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T - Presence 1NC

A. Interpretation - Presence requires that the forces be physically stationed within the topic country – anything that strikes from outside of the country in isn’t a military presence

**Dismukes, 94** – representative of the Center for Naval Analyses to the London staff of the Commander in Chief, U.S. Naval Forces Europe. (Bradford, “National Security Strategy and Forward Presence: Implications

for Acquisition and Use of Forces,” March, http://cna.org/sites/default/files/research/2793019200.pdf) **Italics in original, CONUS = Continental United States**

Another difference between presence and crisis response is that decisions on forces for presence are taken at the strategic level, while those for crisis response are operational and tactical. Presence is a *routine* activity; the size of the baseline force operating forward changes relatively slowly as the strategic assessment of the situation in the theater evolves. At this level, routine deployments and changes in U.S forces based forward are made through U.S. initiatives, scheduled well in advance, ideally in consultation with allies. Crisis response is conceptually distinct from presence in that it is *not* a routine activity; the forces needed are reckoned at the operational and tactical levels in response to "tactical warning" of the initiatives of adversaries. Changes are not scheduled in advance and may well be undertaken before consultations with allies can be completed.

This means that presence planning should be concerned only with forces forward—whether based, deployed, or there on a rotational basis—and that forces in CONUS, important as they are for the credibility of forces forward, cannot be considered as executing the presence mission. This distinction provides an important boundary for force planners because the need for CONUS-based forces can be safely reckoned exclusively on the basis of the crisis response and warfighting needs of major regional contingencies. Unless this distinction is made, overseas presence cannot be a separate activity if the forces needed for it become those forward and in CONUS when the build- up to an MRC begins.

This boundary poses no problems for deciding the needs for all forces except for forces to be used in the Caribbean and for strategic bombers in general. The proximity of the Caribbean means that forces in the southern United States proper (and Puerto Rico, Panama, etc.) are "present" without having to be "overseas"; therefore, the relatively small forces needed for presence and crisis situations there will not be further considered here. Bombers can be employed (that is, used without first being deployed) anywhere in the world quickly and directly from CONUS. Knowledge of this fact by adversaries undoubtedly serves as a deterrent on a routine basis, thus meeting one of the objectives of overseas presence. However, bombers can only deter; they cannot contribute to its other presence goals—e.g., building coalitions, developing interoperability, and so on. Although the question of whether to include CONUS-based bombers as a component of overseas presence is one of judgment, on balance, their limited contribution to the goals of presence dictate they not be considered part of presence.

B. Violation – plan prohibits targeted killing and assassination strikes that go from outside-the combat zone to inside of it - multiple 1AC solvency cards speak to prompt global strike weapons.

Targeted killing is not battlefield killing of combatants in the military zone of combat.

Gary Solis 2007 Naval War College Review, Spring 2007, Vol. 60, No. 2 TARGETED KILLING AND THE LAW OF ARMED CONFLICT 2006–2007 Scholar in Residence at the Library of Congress, a U.S. Military Academy professor of law (retired), and an adjunct professor of law at Georgetown University Law Center, where he teaches the law of armed conflict. He is a retired Marine with twenty-six years’ active duty, including tours in Viet- nam as an armor officer. He attended law school at the University of California at Davis, then was a Marine judge advocate and court-martial judge for eighteen years. He holds a master of laws degree from George Washington University. After Marine Corps retirement he earned a PhD in the law of war from the London School of Economics and Political Science and taught in its Law Department for three years.

These exclusionary examples indicate that targeted killing is not the battle- field killing of combatants by opposing combatants. Targeted killing is not the assassination of an individual, military or civilian, combatant or noncombatant, for political purposes. What is an example of targeted killing, then? On 3 November 2002, over the desert near Sanaa, Yemen, a Central Intelli- gence Agency–controlled Predator drone aircraft tracked an SUV containing six men. One of the six, Qaed Salim Sinan al-Harethi, was known to be a senior al-Qa‘ida lieutenant suspected of having played a major role in the 2000 bomb- ing of the destroyer USS Cole. He “was on a list of ‘high-value’ targets whose elimination, by capture or death, had been called for by President Bush.”16 The United States and Yemen had tracked al-Harethi’s movements for months. Now, away from any inhabited area, the Predator fired a Hellfire missile at the vehicle. The six occupants, including al-Harethi, were killed.17 That was a targeted killing. In today’s new age of nonstate actors engaging in transnational terrorist violence, targeting parameters must change. Laws of armed conflict agreed upon in another era should be interpreted to recognize the new reality. While some will disagree, the killing of al-Harethi should be considered as being in accord with the law of armed conflict.

T- Presence 1NC

C. Reasons to prefer –

1. Limits – Aff interp would allow literally any missions change – our interp limits to the physical removal of US military forces from the topic countries

2. Ground – we get to read troop disads, that’s core ground on this topic

3. Bright line – they either live in the country or they don’t – it doesn’t get clearer

D. Voter –

1. fairness and education

2. At worst, they don’t solve their virtual war advantage- they can’t ban any sort of attacks that originate offshore or from the continental US, meaning they stop none of the PGS that their advantage cards talk about

T- Military (1/2)

1. Interpretation: Targeted killing is not part of the United States federal governments military or police presence.

A. Targeted killing has been contracted to Xe (formerly known as Blackwater).

LandlerandMazzetti09(Mark and Mark, is the diplomatic correspondent of The New York Times, based in Washington, Mazzetti is a correspondent for The New York Times, where he has covered national security from the newspaper's Washington bureau, New York Times, “US Still Using Security Firm It Broke With,” August 21 2009, <http://www.nytimes.com/2009/08/22/us/22intel.html>, 06/25/10, HR)

This week, government officials and current and former Blackwater employees said the company had also taken on a role in the United States’ most important counterterrorism program: the use of remotely piloted [drones](http://topics.nytimes.com/top/reference/timestopics/subjects/u/unmanned_aerial_vehicles/index.html?inline=nyt-classifier) to kill Al Qaeda leaders. Mr. Kerry also plans to write to Mrs. Clinton to raise his concerns, said one of his aides. In a meeting with department employees in February, Mrs. Clinton said, “I certainly am of the mind that we should, insofar as possible, reduce our dependence.” But she added, “Whether we can go all the way to banning, under current circumstances, seems unlikely.” The decision to use Blackwater contractors in the assassination program starting in 2004 was born partly out of desperation, said former C.I.A. officials: the spy agency had tried to operate the program in house, and had failed. The agency was still reeling from the botched assessments about Iraq’s weapons programs, said the officials who spoke on the condition of anonymity, and was desperate for information about Al Qaeda’s top leaders. “You want to have everything when you know nothing,” said one former official familiar with details of the canceled program. Top C.I.A. officials — including Jose A. Rodriquez Jr., the head of the agency’s clandestine service — found outside help. Mr. Rodriguez had close connections to Enrique Prado, a career C.I.A. operations officer who had recently left the agency to become a senior executive at Blackwater. Both Mr. Prado and Mr. Prince signed agreements with the C.I.A. to participate in the program, officials said. Over time, the officials said, Mr. Rodriguez and other senior members of the clandestine service gave up on the Blackwater arrangement to hunt Qaeda leaders. By then, the spy agency was starting to have regular success killing top militants in Pakistan and Afghanistan with drones, and the assassination program had yielded no successes. Robert S. Bennett, a lawyer for Mr. Rodriguez, declined to comment. Government officials said that about $10 million was spent over the seven years of the assassination program. Experts who study government outsourcing point out that even a few million dollars is a significant sum when spent for training in a program that ultimately achieved nothing. "That’s a very expensive laser tag exercise or paint-ball war in the yard,” said Scott Amey, general counsel for the Project on Government Oversight. Government officials have estimated that about 25 percent of the intelligence workforce consists of contractors, and as much as 70 percent of the entire intelligence budget goes to outside contracts. Yet these are rough estimates, and members of Congressional oversight committees lament that they cannot get reliable figures about the extent of intelligence outsourcing. “Without even that basic information, you can’t render judgment about the risks associated with their growing role” in spy agencies, said Steven Aftergood of the Federation of American Scientists, an expert on intelligence contracting.

B. Police refers to governmental organizations – contractors are private companies

The **American Heritage Dictionary** of the English Language**, 2009**, [http://www.thefreedictionary.com/police]

po-lice

n. pl. police

1. The governmental department charged with the regulation and control of the affairs of a community, now chiefly the department established to maintain order, enforce the law, and prevent and detect crime.

2. a. A body of persons making up such a department trained in methods of law enforcement and crime prevention and detection and authorized to maintain the peace, safety, and order of the community.

b. A body of persons having similar organization and function: campus police. Also called police force.

**C. Military: distinct from civilian—PMC’s are civilians**

**WORDS AND PHRASES**, Vol. 26C, **2003**, 527.

No construction shall be given term military that will include idea of civil use, and hence term military must be given a strict construction. (Southern Pacific Co. v. U.S., 67 F.Supp. 966, 107)

T- Military (2/2)

D. Its: the possessive form of [it](http://dictionary.reference.com/browse/it)  (used as an attributive adjective)

That’s Dictionary.com <http://dictionary.reference.com/browse/its>

2. Violation: the affirmative decreases private military instead of the United States federal governments forces T- Drone’s aren’t Police (2/2)

3. Standards:

a.) Limits-There are many ways that the U.S. demonstrates a “presence” overseas – diplomatic, cultural, economic. The word “military” provides a key limit on the affirmative so that the negative can predict its ground. To allow the affirmative to regulate the actions of civilians working for private contractors alone writes out the heart of the topic.

b.) Predictability- Andrew and I came to debate the USFGs military presence, there is no way that we can research the implications of all the non-governmental forces in the topically designated countries.

c.) Ground- The negative could say that they don’t link to any perception, spending, politics or consultation disad’s or any consult and agent CP’s. Not only are we forced to debate the critical implications of the plan but they even take away our State bad K’s because they could debate that the PMC’s are not part of any governmental actor. This guts solvency: They can’t access their biopolitics impact because if we win that PMC’s are not part of any governmental entity then there is no oppressive government to garner the impacts to virtual war.

d.)Education- We don’t learn about the heart of all debate topics ever because the forces they decrease are not part of the United States federal government.

4. T is a voter for the reasons above, competitive equity and fairness.

 Targeted Killing- Definitions

Precise definitions of targeted killing are key – the most reasonable definition is the intentional killing of a civilian engaged in conflict.

Gary Solis 2007 Naval War College Review, Spring 2007, Vol. 60, No. 2 TARGETED KILLING AND THE LAW OF ARMED CONFLICT 2006–2007 Scholar in Residence at the Library of Congress, a U.S. Military Academy professor of law (retired), and an adjunct professor of law at Georgetown University Law Center, where he teaches the law of armed conflict. He is a retired Marine with twenty-six years’ active duty, including tours in Viet- nam as an armor officer. He attended law school at the University of California at Davis, then was a Marine judge advocate and court-martial judge for eighteen years. He holds a master of laws degree from George Washington University. After Marine Corps retirement he earned a PhD in the law of war from the London School of Economics and Political Science and taught in its Law Department for three years.

There is no consensus definition of “targeted killing” in the law of armed conflict or in case law. A reasonable definition is: the intentional killing of a specific civilian who cannot reasonably be apprehended, and who is taking a di- rect part in hostilities, the targeting done at the direction and authorization of the state in the context of an international or noninternational armed conflict.

Targeted killing is the intentional slaying of specific terrorists.

W. Jason Fisher 2007 Columbia Journal of Transnational Law 2007 45 Colum. J. Transnat'l L. 711 Targeted Killing, Norms, and International Law Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico; J.D./M.A. University of California, Berkeley, 2006. I am grateful to Professor Hassner for his counsel, direction, and sharing of his enthusiasm for the study of armed conflict. I would also like to thank Leo Lohmer, Louise Woolworth, and Robert Woolworth for their assistance and support.

As a preliminary matter, this Article will refer to attacks against specific alleged terrorists, such as those the United States and Israel have engaged in, as "targeted killings," not "assassinations" or "extrajudicial executions." Use of the latter terms, value-laden as they are with notions of immorality and illegality, would seem to prejudge any debate. An "assassination" carried out in peacetime is commonly defined as the "murder of a private individual or public figure for political purposes," 12 while an "assassination" conducted in times of armed conflict is often defined as the specific targeting of an individual using "treacherous" means. 13 "Extrajudicial execution," meanwhile, is frequently understood to be a term applicable to domestic contexts in which international human rights law is operative as the lex specialis and to refer to "the deliberate killing of suspects in lieu of arrest, in circumstances in which they [do] not pose an immediate threat." 14 As will be shown below, it is far from settled that the pre-formed understandings that accompany those terms should apply to targeting individual terrorists. Thus "targeted killing," a more neutral descriptive term and the term that the Israeli government itself has used to refer to such actions, will be used in [\*715] this Article. 15 "Targeted killing," as utilized herein, means the intentional slaying of a specific alleged terrorist or group of alleged terrorists undertaken with explicit governmental approval when they cannot be arrested using reasonable means. 16

Assasination Definitions

There’s no precise definition of assassination – precision is critical.

Gary Solis 2007 Naval War College Review, Spring 2007, Vol. 60, No. 2 TARGETED KILLING AND THE LAW OF ARMED CONFLICT 2006–2007 Scholar in Residence at the Library of Congress, a U.S. Military Academy professor of law (retired), and an adjunct professor of law at Georgetown University Law Center, where he teaches the law of armed conflict. He is a retired Marine with twenty-six years’ active duty, including tours in Viet- nam as an armor officer. He attended law school at the University of California at Davis, then was a Marine judge advocate and court-martial judge for eighteen years. He holds a master of laws degree from George Washington University. After Marine Corps retirement he earned a PhD in the law of war from the London School of Economics and Political Science and taught in its Law Department for three years.

There are many definitions of “assassination,” none universally accepted. The term does not appear in the 1907 Hague Conventions, 1949 Geneva Conventions, United Nations Charter, or the Statutes of the International Criminal Courts for Yugoslavia and Rwanda. Confusingly, the term is used differently in peace and in armed conflict.6 Assassination in time of armed conflict is “the specific targeting of a particular individual by treacherous or perfidious means.”7 This wartime def- inition tracks with that in the law of armed conflict (LOAC): “It is especially for- bidden . . . to kill or wound treacherously individuals belonging to the hostile nation or army.”8 In U.S. practice, that language is “construed as prohibiting assas- sination. . . . It does not, however, preclude attacks on individual soldiers or officers of the enemy whether in the zone of hostilities, occupied territory, or else- where.”9 One simplistic but adequate definition of peacetime assassination is the “murder of a targeted individual for political purposes [or] for political reasons.”10 Former Department of State legal adviser Abraham D. Sofaer has described it simi- larly: “Any unlawful killing of particular individuals for political purposes.”11

Targeted killing and Assassination definition

Targeted killing and assassination are contested terms – precision is key – assassination is ideological or political killing, targeted killing in wartime is the specific killing of a combatant.

William C. Banks\* and, Peter Raven-Hansen\*\* 2003 Laura J. and L. Douglas Meredith Professor of Law, Syracuse University College of Law. B.A., 1971, University of Nebraska; J.D., 1974, University of Denver; M.S.L.S., 1982, University of Denver. \*\* Glen Earl Weston Research Professor of Law, George Washington University Law School. B.A., 1968, Harvard University; J.D., 1974, Harvard Law School. University of Richmond Law Review March, 2003 37 U. Rich. L. Rev. 667 SYMPOSIUM ARTICLE: TARGETED KILLING AND ASSASSINATION: THE U.S. LEGAL FRAMEWORK

But we have now used "targeted killing" and "assassination" several times already without defining the terms. The difficulty is that there are no consensus definitions in the literature, laws, or cases. Some commentators assert that all assassination is murder and therefore unlawful. 14 Our federal criminal law reflects the [\*670] same assumption by using "assassination" in the title of the provision making it a crime to kill a member of Congress, head of an executive department, Justice of the Supreme Court, Director or Deputy Director of Central Intelligence, or persons nominated or elected for such positions. 15 Defining assassination as murder, however, makes short work of analyzing its legality. It also contains an element of circularity because it renders lawful killings simply as "non-assassination." Other scholars assert that assassination is not always murder. 16 A few of these seemingly have it both ways, defining assassination as murder in one place, but carving out oxymoronic categories of "lawful assassination" in another. 17 Yet other scholars seem to use the term "assassination" neutrally, explaining it without legal characterization as the intentional killing of individuals by the state for "political" purposes (although they disagree whether the victim must be in the political elite and whether the form of the killing or the existence of a state of war matters). 18 Yet when a definition uses "assassination" to include a lawful killing or uses it neutrally, it collides with colloquial understanding by which "assassination" pejoratively conjures up the murders of Julius Caesar, Abraham Lincoln, and John F. Kennedy. No wonder another scholar throws up his hands, asserting simply that we know assassination when we see it, before belying his own assertion by citing as his example the [\*671] 1986 raid on Quaddafi's compound in Libya, 19 which many other scholars do not see as an assassination attempt. 20 We believe that the term "assassination" should be reserved for unlawful killing in accord with the colloquial usage. The issue is then when premeditated killing of an individual by a government or its agents - which we will call "targeted killing" - is lawful under U.S. law, and when it is assassination. The answer depends upon which legal framework applies. When the United States is at war, the framework is the law of armed conflict. Under it much killing is lawful, but targeted killing of individuals by treacherous means is not. This is often called "assassination." In peacetime, a different legal framework applies. For judicial killings - capital punishment in execution of a criminal sentence - the framework is criminal law. When the requirements of criminal law - including constitutional procedures - have been satisfied, such killings are lawful. 21 An extra-judicial killing by a government official or agent in peacetime, however, would be lawful only if undertaken in self-defense or defense of others, 22 which is presumably inconsistent with the premeditation of targeted killing.

Targeted Killing Good

Targeted killing is justified because the alternative is the mass combat operations which results in more civilian causalities.

Jonathan Ulrich 2005 The author received his J.D. from the University of Virginia School of Law in 2005, and his A.B., cum laude, from Princeton University in 2002. He works as an associate in the International Arbitration Group of White & Case, LLP, in Washington, D.C. Virginia Journal of International Law Summer, 2005 45 Va. J. Int'l L. 1029 The Gloves Were Never On: Defining the President's Authority to Order Targeted Killing in the War Against Terrorism

 [\*1053] The principle of discrimination, which demands that parties to a conflict direct their operations against only combatants and military objectives, goes hand-in-hand with military necessity. By its very nature, the targeting of specific terrorists singles out those individuals helping to further the enemy's efforts. In this setting, the proper identification of the person within the cross-hairs is a prerequisite to the application of force; indiscriminate aggression is never an element of targeted killing. Consequently, this calculated, precise use of lethal force readily complies with the jus in bello obligation of discrimination. The third requirement, proportionality, dictates that force be used in a way which minimizes collateral damage to civilian persons and property; 111 the anticipated loss of life and damage to property incidental to an attack must not be excessive in relation to the direct military advantage expected to be gained. Related to the requirement of proportionality is the prevention of unnecessary suffering; weapons and methods of warfare which cause unneeded losses or excessive suffering are prohibited. Once again, targeted killing satisfies these jus in bello constraints - and does so more than other, more conventional means. Particularly in the context of the war on terror, where combatants often embed themselves in civilian populations, targeted killing is the most efficient and, indeed, humane way to eliminate the danger they pose. Collateral damage to life and property is minimized, while the concentration of force on an individual target - whether by Hellfire missile or a single bullet - increases the likelihood that his own suffering will not be unnecessarily great or prolonged. The foregoing examination of the basic requirements of the law of armed conflict reveals, in the words of one commentator, that "targeted killing is the most natural application of the principles of jus in bello in wars against terror." 112 The practice of assassination, even when justified by the exigencies and laws of war, is not often viewed as a morally defensible use of force. And yet, the comparatively widespread acceptance of the higher combatant deaths and collateral damage associated with conventional conflict is more at odds with the basic jus in bello precept of limited war: The moral legitimacy of targeted killing becomes even clearer when compared to the alternative means of fighting terror - that is, the massive invasion of the community that shelters and supports the terrorists in an attempt to catch or kill the terrorists and destroy their [\*1054] infrastructure... Hence, targeted killing is the preferable method not only because, on a utilitarian calculation, it saves lives - a very weighty moral consideration - but also because it is more commensurate with a fundamental condition of justified self-defense, namely, that those killed are responsible for the threat posed. 113 Targeted killing preserves not only the lives of civilians caught up in the conflict by combatants who often refuse to fight in the open, but also those of the troops who must engage these terrorists. 114 By directing the use of force at only those individuals who threaten U.S. soldiers and civilians, targeted killing more efficiently destroys the terrorists' ability to wage war and inflict terror, while ensuring that collateral damage is kept to a minimum. This is the very essence of limited war as prescribed by jus in bello.

Targeted Killing good

The alternative to targeted killing is large scale military action – the plan results in far more civilian deaths.

Kenneth Anderson\* 2009 Professor of Law, Washington College of Law, American University, and Research Fellow, May 11, 2009 Targeted Killing in U.S. Counterterrorism Strategy and Law A Working Paper of the Series on Counterterrorism and American Statutory Law, a joint project of the Brookings Institution, the Georgetown University Law Center, and the Hoover Institution

The result is a strategic and moral incentive for targeted killing and for increasing the quality of technology to make targeted killings both more precision-targeted and more standoff. Precision targeting and standoff delivery are each independently desirable and, in combination, considerably increase this incentive. None of this alters the equally impeccable strategic logic underlying the use of law enforcement mechanisms in some circumstances. Nor does it alter the logic behind other forms of intelligence activities, such as surveillance or financial interdiction, or even the use of open, full-on war.34 We can by no means rule out the toppling of a regime in pursuit of counterterrorism during the next ten or twelve years. But these are not disjunctive policies. Targeted killing is likely to increase as a policy preference as full- scale wars decrease in number and intensity and become less desirable as a means of effectuating counterterrorist objectives. Bush’s Iraq adventure has surely reduced the American appetite for invading the tribal regions of Pakistan, for example, and something has to fill the gap. That need is partly what has augmented the Predator’s appeal, especially to the Obama Administration. No doubt there will be political pushback— claims that the effect of the Predator campaigns in Pakistan are backfiring by mobilizing Pakistani anger at civilian casualties, for example. But given the political unreliability and military ineffectiveness of the Pakistani army and its preference for artillery barrages over focused counterinsurgency, these arguments are not likely to persuade. The United States has long accepted a legal, political, and policy space for the use of force that does not take place in the course of judicially supervised law enforcement operations but also takes place outside of the context of large-scale, open armed conflict meeting the treaty definitions, or rising to a sufficient level of violence, so as to be governed by IHL. This was a space of activity accepted and considered vital to self- defense and national security throughout the long decades of the Cold War. Only in certain narrow times and places, after all, was the conflict with the Soviet Union and its allies a “hot” war, characterized by open and large-scale armed conflict, the sort of clashing of armies formally governed by IHL.35 Political violence during the Cold War was often covert, often denied, but it was authorized and endorsed by American domestic law, dating back at least to the statutes founding the CIA in 1947. That was so even though the activity in question frequently violated the law and sovereignty of states in which it took place and unsurprisingly was sometimes, too, a source of grave diplomatic and other friction. Following the revelation of abuses by the CIA in the 1970s, U.S. domestic law was tightened, “assassination” prohibited by President Ford’s 1976 Executive Order, and Congressional oversight mechanisms strengthened. But, as discussed below, far from eliminating this category of violence by limiting such uses of force solely to “armed conflict” in the meaning governed by IHL, U.S. domestic law quietly and intentionally preserved the category while strengthening the oversight. This category of force is now an obvious means by which to confront non-state transnational terrorists outside the territorial United States. The United States is no longer in the Cold War. But the legal and political regimes that it (and other states, both friend and foe) elaborated through state practice, allowing uses of covert and discrete force as a matter of self-defense, are, if anything, more relevant in confronting transnational terrorism today. Yet as matters now stand, great pressures will come to bear against the very existence of this legal and political category—great precisely because they are idealistic and morally well-intended. Should these pressures prevail, they will bind the hands of the President and Congress so as to prevent them from taking what is paradoxically the most discrete and most precisely-targeted lethal measures available against terrorists. The result would be to throw the United States into the much more difficult policy dilemma of using larger-scale military activity against terrorists or taking no very meaningful action at all.3

Drones Preserve Political Capital

Obama uses drone attacks and targeted killings to preserve political capital – alternative strategies would require major troop investments

**Knight Ridder 09** (Knight Ridder Washington Bureau November 12, 2009, p lexis)

The policy battle has been simmering since administration officials led by Vice President Joe Biden and White House Chief of Staff Rahm Emanuel began leaking to journalists this summer their opposition to McChrystal's call for a major troop increase to support intensified efforts to expand Afghan security forces and civilian aid programs. McChrystal and his allies fired back by criticizing the more limited counterterrorism approach favored by Biden. Advocates of this approach argue that the administration should be concentrating its time and political capital in tackling domestic issues such as health care and unemployment. They worry that Afghanistan is a quagmire, and think that the U.S. should limit the size of its force there and instead use Special Forces and missile-firing drone aircraft to kill al Qaida leaders.

Drones Preserve Political Capital

UAVs save political capital by preventing public backlash to the war

**IHT 09** (The International Herald Tribune August 24, 2009)

Richard N. Haass, a former Bush administration official turned critic, wrote in The New York Times last week that what he once considered a war of necessity has become a war of choice. Although he still supports it, he argued that there are now alternatives to a large-scale troop presence, like drone attacks on suspected terrorists, more development aid and expanded training for Afghan police officers and soldiers. His former boss, George W. Bush, learned first-hand how political capital can slip away when a war loses popular backing. With Iraq in flames, Mr. Bush found little support for his second-term domestic agenda of overhauling Social Security and liberalizing immigration laws. Mr. Johnson managed to create Medicare and enact landmark civil rights legislation, but some historians have argued that the Great Society ultimately stalled because of Vietnam. Mr. Obama has begun a new strategy intended to turn Afghanistan around, sending an additional 21,000 troops, installing a new commander, promising more reconstruction help, shifting to more protection of the population and building up Afghan security forces. It is a strategy that some who study Afghanistan believe could make a difference. But even some who agree worry that time is running out, particularly if the strategy does not produce results soon.