftermath. As the distance increased so did the lethality of weaponry. One bomb could kill 100,000. Within two decades in the era of the Cold War, humans had created the capacity to kill ourselves many times over. Yet these wars remained nation against nation. The “other” was one that had a flag, a people, and lands that were within generally recognized boundaries. Through the Geneva Convention, there were rules of war. A World Court was also established to prosecute those who violated these international agreements.¶ On September 11, 2001, war changed. With the beginning of the War on Terrorism, the United States entered the new era of the boundless war. No longer was the enemy another nation-state. What evolved as a consequence was a movement into a transitional space where no rules and no laws of war can any longer be found. With the collapse of the World Trade Center twin towers in New York came a descent into a different way of waging war. Initially, many of the elements remained the same. The United States took action against the Taliban government of Afghanistan for harboring training camps for Al Qaeda. In many respects, this “boots on the ground” approach to warfare had the trappings of modern conventional struggles. Troops were deployed with all the latest tactical support to take on an elusive enemy in a far away land. One powerful nation-state sought to reap justice through war from another nation-state deemed responsible for attacking the sovereignty and sanctity and safety of its people. This decade of action was designed to help Americans believe something was being done to quell the threat of terrorist attacks and implicitly to offer an assurance that the horror of 9/11 would somehow never again reach the shores of the nation. The shadowy adversary, if not vanquished, was so depleted, according to the politicians, that their ability to assault our way of life was dramatically diminished.¶ What is less visible is how the boundaries of the War on Terror morphed into something different where the psychological nature of war shifted once more. Much as The Bomb with its horrific dimensions made death in war a devastating fact for some distant enemy, so it is that the drone has become its more technologically precise and sophisticated counterpart. From thousands of miles away, “assets” can be deployed to eliminate “targets” who are deemed to pose an imminent threat to the United States. The face of the enemy is no longer seen. The hands that guide the lethal cargo do so remotely on a computer screen where the deadly action once executed has the appearance akin to a graphically intense video game. With no troops of “our” own placed in harms way, fewer deaths of innocents as “collateral damage,” and more precise elimination of sworn enemies, collective complacency about the practice was implicitly endorsed by 66 million Americans—if not more—at the last presidential election. The thorny legal complexities of this new terrain of war are placed in abeyance, in part because of the anxiety that is alleviated through the drones of war.¶ At an unconscious level, the named but faceless enemy, consistently presented as top operatives of terrorist organizations, becomes the projective repository of the threat to our way of life. They are the objects that evoke our death anxiety. They remind us that our way of life, and thereby the only life we have come to know, is threatened. They have attacked our symbols of military might and economic power. They have killed those who represent these pillars of our way of being. In this respect, the literal becomes the symbolic. The war on “them,” wherever they may be and whatever nation-state they may call their home, reduces in relevance. A drone crosses all these boundaries, as the lethal action of the surgical strike becomes just because the enemy combatant is one who lives in the shadows and therefore can be pursued there.¶ The rationale for the absence of outcry has deep unconscious antecedents in the most primitive ego defenses. The seemingly antiseptic elimination of targets allows for denial to become normative. Violence viewed through a flat screen has become entertainment, even when practiced at our own hands. When neutralizing an Al Qaeda leader looks the same as scoring a kill on Call of Duty, we can easily deny how we are complicit in a violent action of war. As such a threshold of consciousness that allows us to function in denial, relatively free of death anxiety in our day-to-day lives, remains intact. By seeing a puff on a screen rather than the riddled bodies of the defeated enemy, the connection to our own common mortality is displaced and placed at a distance. They enemy on the other side of the screen become the holders of death, quite literally, while symbolically representing the preservation of our way of life through their demise.¶ The role of the boundless war also provides an endless supply of targets for projection. While given the current name of “Islamic extremists,” this label is less important than how they become icons on which our fears about our mortality can be projected. In the illusion of a war that is not like what war once was and an enemy that is not an army like the troops of the past and a location that has no national borders or discrete regions, the ambiguity becomes a further expression of the boundlessness. War waged in this “No Man's Land” is rendered invisible, denied, and sufficiently subtle so as to remain unconscious to those who benefit from its execution.¶ When the New York Times wrote an expose revealing the appearance of corrupt financial activity on the part of those ascending to power in China, they came under attack. Within days of the publication of the stories, the Times reported a breach in the security of its electronic files. Through malicious code that was introduced into their server by an unsuspecting employee, some distant party began to search files, steal passwords, and target specific reporters. Suspected in these attacks was the Chinese government, known for its ambivalence about press freedoms.¶ These incidents are not isolated. During the summer of 2012, a number of U.S. financial institutions reported “delivery of service” attacks, ones where a flood of data overwhelms an organization's servers to the point that routine business transactions are disrupted. The Iranian government, despite repeated denials, was suspected in these actions. Perhaps an extension of what drones represent in terms of warfare, cyberattacks may be a new frontier in the boundless war. No longer is life itself directly attacked; rather, ideologies and ways of life become the new mortal symbolic targets.The anxiety that comes through such an approach to war means that what is perceived as necessities of life in much of the West—electric power, running water, Internet access—each increasingly controlled by virtual means, can be brought down by infiltration of hackers in distant lands. As with drones where international boundaries are no longer a limit on who may be seen as the enemy, the alleged actions of Iran and China suggest that corporate entities and private citizens who represent assaults on a people can be attacked.¶ One consequence of globalization is that the virtual distance between us is radically reduced to be a click or two away on a device that is often in our pocket or purse. It also means that tools of the emerging warfare may well soon be in each of our hands. Surveillance tools and sources to launch a cyberattack are carried in our cell phone.¶ The boundless war finds its justification in our perceived differences. We wage deadly violence through a kind of zero-sum social logic that views resources as finite. The need to destroy the “other” to access these resources comes through the tacit and often unconscious agreement with similar others that says “they” are a threat to “us.” This kind of paranoid stance allows war to be waged to ensure no disruption in the symbol and source of what “our” group values and perceives it needs. The paradox is in how virtual reality concurrently allows us to know the extent of the global inequities. We in the West operate with the reasonable concern that “they” will not long tolerate this kind of imbalance.¶ Nonetheless, we speak primarily to their threat to us and point to lives lost in terrorist attacks as the rationale for the boundless war. Little corresponding attention is given to the degradation of the environment, the forced migrations, the imposition of government structures, and other evidence of dominance that seed discontent in generations of the “other.” What gets enacted is the fear of death rather than any deeper examination of the mutuality of shared human interests. Death anxiety taps into a greater existential question about what to do with our lives and a more general unease about the unavoidable trajectory toward our own death. Differences in a group's way of life can in this instance be understood as more than cultural nuance. As such, the further paradox is that the boundless war gives life meaning and helps satisfy the human impulse to alleviate existential angst and the certainty of our death by killing the other who threatens this denial.¶ On a healthy level, various cultural symbols such as country, race, or a religious tradition can serve as very positive elements in human meaning-making. They create the fiber of a functioning civil society where debate, discussion, participation, coexistence, and learning are the norm. Under circumstances of threat or significant levels of uncertainty, however, there may be a regressive tendency to attach allegiance to these symbols to an extent that destruction, death, and domination is justified and even celebrated.¶ From a psychological perspective, many conditions contribute to the creation of the boundless war. As referenced previously, globalization reduces the distance between us. Under this condition, there is a virtual intimacy in knowing that we can instantaneously be in touch and face-to-face with someone on the other side of the planet. It is this form of connection that gives substance to our experience of a common humanity. Yet, it is also this same means that can remind us of the inequities and injustices abound. Ideally, consciousness of the experience of the other can bring about greater compassion, empathy, understanding, and identification with our fellow human beings. In other instances, the starkness of the differences may first lead to recoiling into the familiar. Reaching out to the world can be replaced by a regressive return to known narratives that reinforce our view or the world. Those small differences become the beginning of the alienation of one from another. As such, a cycle of displacement of anxieties and projection of fears gets enacted and often perpetuated through war.¶ The small deaths that happens when our point of view of way of being is not understood or recognized by the “other” is like a little war. In seeking to affirm our cherished reality and deeply held belief, the necessity to find those who share our worldview creates coalitions of belonging. These connections form the basis of shared identity, common language, and preferred ways of knowing where our boundaries end and the realm of the “other” begins. There was a time when one could claim access to resources such as people, land, or wealth as the measure of supremacy in such disputes. In the age of the virtual, increasingly there is equity in the capacity to find one's people and that critical mass needed to battle forces that were once invisible.¶ What makes this condition so critical in a time of boundless war is that such coalitions are like shifting sands. Most will find themselves with multiple allegiances and many factors to balance in the quest to keep the fear of death at bay. When the discourse around us becomes increasingly divisive and fear is used to bring the like-minded in line with one another, an either–or mentality becomes like a psychological refugee camp in a world where our interdependence because increasingly undeniable. Boundless war is known to be nowhere and everywhere. We are its victims and its propagators. With no longer a bomb shelter that can protect us nor a country whose boundaries are secure enough to stop the world from closing in on us, a kind of schizoid state that gives us the fleeting solace of self-sufficiency shields us from the deeper and starker reality. From this psychological bunker of virtual walls, we allow the boundless war to drone on, as we remain unconscious.¶ Locating the coordinates and governing social logic that structure the context under which we live and inform our lives reveals a system that operates under a number of principles that currently remain supreme. Globalization spreads to all corners of the world and with it the primacy of profit seeking, wealth accumulation, and the struggle for control of depleting resources. This quest, which has many traits of an addictive process, serves to maintain the lifestyle of an unrestrained consumer culture. What becomes valued are those actions that play a role in mass production and monetary gain. What is compromised is a relational, environmental, ethical, or aesthetic orientation to one another that promotes compassion and helps us sustain our deeper shared human connection.¶ In a globalizing world, tremendous levels of expanding inequality exist at a time when there are great amounts of wealth. This reality suggests an inability to meet some basic human needs despite consciousness of our deeper interconnectedness and interdependence.These conditions have created a situation in both the developed and developing world where a growing sector of the population is becoming alienated from meaning. Our role within the global economy comes with certain by-products and social ills that become translated into a compulsion toward aggression. The cost is the kind of cooperative empathy capable of nurturing diverse environments and addressing inequities for which there is a current collusion to deny.¶ Daily participation within this broader macro system creates the necessary triggers that can expand the relationship we have with anxiety. Our need to reduce this anxiety means reducing the social symbols that link us. The trade-off is in the boundless war, the safety valve for our collective emotional rationalizations. Through drones and loss of boundaries of the nation-state to pursue the enemy, we can justify any number of aggressions on to the “other.” In the boundless war, ongoing financial crises, citizen debt, and the break down of social and public investment accompany a perpetual war that is not only borderless but also ongoing. We are always fighting someone “out there” that threatens our safety and our way of life even to the point where we have to give up civil liberties. Our authority figures become unaccountable when there is constant vigilance and a concentration of power in the name of safety to battle an enemy that has no border. Our justifications and tolerance for destruction deepen when the virtuality of technology and the materiality of human life continue to overlap in a way that can obscure the human connection we actually share on this same planet.

#### d. Alt puts the cart before the horse – pragmatic action must come first

Owen 2 David, Reader in Political Theory at the University of Southampton, Reorienting International Relations: On Pragmatism, Pluralism and Practical Reasoning”, Millennium: Journal of International Studies, Vol. 31, No. 3, http://mil.sagepub.com/cgi/reprint/31/3/653

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises. It should be noted that I am not claiming that such a vicious circle has been established in IR by virtue of the philosophical turn, nor am I claiming that IR is alone in its current exposure to this threat; on the contrary, Shapiro’s remarks are directed at (primarily North American) political science. I am simply concerned to point out that the philosophical turn in IR increases its exposure to these dangers and, hence, its vulnerability to the kind of vicious circle that they can, collectively, generate.

#### Our 1AC was written the way it was due to qualitative and quantitative research about these threats, we recognize our responsibility for those contributions, we think the responsibility for future generations outweighs

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Schell's work attempts to force on us an acknowledgment that sounds far-fetched and even ludicrous, an acknowledgment hat the possibility of extinction is carried by any use of nuclear weapons, no matter how limited or how seemingly rational or seemingly morally justified. He himself acknowledges that there is a difference between possibility and certainty. But in a matter that is more than a matter, more than one practical matter in a vast series of practical matters, in the "matter" of extinction, we are obliged to treat a possibility-a genuine possibility-as a certainty. Humanity is not to take any step that contains even the slightest risk of extinction. The doctrine of no-use is based on the possibility of extinction. Schell's perspective transforms the subject. He takes us away from the arid stretches of strategy and asks us to feel continuously, if we can, and feel keenly if only for an instant now and then, how utterly distinct the nuclear world is. Nuclear discourse must vividly register that distinctiveness. It is of no moral account that extinction may be only a slight possibility. No one can say how great the possibility is, but no one has yet credibly denied that by some sequence or other a particular use of nuclear weapons may lead to human and natural extinction. If it is not impossible it must be treated as certain: the loss signified by extinction nullifies all calculations of probability as it nullifies all calculations of costs and benefits. Abstractly put, the connections between any use of nuclear weapons and human and natural extinction are several. Most obviously, a sizable exchange of strategic nuclear weapons can, by a chain of events in nature, lead to the earth's uninhabitability, to "nuclear winter," or to Schell's "republic of insects and grass." But the consideration of extinction cannot rest with the possibility of a sizable exchange of strategic weapons. It cannot rest with the imperative that a sizable exchange must not take place. A so-called tactical or "theater" use, or a so-called limited use, is also prohibited absolutely, because of the possibility of immediate escalation into a sizable exchange or because, even if there were not an immediate escalation, the possibility of extinction would reside in the precedent for future use set by any use whatever in a world in which more than one power possesses nuclear weapons. Add other consequences: the contagious effect on nonnuclear powers who may feel compelled by a mixture of fear and vanity to try to acquire their own weapons, thus increasing the possibility of use by increasing the number of nuclear powers; and the unleashed emotions of indignation, retribution, and revenge which, if not acted on immediately in the form of escalation, can be counted on to seek expression later. Other than full strategic uses are not confined, no matter how small the explosive power: each would be a cancerous transformation of the world. All nuclear roads lead to the possibility of extinction. It is true by definition, but let us make it explicit: the doctrine of no-use excludes any first or retaliatory or later use, whether sizable or not. No-use is the imperative derived from the possibility of extinction. By containing the possibility of extinction, any use is tantamount to a declaration of war against humanity. It is not merely a war crime or a single crime against humanity. Such a war is waged by the user of nuclear weapons against every human individual as individual (present and future), not as citizen of this or that country. It is not only a war against the country that is the target. To respond with nuclear weapons, where possible, only increases the chances of extinction and can never, therefore, be allowed. The use of nuclear weapons establishes the right of any person or group, acting officially or not, violently or not, to try to punish those responsible for the use. The aim of the punishment is to deter later uses and thus to try to reduce the possibility of extinction, if, by chance, the particular use in question did not directly lead to extinction. The form of the punishment cannot be specified. Of course the chaos ensuing from a sizable exchange could make punishment irrelevant. The important point, however, is to see that those who use nuclear weapons are qualitatively worse than criminals, and at the least forfeit their offices. John Locke, a principal individualist political theorist, says that in a state of nature every individual retains the right to punish transgressors or assist in the effort to punish them, whether or not one is a direct victim. Transgressors convert an otherwise tolerable condition into a state of nature which is a state of war in which all are threatened. Analogously, the use of nuclear weapons, by containing in an immediate or delayed manner the possibility of extinction, is in Locke's phrase "a trespass against the whole species" and places the users in a state of war with all people. And people, the accumulation of individuals, must be understood as of course always indefeasibly retaining the right of selfpreservation, and hence as morally allowed, perhaps enjoined, to take the appropriate preserving step

**The alt fails- Buddhism will NEVER be adopted because it gets bogged down in the discourse of the neg’s understanding**

Harris 9, Religious Scholar [Sam, “Killing the Buddha” http://www.shambhalasun.com/index.php?option=com\_content&task=view&id=2903&Itemid=244]

This is not to say that Buddhism has nothing to offer the world. One could surely argue that the Buddhist tradition, taken as a whole, represents the richest source of contemplative wisdom that any civilization has produced. In a world that has long been terrorized by fratricidal Sky-God religions, the ascendance of Buddhism would surely be a welcome development. **But this will not happen**. There is no reason whatsoever to think that Buddhism can successfully compete with the relentless evangelizing of Christianity and Islam. Nor should it try to. The wisdom of the Buddha is currently trapped within the religion of Buddhism. Even in the West, where scientists and Buddhist contemplatives now collaborate in studying the effects of meditation on the brain, Buddhism remains an utterly parochial concern. While it may be true enough to say (as many Buddhist practitioners allege) that “Buddhism is not a religion,” most Buddhists worldwide practice it as such, in many of the naive, petitionary, and superstitious ways in which all religions are practiced. Needless to say, all non-Buddhists believe Buddhism to be a religion—and, what is more, they are quite certain that it is the wrong religion. To talk about “Buddhism,” therefore**, inevitably imparts a false sense of the Buddha’s teaching to others. So insofar as we maintain a discourse as “Buddhists,” we ensure that the wisdom of the Buddha will do little to inform the development of civilization in the twenty-first century**.

#### Their refusal to address possible catastrophes in the world is more of an attempt of escaping from realities --- it’s more productive to work to remove the causes of fear and suffering

Geshe Kelsang **Gyatso 03**, Internationally renowned teacher and author of 19 books on spirituality, 2003 Tharpa Publications, http://www.tharpa.com/uk/background/dealing-with-fear.htm

According to Buddhism, there is unhealthy fear and healthy fear. For example, when we are afraid of something that cannot actually harm us - such as spiders - or something we can do nothing to avoid - such as old age or being struck down with smallpox or being run over by a truck - then our fear is unhealthy, for it serves only to make us unhappy and paralyze our will. On the other hand, when someone gives up smoking because they are afraid of developing lung cancer, this is a healthy fear because the danger is real and there are constructive steps they can take to avoid it. IT CONTINUES However, right now we need the healthy fear that arises from taking stock of our present situation so that we can resolve to do something about it. For example, there is no point in a smoker being scared of dying of lung cancer unless there is something that he or she can or will do about it, i.e. stop smoking. If a smoker has a sufficient fear of dying of lung cancer, he or she will take steps to kick the habit. If he [or she] prefers to ignore the danger of lung cancer, he [or she] will continue to create the causes of future suffering, living in denial and effectively giving up control. Just as a smoker is vulnerable to lung cancer due to cigarettes, it is true that at the moment we are vulnerable to danger and harm, we are vulnerable to ageing, sickness, and eventually death, all due to our being trapped in samsara — the state of uncontrolled existence that is a reflection of our own uncontrolled minds. We are vulnerable to all the mental and physical pain that arises from an uncontrolled mind-such as the pains that come from the delusions of attachment, anger, and ignorance. We can choose to **live in denial** of this and thereby **give up what control we have**, or we can choose to recognize this vulnerability, recognize that awe are in danger, and then find a way to avert the danger by **removing the actual causes** of all fear (the equivalent of the cigarettes) - the delusions and negative, unskillful actions motivated by those delusions. In this way we gain control, and if we are in control we have no cause for fear. A balanced fear of our delusions and the suffering to which they inevitably give rise is therefore healthy because it serves to **motivate constructive action to avoid a real danger**. We only need fear as an impetus until we have removed the causes of our vulnerability through finding spiritual, inner refuge and gradually training the mind

#### The fact of hegemonic order means we must foster policy action—it’s not a question of action vs inaction, but which action is better

**Jacques** **6** (Peter, Assistant Professor of Political Science at the University of Central Florida, “The Rearguard of Modernity: Environmental Skepticism as a Struggle of Citizenship”; Global Environmental Politics 6.1 (2006), Muse)

In particular, environmental skepticism is opposed to the establishment of global environmental concerns and those related to human sustainability. The substantive arguments of environmental skeptics are guided by a "deep anthropocentrism" which dissolves society from non-human nature. Importantly, a severed nature-human relationship effectively challenges the institutionalization of obligation to environmental changes and the people who are affected by these changes. Skepticism therefore preserves a conservative hope for limited government in the global market while it protects a consumptive elite against responsibilities for these systemic changes. In the process, environmental skepticism defends the structure of dominant social values in world politics such as the state system, expansive resource exploitation under world capitalism, and a hegemonic and consumptive North (and US in particular from where most skeptics hail) to flourish unmolested by the gadflies of the environmental movement. Therefore, being overly concerned with the contrarian knowledge claims of environmental skeptics misses skepticism's more important political message about duty and the legitimacy of public environmental concern. Environmental skeptics, even if they are conclusively proven wrong on all counts, will succeed in—at least temporarily—guarding a falling hegemonic order if academia, the press, and government become overly interested in Darth Vader and Obi Wan dueling at the bay doors.101 I suspect that skeptics will be happy to continue to create this kind of conflict because it ultimately provides an indefinite defense of the dominant social norms and institutions. They do not need to win the debate about the state of the world to maintain this power and dominance. They only need to establish enough doubt about the environmental epistemic community having the debate to throw public action into doubt as well. Kysar, in Ecology Law Quarterly, notes that both environmentalists, such as Worldwatch Institute, and skeptics like Lomborg are guilty of hyperbole which they use to focus attention on their own policy agenda through competing Litanies.[102](http://muse.jhu.edu/journals/global_environmental_politics/v006/6.1jacques.html#FOOT102) These Litanies are, among other things, struggles over the ability to frame risk, and therefore regulation: As a result, science becomes a contested space in which competitors vie forthe legal authority to impose costs on other parties, whether in the form of regulatory compliance, or externalized physical and environmental harms.103 However, Wildavsky, correctly I think, argues that risk is politically assessed by morality, and this makes the framing of public risk a civic exercise.[104](http://muse.jhu.edu/journals/global_environmental_politics/v006/6.1jacques.html#FOOT104) From here, [End Page 95] he argues that environmental policies need to be made with a preponderance of evidence, not evidence from probabilities. But skeptical ethics severely limit what counts and is available to create such a preponderance of evidence. Thus, contrary to what Lomborg argues, understanding what is to be done and prioritizing action is not just a simple .matter of adding up the costs and benefits. The real struggle is over what can count as a cost or benefit or even whether such a conceptual tool is fair, appropriate, or relevant.105 Environmental skepticism is therefore a struggle over the core values and beliefs that frame who and what risks should count as important. But these are no ordinary historical risks. The state of the world debate centers on what core civic values should organize risk in society regarding human development and progress. Wildavsky's "culture" model is based on core fears and different cultural sets have different core fears of risks, and that environmentalists have a specific culture guided by "radical egalitarianism." I do not disagree that some environmentalism is deeply concerned about the fair distribution of ecological space and change.106 Turning this around though, it is just as plausible to frame skeptics as struggling for a "radical in-egalitarianism" within the core values that already organize world politics. In conclusion, skepticism's influence in politics and culture presents a dramatic threat to human ability and political will to protect the critical life support systems found in ecological goods and services because they dismiss these systems as important. Many civilizations have actively decided, for one reason or another, to ignore the erosion of this essential relationship between society and non-human nature, only to collapse or find themselves at the mercy of a Dark Age that is defined by misery and suffering.107 Jared Diamond writes, Our world is interconnected and interdependent, like Easter Island's 11 clans. Today, we face the same problems—loss of forests, fisheries, biodiversity, fresh water, and topsoil—that dragged down past societies. But for the first time in world history, we are producing or transporting toxic materials, greenhouse gases, and alien species. All these environmental problems are time bombs. The world is now on an unsustainable course, and these problems will be resolved one way or another, pleasantly or unpleasantly, within the next 50 years.[108](http://muse.jhu.edu/journals/global_environmental_politics/v006/6.1jacques.html#FOOT108) Yet, Lomborg shrugs off the matter of accountability to exactly these kinds of changes as "blame" and says our true priorities should be more along the lines of a low-fat diet instead of "focusing on pesticides, oxygen depletion, global warming, forests, wind power, biodiversity, etc.—issues which are more clearly someone else's fault."109 [End Page 96] To some, the song of skepticism sounds like a sweet song, laden with the security and power of modernity. Diamond points out with optimism I share, when Easter Island collapsed, it did not have the benefit of knowing that other societies had colapsed by undermining ecological life support systems. However, taking responsibility for global environmental integrity would be a positive step towards paradigmatic and r/evolutionary changes, one of which would be an incorporation of obligations to human societies commensurate with membership and impact within a larger international and ecological community.110 This directly challenges the way power and wealth are concentrated in the current world system, and environmental skeptics have organized as the rearguard for this system and its globalizing—but beleaguered—paradigm. To be sure, the fact that conservatives have felt the need to rally around the DSP indicates that the ecological position is gaining strength. Skeptics however wish to postpone this change. Their placations sound good to the elite who are part of the dominant world order. From Diamond's lessons, this skeptical song is like lulling the boiling frog to sleep, ignoring that someone put the frog in the pot to begin with, and then telling the frog that things are, "in fact," getting better all the time.