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NEGATIVE BRIEF: Drones - good

By Vance Trefethen

**This brief argues against cases that restrict or eliminate US use of combat drones overseas.**

REVERSE PLAN ADVOCACY

Congress and Courts should NOT micromanage war tactics like use of drones

David Rittgers 2010. (law degree, U. of N. Carolina; legal policy analyst for Cato Institute; served in the United States Army as an Infantry and Special Forces officer, including three tours in Afghanistan; won two Bronze Stars) “Both Left and Right Are Wrong about Drones” 25 Feb 2010 <http://www.cato.org/publications/commentary/both-left-right-are-wrong-about-drones>

Liberal critics should refrain from erroneously labeling drone strikes as "nonjudicial killings." Even the most controversial drone strikes—those that kill American citizens who have joined al Qaeda affiliates overseas—are permissible under the laws of war. Neither Congress nor the courts should micromanage tactical decisions such as whether the president can order soldiers to seize a particular hill or employ a certain weapon. Referring to drone strikes as "nonjudicial" implies that the courts should be given the ability to rule out specific drone attacks. Vetting these targets for accuracy of intelligence and minimization of collateral damage is essential, and the record continues to improve on that front.

HARMS / SIGNIFICANCE

“Civilian casualties” - Drone strikes are becoming more precise and discriminating

Peter Bergen and Jennifer Rowland 2012. Peter Bergen (CNN's national security analyst, is a director at the New America Foundation) and Jennifer Rowland (a program associate at the New America Foundation, a Washington-based think tank which seeks innovative solutions across the ideological spectrum), March 27, 2012. “CIA drone war in Pakistan in sharp decline,” <http://www.cnn.com/2012/03/27/opinion/bergen-drone-decline/index.html>

At the New America Foundation, we maintain an up-to-date database of every reported drone strike in Pakistan's tribal regions since 2004. We monitor reports about the strikes from the top Western and Pakistani news sources, such as The New York Times, Associated Press, CNN, Reuters, Express Tribune, Dawn, Geo TV and others. According to our data, 7% of the fatalities resulting from drone strikes in 2011 were civilians, up 2 percentage points from our figure in 2010. Over the life of the CIA drone program in Pakistan from 2004 to 2012, we found that the civilian casualty rate has been 17%. Clearly, as the years have progressed, the drone strikes have become more precise and discriminating.

Drones have great precision for avoiding collateral deaths

Ken Dilanian 2011. (journalist) LOS ANGELES TIMES, “U.S. counter-terrorism strategy to rely on surgical strikes, unmanned drones” 29 June 2011 (brackets added) <http://articles.latimes.com/2011/jun/29/news/la-pn-al-qaeda-strategy-20110629>

In the peculiar dance that marks the administration’s discussions of this issue, Brennan did not explicitly mention the vast expansion of drone strikes the U.S. has undertaken in Pakistan since January 2009— 213 of them, according to the New America Foundation, which counts them through media reports. That is because the program technically is secret, even though it is widely discussed and openly acknowledged by U.S. and Pakistani officials in private. Later, when asked whether a policy of targeted killing was appropriate for the United States, [President Obama’s counter-terrorism advisor, John] Brennan responded that the U.S. is “exceptionally precise and surgical in terms of addressing the terrorist threat. And by that I mean, if there are terrorists who are within an area where there are women and children or others, you know, we do not take such action that might put those innocent men, women and children in danger.” He added that in the last year, “there hasn't been a single collateral death because of the exceptional proficiency, precision of the capabilities that we've been able to develop.”

Congress, Courts and Constitution all allow strikes against Al Qaeda outside Afghanistan

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

The Constitution empowers the President to protect the nation from any imminent threat of violent attack. And international law recognizes the inherent right of national self-defense. None of this is changed by the fact that we are not in a conventional war. Our legal authority is not limited to the battlefields in Afghanistan. Indeed, neither Congress nor our federal courts has limited the geographic scope of our ability to use force to the current conflict in Afghanistan. We are at war with a stateless enemy, prone to shifting operations from country to country. Over the last three years alone, al Qaeda and its associates have directed several attacks – fortunately, unsuccessful – against us from countries other than Afghanistan. Our government has both a responsibility and a right to protect this nation and its people from such threats.

Use of force in foreign countries is justified if they consent or if they are unable or unwilling to deal with a threat to the US

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

This does not mean that we can use military force whenever or wherever we want. International legal principles, including respect for another nation’s sovereignty, constrain our ability to act unilaterally. But the use of force in foreign territory would be consistent with these international legal principles if conducted, for example, with the consent of the nation involved – or after a determination that the nation is unable or unwilling to deal effectively with a threat to the United States.

Congress authorized use of force against Al Qaeda and Taliban

Human Rights Institute, Columbia Law School 2011. (Co-directed by Prof. Sarah Cleveland, Counselor on International Law in the Office of the Legal Adviser of the U.S. State Department; and Prof. Peter Rosenblum, a former human rights officer with the Geneva-based precursor to the Office of the UN High Commissioner for Human Right) “Targeting Operations with Drone Technology: Humanitarian Law Implications” 25 Mar 2011 <http://www.law.columbia.edu/ipimages/Human_Rights_Institute/BackgroundNoteASILColumbia.pdf>

The Obama administration has indicated that it is engaged in an armed conflict with al Qaeda, the Taliban and associated forces. In March 2010, State Department Legal Advisor Harold Koh, described the conflict in an address at the American Society of International Law (ASIL):   
As I have explained, as a matter of international law, the U.S. is in an armed conflict with al-Qaeda, as well as the Taliban and associated forces, in response to the horrific 9/11 attacks, and may use force consistent with its inherent right to self-defense under international law. As a matter of domestic law, Congressauthorized the use of all necessary and appropriate force through the 2001 Authorization for Use of Military Force (AUMF). These domestic and international legal authorities continue to this day.”

Targeted killing of enemy leaders is not “assassination” and is entirely lawful

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

Furthermore, it is entirely lawful – under both United States law and applicable law of war principles – to target specific senior operational leaders of al Qaeda and associated forces. This is not a novel concept. In fact, during World War II, the United States tracked the plane flying Admiral Isoroku Yamamoto – the commander of Japanese forces in the attack on Pearl Harbor and the Battle of Midway – and shot it down specifically because he was on board. As I explained to the Senate Judiciary Committee following the operation that killed Osama bin Laden, the same rules apply today. Some have called such operations “assassinations.” They are not, and the use of that loaded term is misplaced. Assassinations are unlawful killings. Here, for the reasons I have given, the U.S. government’s use of lethal force in self defense against a leader of al Qaeda or an associated force who presents an imminent threat of violent attack would not be unlawful — and therefore would not violate the Executive Order banning assassination or criminal statutes.

Judicial review is unnecessary: Targeted killing is a military strike, not a punishment for a crime

Mike Dreyfuss 2012. ( JD candidate, Vanderbilt Univ. law school) My Fellow Americans, We Are Going to Kill You: The Legality of Targeting and Killing U.S. Citizens Abroad, VANDERBILT UNIV LAW REVIEW Vol 65, Jan 2012, <http://www.vanderbiltlawreview.org/content/articles/2012/01/Dreyfuss_65_Vand_L_Rev_249.pdf>

The federal government may target and kill individuals who have not been convicted of crimes, because targeted killing and execution serve different purposes. Execution is a punishment for a crime. Targeted killing is not a punishment. It is a military strike. The state does not intend to right a wrong but to further a military objective. Viewed in this light, prior judicial review of targeted killings—like prior judicial review of military decisions to kill enemies (U.S. citizens or not) on the battlefield—is unnecessary.

“Laws of War” - Drone strikes are effective and meet the test of proportionality

Dr. James Jay Carafano 2011. (PhD ; graduate of West Point, Carafano holds a master's degree and a doctorate from Georgetown University as well as a master's degree in strategy from the U.S. Army War College; served as a visiting professor at National Defense University and Georgetown Univ; director of the Allison Center for Foreign Policy Studies at The Heritage Foundation ) Drones Save American Lives, 25 Sept 2011 <http://www.heritage.org/research/commentary/2011/09/drones-save-american-lives>

The efficacy of drone strikes is unquestionable. As an act of war, such strikes also meet the test of proportionality. That is: (1) they employ a level of force consonant with the goal of the operation; (2) the attacks are not indiscriminate; and (3) the operations take reasonable precautions to safeguard the lives of innocents.

US attacks comply with fundamental laws of war

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

Of course, any such use of lethal force by the United States will comply with the four fundamental law of war principles governing the use of force. The principle of necessity requires that the target have definite military value. The principle of distinction requires that only lawful targets – such as combatants, civilians directly participating in hostilities, and military objectives – may be targeted intentionally. Under the principle of proportionality, the anticipated collateral damage must not be excessive in relation to the anticipated military advantage. Finally, the principle of humanity requires us to use weapons that will not inflict unnecessary suffering.

Supreme Court says US citizenship does not block targeting belligerent individuals abroad

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

Now, it is an unfortunate but undeniable fact that some of the threats we face come from a small number of United States citizens who have decided to commit violent attacks against their own country from abroad. Based on generations-old legal principles and Supreme Court decisions handed down during World War II, as well as during this current conflict, it’s clear that United States citizenship alone does not make such individuals immune from being targeted.

Legal to target American citizens abroad under certain circumstances

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

Let me be clear: an operation using lethal force in a foreign country, targeted against a U.S. citizen who is a senior operational leader of al Qaeda or associated forces, and who is actively engaged in planning to kill Americans, would be lawful at least in the following circumstances: First, the U.S. government has determined, after a thorough and careful review, that the individual poses an imminent threat of violent attack against the United States; second, capture is not feasible; and third, the operation would be conducted in a manner consistent with applicable law of war principles.

No “Due Process” violation in strikes against American terrorists abroad

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

Some have argued that the President is required to get permission from a federal court before taking action against a United States citizen who is a senior operational leader of al Qaeda or associated forces. This is simply not accurate. “Due process” and “judicial process” are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process. The conduct and management of national security operations are core functions of the Executive Branch, as courts have recognized throughout our history. Military and civilian officials must often make real-time decisions that balance the need to act, the existence of alternative options, the possibility of collateral damage, and other judgments – all of which depend on expertise and immediate access to information that only the Executive Branch may possess in real time. The Constitution’s guarantee of due process is ironclad, and it is essential – but, as a recent court decision makes clear, it does not require judicial approval before the President may use force abroad against a senior operational leader of a foreign terrorist organization with which the United States is at war – even if that individual happens to be a U.S. citizen.

Americans committing treason abroad by fighting against the US can get their “due process” by surrendering to the US judicial system and asking for a trial. They can’t evade the system and claim that it should protect them at the same time

Mike Dreyfuss 2012. ( JD candidate, Vanderbilt Univ. law school) My Fellow Americans, We Are Going to Kill You: The Legality of Targeting and Killing U.S. Citizens Abroad, VANDERBILT UNIV LAW REVIEW Vol 65, Jan 2012, <http://www.vanderbiltlawreview.org/content/articles/2012/01/Dreyfuss_65_Vand_L_Rev_249.pdf>

Forcing the accused to face trial does not deprive him of his rights: [quoting federal court decision in Al-Aluqi v. U.S., 2010] “All U.S. citizens may avail themselves of the U.S. judicial system if they present themselves peacefully, and no U.S. citizen may simultaneously avail himself of the U.S. judicial system and evade U.S. law enforcement authorities.” Targeted killing is not punishment for treason. U.S. citizens who serve as soldiers for the enemy can be shot without trial during military operations but must be afforded a trial as traitors if they can be captured. So too U.S. citizens who are leaders at the strategic level for the enemy can be targeted and killed without trial during military operations but must be afforded a trial as traitors if they can be captured. Targeted killing is not a punishment for a crime but a military operation.

“Need to capture, not kill, US citizen terrorists abroad” - Response: Not always feasible, and we are authorized to kill them if they’re an imminent threat

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

Whether the capture of a U.S. citizen terrorist is feasible is a fact-specific, and potentially time-sensitive, question. It may depend on, among other things, whether capture can be accomplished in the window of time available to prevent an attack and without undue risk to civilians or to U.S. personnel. Given the nature of how terrorists act and where they tend to hide, it may not always be feasible to capture a United States citizen terrorist who presents an imminent threat of violent attack. In that case, our government has the clear authority to defend the United States with lethal force.

“Need to capture, not kill, terrorists” - Response: Not always feasible, sometimes Drones are the only way

David Rittgers 2010. (law degree, U. of N. Carolina; legal policy analyst for Cato Institute; served in the United States Army as an Infantry and Special Forces officer, including three tours in Afghanistan; won two Bronze Stars) “Both Left and Right Are Wrong about Drones” 25 Feb 2010 <http://www.cato.org/publications/commentary/both-left-right-are-wrong-about-drones>

Criticism from conservatives is largely based on the logic that a live and talking terrorist is worth more than a dead one. While this is true as a general matter, several factors make drone attacks a good alternative to capture. First, not all terrorists targeted in drone attacks can be feasibly taken alive. This is especially true of those who reside in the many areas dominated by local insurgent groups and therefore out of reach of national governments. For example, putting troops on the ground in the Pakistani tribal areas, where numerous drone attacks have been carried out, is both tactically and diplomatically problematic. Last May, CIA Director Leon Panetta called drones the "only game in town" when it comes to certain parts of Pakistan, and this will remain the case for the long term.

DISADVANTAGES

1. Al Qaeda terrorism

Link: Drone strikes have taken out many key Al Qaeda leaders

Peter Bergen and Jennifer Rowland 2012. Peter Bergen (CNN's national security analyst, is a director at the New America Foundation. His book "Manhunt: The Ten-Year Search for Bin Laden; From 9/11 to Abbottabad" will be published on May 1) and Jennifer Rowland (a program associate at the New America Foundation, a Washington-based think tank which seeks innovative solutions across the ideological spectrum), March 27, 2012. “CIA drone war in Pakistan in sharp decline,” CNN, <http://www.cnn.com/2012/03/27/opinion/bergen-drone-decline/index.html?hpt=hp_bn7>

And despite its deteriorating relations with Pakistan, the United States killed a number of key al Qaeda leaders with drone strikes in 2011. Al Qaeda's top operative in Pakistan and purported conduit between the terrorist group and the Pakistani Taliban, Ilyas Kashmiri, was reported killed in a strike on June 4. Then, on August 22, a drone reportedly killed al Qaeda's top operational planner, Atiyah Abd al-Rahman, dealing another heavy blow to the organization. And in September, a drone strike killed Abu Hafs al-Shihri, the man believed to be responsible for planning al Qaeda's operations in the region. The continued success of strikes against al Qaeda's top leaders led Defense Secretary Leon Panetta to declare in July that the United States was "within reach of strategically defeating al Qaeda." According to senior U.S. counterterrorism officials, al Qaeda's leadership bench has been so thinned by the drone campaign that there are only two real leaders of the organization left: bin Laden's successor as overall leader of the group, Ayman al-Zawahiri, and Abu Yahya al-Libi.

Link: Drone strikes are the most effective tool for destroying Al Qaeda

Lisa Curtis 2011. (former member of the professional staff of the Senate Foreign Relations Committee ; former White House-appointed senior adviser to the assistant secretary of state for South Asian affairs; worked as an analyst for the Central Intelligence Agency; served abroad in the Foreign Service at the U.S. embassies in Pakistan and India) 29 Aug 2011 “ Drone Strikes Protect America from al-Qaeda’s Terror” <http://blog.heritage.org/2011/08/29/drone-strikes-protect-america-from-al-qaedas-terror/>

In another major blow to al-Qaeda, a U.S. drone strike last Monday in the North Waziristan tribal area of Pakistan killed the organization’s new number two commander, Atiyah Abd al-Rahman. The successful strike demonstrates the importance of continuing the drone missile campaign along Pakistan’s border with Afghanistan as a cornerstone of the mission to degrade and eventually defeat al-Qaeda. Pakistani officials and media outlets regularly criticize the drone missile strikes as a violation of Pakistani sovereignty. But the U.S. is highly unlikely to relent in its drone campaign since the tactic has proven to be the most effective tool for the U.S. to destroy al-Qaeda’s leadership and disrupt its ability to plot and train for attacks across the globe.

Brink: If we keep hitting them, Al Qaeda won’t be able to replace its top leaders because we’re killing them so rapidly

John Brennan 2011. Remarks of John O. Brennan, Assistant to the President for Homeland Security and Counterterrorism, on Ensuring al-Qa'ida's Demise -- As Prepared for Delivery, Paul H. Nitze School of Advanced International Studies 29 June 2011 <http://www.whitehouse.gov/the-press-office/2011/06/29/remarks-john-o-brennan-assistant-president-homeland-security-and-counter>

All told, over the past two and half years, virtually every major al-Qa’ida affiliate has lost its key leader or operational commander, and more than half of al-Qa’ida’s top leadership has been eliminated. Yes, al-Qa’ida is adaptive and resilient and has sought to replace these leaders, but it has been forced to do so with less experienced individuals. That’s another reason why we and our partners have stepped up our efforts. Because if we hit al-Qa’ida hard enough and often enough, there will come a time when they simply can no longer replenish their ranks with the skilled leaders they need to sustain their operations. And that is the direction in which we’re headed today.

Impact: Terrorism. Drone attacks on Al Qaeda successfully prevent terrorism against US targets

Dr. James Jay Carafano 2011. (PhD ; graduate of West Point, Carafano holds a master's degree and a doctorate from Georgetown University as well as a master's degree in strategy from the U.S. Army War College; served as a visiting professor at National Defense University and Georgetown Univ; director of the Allison Center for Foreign Policy Studies at The Heritage Foundation ) Drones Save American Lives, 25 Sept 2011 <http://www.heritage.org/research/commentary/2011/09/drones-save-american-lives>

There is a reason White House counterterrorism chief John Brennan recently felt confident enough to declare that al-Qaida was “on the ropes.” Progress came from taking the offensive. A decade of strenuous effort to disrupt terrorist sanctuaries, take out leaders, pre-empt planning and operations, disaggregate networks, thwart terrorist travel and communications, and disrupt fundraising and recruiting is paying off. And, without question, the drone missile strikes in Pakistan’s tribal areas have helped put al-Qaida on the defensive. Similar operations conducted against an al-Qaida affiliate in Yemen have paid dividends as well. The results speak for themselves. Successful terrorist attacks on U.S. targets — both at home and overseas — have been on a continual rate of decline since 2005.

2. Loss of US sovereignty

Link: Legal theories from activists challenging drone use undermine US sovereignty

Dr. James J. Carafano 2013. (PhD; adjunct professor at Georgetown University and has served as a visiting professor at National Defense University. He previously served as an assistant professor at the U.S. Military Academy in West Point) Drone Strikes and Just War, 15 Feb 2013 <http://www.heritage.org/research/commentary/2013/2/drone-strikes-and-just-war>

Another challenge to Just War Doctrine is the increasing use of “lawfare” in international politics. This tactic comprises efforts to misuse or reinterpret existing laws to frustrate U.S. policy initiatives. Lawfare works to undermine America’s legitimate efforts to exercise its sovereignty and act in its own interests as it sees fit. Lawfare is a common modus operandi of professional, international human-rights activists, including certain “special rapporteurs” operating out of the United Nations Human Rights Council in Geneva. Drones have been a particular target for these groups. Indeed, UN special rapporteur Ben Emmerson of the United Kingdom recently announced a new investigation into Washington’s use of drones in various countries. The problem with lawfare is that it blurs the line between the law and political advocacy. What is rational or legitimate becomes less important than what the lawfarer wants. And professional rights activists often want a basis of public decision-making that is far different from the rules of war derived from the Just War tradition.

IMPACTS TO LOSING NATIONAL SOVEREIGNTY

Impact: Yielding sovereignty is bad: We abandon constitutional democracy

Dr. John Fonte 2011. (Ph.D. in World History from the University of Chicago, M.A. and B.A. in History from the University of Arizona; Senior Fellow and Director of the Center for American Common Culture at the Hudson Institute) SOVEREIGNTY OR SUBMISSION: Liberal Democracy or Global Governance? Foreign Policy Research Institute, Oct 2011 <http://www.fpri.org/articles/2011/10/sovereignty-or-submission-liberal-democracy-or-global-governance>

Moving from pragmatic and realist arguments to fundamental principles, the idea that global governance is consistent with American values fails completely on moral grounds. The most vital of the “vital interests” of the United States is the preservation and perpetuation of our constitutional democracy. The very purpose of U.S. foreign policy is to ensure the continued existence of the self-government and freedom of the American people. When American constitutional democracy submits to global authority, our vital interests will have been surrendered. To argue that it is in “our interests and consistent with our values” to subordinate American self-government to non-citizens outside of our constitutional democracy is an oxymoron. It is to argue, in effect, that committing democratic suicide by effectively abandoning government under the U.S. Constitution is “in our interests and consistent with our values.”

Impact: Loss of national security. Sovereignty is key to ensuring national security

Steven Groves 2010. (attorney; Bernard and Barbara Lomas Fellow at the Margaret Thatcher Center for Freedom at The Heritage Foundation; has testified before Congress on international law, human rights, the United Nations and U.N. peacekeeping operation; former senior counsel to the U.S. Senate Permanent Subcommittee on Investigations; former assistant attorney general for the State of Florida) 17 May 2010 The Interdependence of National Security and National Sovereignty; <http://www.heritage.org/research/reports/2010/05/the-interdependence-of-national-security-and-national-sovereignty>

National security and national sovereignty are interrelated and interdependent: A nation cannot truly have one without the other. The United States must preserve its ability to act swiftly and decisively to protect its interests, but it cannot do so if, before using military force in its own defense, it first has to pass some “global test,” secure “authorization” from the Security Council, or check first with the ICC Prosecutor to ensure that it will not be charged with the “crime of aggression.” Maintaining sovereignty over determinations of national defense is an essential element of national security and a hallmark of any truly independent nation. The United States cannot preserve its sovereignty if it cedes authority—any authority—over its national security decision-making to another nation, a group of nations, the U.N. Security Council, the International Criminal Court, or any other international organization.

3. Delayed Operations. Restricting drones would result in more Americans being killed by terrorists

Eric Holder 2012. (US attorney general) 5 Mar 2012 Attorney General Eric Holder Speaks at Northwestern University School of Law, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html>

The evaluation of whether an individual presents an “imminent threat” incorporates considerations of the relevant window of opportunity to act, the possible harm that missing the window would cause to civilians, and the likelihood of heading off future disastrous attacks against the United States. As we learned on 9/11, al Qaeda has demonstrated the ability to strike with little or no notice – and to cause devastating casualties. Its leaders are continually planning attacks against the United States, and they do not behave like a traditional military – wearing uniforms, carrying arms openly, or massing forces in preparation for an attack. Given these facts, the Constitution does not require the President to delay action until some theoretical end-stage of planning – when the precise time, place, and manner of an attack become clear. Such a requirement would create an unacceptably high risk that our efforts would fail, and that Americans would be killed.

4. Micromanaging the War.

Link: Affirmative has Congress dictate specific tactics to the President as he carries out the war on Al Qaeda  
  
Link & Impact: Congressional micro-management is bad. Presidential power is essential to protecting us against foreign attacks

Prof. John Yoo 2007. (law professor at the [University](http://www.latimes.com/topic/education/colleges-universities/university-of-california-berkeley-OREDU00000197.topic) [of](http://www.latimes.com/topic/education/colleges-universities/university-of-california-berkeley-OREDU00000197.topic) [CaliforniaHYPERLINK "http://www.latimes.com/topic/education/colleges-universities/university-of-california-berkeley-OREDU00000197.topic",](http://www.latimes.com/topic/education/colleges-universities/university-of-california-berkeley-OREDU00000197.topic) [Berkeley](http://www.latimes.com/topic/education/colleges-universities/university-of-california-berkeley-OREDU00000197.topic) and a visiting scholar at the American Enterprise Institute. He served in the [Justice](http://www.latimes.com/topic/crime-law-justice/u.s.-department-of-justice-ORGOV0000160.topic) [Department](http://www.latimes.com/topic/crime-law-justice/u.s.-department-of-justice-ORGOV0000160.topic) from 2001 to 2003, where he worked on constitutional issues involving war) Apr 2007 LOS ANGELES TIMES (brackets added) <http://www.latimes.com/news/opinion/la-op-dustup2apr02,0,3065343.story?page=2&coll=la-opinion-center>

[Alexander] Hamilton argued that the president should manage war because he could act with "decision, activity, secrecy, and dispatch." "Energy in the executive is a leading character in the definition of good government," he observed. "It is essential to the protection of the community against foreign attacks." You are right to quote Congress's power to declare war and to pass laws to govern and regulate the armed forces. But presidents and congresses have never believed they allow for control of tactics and strategy. Congress' real power is its power of the purse, not any right to dictate which units should fight where, or whether to surge troops into Baghdad. Congress is too fractured, slow, and inflexible to micromanage military decisions that depend on speed, secrecy, and force.

5. Civilian Casualties.

Drones minimize civilian casualties compared to other military tactics

Andrew Callam 2010. (candidate for a masters degree in international affairs, George Washington Univ.) Winter 2010 INTERNATIONAL AFFAIRS REVIEW Vol XVIII No. 3 “Drone Wars: Armed Unmanned Aerial Vehicles” <http://www.iar-gwu.org/node/144>

In counterinsurgency warfare, the main benefit of the armed drone is an increased ability to “find, fix and finish” enemy combatants, while minimizing civilian casualties. Traditionally, aerial surveillance vehicles would observe a suspected target and radio the coordinates to an operations center, where personnel would consult maps and senior officers in an attempt to identify civilian structures. Following the consultation, the operations center would relay instructions to an airborne craft. In Operation Desert Storm, this process (also know as the “kill chain” or “sensor-to shooter-cycle”) could take up to three days, by which time the targets could have left the target building or civilians could have entered it. When armed drones are used, the kill chain is only one link long and the process takes less than 5 minutes. Additionally, as P.W. Singer, author of Wired for War, notes, using an unmanned drone allows the pilot to take more risks with his craft, such as flying lower and loitering longer, thus leading to a more accurate strike. The drones therefore allow commanders to avoid killing noncombatants during their strikes, a crucial element in counterinsurgency warfare.