Negative: Signature Drone Strikes

By “Coach Vance” Trefethen and Benjamin Lu

***Resolved: The United States federal government should substantially reform the use of Artificial Intelligence technology***

Case Summary: The AFF plan bans the use of AI-fueled “Signature” drone strikes. There are 2 types of weaponized drone strikes the US CIA and military use (under AFF’s theory). “Personality” strikes involve careful intelligence and certainty that the target is who we think he is, and he’s a legitimate bad guy. “Signature” strikes (allegedly) use AI to analyze the behavior, patterns, movements, etc. of a target and then make an educated guess that this is a bad guy, and then the drone bombs him and anyone around him. Mistakes happen and innocent civilians get killed.

Listen carefully to how the AFF is running this case. You need to pick carefully the arguments that deal specifically with the way their case is written and don’t run arguments from this brief that don’t apply.

The definition of AI may be an issue depending on how AFF defines it and what evidence is introduced to prove that drones actually do use AI (and not just “software” or “metadata” or “algorithms” or some other vague term.

AFF case may also involve issues surrounding the Authorization for Use of Military Force (AUMF) 2001. This was the resolution passed by Congress in the wake of the 9/11/2001 terrorist attacks authorizing the President to take any necessary military action to go after any and all bad guys who might have been involved. AFF may argue that drones (all drones) are used to strike all kinds of targets who had nothing to do with 9/11 and therefore are not authorized by AUMF. This is not a harm unless someone (besides a terrorist) gets harmed. There has to be some specific impact to “not complying with AUMF” or else it doesn’t matter.

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Negative: Signature Drone Strikes

DEFINITIONS / TOPICALITY

1. Not AI because no decision-making

Link: AI isn’t just “algorithms,” it’s algorithms that are making decisions

Darrell West and John Allen 2018. (West - Vice President and Director - [Governance Studies](https://www.brookings.edu/program/governance-studies/) Senior Fellow - [Center for Technology Innovation](https://www.brookings.edu/center/center-for-technology-innovation/). Allen -President, The Brookings Institution) 24 Apr 2018 How artificial intelligence is transforming the world <https://www.brookings.edu/research/how-artificial-intelligence-is-transforming-the-world/> (accessed 8 Aug 2021)

Artificial intelligence algorithms are designed to make decisions, often using real-time data. They are unlike passive machines that are capable only of mechanical or predetermined responses. Using sensors, digital data, or remote inputs, they combine information from a variety of different sources, analyze the material instantly, and act on the insights derived from those data. With massive improvements in storage systems, processing speeds, and analytic techniques, they are capable of tremendous sophistication in analysis and decision-making.

Violation: Humans make the decisions for signature drone strikes

Former Marine Unmanned Drone Pilot Wayne Phelps 2021 (director of federal business development for Fortem Technologies, a Counter-Unmanned Aircraft System company. Retired Marine Corps Lieutenant Colonel and military drone pilot.Master’s degree in military studies.) 21 Dec 2021 “Commentary: The Ethical Use of AI in the Security, Defense Industry” [www.nationaldefensemagazine.org/articles/2021/12/21/the-ethical-use-of-ai-in-the-security-defense-industry](https://www.nationaldefensemagazine.org/articles/2021/12/21/the-ethical-use-of-ai-in-the-security-defense-industry) (accessed 7 Feb 2022)

Signature strikes are conducted by teams of highly trained professionals providing context and evaluating intent of the target, but even then, they are controversial and certainly not infallible as witnessed by the drone strike in Kabul in late August.

Impact: Negative ballot

No one in this debate round is affirming the resolution, so no matter who wins, you should vote Negative.

2. SKYNET AI unproven

 SKYNET is the AFF’s claim of where the AI data comes from. But their advocate admits she doesn’t know if it is actually being used or just some “algorithm”

AFF advocate Jennifer Gibson 2021 (**AFF** advocate in the 1AC) 18 Feb 2021 “Death by Data: Drones, Kill Lists and Algorithms” <https://www.e-ir.info/2021/02/18/death-by-data-drones-kill-lists-and-algorithms/>

Take for instance the SKYNET programme leaked by Edward Snowden. While we do not know whether the United States ever used the programme to carry out lethal action, we do know based on Michael Hayden’s comments that it likely used some form of algorithm to ‘kill people based on metadata.’

Violation: No prima facie topical case

They had a duty to prove in the 1AC that they were changing the use of Artificial Intelligence. If even their own plan advocate isn’t sure if it’s using AI or not, then they don’t know whether it’s topical.

Impact: Negative ballot now, more study later.

This case needs to be sent back for more study and research to find out if we should be debating it or not. If they do the research and prove that it’s topical, they can rewrite it and run it in a debate later this year.

INHERENCY

1. Biden’s new restrictions

Biden imposed restrictions, re-implementing rules that prevented civilian casualties under Obama

Sarah Kreps, [Paul Lushenko](https://www.brookings.edu/author/paul-lushenko/), and [Shyam Raman](https://www.human.cornell.edu/people/sr2297) in January 2022 (**Kreps** is a nonresident senior fellow at Brookings Institution and Professor at Cornell Univ., with appointments in government & law. **Lushenko** is a lieutenant colonel in the U.S. Army, a doctoral student at Cornell Univ. **Raman** is a Ph.D. Candidate at Cornell Univ)“Biden can reduce civilian casualties during US drone strikes. Here’s how” 19 Jan 2022 <https://www.brookings.edu/articles/biden-can-reduce-civilian-casualties-during-us-drone-strikes-heres-how/> (accessed 11 Feb 2022)

After assuming the presidency, Biden ordered a review of U.S. strikes. Pending the outcome, Biden elected to impose temporary limits, akin to Obama’s near certainty standard. Instead of delegating strike approval to tactical commanders, as was done in the past, Biden centralized targeting decisions within the White House(the August strike appears to have been an exception). If our research is any guide, these policy decisions are likely to matter. We show in a study of U.S. strikes in Pakistan that the adoption of stricter targeting guidance starting in 2011, which was officially codified in policy by 2013, significantly reduced civilian casualties.

Biden’s new restrictions have greatly reduced drone strikes

NEW YORK TIMES 2021. “Biden Secretly Limits Counterterrorism Drone Strikes Away From War Zones” 3 March 2021 <https://www.nytimes.com/2021/03/03/us/politics/biden-drones.html> (accessed 13 Feb 2022)

Counterterrorism drone warfare has reached its fourth administration with Mr. Biden. As President Barack Obama’s vice president, Mr. Biden was part of a previous administration that oversaw a major escalation in targeted killings using remote-piloted aircraft in its first term, and then imposed significant new restraints on the practice in its second. While the Biden administration still permits counterterrorism strikes outside active war zones, the additional review and bureaucratic hurdles it has imposed may explain a recent lull in such operations.

Impact: Don’t need the Plan now. Wait and see.

Biden’s new standards are praised by experts as the solution. Give them a chance to work.

A/T “But the new standards are ‘temporary’ “

So let’s wait until they either expire or are made permanent to decide whether any reforms are needed.

HARMS / SIGNIFICANCE

1. Evidence critique

Examine every piece of AFF harm and solvency evidence for “signature” strike relevance

There are multiple types of drones, like reconnaissance scouting drones, personality strike drones, and signature strikes. AFF evidence about “drones” is irrelevant to this round unless it specifically mentions “signature” drone strikes.

2. AI controlled drones don’t exist

There are no weapons in the U.S. that are controlled by AI. All have a human making the decisions

Congressional Research Service 2020. (non-partisan research agency for US Congress) “Artificial Intelligence and National Security” updated November 10, 2020 <https://sgp.fas.org/crs/natsec/R45178.pdf> (accessed 13 Feb 2022)

Lethal Autonomous Weapon Systems (LAWS) are a special class of weapon systems that use sensor suites and computer algorithms to independently identify a target and employ an onboard weapon system to engage and destroy the target without manual human control of the system. Although these systems are not yet in widespread development, they could enable military operations in communications-degraded or -denied environments in which traditional systems may not be able to operate. The U.S. military does not currently have LAWS in its inventory, although there are no legal prohibitions on the development of LAWS. DOD Directive 3000.09, “Autonomy in Weapon Systems,” outlines department policies for semiautonomous and autonomous weapon systems. The directive requires that all systems, regardless of classification, be designed to “allow commanders and operators to exercise appropriate levels of human judgment over the use of force” and to successfully complete the department’s weapons review process.

3. Civilian casualty numbers exaggerated

Claiming signature strikes are bad for civilians is just wrong according to Pakistan Defense Ministry

Robert Weiner & Tom Sherman 2014 (**Weiner** is a former White House spokesman for the Clinton and Bush administrations, for the Government House Operations Committee and for U.S. Reps. John Conyers, Charlie Rangel, Ed Koch and Claude Pepper. **Sherman**, a Williamsburg resident, is government and elections analyst for Solutions for Change Foundation.) 9 Oct 2014 “Drones spare troops, have powerful impact” <https://www.sandiegouniontribune.com/opinion/commentary/sdut-drones-troops-impact-2014oct09-story.html> (accessed 9 Feb 2022)

In a letter to President Obama in 2012, 25 congressmen stated, “We are concerned that the use of such “signature” strikes could raise the risk of killing innocent civilians or individuals who may have no relationship to attacks on the United States.” They are just wrong. In fact, it is a myth that drones disproportionately kill civilians. After a review of the deaths inflicted by American drones since 2004, the Pakistani Defense Ministry concluded that citizen fatalities occurred at a rate of 3 percent of total kills — a total of 67 innocent civilians.

 Civilian drone deaths are misleading, inflated, and biased

Daniel L. Byman 2013 (Daniel Byman is a senior fellow in the Center for Middle East Policy at Brookings; professor in the Georgetown University Walsh School of Foreign Service's Security Studies Program. Former staff member with the National Commission on Terrorist Attacks on the United States and the Joint 9/11 Inquiry Staff of the House and Senate Intelligence Committees.) 17 Jun 2013 “Why Drones Work: The Case for Washington’s Weapon of Choice” <https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/> (accessed 7 Feb 2022) (brackets in original)

The truth is that all the public numbers are unreliable. Who constitutes a civilian is often unclear; when trying to kill the Pakistani Taliban leader Baitullah Mehsud, for example, the United States also killed his doctor. The doctor was not targeting U.S. or allied forces, but he was aiding a known terrorist leader. In addition, most strikes are carried out in such remote locations that it is nearly impossible for independent sources to verify who was killed. In Pakistan, for example, the overwhelming majority of drone killings occur in tribal areas that lie outside the government’s control and are prohibitively dangerous for Westerners and independent local journalists to enter. **[END QUOTE]** Thus, although the New America Foundation has come under fire for relying heavily on unverifiable information provided by anonymous U.S. officials, reports from local Pakistani organizations, and the Western organizations that rely on them, are no better: their numbers are frequently doctored by the Pakistani government or by militant groups.**[IT GOES ON TO SAY QUOTE]** After a strike in Pakistan, militants often cordon off the area, remove their dead, and admit only local reporters sympathetic to their cause or decide on a body count themselves. The U.S. media often then draw on such faulty reporting to give the illusion of having used multiple sources. As a result, statistics on civilians killed by drones are often inflated. One of the few truly independent on-the-ground reporting efforts, conducted by the Associated Press last year, concluded that the strikes “are killing far fewer civilians than many in [Pakistan] are led to believe.”

4. Civilian death statistics actually not from drones

“Civilian deaths” in the AFF statistics were mistakenly linked to drones when they actually came from other types of attacks – because military actions often involve a mix of tactics

Prof. Steven J. Barela and Prof. Avery Plaw 2016. (**Barela**, assistant professor at the University of Geneva in the Global Studies Institute and member of the Law Faculty. **Plaw,** professor of political science at the University of Massachusetts, Dartmouth, specializes in political theory and international relations ) 23 Aug 2016 “The Precision of Drones: Problems with the New Data and New Claims” <https://www.e-ir.info/2016/08/23/the-precision-of-drones-problems-with-the-new-data-and-new-claims/> (accessed 14 Feb 2022) (brackets in original)

 It is true that the air campaigns in Pakistan, Yemen and Somalia have been dominated by drones (which account for around 95% of strikes, [according](https://docs.google.com/spreadsheets/d/1yZyKnTodfRzvztN472tdoRy5Ab6zS_ewLLKTTN018Ok/edit#gid=0) to New America Foundation (NAF) numbers), while those in Iraq and Syria have relied primarily on manned aircraft (which have carried out 66% of sorties and 93% of weapons releases, [according](http://www.airforcetimes.com/story/military/2016/03/30/isis-kill-missions-1-5-conducted-drone/82389432/) to data provided in March by Air Force Central Command). However, the fact remains that both groups of campaigns involve mixtures of weapon platforms, and most data sources (including all government sources) fail to distinguish between which weapons platforms carried out which strikes. So it is often not clear on either side of the comparison which platforms are causing the most harm to civilians. For example, a number of the worst strikes in terms of civilian casualties in Pakistan, Yemen and Somalia (as well as in Afghanistan, as will be seen below) have been carried out not by drones but by manned aircraft or missiles. To raise just one example [discussed](https://www.washingtonpost.com/world/national-security/why-the-white-house-claims-on-drone-casualties-remain-in-doubt/2016/07/01/7eb968e8-3c70-11e6-a66f-aa6c1883b6b1_story.html?tid=a_inl) by the Washington Post, The strike that reportedly produced the highest number of civilian casualties [of those examined by Human Rights Watch] came toward the end of Obama’s first year in office, when ship-launched cruise missiles carrying cluster munitions killed 14 suspected al-Qaeda fighters in Yemen but also as many as 41 civilians. According to Human Rights Watch and an investigation by the Yemeni government, there were 21 children and nine women among them. If the U.S. included these 41 civilian deaths in its minimum count of 61, then they alone would account for over two thirds of its recorded civilian deaths in Pakistan, Yemen and Somalia between January 2009 and December 2015. Yet if these campaigns are treated as a proxy for drone performance, those strikes are effectively attributed to drones, and as a result distort comparisons with predominantly manned campaigns (such as Iraq and Syria). As we will see below, this is a recurring error that cannot be corrected without the disclosure of – and attention to – more detailed information on all types of airstrikes.

5. A/T “Drones turn foreigners against the US”

Most Pakistanis don't even know about the drone program

Prof. C. Christine Fair 2015. (Associate Professor at Georgetown University's Security Studies Program within the Edmund A. Walsh School of Foreign Service) 27 Oct 2015 " The Drone Papers: Intercepting the Nonsense" <https://www.lawfareblog.com/drone-papers-intercepting-nonsense> (accessed 13 Feb 2022)

Another set of studies that Mr. Greenwald and Mr. Hasan distorted were the various surveys by Pew. Mr. Greenwald asserted that “the vast majority of Pakistanis oppose the drones,” according to Pew’s surveys of Pakistan. I attempted to explain the problems with this assertion, beginning with the simple fact that [majorities or large minorities of Pew’s overwhelmingly urban sample](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2666612) had never even heard of the drone program.

6. A/T “AUMF violated”

Response #1: No impact

It’s not a harm until someone gets harmed. Their evidence never says anyone is harmed even if it’s true that some drone strikes aren’t authorized by AUMF. AUMF has nothing to do with protecting civilians, they aren’t better or worse off if we do or don’t have authorization from AUMF.

Violating the law isn’t always a bad thing. Christianity was illegal in the Roman Empire until the 4th Century AD. That doesn’t mean it was a bad idea. There has to be some specific bad impact where someone gets hurt besides just “not following the law.” Sometimes not following the law is a good thing.

Response #2: Still violated post-plan

Under AFF’s theory, all drone attacks would violate AUMF. Canceling some of them won’t solve for AUMF.

Response #3: Congress and the federal courts say military actions don’t violate AUMF

Prof. Philip Bobbitt 2015. (Professor of Federal Jurisprudence and director for the Center for National Security at Columbia Law School. He is one of the nation’s leading constitutional theorists.) Intelligence Squared, April 1, 2015.“The president has exceeded his constitutional authority by waging war without congressional authorization” <https://www.intelligencesquaredus.org/sites/default/files/pdf/transcript-the-president-has-exceeded-his-constitutional-authority-by-waging-war-without-congressional-authorization.pdf> (accessed 14 Feb 2022)

It is significant that the Congress agrees with our view. So, they have recently passed -- as we all know -- legislation appropriating funds for air attacks on the Islamic State, which they would scarcely have done if they believed the president could not constitutionally execute the legislation they passed. It is also significant that the federal courts in the Guantanamo cases have unanimously accepted the view that the Islamic State is an associated force of Al-Qaeda, bringing the Islamic State within the ambit of the charters for the use of force that Congress has passed. Moreover, there are ample precedents for using congressional authorizations for war to apply to subsequent groups when later hostilities emerge where conflict initially authorized.

Response #4: Justified by legal precedent from past conflicts

Prof. Philip Bobbitt 2015. (Professor of Federal Jurisprudence and director for the Center for National Security at Columbia Law School. He is one of the nation’s leading constitutional theorists.) Intelligence Squared, April 1, 2015.“The president has exceeded his constitutional authority by waging war without congressional authorization” <https://www.intelligencesquaredus.org/sites/default/files/pdf/transcript-the-president-has-exceeded-his-constitutional-authority-by-waging-war-without-congressional-authorization.pdf> (accessed 14 Feb 2022)

The most pertinent example is not the last 60 years, but from the Philippines War in 1898, in which U.S. forces, having defeated the Spanish against whom Congress had authorized war, found themselves attacked by Philippine insurgents, who had actually fought the Spanish. U.S. forces proceeded to wage war against the Philippine insurgents without any further congressional authorization, choosing instead to rely on the initial declaration of war against Spain. No one doubts that the Islamic State emerged out of the conflict in Iraq, authorized by the AUMF of 2002, nor that it was created as an arm of Al-Qaeda -- its original name was Al-Qaeda in Mesopotamia -- against whom the AUMF of 2001 was directed. There are other examples of Albania, Croatia, Slovakia in World War II that stand to the principle that fresh authority is not needed if the new belligerent emerges from an originally authorized conflict and wages war against us.

Response #5:  Drone strikes comply with international law

Steven Groves 2013 (Margaret Thatcher Fellow in Heritage’s Margaret Thatcher Center for Freedom. Former Ambassador Nikki Haley’s chief of staff at the U.S. Mission to the UN; former Special Assistant to the President and Assistant Special Counsel.) 10 Apr 2013 “Drone Strikes: The Legality of U.S. Targeting Terrorists Abroad” <https://www.heritage.org/terrorism/report/drone-strikes-the-legality-us-targeting-terrorists-abroad> (accessed 8 Feb 2022)

American targeted drone strikes comply with international law, in particular that part of international law known as the law of war, which requires belligerents to distinguish combatants from civilians and minimize harm to the civilian population. Based on the information available to the public, it appears that the United States takes great care to adhere to these principles by targeting only combatants and by taking care to avoid civilian casualties.

DISADVANTAGES

1. Alternative military actions are worse for civilians

Link: AFF bans only signature drone strikes, not other military actions

And that’s because they can’t change US foreign military policies that don’t involve AI. So, when the CIA and the military are told to stop using these drones, they don’t stop the attacks – AFF can’t fiat that. All they can do is tell them to switch to other means of attacking bad guys overseas like airplane bombing, cruise missiles, or commando raids.

Impact: More civilian deaths. Other types of force – like cruise missiles and airplane bombing - are less accurate

Daniel L. Byman 2013 (senior fellow in the Center for Middle East Policy at Brookings, where his research focuses on counterterrorism and Middle East security.) 17 Jun 2013 “Why Drones Work: The Case for Washington’s Weapon of Choice” [www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/](https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/) (accessed 8 Feb 2022)

But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths—about one to three, according to the Bureau of Investigative Journalism—is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone’s real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted.

Impact: More civilian deaths. Drones are way more accurate than airplane bombing

Daniel L. Byman 2013 (senior fellow in the Center for Middle East Policy at Brookings, where his research focuses on counterterrorism and Middle East security.) 17 Jun 2013 “Why Drones Work: The Case for Washington’s Weapon of Choice” [www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/](https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/) (accessed 8 Feb 2022)

And compared with a 500-pound bomb dropped from an F-16, the grenadelike warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone.

…

Impact: More civilian deaths. Drones have lowest percentage of civilian deaths compared to other military actions

Prof. James Walsh 2013 (Professor of Political Science at Univ. of North Carolina at Charlotte) THE EFFECTIVENESS OF DRONE STRIKES IN COUNTERINSURGENCY AND COUNTERTERRORISM CAMPAIGNS, published by US Army War College, Sept 1 2013 <https://www.jstor.org/stable/resrep11764?seq=1#metadata_info_tab_contents> (accessed 9 Feb 2022)(brackets added)

Based on a careful review of media reports, these data measure the ratio of militants killed in drone strikes for every civilian who dies in such attacks. Using information only from media sources in Pakistan, they *[researchers Avery Plaw and Matthew Fricker]* estimate that over 26 militants are killed for each confirmed civilian death. This ratio falls slightly to 19 militants per civilian killed if they draw on both Pakistani and international media sources. They also calculate the same ratios for other data-collection efforts. These data produce a ratio of 14:1 when using data from the Long War Journal, and either 11.5:1 or 3.97:1, depending on the specific coding rules employed, when based on data from the New America Foundation. The researchers then compare these ratios of militants and civilians killed by drone strikes with corresponding ratios for other types of armed conflict, including Pakistani military operations in the Federally Administered Tribal Areas and the Swat Valley, U.S. military operations in Pakistan that use types of force other than drones, targeted killings in the West Bank and Gaza Strip carried out by Israel between 2000 and 2008, and all conflicts in the world in the year 2000. All of these other types of force produce ratios that are lower than even the lowest estimates for the proportion of civilians killed per militant by drone strikes.

2. Terrorists kill more civilians

Civilians are worse off post-plan: Less drone strikes means terrorists kill more civilians

James Andrew Lewis 2016 (he is a senior vice president at the Center for Strategic and International Studies (CSIS) and directs the Strategic Technologies Program.) 5 Jul 2016 “Drone Strikes: Complicated but Necessary” <https://www.csis.org/analysis/drone-strikes-complicated-necessary> (accessed 5 Feb 2022)

Of the options for denying sanctuary, drone strikes are the best. They hold no risk of casualties for the defending force. They are less intrusive than sending infantry or manned aircraft. They deny the insurgents sanctuary. And they avoid the trap of doing nothing and hoping that the insurgents will go away. Naturally, the insurgents will seek to use political means to dissuade the defending force from using drones. One common tactic is to inflate the number of civilian casualties in an effort to sway public opinion in the West (by providing false information to researchers, for example). Any civilian casualty is tragic, and more could be done to minimize them, but the United States has been placed in an unfortunate position where not taking the risk of civilian casualties in a drone strike increases the risk of civilian casualties from terrorism. The equation for defenders is simple: fewer drone strikes mean more attacks on civilians.