#### Resolved: The United States’ use of targeted killing in foreign countries is unjust.

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### Topic Overview

Targeted killing is a debate which seems to creep into the slate of potential topics rather often. It’s an excellent topic with plenty of broad affirmative and negative ground. Throughout this section of the brief we will examine exactly what the resolution is arguing, as well as study some background information before we explore affirmative and negative strategies.

What exactly is targeted killing? While there is not per say a universally agreed upon definition of targeted killing, it is easy to surmise its meaning. Targeted killing is essentially the targeting of an individual, followed by the subsequent assassination of the said individual for a variety of reasons whether that be religious, political, national security, or other. On face, this essentially means that the affirmative side argues that targeted killing is bad, whereas the negative argues that targeted killing, is not bad, or is acceptable in some circumstances. Considering that targeted killing is alike to any form of premeditated violent action on an already picked target, it’s usage is historically broad and has operated in the form of poisoning, stabbings, shootings, etc. Although most probable for this resolution is the use of drone warfare and the role it plays in the middle east.

 There are several limiting words within the resolution. The “United States” clearly limits the resolution to the United States, although it fails to indicate whether that is mainland United States, the United States Federal Government, etc. So theoretically, although not advised as a strategy the resolution could regard the actions of violent actions of patriotic militia groups in Iran, if such a thing exists. Stretching slightly less, the affirmative could advocate that United States halt activity against drug lords on the Mexico border, etc.

Additionally, of the phrase “foreign countries” also adds nuances to the debate. To be a country requires some sort of international recognition of borders and of sovereignty. This is something that on occasion varies, and interestingly enough is relevant in many military geographies today. For example, look to Palestine which is not recognized by the United States, but is by other nations. The same goes for the Kurdish who do not belong to a nation state in the middle east, as well as ISIL/ISIS who have proclaimed themselves to be a country within the territory that they conquer, although not recognized as an official country by anyone. Furthermore, governments don’t declare war on countries as much as they do terrorist groups inside of countries, thus how does this implicate the laws of war within the scope of the resolution?
 Let’s discuss some of these ideas more, as we incorporate them into affirmative and negative strategies.

### Traditional Strategies

The majority of the offense coming out of the affirmative and negative cases on this topic is rather good. Advantages to targeted killing, and disadvantages to targeted killing. Here is a list of some possible ideas.

The framework debate on either side in most debates will likely be an issue of the nature of justice in relationship to national security, as is will be the value of lives. It should also be expected that many debaters on this topic will weigh their value via the end result, particularly the affirmative, as well as the criterion of just war theory. Additionally, the role of international law, and its repercussions is also a legitimate standard.
 Concerning the case level. The increase/decrease hegemony/credibility debate will no doubt be a strong argument on this topic, and the literature base for these arguments are readily available, even when narrowed down its relation to drone strikes. It is also very likely to see some sort of debate on the efficacy of drone strikes hitting their intended targets.

### Critical Strategies

This is an incredibly fun topic for critical debaters on the affirmative and the negative, concerning both policy options in addition to philosophical positions. Many of these can overlap the affirmative and negative depending on the case framing. Let’s discuss more policy oriented options, and then we will go on to address more philosophical routes.

While it is assumed that the resolution implies foreign policy in the middle east, there are plenty of alternative routes to address, such as the prominent killing of Muslims in Myanmar (Burma) by government officials, as well as genocide and famine in Sudan, South Sudan, Burundi, The Democratic Republic of the Congo, the Central African Republic etc. It would be advantageous to shift the debate to these areas as it lessens the predictability of your opponent. Furthermore, considering that the resolution does not parametrize who is being killed during targeted killing, it may be advantageous to promote the targeted killing of invasive species whom are wiping out critically endangered populations within Australia. Other policy options take a more domestic approach such as a counterplan banning the military.

 From a philosophical perspective, there are perhaps even more options. An argument could be made that the military is a product of colonial male whiteness and thus any actions it takes furthers this colonial violence. There is also the intertwinement of object oriented ontology and some of the arguments made by Virillo, the argument would essentially say that The drone perpetuates a form of risk-management that utilizes technology to homogenize difference and allows us to view individuals always as part of preconceived groups. A more selective process of what type of people we kill doesn’t solve because we still arbitrarily categorize people as fitting into the terrorist category. There is also a substantial amount of ground for biopolitics, capitalism, terror talk, security rhetoric, borders and many other critical arguments.

### Additional Readings

“The New American Militarism: How Americans are Seduced by War,” 2013, Oxford University Press http://www.independent.org/publications/tir/article.asp?a=569

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Solis 2007, Gary. "Targeted Killing and the Law of Armed Conflict." Naval War College Review 60, no. 2 (Spring 2007). Accessed June 28, 2017. <https://www.usnwc.edu/getattachment/764f1498-9f87-406c-b8e5-0068336aa9ed/Targeted-Killing-and-the-Law-of-Armed-Conflict---S>.

Anderson, Kenneth, Targeted Killing and Drone Warfare: How We Came to Debate Whether There is a ‘Legal Geography of War’ (April 26, 2011). FUTURE CHALLENGES IN NATIONAL SECURITY AND LAW, Peter Berkowitz, ed., Hoover Institution, Stanford University, Forthcoming; American University, WCL Research Paper No. 2011-16. <http://media.hoover.org/sites/default/files/documents/FutureChallenges_Anderson.pdf>

<http://everydaydebate.blogspot.com/2012/02/targeted-killing-debate-ideas-for-aff.html>

Luft 2003, Gal. "The Logic of Israel's Targeted Killing." The Middle East Quarterly 10.1 (2003): 3-13. Web. 27 June 2017. <http://www.meforum.org/515/the-logic-of-israels-targeted-killing>.

### Affirmative Case

#### I Affirm, Resolved: The United States’ use of targeted killing in foreign countries is unjust.

#### My value for today’s debate will be Life, viewed through the lens of Consequentialism, which states that the ends justify the means.

#### Contention 1: Targeted Killings are a facet of a broader system of United States Imperialism abroad.

Hossezin-Zadeh 2010 teaches economics @ Drake University, “The Biggest Parasite,” 12-17-10, <http://www.counterpunch.org/2010/12/17/the-globalization-of-militarism/> (BFI WL)

Many Americans still believe that US foreign policies are designed to maintain peace, to safeguard human rights and to spread democracy around the world. Regardless of their officially stated objectives, however, those policies often lead to opposite outcomes: war, militarism and dictatorship. Evidence of the fact that US policy makers no longer uphold the ideals they state publicly is overwhelming. Those who continue to harbor illusions about the thrust of US policies around the world must be oblivious to the fact that the United States has been overtaken by a military-industrial-security-financial cabal whose representatives are firmly ensconced in both the White House and the US Congress. The ultimate goal of the cabal, according to their own military guidelines, is “full spectrum dominance” of the world; and they are willing to wage as many wars, to destroy as many countries and to kill as many people as necessary to achieve that goal. The liberal hawks and petty intellectual pundits who tend to defend US foreign policies on the grounds of “human rights” or “moral obligations” are well served to pay attention (among other evidence) to the US foreign policy documents that are currently being disclosed by the Wikileaks. The documents “show all too clearly that,” as Paul Craig Roberts puts it, “the US government is a duplicitous entity whose raison d’etre is to control every other country.” In essence, the documents show that while the US government, like a global mafia godfather, rewards the pliant ruling elites of the client states with arms, financial aid and military protections, it punishes the nations whose leaders refuse to surrender to the wishes of the bully and relinquish their national sovereignty. US foreign policies, like its domestic policies, are revealed as catering not to the broader public or national interests of the people but to the powerful special interests that are vested primarily in the military capital and the finance capital. US foreign policy architects are clearly incapable of recognizing or acknowledging the fact that different peoples and nations may have different needs and interests. Nor are they capable of respecting other peoples’ aspirations to national sovereignty. Instead, they tend to view other peoples, just as they do the American people, through the narrow prism of their own nefarious interests. By selfishly dividing the world into “friends” and “foe,” or “vassal states,” as Zbigniew Brzezinski put it, powerful beneficiaries of war and militarism compel both groups to embark on a path of militarization, which leads inevitably to militarism and authoritarian rule. Although militarism grows out of the military, the two are different in character. While the military is a means to meet certain ends such as maintaining national security, militarism represents a bureaucratized permanent military establishment as an end in itself. It is “a phenomenon,” as the late Chalmers Johnson put it, “by which a nation’s armed services come to put their institutional preservation ahead of achieving national security or even a commitment to the integrity of the governmental structure of which they are a part” (The Sorrows of Empire, Metropolitan Books, 2004, pp. 423-24). This explains the cancerous growth and parasitic nature of US militarism?cancerous because it is steadily expanding throughout many parts of the world, and parasitic because not only does it drain other nations resources, it also sucks US national resources out of the public purse into the coffers of the wicked interests that are vested in the military-industrial-security complex. By creating fear and instability and embarking on unilateral military adventures, corporate militarism of the United States also fosters militarism elsewhere. A major US strategy of expanding its imperial influence and promoting militarism around the globe has been the formation of international military alliances in various parts of the world. These include not only the notorious North Atlantic Treaty Organization (NATO), which is essentially an integral part of the Pentagon’s world command structure, and which was recently expanded to police the world, but also 10 other joint military commands called Unified Combatant Commands. They include Africa Command (AFRICOM), Central Command (CENTCOM), European Command (EUCOM), Northern Command (NORTHCOM), Pacific Command (PACOM), and Southern Command (SOUTHCOM). The geographic area under the “protection” of each of these Unified Combatant Commands is called Area of Responsibility (AOR). AFRICOM’s area of responsibility includes US “military operations and military relations with 53 African nations – an area of responsibility covering all of Africa except Egypt.” CENTCOM’s area of responsibility spans many countries in the Middle East/Near East/Persian Gulf and Central Asia. It includes Iraq, Afghanistan, Pakistan, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Jordan, Saudi Arabia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. EUCOM’s area of responsibility “covers 51 countries and territories, including Europe, Iceland, Greenland, and Israel.” NORTHCOM’s area of responsibility “includes air, land and sea approaches and encompasses the contiguous United States, Alaska, Canada, Mexico and the surrounding water out to approximately 500 nautical miles (930 km). It also includes the Gulf of Mexico, the Straits of Florida, portions of the Caribbean region to include The Bahamas, Puerto Rico, and the US Virgin Islands.” PACOM’s area of responsibility “covers over fifty percent of the world’s surface area ? approximately 105 million square miles (nearly 272 million square kilometers) ? nearly sixty percent of the world’s population, thirty-six countries, twenty territories, and ten territories and possessions of the United States.” SOUTHCOM’s area of responsibility “encompasses 32 nations (19 in Central and South America and 13 in the Caribbean)?and 14 US and European territories. . . . It is responsible for providing contingency planning and operations in Central and South America, the Caribbean (except US commonwealths, territories, and possessions), Cuba, their territorial waters.” Together with over 800 military bases scattered over many parts of the world, this military colossus represents an ominous presence of the US armed forces all across our planet.

#### Contention 2: Targeted killing relies on the creation of the other, something which it perpetuates, thus furthering the divide between the brown body and the white body and the human and the non-human.

#### People in the middle east are already marked as evil and problematic due to the things that we associate them with.

**And these notions are perpetuated via targeted killing discourse**

Jackson 2007 (Richard, Ph.D in conflict resolution, 2007, Government and Opposition, Vol. 42, No. 3, pp. 394–426, “Constructing Enemies: ‘Islamic Terrorism’ in Political and Academic Discourse)

The discourse is first and foremost founded on the deployment of a series of core labels, terms and discursive formations, including, among others: ‘the Islamic world’, ‘the West’, ‘the Islamic revival’, ‘political Islam’, ‘Islamism’, ‘extremism’, ‘radicalism’, ‘fundamentalism’, ‘religious terrorism’, ‘jihadists’, ‘Wahhabis’, ‘Salafis’, ‘militants’, ‘moderates’, ‘global jihadist movement’, ‘al-Qaeda’, and of course, ‘Islamic terrorism’. Crucially, in their textual usage these terms are often vaguely defined (if at all), yet culturally loaded and highly flexible in the way they are deployed. In addition, these labels and terms are organized into a series of dramatic oppositional binaries, such as the West versus the Islamic world, extremists versus moderates, violent versus peaceful, democratic versus totalitarian, religious versus secular, medieval versus modern and savage versus civilized. Such powerful categories function to construct ‘Islamic terrorists’ and ‘extremists’ as particular kinds of subjects within the overall discourse and enforce highly constricting subject positions upon them vis-à-vis other subjects, such as ‘decent people’, ‘democratic states’ or ‘moderate Muslims’, for example. Importantly, they also render unreasonable more nuanced narratives about the often-contradictory identities and characteristics of the narratives’ central actors. The application of labels such as ‘terrorist’, ‘fundamentalist’ and ‘extremist’ to groups like Hamas and Hizbollah for example, functions to obscure their simultaneous exist- ence as political party, social welfare provider, protection force, local association, relief agency, charity, education provider, bank, guerrilla force and the like – as well as position them as the enemy of Western societies.

#### As a result, they become dehumanized and identified as non-human.

#### **And, dehumanization is the root cause of any and all violence**

Katz 97 (Katheryn D. Katz, prof. of law - Albany Law School, 1997, Albany Law Journal]

It is undeniable that throughout human history dominant and oppressive groups have committed unspeakable wrongs against those viewed as inferior. Once a person (or a people) has been characterized as sub-human, there appears to have been no limit to the cruelty that was or will be visited upon him. For example, in almost all wars, hatred towards the enemy was inspired to justify the killing and wounding by separating the enemy from the human race, by casting them as unworthy of human status. This same rationalization has supported: genocide, chattel slavery, racial segregation, economic exploitation, caste and class systems, coerced sterilization of social misfits and undesirables, unprincipled medical experimentation, the subjugation of women, and the social Darwinists' theory justifying indifference to the poverty and misery of others.

#### **Dehumanization creates systems which allows for genocide**

Maiese 2003 (Michelle. "Dehumanization." Beyond Intractability, Conflict Research Consortium, UC Boulder, http://www.beyondintractability.org/essay/dehumanization)
While deindividuation and the formation of enemy images are very common, they form a dangerous process that becomes especially damaging when it reaches the level of dehumanization. Once certain groups are stigmatized as evil, morally inferior, and not fully human, the persecution of those groups becomes more psychologically acceptable. Restraints against aggression and violence begin to disappear. Not surprisingly, dehumanization increases the likelihood of violence and may cause a conflict to escalate out of control. Once a violence break over has occurred, it may seem even more acceptable for people to do things that they would have regarded as morally unthinkable before. Parties may come to believe that destruction of the other side is necessary, and pursue an overwhelming victory that will cause one's opponent to simply disappear. This sort of into-the-sea framing can cause lasting damage to relationships between the conflicting parties, making it more difficult to solve their underlying problems and leading to the loss of more innocent lives. Indeed, dehumanization often paves the way for human rights violations, war crimes, and genocide. For example, in WWII, the dehumanization of the Jews ultimately led to the destruction of millions of people.[9] Similar atrocities have occurred in Rwanda, Cambodia, and the former Yugoslavia.

#### Contention 3: Targeted Killing is not effective.

#### Targeted killing strikes are not effective as their efficacy is reliant on local informants with varying agendas

Ofek 10 (Hillel, 2010, <http://www.thenewatlantis.com/docLib/20100504_TNA27Ofek.pdf>) (BFI WL)

Second, while U.S. drones have impressive surveillance and targeting capabilities, the intelligence they rely on is never infallible; many Predator strikes are planned in response to tips from local informants who have their own agendas. This can result in the deaths of innocent civilians. As Jane Mayer put it in The New Yorker, “The history of targeted killing is marked by errors.” According to a New America Foundation report assessing reliable press accounts of the strikes, the 123 reported drone attacks in northwest Pakistan from 2004 to March 29, 2010 have killed between 871 and 1,285 individuals, about a third of whom were civilians. The Long War Journal, a blog that tracks terrorist groups, calculates a much lower civilian casualty rate, with 1,114 militants and 94 civilians killed in Pakistan since 2006. (Of course, it should go without saying that the real blame for innocent deaths will, at bottom, always lie with terrorists, who refuse to follow the laws of war that require combatants to separate themselves from civilians.)

#### 90% of people killed by drone strikes in Afghanistan were not the intended targets.

Fang 15, Marina Fang, 10-15-2015, "Nearly 90 Percent Of People Killed In Recent Drone Strikes Were Not The Target," Huffington Post, <http://www.huffingtonpost.com/entry/civilian-deaths-drone-strikes_us_561fafe2e4b028dd7ea6c4ff> (BFI WL)

The controversial U.S. drone strike program in the Middle East aims to pinpoint and kill terrorist leaders, but new documents indicate that a staggering number of these “targeted killings” affect far more people than just their targets. According to a [new report](http://www.huffingtonpost.com/entry/drone-papers_561ed361e4b0c5a1ce61f463?v4w019k9) from The Intercept, nearly 90 percent of people killed in recent drone strikes in Afghanistan “were not the intended targets” of the attacks. Documents detailing a special operations campaign in northeastern Afghanistan, Operation Haymaker, show that between January 2012 and February 2013, U.S. special operations airstrikes killed more than 200 people. Of those, only 35 were the intended targets. During one five-month period of the operation, according to the documents, nearly 90 percent of the people killed in airstrikes were not the intended targets. In Yemen and Somalia, where the U.S. has far more limited intelligence capabilities to confirm the people killed are the intended targets, the equivalent ratios may well be much worse. The report, compiled from classified documents released by a source in the intelligence community, corroborates the [many news accounts](http://www.huffingtonpost.com/2014/01/23/obama-drone-program-anniversary_n_4654825.html) of civilian deaths caused by drone strikes. U.S. drone strikes have killed [scores of civilians](http://www.huffingtonpost.com/2014/10/31/naming-the-dead_n_6082954.html) in Afghanistan, Pakistan, Yemen and Somalia since 2009. [In December 2013](http://www.cnn.com/2013/12/12/world/meast/yemen-u-s-drone-wedding/), a drone strike in Yemen killed 14 people returning from a wedding. Government officials mistook their vehicles for those of al Qaeda militants. Parents in Pakistan have [reported](http://www.bbc.com/news/world-asia-19704981) taking their children out of school to protect them from possible strikes. The U.S. government has implemented [targeted killings](http://www.cfr.org/counterterrorism/targeted-killings/p9627) since the Sept. 11 attacks as a counterterrorism measure and as retribution against al Qaeda and the Taliban. Under the Obama administration, many of these targeted killings have been carried out using unmanned drones. Despite the high number of civilian casualties and criticism that the program lacks transparency, President Barack Obama has repeatedly defended the strikes. “The terrorists we are after target civilians, and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes,” he said in 2013. While government officials claim the drone strikes are accurate and rarely harm innocent civilians, strikes can kill or injure anyone in the area, even if they are only meant to kill a targeted individual. “Anyone caught in the vicinity is guilty by association,” the source of the documents told The Intercept. When “a drone strike kills more than one person, there is no guarantee that those persons deserved their fate. … So it’s a phenomenal gamble.”

#### The United States use of drones and targeted killing is counterproductive according to Pakistani governmental officials

Bowcott 12 Owen Bowcott, 6-21-2012, "Drone strikes threaten 50 years of international law, says UN rapporteur," Guardian, <https://www.theguardian.com/world/2012/jun/21/drone-strikes-international-law-un> (BFI WL)

The Pakistani ambassador declared that more than a thousand civilians had been killed in his country by US drone strikes. "We find the use of drones to be totally counterproductive in terms of succeeding in the war against terror. It leads to greater levels of terror rather than reducing them," he said. Claims made by the US about the accuracy of drone strikes were "totally incorrect", he added. Victims who had tried to bring compensation claims through the Pakistani courts had been blocked by US refusals to respond to legal actions. The US has defended drone attacks as self-defence against al-Qaida and has refused to allow judicial scrutiny of the UAV programme. On Wednesday, the Obama administration issued a fresh rebuff through the US courts to an ACLU request for information about targeting policies. Such details, it insisted, must remain "classified". Hina Shamsi, director of the ACLU's national security project, said: "Something that is being debated in UN hallways and committee rooms cannot apparently be talked about in US courtrooms, according to the government. Whether the CIA is involved in targeted lethal operation is now classified. It's an absurd fiction." The ACLU estimates that as many as 4,000 people have been killed in US drone strikes since 2002 in Pakistan, Yemen and Somalia. Of those, a significant proportion were civilians. The numbers killed have escalated significantly since Obama became president. The USA is not a signatory to the International Criminal Court (ICC) or many other international legal forums where legal action might be started. It is, however, part of the International Court of Justice (ICJ) where cases can be initiated by one state against another.

### Negative Case

#### I negate the resolution, Resolved: The United States’ use of targeted killing in foreign countries is unjust.

#### The value for this round will be Just Warfare and the criterion will be Deontological Ethics.

#### Observation 1: Just war theory indicates give requirements 1. War is waged by proper authority, 2. Carried out with the right intentions, 3. Probability of success, 4. Action must be proportional, 5. A last resort.

#### Observation 2: As I value just war theory we assume that this is the world that the negative operates in, considering that we don’t actually play the role of policymakers, negative ground comes in the world of the hypothetical, more particularly a hypothetical world where we assume just warfare is occurring. This is a key observation because if the offense coming out of the 1AC doesn’t meet the context of just war theory their offense doesn’t clash with the negative framing, and thus don’t give it any weight on the ballot.Observation 3: Deontological ethics articulates that the means justify the ends, thus as long as the goal is good, the goal is just. This functions as an additional spike out of affirmative offense because the negative world is one in which the intentions matter more than the consequences.

#### Contention 1: Extremist groups are engaging in the targeting killing of non-extremist Muslim Scholars

Mashal and Sukhanyar 2017, Mujib, and Jawad Sukhanyar. "Taliban Target: Scholars of Islam." The New York Times. The New York Times, 28 May 2017. Web. 27 June 2017. <https://www.nytimes.com/2017/05/28/world/asia/uptick-in-killing-of-religious-scholars-as-taliban-look-to-curtail-their-influence.html>. (WL BFI)

It is the burial site of Mawlawi Shah Agha Hanafi, a revered religious scholar who founded the seminary about two decades ago and helped it grow into a thriving school for 1,300 students, including 160 girls. This month, the Taliban planted a bomb that killed him as he conducted a discussion about the Prophet Muhammad’s traditions, and his grave, at a corner of the seminary grounds, has become a gathering place for prayer and grief. “When I come to work, the first thing I do is recite a verse of the Quran at his grave,” said Jan Agha, the headmaster of the seminary, in Parwan Province. “Then I weep, and then I go to my office.” Mawlawi Hanafi joined a rapidly growing list of Islamic religious scholars who have become casualties of the Afghan war. The scholars have long been targets, of one kind or another, in Afghanistan. Their words carry weight across many parts of society, and they are assiduously courted for their support — and frequently killed for their criticism. Hundreds are believed to have been killed over the past 16 years of war, and not always by the Taliban. But there has been a definite uptick in the targeted killing of scholars — widely known as ulema — as the Taliban have intensified their offensives in the past two years, officials say. It is being taken as a clear reminder of the weight the insurgents give not just to military victories but also to religious influence in their campaign to disrupt the government and seize territory. “The reason the Taliban resort to such acts is that they want to make sure their legitimacy is not questioned by the sermons of these ulema,” said Mohammad Moheq, a noted Afghan scholar of religion who also serves as an adviser to President Ashraf Ghani. “The only thing that undermines their legitimacy is the ability and power of these ulema if they preach and argue against them,” Mr. Moheq continued. “Only they can challenge the Taliban’s ideology, not the liberal scholars or others, and the Taliban understand that.” The exact toll of the war on scholars who preach Islam, but just not the kind the Taliban prefer, is hard to gauge. If rough numbers from multiple provinces are any indication, it is enormous, and it has sown fear among preachers who know that their words at the pulpit could cost them their lives. In Kandahar Province alone, the Taliban movement’s original power base, about 300 preachers have been killed since 2004, according to Mawlawi Obaidullah Faizani, the head of the provincial Ulema Council there. In Badakhshan, 20 were killed in just the past year, out of a 16-year total of 110, said Abdul Wali Arshad, director of the province’s department of religious affairs. In Logar Province last week, the deputy head of the province’s Ulema Council was gunned down on his way home from dawn prayer, one of the bullets striking his upper lip. “The reason these ulema are getting targeted is because they tell the truth — and the truth is that the ongoing fighting is just for power,” said Mawlawi Khudai Nazar Mohammedi, head of the Ulema Council of Helmand.

#### And the Taliban is killing off religious scholars at a rate faster than ever.

Mashal and Sukhanyar 2017, Mujib, and Jawad Sukhanyar. "Taliban Target: Scholars of Islam." The New York Times. The New York Times, 28 May 2017. Web. 27 June 2017. <https://www.nytimes.com/2017/05/28/world/asia/uptick-in-killing-of-religious-scholars-as-taliban-look-to-curtail-their-influence.html>. (WL BFI)

One member of the Taliban’s leadership council suggested that part of the reason for the intensified targeting of religious scholars was the influence of the insurgency’s new leader, Mawlawi Haibatullah Akhundzada. He is an ulema and madrasa leader himself, and is considered more of a religious ideologue than his predecessor, who was killed by an American drone in 2015. The senior Taliban figure, who spoke on the condition of anonymity to avoid angering other members of the leadership, said that under Mawlawi Haibatullah’s orders, sermons were more closely watched than ever — and that straying from Taliban interpretations of Shariah law was punished “as harshly as possible.” The Taliban’s statement this month after they gunned down Abdul Ghafoor Pairoz, 32, a prominent scholar in Kandahar who had written or translated more than 50 books, made the stakes clear.

#### This is a unique piece of offense for several reasons

#### When extremism has been taught via the socialization of young children, the work of community leaders teaching the true ways of Islam functions as a disruption of this socialization cycle which produces generations of terrorists. This is a revolutionary new way to fight the war on terrorism.

#### Thus, not only is the slaying of these community leaders by extremist’s wrong, it directly counter-acts positive efforts taken by the United States and other international actors. As a result, it is important for the United States and others to take out those killing off community leaders.

#### Contention 2: Drone Strikes are SuccessfulTargeted killings are not only successful in taking out high ranking members of terrorist organizations, they also lessen the influx of finances which fund the activities of terrorist organizations.

VOA 2011. "Experts: Bin Laden's Death Has Negative Impact on Terrorism Financing." VOA. VOA, 04 May 2011. Web. 27 June 2017. <https://www.voanews.com/a/experts-bin-ladens-death-has-negative-impact-on-terrorism-financing-121332149/167413.html>. (WL BFI)

The death this week of al-Qaida leader Osama bin Laden is likely, analysts say, to have a negative impact on the terrorist organization’s ability to raise money and finance future large scale attacks. Osama bin Laden was the face of international terrorism and his financial firepower helped fund the mujahedeen in the war against the Soviet occupation of Afghanistan in the 1980s. After the September 11, 2001, attacks on the United States, bin Laden became the worldwide symbol used to raise money for al-Qaida and its affiliates in South Asia, the Middle East and North Africa. Stuart Levey is the former undersecretary of terrorism and financial intelligence at the U.S. Treasury Department and is currently with the Council on Foreign Relations. "Osama bin Laden was the primary inspirational figure for al-Qaida both for recruiting new members to al-Qaida, but also for the funding of al-Qaida and so they will have lost that sort of iconic figure," he said. Source of funding. Analysts say al-Qaida receives most of its funding from individual wealthy donors living in Saudi Arabia, Kuwait, Qatar and the United Arab Emirates. Governments of those countries have tried to stop the fundraising and experts say in recent years it has been a challenge for al-Qaida to raise significant sums of money. They say intelligence suggests al-Qaida is having trouble paying for the training of its militants and providing funding for their families. Matthew Levitt, director of the program on counterterrorism and intelligence at the Washington Institute for Near East Policy, says bin Laden’s death during a raid by U.S. forces in Pakistan creates an opening to further damage the organization. "This is a great opportunity for us to have further disruptions of the al-Qaida network across all the different aspects of that organization from fundraising on down," he said. The Obama administration announced that during the attack in Pakistan, U.S. forces collected intelligence information that could be helpful in the fight against terrorism. News organizations are reporting this included a large number of computers, hard disc drives and other memory devices. "The apparent exploitation of the intelligence that was apparently picked up during the raid is a potential huge lead with respect to terrorist financing and frankly not just financing, but going after the network in general depending on what kind of information is in those computers and whatever else was taken," said analyst Stuart Levey. Falling Muslim support. A recent poll by the Pew Research Center says support for bin Laden among people in predominantly Muslim countries has declined significantly in recent years. Analysts like Matthew Levitt say the recent revolts in Arab countries have offered a new and more attractive narrative to the violence and bloodshed preached by al-Qaida. "And here you have had in a matter of weeks relatively peacefully a bunch of youth accomplishing, in places like Egypt, that which al-Qaida and its affiliates, through very bloody violence over many years, failed to accomplish," he said. Impact on financing. Current and former officials at the U.S. Department of the Treasury say the death of bin Laden is an important step in the effort to reduce donations to al-Qaida. But Stuart Levey says it is essential to maintain pressure on al-Qaida and other terrorist organizations. "The death of bin Laden is a tremendous development for counterterrorism in general and for terrorist financing as well. But it is not the end of the battle. It is just a significant milepost along the way and I think it is important that we do continue these efforts. I think that we will," he said. Matthew Levitt of the Washington Institute says the nearly ten-year and now successful search for bin Laden since the 2001 attacks sends a strong message to anyone considering making financial contributions to al-Qaida. "But this tightening of the noose, it is much more than just the removal of bin Laden," he said. "We have indicated that it may take a long, long time, but we will find you and that has to make people think twice about how much they want to be involved in this enterprise." Analysts say counterterrorism efforts by the United States and its allies have forced al-Qaida’s fundraising activities to become decentralized. They say its affiliates are now being left to raise their own funds and conduct operations without significant assistance from the core organization.

#### And drones restrict terrorisms movement making it hard to train, recruit, and do other activities which benefit the organizations.

Dunlap 2015, Charles J. Dunlap, Jr., 10-14-2015, "Drones versus their Critics: A Victory for President Obama’s War Powers Legacy?," Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 where he is a professor of the practice of law and Executive Director of the Center on Law, Ethics and National Security. <http://smallwarsjournal.com/jrnl/art/drones-versus-their-critics-a-victory-for-president-obama%E2%80%99s-war-powers-legacy> (BFI WL)

 Regarding effectiveness, an illustrative (albeit not only) analysis is Jennifer Williams’ March [article](https://www.foreignaffairs.com/articles/2015-03-25/bureaucracy-terror) in Foreign Affairs. In it she reports that a newly-released trove of documents from Osama bin Laden’s lair “paint a picture of [al Qaeda as] an organization crippled by the U.S. drone campaign.” Moreover, Williams concludes that the evidence supports “[the argument that U.S. President Barack Obama and other proponents of the drone program have made](http://www.nytimes.com/2013/05/24/us/politics/transcript-of-obamas-speech-on-drone-policy.html?pagewanted=all) that the strikes are effective and that the U.S. drone program is heavily constrained.” Significantly, she notes the critically important psychological impact of drones on terrorists: Because drone strikes have been effective and because the United States targets them carefully, al Qaeda operatives have taken to restricting their own movement, staying inside, and avoiding gathering in large groups—all activities that are fairly integral to running a successful terrorist organization. It’s not easy to train legions of recruits on how to fire RPGs, build bombs, and shoot guns with any accuracy when you have to stay inside the house and can’t have more than five people gathered together at one time. (Emphasis added.)

#### Contention 3: Casualty rates are declining

#### Casualty rates are declining.

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

**15. What is the US military’s record for ensuring accountability in airstrikes?** In recent years the US military and other foreign forces in Afghanistan have succeeded in reducing the proportion of civilian casualties in their operations, but because of increased operations the total number of civilian deaths has only showed a small decline.

#### Sub point B: Technology Solves

#### Technology makes the likelihood of mistakes less likely every year. Additionally drone technology is becoming more and more prominent and if the United States were to scale back it would be detrimental to hegemony.

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

6. Does using aerial drones in targeted killings affect the legal regime involved? The use of unmanned aircraft or drones for targeted killings does not directly affect the legal analysis of a particular attack. Drones themselves and their weaponry of missiles and laser-guided bombs are not illegal weapons under the laws of war – they can be used lawfully or unlawfully depending on the circumstances. When used appropriately, drones offer certain advantages over manned aircraft or cruise missiles that can help to minimize civilian casualties in combat operations. Drones have enhanced surveillance capabilities that allow them to linger with a view of the target for long periods without risk to human operators. Drone operators are thus in theory better equipped to distinguish valid military targets from civilians who are immune from attack. As with other aerial attacks, drone operations may be hampered by poor intelligence or local actors’ manipulation, especially when operating outside of areas where US ground forces can direct them. To date, the United States is known to have carried out targeted killings using drones in Afghanistan, Iraq, Libya, Pakistan, Somalia, and Yemen. Some 40 other countries also possess basic drone technology, and the number is expected to expand significantly in coming years. Those drones are primarily used for surveillance. China, France, Germany, India, Iran, Israel, Italy, Russia, Turkey, and the United Kingdom either have or are currently seeking drones with attack capacity.

#### Analysis from Pakistan proves that tech solves

Dunlap 2015, Charles J. Dunlap, Jr., 10-14-2015, "Drones versus their Critics: A Victory for President Obama’s War Powers Legacy?," Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 where he is a professor of the practice of law and Executive Director of the Center on Law, Ethics and National Security. <http://smallwarsjournal.com/jrnl/art/drones-versus-their-critics-a-victory-for-president-obama%E2%80%99s-war-powers-legacy> (BFI WL)

If you look at long-term data from Pakistan, you’ll see a clear trend. Since 2012, drone strikes have [declined](http://securitydata.newamerica.net/drones/pakistan/analysis.html). But civilian fatalities, at a [far more acute rate](http://www.longwarjournal.org/pakistan-strikes), [have](http://www.thebureauinvestigates.com/2013/01/03/obama-2013-pakistan-drone-strikes/) [virtually](http://www.thebureauinvestigates.com/2014/06/11/obama-2014-pakistan-drone-strikes/) [disappeared](http://www.thebureauinvestigates.com/2015/01/05/obama-2015-pakistan-drone-strikes/). A year ago, BIJ [reported](http://www.thebureauinvestigates.com/2014/05/23/most-us-drone-strikes-in-pakistan-attack-houses/), “In the past 18 months, reports of civilian casualties in attacks on any targets have almost completely vanished … despite a rise in the proportion of strikes that hit houses.” To be sure, civilian casualties are hardly definitive or only criteria that might evidence a lack of adherence to “international legal principles,” but they are often used to suggest the same because of their potential emotional impact, even if they are, in fact, legally justifiable. There are, however, some additional problems with a strategy intended to erode support for drone operations based on inferences of illegality if not outright claims of the same.

### Affirmative Cards

#### Targeted killing was the catalyst for WW1 which went on to kill over 17 million people, in addition to other conflicts such as the Vietnam war.

Friedman 2012, Uri. "Targeted Killings: A Short History." Foreign Policy. N.p., 13 Aug. 2012. Web. 27 June 2017. <http://foreignpolicy.com/2012/08/13/targeted-killings-a-short-history/>. (WL BFI)

**1907** Following a half-century of [efforts](http://www.icrc.org/eng/who-we-are/history/since-1945/history-ihl/overview-development-modern-international-humanitarian-law.htm) to develop international rules for warfare, a peace conference at The Hague produces a treaty [prohibiting](http://avalon.law.yale.edu/20th_century/hague04.asp#art22) “belligerents” in an “armed conflict” from killing “treacherously individuals belonging to the hostile nation or army.” But key terms such as “treacherously” and “armed conflict” aren’t defined in The Hague Convention or its successor agreement, the 1949 [Geneva Conventions](http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp). To this day, these ambiguities in the law of war [cloud](http://gjil.org/wp-content/uploads/archives/43.2/zsx00212000259.PDF) distinctions between peacetime and wartime, and between illegal assassinations and legal efforts to kill specific individuals. 1914 The Austro-Hungarian empire [accuses](http://books.google.com/books?id=2EyJY8uE4WYC&printsec=frontcover&dq=origins+world+war+I&hl=en&sa=X&ei=Nr_tT-yoLeXY0QGu7bGQDg&ved=0CDYQ6AEwAA#v=onepage&q=Archduke%20Franz%20Ferdinand&f=false) the Serbian government of playing a role in the assassination of its heir to the throne, Archduke Franz Ferdinand, by Gavrilo Princip, a Bosnian Serb nationalist. The standoff helps spark World War I. **1944** In the final months of World War II, the British plot to assassinate Adolf Hitler. Schemes [include](http://articles.latimes.com/1998/jul/24/news/mn-6803)sending asniper to take out the Führer during his morning walk and poisoning his tea. British officials [debate](http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1385/MR1385.ch2.pdf) whether killing Hitler will help them win the war — not whether assassinating him is legal — but the plans are never implemented. **1961** The Cold War ushers in a flurry of state-sponsored extrajudicial political assassinations outside the bounds of war, including the killing of recently ousted Congolese Prime Minister Patrice Lumumba, who appeared to be drifting into the Soviet orbit, by domestic rivals acting with [Belgian assistance](http://news.bbc.co.uk/2/hi/africa/1660615.stm). 1967-1972 The CIA spearheads the [Phoenix program](https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol51no2/a-retrospective-on-counterinsurgency-operations.html), a covert counterinsurgency seeking to “neutralize” Viet Cong operatives in South Vietnam. President Richard Nixon embraces the effort, which kills more than 26,000 Viet Cong by the end of 1972. “We’ve got to have more of this,” he reportedly [tells](http://books.google.com/books?id=FYYTGP2qnQsC&lpg=PA167&ots=Pg6K3w-CKH&dq=%22We%27ve%20got%20to%20have%20more%20of%20this.%22%20%22assassinations.%20killings.%22&pg=PA167#v=onepage&q=%22We've%20got%20to%20have%20more%20of%20this.%22%20%22assassinations.%20killings.%22&f=false) his budget director in 1969. “Assassinations. Killings. That’s what [the Vietnamese communists are] doing.” 1972 Israeli Mossad agents begin [covertly hunting down](http://www.brookings.edu/research/opinions/2006/01/20pakistan-byman) and killing Palestinian militants abroad in retaliation for their suspected role in the [murder of 11 Israeli athletes](http://news.bbc.co.uk/onthisday/hi/dates/stories/september/6/newsid_2500000/2500769.stm) and coaches at the Munich Olympics. The operation [causes an uproar](http://www.nytimes.com/1996/01/11/world/israel-to-compensate-family-of-moroccan-slain-in-norway-in-73.html) in 1973 when Israeli agents mistake a Moroccan waiter in Norway for the mastermind of the Munich attack and gun him down. **1975-1976** After Seymour Hersh’s famous *New York Times* exposé on the CIA’s illegal activities, the Senate’s [Church Committee](http://www.aarclibrary.org/publib/contents/church/contents_church_reports.htm) uncovers assassination attempts against foreign leaders such as Cuba’s Fidel Castro. In response, President Gerald Ford issues an [executive order](http://www.ford.utexas.edu/library/speeches/760110e.htm) banning “political assassination” by the U.S. government — an order future presidents [reaffirm](http://articles.cnn.com/2002-11-04/justice/us.assassination.policy_1_assassination-prohibition-cia-lawyers?_s=PM:LAW). But the assassination ban applies to peacetime, not wartime. “[S]hort of war,” the committee [concludes](http://www.aarclibrary.org/publib/church/reports/ir/html/ChurchIR_0008a.htm), assassination “should be rejected as a tool of foreign policy.”**1986** The human rights group [Americas Watch](http://books.google.com/books?id=gULNz3uPso8C&pg=PA55&lpg=PA55&dq=americas+watch+targeted+killing+1987&source=bl&ots=5-v56hLk1e&sig=2FCmj_mdKZBMiQixmBz_98lwovU&hl=en&sa=X&ei=ghHiT-mwLse70AGY0fTvAw&ved=0CFAQ6AEwAA#v=onepage&q=americas%20watch%20targeted%20k) begins using the phrase “[targeted killings](http://books.google.com/books?id=gULNz3uPso8C&lpg=PP1&dq=%22Nightmare%20Revisited%2C%201987-88%22&pg=PA55#v=onepage&q=%22targeted%20killings%22&f=false)” synonymously with “[assassination](http://books.google.com/books?id=gULNz3uPso8C&pg=PA55&lpg=PA55&dq=%22Americas+Watch%22+targeted+killings%22+El+Salvador&source=bl&ots=5-v5cjNjZi&sig=A5EqgJgYKkHUfAfK5EE8VoGSOVU&hl=en&sa=X&ei=q47rT73hKImR6gGVuYnGBQ&ved=0CE8Q6AEwAw#v=onepage&q=%22Americas%20)” to distinguish the killing of specific people outside combat by military forces and death squads [in El Salvador](http://www.unhcr.org/refworld/country%2C%2CUSCIS%2C%2CSLV%2C%2C3ae6a6a68%2C0.html) from the indiscriminate killings they also perpetrated.

#### Oversight for targeted killings is extremely sketchy

Cohen 2014. Tom. "When can a government kill its own people? - CNNPolitics.com." CNN. Cable News Network, 11 Feb. 2014. Web. 27 June 2017. <http://www.cnn.com/2014/02/10/politics/us-killing-americans/index.html>. (WL BFI)

Critics, however, say the government oversteps the legal boundaries of the Constitution and international law, particularly by making decisions on targeted killings in secret without going before any court. "The result is that the public remains in the dark about how exactly U.S. policy governing targeted killings is operating, under which legal authorities, and who exactly are its victims," said a letter to Obama in December from nine rights groups. Hina Shamsi, who directs the ACLU's National Security Project, told CNN that the Obama administration was "fighting hard" to prevent a judicial review of the strikes that killed al-Awlaki and the other Americans, including the terrorist's 16-year-old son. Until allegations in classified documents can be assessed in court, she said, the question of whether they amount to real evidence remains unanswered. Shamsi called the U.S. actions "one of the most extreme and dangerous forms of authority that the executive branch can claim -- the power to kill people based on vague and shifting legal standards, secret evidence and no judicial review even after the fact." In 2010, a federal judge in Washington noted the government would need permission from a federal court to wiretap al-Awlaki, but that no such court process existed in order to kill him. Rejecting an effort by al-Awlaki's father to block his son's possible extrajudicial killing, U.S. District Judge John Bates called it "somewhat unsettling" that a president could -- for national security reasons -- make a unilateral decision to kill a U.S. citizen overseas and the decision would be "judicially unreviewable."

#### Targeted killings are mistakenly killing civilians now.

Pleasance June 27, 2017, Chris. "US-led coalition bombs an ISIS prison in Syria killing 42 'civilian' prisoners and 15 jihadists, activists say." Daily Mail Online. Associated Newspapers, 27 June 2017. Web. 27 June 2017. <http://www.dailymail.co.uk/news/article-4643392/Coalition-bombs-Syrian-ISIS-prison-killing-42-civilians.html>. (WL BFI)

An airstrike by US-led coalition warplanes destroyed a prison in eastern Syria and killed 42 prisoners, activists say. The British-based Syrian Observatory for Human Rights said a strike the town of Mayadin, in Deir Ezzor province, struck the jail in the early hours of Monday. Fifteen ISIS militants died in the strike alongside the prisoners, which included civilians and members of rebel groups fighting ISIS, activist group Deirezzor24 said. After the strike, the bodies of the dead were paraded through the streets by ISIS, activists claimed. A coalition spokesman confirmed the area had been targeted by bombers overnight Sunday and into Monday, but could not say whether the jail was hit. Investigators are now looking into the incident, the spokesman added. In total seven coalition strikes were carried out in the city of Deir Ezzor on Monday, 28 miles away from Mayadin.

#### The trump administration is massively increasing drones strikes. These strikes create massive resentment among people in Yemen which drives them towards terrorist organizations.

Hussain 2017, Murtaza. "U.S. Has Only Acknowledged A Fifth of Its Lethal Strikes, New Study Finds." The Intercept. N.p., 13 June 2017. Web. 28 June 2017. <https://theintercept.com/2017/06/13/drone-strikes-columbia-law-human-rights-yemen/>. (WL BFI)

OVER THE PAST DECADE, the United States has claimed broad authority to carry out drone strikes across the world, even in places far from the battlefield. Under President Barack Obama, the U.S. acknowledged killing between 2,867 and 3,138 people in strikes that took place in countries like Somalia, Yemen, and Pakistan. Although in the waning days of his presidency, Obama took some steps to improve transparency about drone strikes, including providing the total estimated death toll, a new report by the Columbia Law School Human Rights Clinic and the Sana’a Center for Strategic Studies says that the U.S. is still lagging in providing a full accounting of its drone program. Among other failures, the report, titled “Out of the Shadows: Recommendations to Advance Transparency in the Use of Lethal Force,” says that the U.S. has only acknowledged approximately 20 precent of its reported drone strikes — failing to claim responsibility or provide details in the vast majority of cases. Meanwhile, the drone program is intensifying. Since President Donald Trump took office earlier this year, the rate of drone strikes per month has increased by almost four times Obama’s average. Yemen in particular has been a target of many of these operations, with between nine and 11 strikes hitting the country this year, along with 81 other covert attacks by U.S. forces, according to statistics compiled by the Bureau of Investigative Journalism. The authors of the new report say that the government’s failure to provide information or legal rationales for its strikes is making it impossible to understand the full scope of the government’s targeted killing program, as well as its impact on civilians. “For years, the only way we knew anything about individual strikes was from media reports or individual statements about strikes from government officials,” said Alex Moorehead, of the Columbia Law School’s Human Rights Institute, highlighting the failure of the government to provide details about cases in which drones have been used for targeted killings. “When we talk about official acknowledgment, we are talking about specific information about individual strikes, which is what matters to people who have had loved ones killed.” The estimated number of civilians killed in U.S. drone strikes varies widely, with some independent estimates recording hundreds of civilian deaths, while the U.S. government often claims that figures run only into the dozens. The U.S. military has also been criticized for policies like “signature strikes,” in which individuals have been killed based on their status as “military-age males” in areas where U.S. drones are operating. These policies are alleged to be responsible for cases in which weddings, funerals, and other communal gatherings have been bombed in Yemen, Pakistan, and Somalia. “There is a difference in how Western civilians are treated versus non-Western civilians,” Moorehead said. “Of all the civilians who have been killed in these strikes, only the two Westerners who were killed in a 2016 strike have ever received any formal acknowledgement, apology, and compensation from the government.” Locals in Yemen have alleged that, in recent months, drone strikes carried out by the Trump administration killed civilians on numerous occasions. One strike reported last month in Yemen’s Shabwah Province allegedly targeted a car full of men with no existing links to terrorist groups, as well as several innocent bystanders. Despite such incidents, Trump has promised measures that would further loosen targeting standards for drone operators, likely putting civilians in even greater danger. Many Yemenis say that the anger and grief inflicted by these strikes is outweighing any perceived counterterrorism benefit — and even driving some local people into the arms of Al Qaeda. “The drone program in Yemen has inflicted a lot of civilian deaths that have not been investigated, acknowledged, or even taken into consideration by the U.S. government,” said Waleed Alhariri, director of the Sana’a Center’s U.S. office and one of the co-authors of the report. “In some cases weddings have been targeted, which has resulted in a lot of public anger from ordinary people towards the United States and has helped recruitment for al Qaeda.”The secrecy of the drone program has made it difficult for civil liberties organizations in the U.S. to provide a full accounting of its impact. More importantly, this secrecy has also made it harder for civilians directly impacted by drones to even understand why they have been targeted. Lacking any ability to find out the details about cases in which they or their loved ones were harmed, Yemeni civilians are generally unable to even obtain recognition, let alone compensation, for the life-changing consequences of these attacks. That those targeted often come from poor and remote regions of the country only makes it harder for them to obtain justice. “The U.S. public is not aware what is happening in this program. They need more transparency and they need to know the truth,” said Alhariri. “But Yemenis who have been impacted also need to know why they’ve been targeted. People have died, lost the ability to work and lost family members they relied on. They’ve been ignored and they feel helpless in the face of U.S. military policy in Yemen.”

#### Targeted killing is a violation of the 4th amendment, thus targeted killing practices tank credibility

Lawfare 2015. "Legality of U.S. Government's Targeted Killing Program under Domestic Law." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/legality-us-governments-targeted-killing-program-under-domestic-law>. (WL BFI)

***D. U.S. Constitution – Other Applicable Constraints***

Richard Murphy, as well as the Vanderbilt note discussed previously, argue that the U.S. government’s targeted killing policy is impermissible under the Fourth Amendment. Mike Dreyfuss claims that American targeting policies violate both the Constitution’s vesting in Congress of the power to designate punishment for treason and the Eighth Amendment’s prohibition against cruel and unusual punishment. And Ryan Patrick Alford asserts that U.S. targetings contravene the Bill of Attainder Clause. But these claims are also contested and, again, may never be adjudicated in U.S. courts due to the existence of the political question doctrine and other legal limitations. As mentioned above, in [Al Aulaqi v. Obama (D.D.C. 2010)](http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/post-911-era-materials/post-911-era-materials-court-cases/al-aulaqi-v-obama-727-f-supp-2d-1-d-d-c-2010/) Judge Bates explained that adjudicating Al-Aulaqi's father's Fourth Amendment claim would require the court take into account military, strategic, and diplomatic considerations – e.g. to “assess the merits of the President’s (alleged) decision to launch an attack on a foreign target” – that it was entirely incompetent to handle. The USG took care to dispute the alleged Fourth Amendment issue in its leaked [DOJ White Paper](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf). The DOJ [explained](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf) that, "assuming that a lethal operation targeting a U.S. citizen abroad who is planning attacks against the United Staes would result in a'seizure' under the Fourth Amendment,  such an operation would not violate that Amendment in the circumstances posted [by the White paper]." The White Paper [applied](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf) the Supreme Court's Tennessee v. Garner"situation-dependent" balancing test, which requires "balanc[ing' the nature and quality of the intrusion on the individual's Fourth Amendment interest against the importance of the governmental interests alleged to justify the intrusion." The DOJ [asserted](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf) that "at least in circumstances where the targeted person is an operational leader of an enemy force and an informed, high-level government official has determined that he poses an imminent threat of violent attack against the United States, and those conducting the operation would carry out the operation only if capture were infeasible, the use of lethal force would not violate the Fourth Amendment." In such circumstances, "the intrusion on any Fourth Amendment interests would be outweighed by the  importance of the government interest that justify the intrusion," namely, "the interest in protecting the lives of Americans."

#### The living under drones report has no credibility

Foust 2012, Joshua. "Targeted Killing, Pro and Con: What to Make of U.S. Drone Strikes in Pakistan." The Atlantic. Atlantic Media Company, 26 Sept. 2012. Web. 27 June 2017. (WL BFI)

A [new report](http://livingunderdrones.org/wp-content/uploads/2012/09/Stanford_NYU_LIVING_UNDER_DRONES.pdf), "Living Under Drones," jointly authored by Stanford University and New York University -- and [reviewed yesterday by Conor Friedersdorf](https://www.theatlantic.com/international/archive/2012/09/every-person-is-afraid-of-the-drones-the-strikes-effect-on-life-in-pakistan/262814/) here at *The Atlantic* -- is harshly critical of the drone campaign in Pakistan. The report argues that the U.S. narrative of drone strikes -- precise, accurate, and limited -- is false. Citing 130 interviews and a review of media reports, the authors argue that the civilian toll from drone strikes is far higher than acknowledged, that many problems with the drone campaign go unreported, and that more government transparency is essential to gaining a better understanding of the campaign and its consequences. On that last point, the authors are absolutely right -- more transparency about targeting and effects would help everyone understand the consequences of drone strikes in Pakistan. And there are absolutely serious downsides to these strikes (some of which have been explored [here](https://www.theatlantic.com/international/archive/2011/12/unaccountable-killing-machines-the-true-cost-of-us-drones/250661/) already). But the report then makes some questionable claims based on incomplete data, and seems to argue that the drone campaign should be paused or radically altered. Those arguments are not well supported. For starters, the sample size of the study is 130 people. In a country of 175 million, that is just not representative. 130 respondents isn't representative even of the 800,000 or so people in the Federally Administered Tribal Areas (FATA), the region of Pakistan where most drone strikes occur. Moreover, according to the report's methodology section, there is no indication of how many respondents were actual victims of drone strikes, since among those 130 they also interviewed "current and former Pakistani government officials, representatives from five major Pakistani political parties, subject matter experts, lawyers, medical professionals, development and humanitarian workers, members of civil society, academics, and journalists." The Living Under Drones report has some serious bias issues. The authors did not conduct interviews in the FATA, but Islamabad, Rawalpindi, Lahore, and Peshawar. The direct victims they interviewed were contacted initially by the non-profit advocacy group Foundation for Fundamental Rights, which is not a neutral observer (their explicit mission is to end the use of drones in Pakistan). The report relies on a database compiled by the Bureau of Investigative Journalism, which relies on media accounts for [most of its data](http://www.thebureauinvestigates.com/2012/01/11/obama-2012-strikes/). The authors discount the utility of relying on media accounts, since media in Pakistan rely on the Pakistani government for information (reporters are not allowed independent access to the FATA). Even accepting their description of the BIJ data as the most "reliable," these data are highly suspect. The Living Under Drones report, in other words, has some serious bias issues.

#### The context in which targeted killings operate are done in secrecy, additionally mistakes create negative backlash which escalates the violence

Shamsi 2009, Hina. "No Longer A Debate About Targeted Killings." CBS News. CBS Interactive, 21 July 2009. Web. 27 June 2017. <http://www.cbsnews.com/news/no-longer-a-debate-about-targeted-killings/>. (WL BFI)

These killings, in which the United States targets drone strikes at specific individuals, are deeply controversial: innocent civilians have allegedly died and the legality of the killings is unclear. Just as Abu Ghraib became the face of U.S. interrogation policy in Iraq, so the specter of hundreds of dead civilians threatens U.S. counter-terrorism efforts in Pakistan. Yet there has been no real domestic public debate or meaningful congressional oversight over targeted killings, even though their strategic and policy consequences are hotly contested. CIA Director Leon Panetta, for example, gave a speech in May 2009 in which he said that "[Drone] operations have been very effective because they have been very precise in terms of the targeting and it involved a minimum of collateral damage." But a month later, David Kilcullen, a former senior counterinsurgency advisor to the Army told Congress that, "Since 2006, we've killed 14 senior Al Qaeda leaders using drone strikes. In the same time period, we've killed 700 Pakistani civilians in the same area. The drone strikes are highly unpopular. . . . [a]nd they've given rise to a feeling of anger that coalesces the population around the extremists." It's impossible to assess who is right. Because the operations are classified, we do not know the most fundamental facts about the targeted killing policy, including the number and identity of the people targeted, and how many of the dead are civilians. Even without precise numbers, it is clear that civilian casualties, unsurprisingly, have a negative impact. In Pakistan, America's most critical counter-terrorism ally, the Zardari government's apparent inability to stop the attacks - and allegations that it has secretly agreed to them - threatens the government's already shaky stability. Perhaps the best evidence that targeted killings hurt humanitarian and counter-terrorism goals comes from Afghanistan. In July, Army General Stanley McChrystal, the top U.S. commander in Afghanistan, told troops to "back down" when there is a risk that civilians will be killed, even if that means enemy Taliban fighters escape. National Security Adviser James L. Jones told McClatchy at the time, "In one mishap you can create thousands more terrorists than you had before the mishap." Why does this reasoning not apply to Pakistan? Even the legal basis for the targeted killing policy in Pakistan is shrouded in secrecy. Is the CIA operating under the laws of war or some other law? Under the laws of war, only organized armed forces can kill during hostilities; civilian agencies like the CIA cannot. Who reviews CIA target selection and on what criteria? Unlike the military, which has the laws of war to guide it, we simply do not know how the CIA chooses targets and how many civilian bystanders it decides can be killed before it suspends an airstrike. Why does the United States think it has the legal right to engage in killings in a country with which it is not at war? Does the Obama administration believe, as the Bush administration did, that the United States is "at war" with al Qaeda, wherever and whoever they are? If so, this argument threatens to make the entire globe part of the "battlefield." It risks eviscerating carefully drawn categories the international community - often led by the United States - has developed over decades to minimize civilian harm and to protect the right to life of millions around the world. Who, in any event, is a combatant in such a global war? It is now a cliché to point out that members of al Qaeda do not wear uniforms and do not function like a regular army - that is why they are not entitled to prisoner of war status. But if they are not combatants, they are civilians and, under the Geneva Conventions, civilians can only be killed when they are "directly participating in hostilities." The International Committee of the Red Cross recently clarified the meaning of direct participation in hostilities. Its guidance answers such questions as when it is legally permissible to target a member of the Taliban who is a farmer by day but who lays explosives at night. Because of secrecy, we do not know if the United States is abiding by these principles. The issue comes down to this: It is not enough for decision-makers to say "trust us." The stakes are too high and no government is infallible. To take just one example, in 2003, the CIA kidnapped a German citizen, Khaled el-Masri, from Macedonia and subjected him to five months of torture in a secret prison in Afghanistan. His turned out to be a case of wrongful identify. Mr. el-Masri is alive to tell his story. Victims of targeted killings do not have that option. Targeting mistakes, more civilian deaths and policies that are illegal either in perception or in fact could result in terrible blowback. The only way to stop that from happening is for the government to clarify the international legal standards under which it acts, and to provide information about who is targeted and the consequences of any attack. The targeted killing policy needs to come out of the shadows.

#### Executive Order 12,333 does not check back presidential powers

Lawfare 2015. "Legality of U.S. Government's Targeted Killing Program under Domestic Law." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/legality-us-governments-targeted-killing-program-under-domestic-law>. (WL BFI)

***B. Executive Order 12,333.*** Some, including Avery Plaw, Matthew S. Fricker and Brian Glyn Williams, argue that the U.S. government’s targeted killing policy violates the domestic assassination ban set forth in [Executive Order 12,333](http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/the-vietnam-war-and-watergate-era/the-vietnam-war-and-watergate-era-executive-materials/executive-order-12333/). However, Harold Koh, as well as Cheri Kramer, Jordan Paust, and William C. Banks & Peter Raven-Hansen, and others, have [countered](http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/post-911-era-materials/post-911-era-materials-speeches-memos-etc/the-obama-administration-and-international-law-speech/) that, under domestic law, those uses of force that are consistent with relevant laws of war, in other words those during armed conflict or in self-defense, do not constitute impermissible assassinations. If true, this means that E.O. 12,333 has little independent significance for the U.S. government’s current targeted killing program. Moreover, the President can, at any time, revoke or modify executive orders, such that, insofar as E.O. 12,333 poses any real bar to the U.S. government’s targeted killing program, the President is legally free to remove it at any time. Political limitations on such revocation, however, may be a different story.

#### The United States has intervened militarily on over 40 occasions creating world-wide backlash and killing many.

**Gray 13** (James P. Gray, It's A Gray Area: U.S. should not intervene overseas”, Former Orange County Court Judge (BFI WL)

One of the first things done when our country was founded in 1787 was establish the United States Department of War. This agency lasted until 1947, when it was re-organized and re-named the U.S. Department of Defense. But given our history since that time, the title of U.S. Department of Offense would have been more appropriate. Since 1947, the United States has intervened militarily on more than 40 separate occasions in foreign countries. In addition to the more well-known actions like Korea, Vietnam, Iraq and Afghanistan, that list also includes Guatemala, Iran, Cuba, Indonesia, Chile, El Salvador, Grenada, Colombia, Haiti and Somalia. Some of those interventions have produced good and lasting results, but many have produced lasting disasters. Some of those disasters are out in the open. For example, many people in Iran still hate our government for having deposed its legitimately-elected government in 1953 and imposed the Shah upon them. Similarly, the situations in Cuba, Vietnam, Iraq and Afghanistan in many ways speak for themselves. But other disastrous results are far less visible. For example, although a large number of people around the world still love America and Americans, they do not like or trust our government because of its interventionist policies. So in many ways we would probably be a lot safer today had we never intervened in many of those places. Similarly, one of the few positive results of our invasion of Iraq was that Muammar Gaddafi of Libya gave up his country's possession of nuclear weapons. So in "gratitude" what did we do? Within just a short time we attacked him and caused him to be killed! What kind of lesson will other despots around the world take away from that? So now in Afghanistan, after many years of our troops fighting and occupying that land, what is the status? For the most part, the Afghans hate us. In order to obtain some amount of security and stability, we have supported Hamid Karzai's administration, which has been about as corrupt as it could have been. Maybe it is corrupt by necessity, but the end results remain. Another critical but less noticed disaster from our military interventions has been the lasting harms inflicted personally upon our own troops. Not only have many of our troops been killed or physically injured while serving our country, but also many have suffered severe mental injuries, which are much harder to see or diagnose. As evidence of this, please note that the suicide rate in our military last year actually surpassed the number of combat deaths in Afghanistan.

#### Err on the side of casualty statistics actually being higher than many say that they are. Access to many sites means that our estimates are low.

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

The US reportedly has conducted at least 20 drone strikes and other aerial attacks against alleged al Qaeda militants and other Islamist forces in Yemen from 2002 through November 2011.  In the first known strike, in November 2002, a CIA drone-launched missile killed Qaed Salim Sinan al-Harethi, a Yemeni suspected of masterminding the bombing of the USS Cole,which had claimed the lives of 17 US sailors two years earlier. The other known strikes were carried out under the Obama administration, mostly in 2011.  These strikes, attributed to the CIA and US special operations forces, have reportedly killed scores of people.  Lack of access to the attack sites has prevented independent verification of the strikes, including whether those targeted were lawfully subject to attack, the numbers of civilians killed or wounded, and the circumstances of the civilian casualties.  A Yemeni parliamentary inquiry [found](http://www.msnbc.msn.com/id/40423710/ns/us_news-security/t/yemen-cable-gives-al-qaida-new-recruiting-tool/#.TtLQLnNdq14) that a US cruise missile strike in December 2009 killed at least 41 local residents, including 14 women and 21 children.  It allegedly involved cluster munitions, a weapon that poses unacceptable [risks](https://www.hrw.org/reports/2002/12/18/fatally-flawed) in civilian areas because of its indiscriminate nature.  In September 2011 the US reportedly began launching drone strikes on targets in Yemen from [a new CIA base](http://www.washingtonpost.com/blogs/checkpoint-washington/post/aulaqi-first-hit-for-new-drone-base/2011/09/30/gIQASF4eAL_blog.html) in an undisclosed location on the Arabian Peninsula.

#### The U.S fails to adequately report and investigate incidents where they kill civilians.

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

15. What is the US military’s record for ensuring accountability in airstrikes? In recent years the US military and other foreign forces in Afghanistan have succeeded in reducing the proportion of civilian casualties in their operations, but because of increased operations the total number of civilian deaths has only showed a small decline. The US has provided inadequate or inaccurate information regarding incidents in which large numbers of civilian casualties were reported, particularly aerial attacks involving US ground forces. In a number of cases US forces had immediately claimed, before there could be any serious investigation of the incident, that all those killed were Taliban combatants. Only after information gathered on the ground by local and international human rights organizations and journalists was presented to US authorities did the Defense Department conduct more credible investigations. Afghan government and popular outrage led the US military to acknowledge the harm to US policy caused by civilian casualties. Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, said in 2010 that “civilian casualty incidents such as those we've recently seen in Afghanistan will hurt us more in the long run than any tactical success we may achieve against the enemy.” Unlike the CIA, the US armed forces have a known internal disciplinary system that can enforce compliance with international humanitarian law and a conventional chain of command for investigating credible allegations of laws-of-war violations.

#### U.S policy is modeled around the world and their actions give the ok go to setting a dangerous precedent

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

In asserting that targeted attacks on alleged anti-US militants anywhere in the world are lawful, the US undermines the international rules it helped craft over the past half-century that bar extra-legal killings. This sets a dangerous precedent for abusive regimes around the globe to conduct drone attacks or other strikes against anyone they label as terrorists or militants and undercuts the ability of the US to criticize such attacks. Administration counterterrorism advisor John Brennan’s Harvard speech made a distinction between the US and its allies over the geographic scope of the conflict against al Qaeda.  He said that while some US allies believe the conflict against al Qaeda is limited geographically to “hot” battlefields, the US considers the conflict to be without geographic limits.  His assertion that the US restricts such attacks to countries that are unwilling or unable to apprehend those on their territory deemed to be al Qaeda militants is not recognizing a constraint under law but merely an expression of US policy. Were the US rationale for its global battlefield for targeted killings to be applied by other countries, China might declare an ethnic Uighur activist living in New York City an “enemy combatant” and, if the US were unwilling to apprehend that person, order a lethal strike on US soil.  Russia could assert the legality of fatally poisoning someone living in London whom it claims is linked to Chechen militants.  While the Obama administration would oppose such actions, it has yet to lay out a legal rationale for drone strikes or other deliberate uses of lethal force in countries such as Yemen and Pakistan that would distinguish them from targeted killings widely considered unlawful. The US should not carry out lethal strikes that it would object to if another country conducted such a strike under analogous circumstances with a similar rationale.

#### The United States approach of guilty until proven innocent with concerns to brown bodies erodes foundations for human rights globally

Amnesty International 2012. "UNITED STATES OF AMERICA ‘TARGETED KILLING’ POLICIES VIOLATE THE RIGHT TO LIFE." Amnesty International. June 2012. Accessed June 28, 2017. <https://www.amnestyusa.org/files/usa_targeted_killing.pdf>. (WL BFI)

Among the particular concerns of Amnesty. International are: the administration's continued reliance on a "global war" legal theory that treats the entire world as a battlefield between the USA and armed groups, on which lethal force may apparently be used without regard to human rights standards;  the administration’s invocation of the right to use force in self-defence to justify the deliberate killing of virtually anyone suspected of involvement of any kind in relation to a range of armed groups and/or terrorism against the USA, particularly through the adoption of a radical re-interpretation of the concept of "imminence";  reports that a "guilty until proven innocent" approach is taken to military-age males who are killed by a strike, even if there is no specific evidence that they were directly participating in hostilities in a specific armed conflict;  the fact that key factual and legal details of the killing programme remain shrouded in secrecy. These aspects of US policy and practice are not only of concern in their own right: they also weaken the credibility of the USA as an advocate for respect for human rights by other states; they set dangerous precedents that other states may exploit to avoid responsibility for their own unlawful killings; and if unchecked there is a real risk that the US “global war” doctrine will further corrode the foundations of the international framework for protection of human rights. There has also been widespread speculation that current US policies and practices with respect to such killings may inadvertently be building support for the very armed groups and terror attacks that US officials say provide its justification.

#### U.S policy allows for anyone whom appears to be suspicious to be targeted. This violates international law.

Amnesty International 2012. "UNITED STATES OF AMERICA ‘TARGETED KILLING’ POLICIES VIOLATE THE RIGHT TO LIFE." Amnesty International. June 2012. Accessed June 28, 2017. <https://www.amnestyusa.org/files/usa_targeted_killing.pdf>. (WL BFI)

Deliberate killings of terrorism suspects by the USA far from any recognized battlefield and without charge or trial has been reported since at least 2002, but the policies and practices for such killings appear to have undergone rapid expansion in recent years. While Amnesty International does not have comprehensive data of its own on the totality of such killings, and is not in a position to endorse the findings of others, the Bureau of Investigative Journalism, a not-for-profit organization based at City University, London, has published figures that give some sense of the scale of such US operations.2 For example, according to the Bureau: In Pakistan between 2004 and 2012, there have been some 330 strikes, with the total reported number killed being between 2,479 and 3,180 people (and more than 1,000 other people being injured); 278 of the 330 strikes were carried out under the Obama administration. In Yemen between 2002 and 2012, there have been between 44 and 54 confirmed US operations (including 31 to 41 drone strikes), with a possible further 87 to 96 operations (including 49 to 55 drone strikes). The total number reported killed was between 317 and 826 people. All but one of these operations were carried out under the Obama administration. In Somalia between 2007 and 2012, there have been some 10 to 21 US strikes (including three to nine drone strikes), with the total number of people reported killed as being between 58 and 169. Across these three countries, then, the Bureau estimates there have been a total of some 2854 to 4175 people reported killed.3 Like the gradual unveiling of torture and secret detention carried out by the Central Intelligence Agency (CIA) operating under the authority of then President George W. Bush, over the past decade the public face of the so-called ‘targeted killing’ programme has moved from official silence (or outright denial), to unofficial acknowledgement of the facts by unnamed officials, and ultimately to very public attempts by named officials to legally justify what can no longer plausibly be denied. On coming to office, President Obama ordered an end to the use of “enhanced interrogation techniques” and long-term secret detention by the CIA, but his administration has markedly expanded the programmes of premeditated and opportunistic killing outside of zones of armed conflict, primarily though not exclusively through the use of unmanned aerial vehicles popularly known as “drones”. As will be described in greater detail below, the administration deems as legal and acceptable the killing of a certain number of other persons who are in the vicinity of any individual being targeted, even if they are themselves in no way involved in terrorism. At the same time, the administration reportedly applies a “guilty until proven innocent” approach to a significant number of unknown bystanders. The administration has also reportedly approved practices of so-called “signature strikes” and “Terrorism Attack Disruption Strikes” where the identity of the person or people targeted for killing is not known, but their activities (presumably as viewed from the sky) appear to fit into a pattern that has been deemed suspicious. Unlike torture, which is absolutely prohibited in all circumstances, intentional killing by the state can sometimes be justified under international law, both in situations of armed conflict and in law enforcement situations. However, as will be explained below, based on what officials from the administration have stated publicly, and what has been reliably reported by news media, current US policy and practices for the intentional use of lethal force against terrorism suspects and other people who happen to be near such suspects appear to go far beyond what international human rights law permits.

#### Citizenship is not relevant in the context of targeted killing and international law

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

The US citizenship of Anwar al-Awlaki and other Americans killed in targeted strikes is not relevant as a matter of international law.  Neither international humanitarian law nor international human rights law makes a distinction regarding nationality with respect to targeting or the use of force. Awlaki’s citizenship may have offered him greater US constitutional protections, an issue reportedly addressed in the Justice Department legal memo.  In August 2010, the Center for Constitutional Rights and the American Civil Liberties Union brought a suit in US federal court on behalf of Awlaki’s father contesting the lawfulness of the Obama administration’s inclusion of Awlaki on a CIA “hit list.” The court threw out the [case](http://scholar.google.com/scholar_case?case=1758537122087571034&hl=en&as_sdt=2&as_vis=1&oi=scholarr) on procedural grounds but indicated it would have dismissed the petitioner’s claim in any event because it raised political questions not subject to the court’s review.

#### Civilian casualty rates are subject to a variety of errors which makes accurate reporting impossible

Lawfare 2015. "Civilian Casualties & Collateral Damage." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/civilian-casualties-collateral-damage>. (WL BFI)

Some have criticized these studies. For instance, Kenneth Anderson has [stated](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1812124) that "groups attempting to estimate numbers do not seek to disaggregate" the data regarding conventional combat from that related to targeted killing as such and "thus total numbers killed might well go up or down significantly as a function of conventional combat in Afghanistan, not as a result of counterterrorism operations.” Others, according to [Jacob Beswick](http://www.oxfordresearchgroup.org.uk/publications/briefing_papers_and_reports/working_paper_drone_wars_and_pakistan%E2%80%99s_conflict_casualties), "question[] the validity of New America Foundation’s work as it depends entirely on news sources.”  Ben Wittes has [stated](https://www.lawfareblog.com/2012/10/engaging-glenn-greenwald/) that estimates of civilian casualty rates are subject to errors because reporting from the relevant regions is incredibly dangerous and thus "estimates are largely based on reports in anonymously-sourced media stories that rely on Pakistani Army claims that 'militants' were killed," which, at best, "leaves the estimators at the mercy of the errors, the self-serving accounting, and the agendas of the Pakistani Army sources." Likewise, Wittes [states](https://www.lawfareblog.com/2012/10/engaging-glenn-greenwald/), estimators do not agree about what they are counting, and thus any data report is heavily influenced by the "normative, factual, and legal assumptions an estimator brings to the table." Scott Shane, too, has [reported](http://www.nytimes.com/2011/08/12/world/asia/12drones.html?_r=0) the disparities between the data reported by the U.S. government, the Pakistani government, the media, and other sources.

#### **It is impossible to distinguish between militants and non-militants. It’s a guessing game that leaves innocent civilians dead.**

Lawfare 2015. "Civilian Casualties & Collateral Damage." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/civilian-casualties-collateral-damage>. (WL BFI)

Despite the proliferation of data about the collateral damage caused by targeted killings, questions about the soundness of that data remain. First, it is difficult to distinguish militants from non-militants, particularly where non-militants live alongside civilians and do not wear uniforms. Second, civilian casualty data is imperfect, as media access to locations where targeting occurs is limited. Third, sources---on both sides of the issue---have incentives to manipulate the data for strategic and political gain. Even non-governmental sources might have substantive aims that may undermine the neutrality of their data. According to Stephen Holmes and others, these inaccuracies are problematic because they make it impossible for the U.S. government and others to measure the effects of targeted killings, to drive improvement in the numbers, and to identify and assist civilians harmed in targeting strikes. Moreover, civilian casualties themselves---irrespective of data collection problems---are seen as problematic, not only morally and legally, but also strategically. For instance, Brian Glyn Williams claims that civilian deaths foment anti-American sentiment and drive the populace to support insurgencies. Likewise, some argue that drones increase the temptation for the U.S. to engage in war, as they reduce the personal risk to U.S. troops. But authors like Kenneth Anderson vigorously dispute this proposition.

#### The previous president is already been accused of war crimes, continuation of the targeted killing policy is problematic

Bowcott 12 Owen Bowcott, 6-21-2012, "Drone strikes threaten 50 years of international law, says UN rapporteur," Guardian, <https://www.theguardian.com/world/2012/jun/21/drone-strikes-international-law-un> (BFI WL)

The US policy of using aerial drones to carry out targeted killings presents a major challenge to the system of international law that has endured since the second world war, a [United Nations](https://www.theguardian.com/world/unitednations) investigator has said. Christof Heyns, the UN special rapporteur on extrajudicial killings, summary or arbitrary executions, told a conference in Geneva that President Obama's attacks in [Pakistan](https://www.theguardian.com/world/pakistan), Yemen and elsewhere, carried out by the CIA, would encourage other states to flout long-established human rights standards. In his strongest critique so far of drone strikes, Heyns suggested some may even constitute "war crimes". His comments come amid rising international unease over the surge in killings by remotely piloted unmanned aerial vehicles (UAVs). Addressing the conference, which was organised by the American Civil Liberties Union (ACLU), a second UN rapporteur, Ben Emmerson QC, who monitors counter-terrorism, announced he would be prioritising inquiries into drone strikes. The London-based barrister said the issue was moving rapidly up the international agenda after China and Russia this week jointly issued a statement at the UN Human Rights Council, backed by other countries, condemning drone attacks. If the US or any other states responsible for attacks outside recognised war zones did not establish independent investigations into each killing, Emmerson emphasised, then "the UN itself should consider establishing an investigatory body". Also present was Pakistan's ambassador to the UN in Geneva, Zamir Akram, who called for international legal action to halt the "totally counterproductive attacks" by the US in his country. Heyns, a South African law professor, told the meeting: "Are we to accept major changes to the international legal system which has been in existence since world war two and survived nuclear threats?" Some states, he added, "find targeted killings immensely attractive. Others may do so in future … Current targeting practices weaken the rule of law. Killings may be lawful in an armed conflict [such as Afghanistan] but many targeted killings take place far from areas where it's recognised as being an armed conflict." If it is true, he said, that "there have been secondary drone strikes on rescuers who are helping (the injured) after an initial drone attack, those further attacks are a war crime". Heyns ridiculed the US suggestion that targeted UAV strikes on al-Qaida or allied groups were a legitimate response to the 9/11 attacks. "It's difficult to see how any killings carried out in 2012 can be justified as in response to [events] in 2001," he said. "Some states seem to want to invent new laws to justify new practices. “The targeting is often operated by intelligence agencies which fall outside the scope of accountability.

### Negative Cards

#### Targeted killing is legal under domestic and international law as long as those involved are combatants

Cohen 2014. Tom. "When can a government kill its own people? - CNNPolitics.com." CNN. Cable News Network, 11 Feb. 2014. Web. 27 June 2017. <http://www.cnn.com/2014/02/10/politics/us-killing-americans/index.html>. (WL BFI)

2) Is it legal for the government to target and kill people? In his May 2013 speech at the National Defense University, Obama proclaimed the practice completely legal. "Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces," he said. "We are at war with an organization that right now would kill as many Americans as they could if we did not stop them first. So this is a just war -- a war waged proportionally, in last resort, and in self-defense."

#### Targeted killing is legit, multiple government responsibilities such as the constitution prove

Lawfare 2015. "Legality of U.S. Government's Targeted Killing Program under Domestic Law." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/legality-us-governments-targeted-killing-program-under-domestic-law>. (WL BFI)

II. Domestic Legal Authorization for the U.S. Government’s Targeted Killing Program. Many, including former State Department Legal Adviser Harold Koh, have argued that much, if not all, of the U.S. government’s targeted killing program has been affirmatively authorized by Congress with the Authorization for the Use of Military Force (AUMF), which authorizes the Executive to use force against those enemy combatants that fall within the statute’s ambit. The U.S. Government (via Eric Holder and Harold Koh) itself has stated that "[i]n response to the attacks perpetrated – and the continuing threat posed – by al Qaeda, the Taliban, and associated forces, Congress has authorized the President to use all necessary and appropriate force against those groups," thus emphasizing the AUMF as a primary basis for its targeting authority. In addition, Holder asserted, "[t]he Constitution [itself] empowers the President to protect the nation from any imminent threat of violent attack." Thus, en toto, the USG has asserted several bases of authority for its targeted killing program, namely (according to a leaked DOJ White Paper), "[the President's] constitutional responsibility to protect the country, the inherent right of the United States to national self defense under international law, Congress's authorization of the use of all necessary and appropriate military force against [al-Qa'ida and associated forces], and the existence of an armed conflict with al-Qa'ida under international law." Curtis Bradley and Jack Goldsmith, in their textbook on foreign relations law, and a note in the Vanderbilt Journal of Transnational Law counter that the AUMF, to the extent that it authorizes targeted killings at all, may not be sufficient to authorize the entire scope of the U.S. government’s targeted killing program undertaken so far, thus perhaps rendering at least some iterations of the U.S. government’s targeted killing program impermissible. Note, too, that a White House fact sheet released alongside President Obama's May 23, 2013 speech on counterterrorism asserted that the President would "engage Congress and the American people in efforts to refine, and ultimately repeal, the AUMF’s mandate." Nevertheless, Bradley and Goldsmith explain, even if Congress did not authorize the U.S. government’s targeted killing program with the AUMF, the President could in theory act against terrorists presenting an imminent threat under the Covert Action Statute (CAS), 50 U.S.C. §413b. The CAS is potentially an important authorizing authority, as its scope extends beyond that of the AUMF, namely in that it is not limited to those terrorist groups linked to the September 11, 2001 attacks.

#### **The due process clause becomes impossible to consider with regard to targeted killing due to complications**

Lawfare 2015. "Legality of U.S. Government's Targeted Killing Program under Domestic Law." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/legality-us-governments-targeted-killing-program-under-domestic-law>. (WL BFI)

Nevertheless, Attorney General Eric Holder and others [argue](http://www.lawfareblog.com/2012/03/text-of-the-attorney-generals-national-security-speech/) that the U.S. government’s targeted killing program does not violate due process. And, Bradley and Goldsmith argue that the question of whether or not a target received sufficient constitutional process may constitute a political question, such that U.S. courts will never impose any liability on the U.S. government for undertaking even an unlawful targeted killing. This seems to be one implication of [Al Aulaqi v. Obama (D.D.C. 2010)](http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/post-911-era-materials/post-911-era-materials-court-cases/al-aulaqi-v-obama-727-f-supp-2d-1-d-d-c-2010/), where Judge Bates found that Anwar Al-Aulaqi's lawsuit seeking to enjoin the USG from targeting his son was non-justiciable under the political question doctrine. In particular, Judge Bates felt that “[j]udicial resolution of the ‘particular questions’ posed” would require [it] to decide complex issues such as “whether … Anwar Al–Aulaqi’s alleged terrorist activity render[ed] him a concrete, specific, and imminent threat to life or physical safety” and “whether there are means short of lethal force that the United States could reasonably employ to address any threat that Anwar Al–Aulaqi poses to U.S. national security interests.” These questions, Judge Bates said, would require the court take into account military, strategic, and diplomatic considerations – e.g. to “assess the merits of the President’s (alleged) decision to launch an attack on a foreign target” – that it was simply not competent to handle. Thus, the Due Process Clause may not limit the U.S. government’s targeted killing program much, if at all, as either a legal and a practical matter. With respect to the targeting by the USG of U.S. citizens, Eric Holder (in a May 22, 2013 [letter](http://s3.documentcloud.org/documents/703181/ag-letter-5-22-13.pdf) to Patrick Leahy, Chairman of the Senate's Committee on the Judiciary) and President Obama (in his May 23, 2013 [speech](http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university) on counterterrorism) acknowledged that the United States has, in the conduct of its counterterrorism operations against Al-Qaeda and associated forces, outside of areas of active hostilities, specifically targeted one U.S. citizen, Anwar al-Aulaqi. They also asserted that the USG is aware of three other U.S. citizens who have been killed in such operations (although they were not specifically targeted by the U.S.): Samir Khan, 'Abd al-Rahman Anwar al-Aulaqi, and Jude Kenan Mohammed. The leaked DOJ White Paper [makes clear](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf)the USG's belief that a lethal operation against a  U.S. citizen who is a senior operational leader of Al Qaeda or an associated force of Al Qaeda, in a foreign country, outside the area of active hostilities, would not violate due process. Applying the Supreme Court's Mathews v. Eldridge balancing approach, the White Paper [considered](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf) that an "individual's interest in avoiding erroneous deprivation of his life is 'uniquely compelling'" but went on to find, citing [Hamdi](http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/post-911-era-materials/post-911-era-materials-court-cases/hamdi-v-rumsfeld-542-u-s-507-2004/), that the "government's interset in waging war, protecting its citizens, adn removing the threat posed by members of enemy forces [was] also compelling." Ultimately, the White Paper [explained](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf),  such a lethal operation would be permissible (i.e. the government's interest would outweigh weigh the private interest of the targeted citizen at issue), at least (1) where an informed, high-level official of the U.S. government has determined that the targeted individual poses an imminent threat of violent attack against he United States; (2) where a capture operation would be infeasible (and where those conducting the operation continue to monitor whether capture becomes feasible); and (3) where such an operation would be conducted consistent with applicable law of war principles. Eric Holder, too, set forth a similar determination in a 2012 [speech](http://www.lawfareblog.com/2012/03/text-of-the-attorney-generals-national-security-speech/) at Northwestern. The President in his May 23, 2013 counterterrorism speech [reiterated](http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university) that view.

#### Strikes are legal

Waxman 2011, Matthew. “The Targeted Killings Debate.” *Council on Foreign Relations*. http://www.cfr.org/international-peace-and-security/targeted-killings-debate/p25230

U.S. strikes against senior al-Qaeda or affiliated terrorists in places like Pakistan or Yemen--most recently, the reported (but unverified) killing of al-Qaeda-linked Pakistani militant Ilyas Kashmiri (Reuters)--often give rise to accusations that the United States is engaged in unlawful "extrajudicial killing," "assassination," or violations of sovereignty. In part because of the secrecy surrounding these policies, such legal claims often don't get thoroughly and specifically answered. However, lethal force directed against particular individuals outside a combat zone like Afghanistan is legally and strategically appropriate in limited circumstances.

#### Osama Bin Laden killing was legal under international law.

Waxman 2011, Matthew. “The Targeted Killings Debate.” *Council on Foreign Relations*. http://www.cfr.org/international-peace-and-security/targeted-killings-debate/p25230

Legal constraints on U.S. actions include respect for state sovereignty (limiting where and under what conditions the United States could target) and law-of-war principles such as proportionality and distinction (limiting when and how the United States could target). Applying these frameworks to the recent raid on Osama bin Laden, as Koh did publicly recently, the United States has a strong argument that he could be targeted as an enemy commander in the ongoing armed conflict with al-Qaeda. U.S. actions in Pakistan's territory were also defensible because the Pakistani government was not capable or willing to deal with this threat. So far as I can tell from available information, the operation was planned and carried out in strict accordance with the laws of war, including due care to protect innocent civilians and rules regarding surrender.

#### Increase in terrorist incidents is a direct result of growing red tape.

Cohen 2014. Tom. "When can a government kill its own people? - CNNPolitics.com." CNN. Cable News Network, 11 Feb. 2014. Web. 27 June 2017. <http://www.cnn.com/2014/02/10/politics/us-killing-americans/index.html>. (WL BFI)

4) Does it work? Ever the politician, Obama argued forcefully last year that targeted killings were a necessary tool in the expanding battle against international terrorism. "Dozens of highly skilled al Qaeda commanders, trainers, bomb makers and operatives have been taken off the battlefield," he said. "Plots have been disrupted that would have targeted international aviation, U.S. transit systems, European cities and our troops in Afghanistan. Simply put, these strikes have saved lives." Critics, including congressional Republicans, argue the President's anti-terrorism strategy, which in many ways extended programs and practices started after the 9/11 attacks under the Bush administration, have failed to effectively curtail al Qaeda. Asked last week at a congressional hearing if al Qaeda was stronger or weaker today than before the 9/11 attacks, Director of National Intelligence James Clapper struggled to find an answer before conceding the terrorist network now was more widespread and therefore more difficult to combat. At the same hearing, House Intelligence Committee Chairman Mike Rogers argued that tighter restrictions on targeted killings announced by Obama in last year's policy speech had weakened the government's fight against terrorism. "Today, individuals who would have been previously removed from the battlefield by U.S. counter-terrorism operations for attacking or plotting to attack against U.S. interests remain free because of self-imposed red tape," the Michigan Republican said, adding that "the President's May 2013 policy changes for the U.S. targeted strikes are an utter and complete failure, and they leave Americans' lives at risk." However, the criticism by Rogers differs from Shamsi's accusation that the administration fails to adhere to the stated policies of increased oversight and following due process. Rogers complained that the problem involved confusion over the U.S. policies. 5) Is it worth it? To Obama, the need to take out war enemies supersedes the potential political fallout at home and abroad over drone strikes and other targeted killings. He argued last year that doing nothing would invite "far more civilian casualties" by terrorists targeting U.S. cities as well as foreign strongholds in Yemen, Afghanistan, Somalia and elsewhere. "Remember that the terrorists we are after target civilians, and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes," he argued, saying that "doing nothing is not an option." Obama also contended the drone strikes were less risky than conventional weapons or "boots on the ground" in terms of collateral damage and broader political repercussions. "It is false to assert that putting boots on the ground is less likely to result in civilian deaths or less likely to create enemies in the Muslim world," he said, referring to unpopular U.S. military incidents of recent decades. "The results would be more U.S. deaths, more Black Hawks down, more confrontations with local populations, and an inevitable mission creep in support of such raids that could easily escalate into new wars.

#### The “Living Under Drones” report has no credibility

Foust 2012, Joshua. "Targeted Killing, Pro and Con: What to Make of U.S. Drone Strikes in Pakistan." The Atlantic. Atlantic Media Company, 26 Sept. 2012. Web. 27 June 2017. (WL BFI)

A [new report](http://livingunderdrones.org/wp-content/uploads/2012/09/Stanford_NYU_LIVING_UNDER_DRONES.pdf), "Living Under Drones," jointly authored by Stanford University and New York University -- and [reviewed yesterday by Conor Friedersdorf](https://www.theatlantic.com/international/archive/2012/09/every-person-is-afraid-of-the-drones-the-strikes-effect-on-life-in-pakistan/262814/) here at *The Atlantic* -- is harshly critical of the drone campaign in Pakistan. The report argues that the U.S. narrative of drone strikes -- precise, accurate, and limited -- is false. Citing 130 interviews and a review of media reports, the authors argue that the civilian toll from drone strikes is far higher than acknowledged, that many problems with the drone campaign go unreported, and that more government transparency is essential to gaining a better understanding of the campaign and its consequences. On that last point, the authors are absolutely right -- more transparency about targeting and effects would help everyone understand the consequences of drone strikes in Pakistan. And there are absolutely serious downsides to these strikes (some of which have been explored [here](https://www.theatlantic.com/international/archive/2011/12/unaccountable-killing-machines-the-true-cost-of-us-drones/250661/) already). But the report then makes some questionable claims based on incomplete data, and seems to argue that the drone campaign should be paused or radically altered. Those arguments are not well supported. For starters, the sample size of the study is 130 people. In a country of 175 million, that is just not representative. 130 respondents isn't representative even of the 800,000 or so people in the Federally Administered Tribal Areas (FATA), the region of Pakistan where most drone strikes occur. Moreover, according to the report's methodology section, there is no indication of how many respondents were actual victims of drone strikes, since among those 130 they also interviewed "current and former Pakistani government officials, representatives from five major Pakistani political parties, subject matter experts, lawyers, medical professionals, development and humanitarian workers, members of civil society, academics, and journalists." The Living Under Drones report has some serious bias issues. The authors did not conduct interviews in the FATA, but Islamabad, Rawalpindi, Lahore, and Peshawar. The direct victims they interviewed were contacted initially by the non-profit advocacy group Foundation for Fundamental Rights, which is not a neutral observer (their explicit mission is to end the use of drones in Pakistan). The report relies on a database compiled by the Bureau of Investigative Journalism, which relies on media accounts for [most of its data](http://www.thebureauinvestigates.com/2012/01/11/obama-2012-strikes/). The authors discount the utility of relying on media accounts, since media in Pakistan rely on the Pakistani government for information (reporters are not allowed independent access to the FATA). Even accepting their description of the BIJ data as the most "reliable," these data are highly suspect. The Living Under Drones report, in other words, has some serious bias issues.

#### Statutory limitations check back presidential power

Lawfare 2015. "Legality of U.S. Government's Targeted Killing Program under Domestic Law." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/legality-us-governments-targeted-killing-program-under-domestic-law>. (WL BFI)

***A. Statutory Limitations***. As mentioned above, if the President derives the authority for the U.S. government’s targeted killing program from the AUMF or the CAS, then the program will be limited by internal constraints set forth within those statutes. For instance, although the AUMF does not contain any geographical limitation, its authorization for the use of force only applies to certain groups of people and thus excludes other targets from its ambit. Likewise, the CAS sets forth various reporting requirements and decision-making rules, which the President must comply with in order for his targeted killing program to be permissible under U.S. law.

#### Attacks that kill civilians as collateral damage do not violate international law

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

The laws of war permit attacks only against military objectives, such as enemy fighters or weapons and ammunition. Civilians are immune from attack, except those individuals “directly participating in the hostilities.” While the phrase “directly participating in hostilities” has various interpretations, it is generally accepted to include not only persons currently engaged in fighting, but also individuals actively planning or directing future military operations. For a specific attack on a military objective to be lawful, it must discriminate between combatants and civilians, and the expected loss of civilian life or property cannot be disproportionate to the anticipated military gain of the attack. Therefore, not all attacks that cause civilian deaths violate the laws of war, only those that target civilians, are indiscriminate or cause disproportionate civilian loss. Parties to a conflict have a duty to investigate serious violations of the laws of war. The Geneva Conventions state that “[t]he High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.” Where there is credible evidence that an attack has violated the laws of war, the responsible party is obligated to investigate for possible war crimes and appropriately prosecute the perpetrators, or extradite them for prosecution elsewhere.

#### Citizenship is not relevant in the context of targeted killing and international law

Human Rights Watch 2015. "Q & A: US Targeted Killings and International Law." Human Rights Watch. N.p., 12 Nov. 2015. Web. 27 June 2017. <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law>. (WL BFI)

The US citizenship of Anwar al-Awlaki and other Americans killed in targeted strikes is not relevant as a matter of international law.  Neither international humanitarian law nor international human rights law makes a distinction regarding nationality with respect to targeting or the use of force. Awlaki’s citizenship may have offered him greater US constitutional protections, an issue reportedly addressed in the Justice Department legal memo.  In August 2010, the Center for Constitutional Rights and the American Civil Liberties Union brought a suit in US federal court on behalf of Awlaki’s father contesting the lawfulness of the Obama administration’s inclusion of Awlaki on a CIA “hit list.” The court threw out the [case](http://scholar.google.com/scholar_case?case=1758537122087571034&hl=en&as_sdt=2&as_vis=1&oi=scholarr) on procedural grounds but indicated it would have dismissed the petitioner’s claim in any event because it raised political questions not subject to the court’s review.

#### The civilian casualty rate is much lower than many assume

Lawfare 2015. "Civilian Casualties & Collateral Damage." Lawfare. N.p., 03 June 2015. Web. 27 June 2017. <https://www.lawfareblog.com/civilian-casualties-collateral-damage>. (WL BFI)

According to [Philip Alston](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1928963), three entities collect and analyze the bulk of existing non-governmental data about civilian casualties resulting from the U.S. government’s targeted killing policy: (1) the [New America Foundation](http://counterterrorism.newamerica.net/sites/newamerica.net/files/policydocs/bergentiedemann2.pdf); (2) the [Long War Journal](http://www.longwarjournal.org/pakistan-%20strikes.php); and (3) the [Bureau of Investigative Journalism](http://www.thebureauinvestigates.com/2011/08/24/cia-drone-strikes/). Their estimates of the civilian casualty rate range widely, from something like 1% to nearly 35% of all deaths caused by targetings. The [New America Foundation](http://counterterrorism.newamerica.net/sites/newamerica.net/files/policydocs/bergentiedemann2.pdf), which collects data from different media sources, estimates a civilian casualty rate of approximately 17% between 2004 and 2011 and of 6% since 2010. The [Long War Journal](http://www.longwarjournal.org/pakistan-%20strikes.php), which likewise culls data from media reports, estimates a non-militant casualty rate of slightly less than 10%. Like the New America Foundation, the [Long War Journal](http://www.longwarjournal.org/pakistan-%20strikes.php) finds that the civilian casualty rate has declined in recent years, to something like 8.5%. The Bureau of Investigative Journalism, which seems to base its data on media sources and other existing databases, estimates a considerably higher civilian casualty rate of 13-34%. Various other sources, including [official Pakistani data](http://www.nytimes.com/2011/03/10/world/asia/10drones.html), the [New York Times](http://www.nytimes.com/2009/05/17/opinion/17exum.html), the [Campaign for Innocent Victims in Conflict (CIVIC)](http://www.civicworldwide.org/storage/civicdev/documents/civic%20pakistan%202010%20%20final.pdf), and [Reuters](http://www.reuters.com/article/2010/05/18/us-pakistan-drones-%20idUSTRE64H5SL20100518?feedType=RSS&feedName=topNews), have estimated a range of civilian casualty rates, most of which fall within the spread set out by the three main databases discussed above.

#### Drone actions are not illegal, they are expected in the developing age to be a part of military policy.

Dunlap 2015, Charles J. Dunlap, Jr., 10-14-2015, "Drones versus their Critics: A Victory for President Obama’s War Powers Legacy?," Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 where he is a professor of the practice of law and Executive Director of the Center on Law, Ethics and National Security. <http://smallwarsjournal.com/jrnl/art/drones-versus-their-critics-a-victory-for-president-obama%E2%80%99s-war-powers-legacy> (BFI WL)

Steven Preston, the former CIA General Counsel and recently retired as the DoD General Counsel, contended in an [April 2015 presentation](https://fas.org/sgp/news/2015/04/041015-preston.pdf) that one result of a “series of speeches” by various governmental officials was that: You no longer find, in the popular press or in professional discourse, the same routine references to the U.S. Government’s counterterrorism operations as being “illegal.” Not that the Administration has persuaded everyone or will ever satisfy all of its critics. But the lawfulness of our government’s efforts to counter foreign terrorist threats is now better understood, and more widely accepted, at home and abroad. Of course, the domestic legal authority for drone strikes would be central to any analysis of the President’s War Powers legacy viz-a-viz drones.

#### Most activists about the “bad effects” of drones are misinformed.

Dunlap 2015, Charles J. Dunlap, Jr., 10-14-2015, "Drones versus their Critics: A Victory for President Obama’s War Powers Legacy?," Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 where he is a professor of the practice of law and Executive Director of the Center on Law, Ethics and National Security. <http://smallwarsjournal.com/jrnl/art/drones-versus-their-critics-a-victory-for-president-obama%E2%80%99s-war-powers-legacy> (BFI WL)

There are many reasons that drone critics have not gained the traction in the U.S. that they seemed to have enjoyed overseas. In part, this may be the result of a larger problem that many lawyers, academics and others suffer: an [insufficient understanding of the technologies of war](http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=6061&context=faculty_scholarship) as well as the methodologies and strategies for their use. For example, with respect to drones, [Amnesty International’s highly critical 2013 report](http://www.amnestyusa.org/research/reports/will-i-be-next-us-drone-strikes-in-pakistan) was seriously discredited by David Axe in an article (“[Dear Amnesty International, Do You Even Know How Drones Work?](http://www.amnestyusa.org/research/reports/will-i-be-next-us-drone-strikes-in-pakistan)”) that emphasized the technical inaccuracies and even impossibilities about drone operations that Amnesty’s allegations reflected. Axe’s article is important not, per se, because of whatever circulation it received, but because it much represents what knowledgeable decision-makers think when they read Amnesty ill-informed attack on drone use. Joshua Faust did a [similarly critical review](http://www.defenseone.com/threats/2013/10/how-human-rights-groups-misinterpret-drone-strikes/72593/) of Human Rights Watch’s (HRW) 2013 [report](http://www.hrw.org/sites/default/files/reports/yemen1013_ForUpload_1.pdf) about Yemen that it entitled - misleadingly - “Between a Drone and Al-Qaeda.” What is misleading? Consider this: the report addresses six incidents where a total of 57 civilians were allegedly killed, but 41 of those civilian deaths were the result of a 2009 cruise missile attack, not a drone. Evidently, HRW could not grasp the essential differences between the two weapons’ systems, and why drones are typically a vastly better option than cruise missiles or even Special Forces in counterterrorism situations. Faust also points out something else that often undermines critics among knowledgeable decision-makers: HRW, he says, “asserts [that] individual targets, while part of AQAP, are not militarily important enough to warrant a strike” adding the profoundly important insight “[y]et they hardly have access to the same intelligence that guides U.S. targeteers.” In short, well-versed leaders within the Administration, the armed forces, the intelligence community, and Congress are likely aware of the factual errors of many of the critics’ complaints, and that has made them less susceptible to anti-drone arguments that might have otherwise operated to limit the President’s political ability to use the systems.

#### We should be skeptical of claims by anti-drones activists, due to the lack of details within their reporting.

Dunlap 2015, Charles J. Dunlap, Jr., 10-14-2015, "Drones versus their Critics: A Victory for President Obama’s War Powers Legacy?," Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 where he is a professor of the practice of law and Executive Director of the Center on Law, Ethics and National Security. <http://smallwarsjournal.com/jrnl/art/drones-versus-their-critics-a-victory-for-president-obama%E2%80%99s-war-powers-legacy> (BFI WL)

An oft-raised criticism of drone operations that is also foundering is the supposed lack of transparency. In a real way, this argument suggests an element of cognitive dissonance. For example, HRW, Amnesty International (as well as a more recent report by the [Open Justice Society](https://www.opensocietyfoundations.org/reports/death-drone)) all admit to concealing the identity – allegedly for security reasons - of “many” of the people who the organizations claim witness drone strikes (or their aftermath), making it virtually impossible to verify the allegations or even determine if the witnesses actually exist. The irony is, of course, that “security” is precisely the same reason government puts forth for limiting transparency about drone strikes. Insofar as Americans are concerned, the body politic does not appears to be too concerned about “transparency” complaints. The US public seems to instinctively appreciate the need to secrecy in national security matters. This may explain why a [majority of Americans](https://www.washingtonpost.com/world/national-security/new-poll-finds-majority-of-americans-believe-torture-justified-after-911-attacks/2014/12/16/f6ee1208-847c-11e4-9534-f79a23c40e6c_story.html) thought that the December 2014 release of the previously-classified Senate report on torture would hurt U.S. national security.

#### Use of drones is popular and supported among the public. – It doesn’t harm U.S image abroad

Dunlap 2015, Charles J. Dunlap, Jr., 10-14-2015, "Drones versus their Critics: A Victory for President Obama’s War Powers Legacy?," Charles J. Dunlap Jr., the former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 where he is a professor of the practice of law and Executive Director of the Center on Law, Ethics and National Security. <http://smallwarsjournal.com/jrnl/art/drones-versus-their-critics-a-victory-for-president-obama%E2%80%99s-war-powers-legacy> (BFI WL)

To be sure, controversy about drone effectiveness [remains](http://www.usnews.com/opinion/blogs/world-report/2015/05/13/drone-strikes-are-legally-justified-in-fight-against-al-qaida), but there is a growing consensus among experts that [they are a useful tool](https://esoc.princeton.edu/files/impact-us-drone-strikes-terrorism-pakistan-and-afghanistan), even if unpopular in some quarters, and notwithstanding that few believe they are the complete solution to terrorism and other security issues. Furthermore, the absence of another “9/11” event doesn’t seem to be lost on the public and US governmental officials. This may be why, as the New York Times [reported in April](http://www.nytimes.com/2015/04/26/us/politics/deep-support-in-washington-for-cias-drone-missions.html), that even after the deaths of the hostages in January, support remains “deep” for drone operations not only within the Administration itself but on Capitol Hill as well. Even progressives like Senator [Bernie Sanders has said he would continue the drone program](http://thinkprogress.org/world/2015/08/31/3697175/bernie-sanders-wouldnt-end-obamas-drone-program-promises-to-use-it-very-selectively/). Of course, U.S. public opinion and Congressional support are not the only relevant factors in assessing Obama’s War Powers’ drone legacy. For example, Professor Ashley Deeks recently [analyzed](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2637617) the influence of foreign state and non-state actors on U.S. security policy. While as will be explained below, it does look as if that the Administration modified its approach to drone operations at least in part to accommodate the views of foreign allies (among others), that effort appears to have had limited success. However, global disapproval seems to have little strategic consequence. Consider the Pew Research Center’s 2014 [survey](http://www.pewglobal.org/2014/07/14/global-opposition-to-u-s-surveillance-and-drones-but-limited-harm-to-americas-image/) that found that while the US’s drone (and surveillance) program was unpopular in the vast majority of nations, there is nevertheless “little evidence this opposition has severely harmed America’s overall image” – in fact, 65% still had a “favorable” view of the U.S. Thus, at least with respect to drone operations as they are currently conducted, it is unlikely that overseas opposition will necessarily limit the President’s exercise of War Powers.