# GMU KL---Navy---Finals

## 1AC

### 1AC---Pakistan

#### Low-value targeting undermines US coin doctrine in Pakistan---causes instability

Hudson et al 13 Leila Hudson is associate professor of anthropology and history in the School of Middle Eastern & North African Studies at the University of Arizona and director of the Southwest Initiative for the Study of Middle East Conflicts (SISMEC). Colin Owens and Matt Flannes are graduate students in the School of Middle Eastern & North African Studies and the School of Government and Public Policy at the University of Arizona. Both work as research associates for the Southwest Initiative for the Study of Middle East Conflicts (SISMEC). “Drone Warfare: Blowback from the New American Way of War,” <http://www.mepc.org/journal/middle-east-policy-archives/drone-warfare-blowback-new-american-way-war>, DOA: 7-18-13, y2k

3. U.S. COMPLICATIONS Strategic Confusion In Afghanistan, the U.

AND

and makes the task of U.S. diplomats more difficult.24

#### Afghanistan BSA negotiation is on the brink

Rod Nordland 11/28 is NYT Staff Reporter, “Afghan Leader Lashes Out at U.S. Allies After NATO Drone Strike,” 11-28-13, <http://www.nytimes.com/2013/11/29/world/asia/afghan-leader-lashes-out-at-us-allies-after-nato-drone-strike.html?_r=0>, DOA: 1-14-13, y2k

KABUL, Afghanistan — President Hamid Karzai lashed out at his American allies again on

AND

could be a consequence of decisions that your government takes or doesn’t take.”

#### Failure of BSA ends drone operations in Pakistan---causes terrorist resurgence, including LeT

Bruce Ridel 1/13 is director of Brookings new Intelligence Project. He has served as an adviser in the White House to the last four presidents. “Al Qaeda’s Next Comeback Could Be Afghanistan And Pakistan,” 1-13-14, <http://www.thedailybeast.com/articles/2014/01/13/al-qaeda-s-next-comeback-could-be-afghanistan-and-pakistan.html>, DOA: 1-14-13, y2k

With the fight for Fallujah, Al Qaeda has roared back to life in Iraq

AND

-Qaeda renaissance in the most dangerous country in the world, Pakistan.

#### Modifying US drone policies sustains effective operations

Micah Zenko 13 PhD, is Douglas Dillon Fellow in the Center for Preventative Action at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council on Foreign Relations, Special Report No. 65, DOA: 1-14-13, y2k

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force

AND

if the United States modified its drone policy in the ways suggested below.

#### Accountable drone policies prevent instability in Pakistan

Benjamin R. Farley 12, J.D. with honors, Emory University School of Law, 2011, “Drones and Democracy: Missing Out on Accountability?” winter, 2012, South Texas Law Review, 54 S. Tex. L. Rev. 385, L/N, DOA: 1-14-13, y2k

Effective accountability mechanisms constrain policymakers’ freedom to choose to use force by increasing the costs

AND

to go to war is more likely to lead the nation into war.

#### Pakistan nukes are vulnerable- terrorist acquisition possible

Kugelman 1/10 One More Reason to Worry about Pakistan’s Nukes, January 10, 2014, Michael Kugelman is the senior program associate for South Asia at the Woodrow Wilson International Center for Scholars, http://nationalinterest.org/print/commentary/one-more-reason-worry-about-pakistan’s-nukes-9686?page=1

Last year, Pakistan experienced a wave of leadership transitions. The country welcomed a

AND

city” than the billions the United States spends on its own nuclear arsenal

#### LeT will launch attacks against India---causes escalation

Blank 13 Jonah Blank is a senior political scientist at the RAND Corporation. An anthropologist by training, he is author of the books Mullahs on the Mainframe: Islam & Modernity Among the Daudi Bohras, and Arrow of the Blue-Skinned God: Retracing the Ramayana through India. From 1999-2011, Blank served as Policy Director for South and Southeast Asia on the staff of the Senate Foreign Relations Committee. Before entering government service, he served as senior editor and foreign correspondent for US News & World Report, where he reported from Indonesia, India, Nepal and Pakistan. In his life as an anthropologist, Blank was the first outside researcher to conduct ethnographic fieldwork among the Daudi Bohras, a Shi'a Muslim community with approximately one million adherents throughout South and Southeast Asia, East Africa, and other parts of the world; his research focused on how a traditionalist community used the tools of modernity to combat the threats posed by modernity. Blank began his career in Japan, as finance editor of Tokyo's Asahi Evening News. He has been a reporter for Fortune magazine, and has written for publications ranging from Foreign Affairs to the New Yorker to the Washington Post. Blank received his M.A. and Ph.D. from Harvard University, and is a professorial lecturer at Johns Hopkins School of Advanced International Studies. “Lashkar-e Taiba and the Threat to the United States of a Mumbai-Style Attack,” June, 2013, <http://www.rand.org/content/dam/rand/pubs/testimonies/CT300/CT390/RAND_CT390.pdf>, DOA: 7-18-13, y2k

Fourth, LeT has a unique potential to precipitate a major war between India and

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world would obviously have a monumental impact on US strategic and economic interests.

#### Conflict goes nuclear

Suri 1/12 The nuclear nightmare, Manil Suri Jan 12, 2014, a professor of mathematics and affiliate professor of Asian studies at the University of Maryland, http://articles.timesofindia.indiatimes.com/2014-01-12/deep-focus/46112370\_1\_indian-mujahideen-death-toll-dirty-bomb

Can terrorists get their hands on an N-bomb in Pakistan? The Bhatkal

AND

emotion, is needed to ensure the nuclear red line is never crossed.

#### LeT specifically can access the nuclear arsenal

Rotella 13 An award-winning foreign correspondent and investigative reporter, Sebastian worked for almost 23 years for the Los Angeles Times, covering everything from terrorism to arts to the Mexican border. He served most recently as a national security correspondent in Washington, D.C., and his previous posts include international investigative correspondent and bureau chief in Paris and Buenos Aires, with assignments in the Middle East and North Africa. In 2006, he was named a Pulitzer finalist for international reporting for his coverage of terrorism and Muslim communities in Europe. He won the German Marshall Fund's senior award for excellence in European reporting the same year. He was part of a team whose coverage of al-Qaida received an award from the Overseas Press Club and finalist honors for Harvard University's Goldsmith Prize for Investigative Reporting in 2002. In 2001, he won Columbia University's Maria Moors Cabot Prize for his career coverage of Latin America. His work in Latin America also won honors from the Overseas Press Club, the Inter-American Press Association and the American Society of Newspaper Editors. “Terror Group Recruits From Pakistan’s ‘Best and Brightest’” 4-4-13, <http://www.propublica.org/article/terror-group-recruits-from-pakistans-best-and-brightest>, DOA: 7-18-13, y2k

Imagine a terrorist group that recruits tens of thousands of young men from the same

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Pakistan and has cranked up its anti-American rhetoric, Fair said.

#### They will strike the US

Tellis 12 The Menace That Is Lashkar-e-Taiba, Ashley J. Tellis, senior associate at the Carnegie Endowment for International Peace specializing in international security, defense, and Asian strategic issues, MARCH 13, 2012, http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn

Though the international community first began taking notice of the terrorist group Lashkar-e

AND

groups—with Pakistani cooperation if possible, but without it if necessary.

#### Causes accidental nuclear war

Barrett et al. 13 6/28, Anthony, PhD, Engineering and

AND

and Russia,” Science and Global Security 21(2): 106-133

War involving significant fractions of the U.S. and Russian nuclear arsenals,

AND

making one or both nations more likely to misinterpret events as attacks.16

#### Alternatives to drone trigger instability

Ahmad 12 Adam Ahmad is a researcher at the Center for a New American Security and a reporting assistant at the Woodrow Wilson International Center for Scholars. His work focuses on South Asia and U.S. covert action. “Drones: Here to stay,” 11-7-12, <http://ricks.foreignpolicy.com/posts/2012/11/07/drones_here_to_stay>, DOA: 8-15-13, y2k

The debate concerning the use of armed Predator drones to neutralize al Qaeda and a

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or for worse, blemishes and all, drones are here to stay.

### 1AC---Norms

#### US drone policy sets a dangerous precedent---shatters global use of force

James Whibley 13 received a M.A. in International Relations from Victoria University of Wellington, New Zealand in 2012. His research is soon to be published in Intelligence and National Security. “The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent,” 2-6-13, <http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/> DOA: 1-14-13, y2k

If drones are destined to proliferate, the more important issue may become whether American

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, then surely China or Russia possessing such a program would be terrifying.

#### Its reverse causal- US key to shape norms

Dr. Robert Farley 12 is an assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky. “Over the Horizon: U.S. Drone Use Sets Global Precedent,” 10-11-12, <http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent>, DOA: 7-25-13, y2k

Is the world about to see a "drone race" among the United States

AND

policymakers should perhaps devote a touch more attention to the precedent they're setting.

#### Lack of norms cause Chinese drone aggression

Christopher Bodeen 13, writer for the Huffington Post, May 3rd, 2013, "China's Drone Program Appears To Be Moving Into Overdrive," Huffington Post, [www.huffingtonpost.com/2013/05/03/china-drone-program\_n\_3207392.html](http://www.huffingtonpost.com/2013/05/03/china-drone-program_n_3207392.html)

BEIJING -- Determined to kill or capture a murderous Mekong River drug lord, China's

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camp almost 20 kilometers (12 miles) into Indian-claimed territory.

#### Causes Senkaku conflict

Davis 12 Dr. Elizabeth Van Wie Davis has lived and worked in Asia for many years. Initially her academic research focused on China. She and her family lived in China on several occasions, primarily in Nanjing and Beijing, and traveled extensively throughout the Chinese countryside. During her time at Johns Hopkins University SAIS, she met former President George H W Bush on several occasions regarding China issues. Her work on the Chinese energy policy and the environment expanded to other parts of Asia, including field work and publications on Thailand, Indonesia, Japan, and Korea.After 17 years in academia, Dr. Davis took a hiatus to work for the US Government on issues related to Asia. Based in Hawaii, she travelled regularly to Asia to work on issues of preventive diplomacy. These USG projects included discussions on China with Pakistan, aiding Bangladesh during a difficult political time, and working with the Nepalese officials during the transition from monarchy to representative democracy as well as a citation for her work on the EP3 incident. Simultaneous to these on-the- ground projects, Dr. Davis maintained a rigorous academic agenda that including briefing US senators and congressmen, top US military officers, and foreign government officials on issues related to China and Asia. “China to rule the seas-unmanned,” 12-6-12, <http://www.atimes.com/atimes/China/NL06Ad01.html>, DOA: 7-18-13, y2k

In the cold blue waters between China and Japan, a Chinese fishing craft collided

AND

to specific power goals. Today, China looks to be a winner.

#### SCS conflict is probable- recent trends heighten escalation

Chellaney 1/14 Which global conflicts will dominate in 2014? Jan 14, 2014, Brahma Chellaney, leading strategic thinker and an analyst of international geostrategic trends, Professor of Strategic Studies at the New Delhi-based Centre for Policy Research, an independent think-tank; a member of the Board of Governors of the National Book Trust of India; and a nonresident affiliate with the International Centre for the Study of Radicalization at King's College London. He has been a Fellow at the Norwegian Nobel Institute, which through the Nobel Committee awards the Nobel Peace Prize annually. He was formerly a member of the Policy Advisory Group headed by the External Affairs Minister of India, http://www.moneycontrol.com/news/economy/which-global-conflicts-will-dominate-2014-\_1024277.html

The three potential flashpoints for international conflict in 2014—East Asia, South Asia

AND

Japanese-controlled Senkaku Islands, it increases the chance of armed conflict.

#### Draws in the US and goes nuclear

John Blaxland 13, Senior Fellow at the Strategic and Defence Studies Centre, the Australian National University, and Rikki Kersten, Professor of modern Japanese political history in the School of International, Political and Strategic Studies at the College of Asia and the Pacific, the Australian National University, 2/13/13, “Escalating territorial tension in East Asia echoes Europe’s descent into world war,” http://www.eastasiaforum.org/2013/02/13/escalating-territorial-tension-in-east-asia-echoes-europes-descent-into-world-war/

The recent activation of Chinese weapons radars aimed at Japanese military platforms around the Senkaku

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that the outcome of wars is rarely as proponents conceived at the outset.

### 1AC---Plan

#### PLAN: The United States Congress should establish a limited ex ante judicial review for targeted killing by drones.

### 1AC---Solvency

#### Executive control of drone strikes lead to group-think---causes massive policy failure and civilian deaths.

Ahmad Chehab 12 Georgetown University Law Center, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review,” DOA: 1-13-14, y2k

The practical, pragmatic justification for the COAACC derives largely from considering social psychological findings

AND

choices and evaluate available alternatives than when subject to little to no review.

#### Ex-ante courts creates effective drone operations- solves error and legitimacy

Ilya Somin 13 is Professor of law at George Mason University School of Law, “Hearing on ‘Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing’” Testimony Before the United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4-23-13, DOA: 1-13-14, y2k

In my view, the use of targeted killings by drones is not inherently illegal

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. But I very much hope that such a conjecture is unduly pessimistic.

#### Ex ante drone court improves targeting decisions and legitimacy of drone program

Benjamin McKelvey 11 is Vanderbilt University JD Candidate and Vanderbilt journal of transnational law editorial board executive development editor, Vol 44, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/mckelvey-pdf.pdf, p.1378-9, DOA: 1-12-14, y2k

The targeted killing of Americans, as demonstrated by the Aulaqi case, presents complex

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give ultimate authority to an impartial judge with no institutional connection to the CIA

#### Limited drone court is the only effective balancing mechanism and doesn’t hurt flex

Dr. Weinberger 13 is Associate Professor in the Department of Politics & Government at the University of Puget Sound. “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership,” 5-7-13, <https://blogs.com-mons.georgetown.edu/globalsecuritystudiesreview/2013/05/07/enemies-among-us-the-targeted-killing-of-american-members-of-al-qaeda-and-the-need-for-congressional-leadership/> DOA: 1-12-14, y2k

Several people have voiced objections to the creation of a FISA-style “drone

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– the right not to be killed by one’s government without judicial involvement.

#### Obama says yes

CSM 13 “Would a US drone court to authorize drone strikes be a good idea?” 5-24-13, <http://www.csmonitor.com/USA/DC-Decoder/2013/0524/Would-a-US-drone-court-to-authorize-drone-strikes-be-a-good-idea-video>, DOA: 1-13-14, y2k

Among the striking moments in President Obama’s national security speech this week, in which

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, senior transatlantic fellow at the German Marshall Fund of the United States.

#### Plan prevents circumvention

Lesley Wexler 13 is Professor of Law and Thomas A. Mengler Faculty Scholar, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” DOA: 1-13-14, y2k

This chapter suggests the judiciary may play an important role in the debate over the

AND

Even the threat of such a judicial role may influence executive branch behavior.

#### Plan’s criteria-based targeted killing decisionmaking is key

Amos Guiora 13 is Professor of Law and Co-Director of the Center for Global Justice at the S.J. Quinney College of Law, University of Utah, and a Research Fellow at the International Institute of Counter-Terrorism in Herzliya, Israel. “Targeted Killing And The Law: Who Is A Legitimate Target And When Is The Target Legitimate? – Analysis,” 11-13-13, <http://www.eurasiareview.com/13112013-targeted-killing-law-legitimate-target-target-legitimate-analysis/> DOA: 1-12-14, y2k

Targeted killing is here to stay. It is the preferred method of warfare today

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-based approach reflecting person-specific drone policy take on heightened urgency.

## 2AC

### 2AC---T---Restrictions

#### We meet---plan restricts the authority to authorize without judicial permission

John C. Eastman 6, Prof of Law at Chapman University, PhD in Government from the Claremont Graduate University, served as the Director of Congressional & Public Affairs at the United States Commission on Civil Rights during the Reagan administration, “Be Very Wary of Restricting President's Power,” Feb 21 2006, http://www.claremont.org/publications/pubid.467/pub\_detail.asp]

Prof. Epstein challenges the president's claim of inherent power by noting that the word

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. This authority has been exercised by every wartime president since George Washington.

#### AND- Drone court puts a restriction

Amos Guiora 12 is Professor of Law and Co-Director of the Center for Global Justice at the S.J. Quinney College of Law, University of Utah, and a Research Fellow at the International Institute of Counter-Terrorism in Herzliya, Israel. “Targeted Killing: When Proportionality Gets All Out of Proportion,” Case Western Reserve Journal of International Law, VOL. 45, 2012, DOA: 1-12-14, y2k

To re-phrase, this strict scrutiny test seeks to strike a balance by

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conducted in accordance with the rule of law and morality in armed conflict.

#### C/I --- Restriction is limitation, NOT prohibition

CAC 12 COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, COUNTY OF LOS ANGELES, Plaintiff and Respondent, v. ALTERNATIVE MEDICINAL CANNABIS COLLECTIVE et al., Defendants and Appellants, DIVISION ONE, 207 Cal. App. 4th 601; 143 Cal. Rptr. 3d 716; 2012 Cal. App. LEXIS 772

We disagree with County that in using the phrases “further restrict the location or

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and affordable distribution of marijuana to all patients in medical need of marijuana.”

### 2AC---CP---I/Review

#### Perm do both---Congressional targeted killing policy creates checks and balances and political consensus- ensures solvency and resolves link to politics

Peter M. Cullen, 2008, (Colonel, Staff Judge Advocate) The Role of Targeted Killing in the Campaign Against Terror, [Joint Force Quarterly](http://www.dtic.mil/doctrine/jel/jfq_pubs/index.htm), http://www.army.mil/professionalWriting/volumes/volume6/march\_2008/3\_08\_1\_pf.html

Some have even argued that there should be legislative authorization for any policy of targeted

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accurate intelligence, they will become an even more potent weapon against transnational terrorism

#### A) Internal executive review is useless---can’t solve for backlash or norms---Katyal is wrong

Jack Goldsmith 13 is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003. Professor Goldsmith is a member of the Hoover Institution Task Force on National Security and Law. “Neal Katyal on a Drone “National Security Court” Within the Executive Branch,” 2-21-13, <http://www.lawfareblog.com/2013/02/neal-katyal-on-a-drone-national-security-court-within-the-executive-branch/#.UtL_1fRDu4I>, DOA: 1-12-14, y2k

Former Obama administration Acting and Deputy Solicitor General Neal Katyal has an interesting op-

AND

, they will be seen as pretty small steps that bring little solace.

#### C) Norms---Statutory clarification is key

Mark David Maxwell 12, Colonel, Judge Advocate with the U.S. Army, Winter 2012, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, http://www.ndu.edu/press/targeted-killing.html

The weakness of this theory is that it is not codified in U.S

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eschews what gives a state its greatest safety: the rule of law.

#### D) Rollback

[Spencer Ackerman](http://www.wired.com/dangerroom/author/spencer_ackerman/), 5/29/13 (Defense reporter for Wired), New Drone Strike Undercuts Obama’s Promises on Robot War, http://www.wired.com/dangerroom/2013/05/drone-strike-restrictions/

It took all of six days for President Obama to undermine his own new rules

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. That’s shaping up to be the truest line in the president’s speech.

#### Links to politics – immense opposition to bypassing debate

Hallowell 13 Billy Hallowell, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>

“In an era of polarized parties and a fragmented Congress, the opportunities to

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a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

### 2AC---DA---Flex

#### Restrictions inevitable---the aff prevents haphazard ones which are worse

Benjamin Wittes 9, senior fellow and research director in public law at the Brookings Institution, is the author of Law and the Long War: The Future of Justice in the Age of Terror and is also a member of the Hoover Institution's Task Force on National Security and Law, “Legislating the War on Terror: An Agenda for Reform”, November 3, Book, p. 17

A new administration now confronts the same hard problems that plagued its ideologically opposite predecessor

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past several years and will likely continue sparring over the next several years.

#### Link is super small

Eugene K. Chow 13 is Former Executive Editor, Homeland Security NewsWire, “Droning On: The Need to Establish a New Norm,” <http://www.huffingtonpost.com/eugene-k-chow/establish-new-constitutional-norm_b_2683131.html>, DOA: 1-15-14, y2k

Contrary to what some have argued that the president requires full and unadjudicated control of

AND

we put into place laws and parameters that clearly define this new norm.

#### Flexibility is bad---causes presidential adventurism

Guiora & Blank 12 Amos Guiora and Laurie Blank are Guardian Staff, “Targeted killing's 'flexibility' doctrine that enables US to flout the law of war,” 8-10-12, <http://www.theguardian.com/commentisfree/2012/aug/10/targeted-killing-flexibility-doctrine-flout-law-war>, DOA: 9-8-13, y2k

Targeting individuals who pose an imminent threat to the US is a lawful exercise of

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on both sides and to our fundamental values, are just too high.

### 2AC---DA---Political Questions Doctrine

#### The PQD is dead

Gwynne Skinner 8/23 is Professor of Law @ Willamette, “Misunderstood, Misconstrued, and Now Clearly Dead: The 'Political Question Doctrine' in Cases Arising in the Context of Foreign Affairs,” papers.ssrn.com/sol3/papers.cfm?abstract\_id=2315237, DOA: 1-16-14, y2k

Lower federal courts often erroneously cite the “political question doctrine” to dismiss as

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President in the area of foreign affairs rather than finding the claim nonjusticiable.

#### Precedent has been already set---every court upheld FISA model as not violating PQD---means no spillover

U.S. v. BENKAHLA 6 NO. 1:06CR9(JCC). 437 F.Supp.2d 541 (2006) UNITED STATES of America, v. Sabri BENKAHLA, Defendant. United States District Court, E.D. Virginia, Alexandria Division. May 17, 2006. John A. Keats, Law Offices of John A. Keats, Fairfax, VA, for Sabri Benkahla. Gordon D. Kromberg, United States Attorney's Office, Alexandria, VA, for USA. <http://www.leagle.com/decision/2006978437FSupp2d541_1924>, DOA: 1-16-14, y2k

Fourth, Defendant argues that FISA violates the Equal Protection Clause by creating an unreasonable

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suppress all evidence derived from any searches and surveillance conducted pursuant to FISA.

#### Plan doesn’t affect regular judicial process---limited jurisdiction

Garrett Epps 13 is a former reporter for The Washington Post, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore and lives in Washington, D.C. His new book is American Epic: Reading the U.S. Constitution. “Why a Secret Court Won't Solve the Drone-Strike Problem,” 2-16-13, <http://www.thea-tlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/> DOA: 1-15-14, y2k

Look up: that buzz you hear overhead is the "drone court." Washington's

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the shire reeve he can hunt someone down and kill him without trial.

#### No precedent spill-over

Roy Flemming 00 is Texas A&M University political science professor, "Majority Rule or Minority Will: Adherence to Precedence on the U.S.Supreme Court," Canadian Journal of Political Science, Vol 33, No. 2, jstor,

In the United States, proponents of legal realism in its various forms have continuously

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as the sampling procedure was the identification of the progeny of precedentsetting cases.

### 2AC---Politics---Iran

#### Sanctions now---the opposition has the veto-proof majority

Koring, The Globe and Mail (Canada) International Affairs and Security Correspondent, 1-15, 2014,

(Paul, "Showdown on Iran looms in U.S. Senate; Hawks are circling over Capitol Hill and Obama's bargain with Tehran is further imperilled by members of his own party", The Globe and Mail (Canada), PAS) Accessed on LexisNexis 1-16-14

Rapprochement with Iran - the United States' most unpredictable enemy since the mullahs toppled the

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matters what they do," said Mr. Obama's spokesman, Jay Carney.

#### Obama doesn’t have PC

David Finkel 1/15 is an editor of Against the Current, “Will the Iran deal hold?” <http://internationalviewpoint.org/spip.php?article3239>, DOA: 1-17-14, y2k

A politically weakened U.S. president is pulled by a powerful domestic lobby

AND

of the Iranians and abandonment of Israel in its hour of existential peril.

#### PC fails

Patrick Clawson 1/17 is Director of Research @ Washington Institute for Near East Policy, “Why are congressional Democrats considering new Iran sanctions?” 1-17-14, <http://www.bbc.co.uk/news/world-us-canada-25749219>, <http://www.bbc.co.uk/news/world-us-canada-25749219>, DOA: 1-17-14, y2k

This week President Barack Obama met congressional Democrats, asking them to vote against sanctions

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fall on their sword for the president, that is a tough sell.

#### Plan causes agenda crowd-out---kills the vote on Iran

Donna Cassata 13 is AP Staff Reporter, “Health care dispute could delay Iran sanctions,” 11-15-13, <http://www.morningjournal.com/general-news/20131115/health-care-dispute-could-delay-iran-sanctions>, DOA: 1-17-14, y2k

A Senate delay over an unrelated health care issue could be the silver lining for

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more time — without new sanctions — to pursue a deal with Iran.

No prolif

James Conca, 10/13/2013

Contributor, Iran’s Dangerous Nuclear Bluf, http://www.forbes.com/sites/jamesconca/2013/10/13/irans-dangerous-nuclear-bluff/

President Obama’s historic phone conversation with Iran’s new President Hassan Rouhani sure made the meetings

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decided to actually make a weapon, just to make everyone think they could

#### Deal fails

Doran, Brookings Middle East Center Senior Fellow, and Boot, Council on Foreign Relations Senior Fellow, 1-15, 2014,

(Michael and Max, "Obama’s Losing Bet on Iran", New York Times, PAS) [www.nytimes.com/2014/01/16/opinion/obamas-losing-bet-on-iran.html?partner=rssnyt&emc=rss&\_r=0](http://www.nytimes.com/2014/01/16/opinion/obamas-losing-bet-on-iran.html?partner=rssnyt&emc=rss&_r=0) 1-16-14

The Obama strategy is breathtakingly ambitious. It is also destined to fail.¶ First

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is the third and final problem that will doom Obama’s outreach to Tehran.

#### Loser’s lose is false

Brian Beutler 13 is Salon staff writer, 9/9/13, GOP’s massive new lie: The truth about Obama’s second term , [www.salon.com/2013/09/09/syria\_wont\_derail\_obamas\_second\_term\_house\_republicans\_will/](http://www.salon.com/2013/09/09/syria_wont_derail_obamas_second_term_house_republicans_will/) DOA: 1-2-14, y2k

When President Obama decided to seek authorization to bomb Syria, he didn’t just throw

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or a farm bill, or a budget deal, or anything else.

### 2AC---K---Liberalism

#### Perm do both---their rigid understanding of law destroys emancipatory politics

Brännström 8 Leila Brännström is Assistant Professor @ Lund University Faculty of Law. “How I learned to stop worrying and use the legal argument: A critique of Giorgio Agamben’s conception of law,” April, 2008, DOA: 8-25-13, y2k

Giorgio Agamben’s Homo Sacer. Sovereign Power and Bare Life (1998 [1995]),

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to a better future are to be found in repressive state-practices.

#### Liberal legalism is good.

Schureman 6—William E. Scheueman is Professor of Political Science @ Indiana University, Constellations, 13(1), p. 116

Schmitt offers three reasons in support of this view. First, he implicitly relies

AND

such conflicts before an international court or tribunal probably would have failed.22

#### Liberalism is good

Eagleton 96 Terry Eagleton is Distinguished Professor of English Literature at the University of Lancaster The Illusions of Postmodernism pp106

Universality is not just an ideological illusion. On the contrary, it is the

AND

, as in the case of the various Christian humanisms of the West.

#### We control-uniqueness---violence is declining now

Griswold 11 (Daniel Griswold is director of the Center for Trade Policy Studies at the Cato Institute and author of Mad about Trade: Why Main Street America Should Embrace Globalization. “Free Trade and the Global Middle Class,” Hayek Society Journal Vol. 9, http://www.cato.org/pubs/articles/Hayek-Society-Journal-Griswold.pdf

Our more globalized world has also yielded a “peace dividend.” It may not

AND

and less likely those gains will be destroyed by civil conflict and war.

## 1AR

### Enforce

#### Robust scholarship concludes---Congress will enforce

Howell & Pevehouse 8 William G. Howell is an award-winning American political scientist and Sydney Stein Professor in American Politics at the University of Chicago Harris School of Public Policy Studies—AND—Jon C. Pevehouse is Associate Professor of Political Science at the University of Wisconsin–Madison, “While Dangers Gather : Congressional Checks on Presidential War Powers,” 2008, Princeton, NJ, USA: Princeton University Press, 2008. DOA: 12-26-13, y2k

With the erosion of congressional checks on presidential war powers, these scholars note,

AND

, then, identifies the conditions under which Congress most effectively employs them.

### Solvency---A2: Judges (2AC)

#### Yes expertise---they will only rule on eligibility criteria

David W. Opderbeck 13 is Professor of Law, Seton Hall University Law School, and Director, Gibbons Institute of Law, Science & Technology, “Drone Courts,” 8-2-13, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2305315&download=yes>, DOA: 1-12-14, y2k

This geopolitical context complicates and often obscures the public conversation over drone courts. The

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of the actual strike. The same could be true for a court.

### Obama

#### Obama complies

Mark Hosenball 13 is Reuters Staff, “Support grows for U.S. "drone court" to review lethal strikes,” 2-8-13, <http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209>, DOA: 1-12-14, y2k

During a fresh round of debate this week over President Barack Obama's claim that he

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there could be independent review of counterterrorism actions for more than a year."

### A2: Rubber Stamp

#### Rubberstamping inevitable---judicial review solves

Samuel S. Adelsberg 13 is J.D. Candidate 2013, Yale Law School, “Bouncing the Executive’s Blank Check: Judicial Review and the Targeting of Citizens,” Harvard Law & Policy Review [Vol. 6, June, 2013, <http://www3.law.harvard.edu/jo-urnals/hlpr/files/2013/06/Bouncing-the-Executives-Blank-Check.pdf>, DOA: 1-12-14, y2k

On the other hand, civil libertarians may remain unconvinced that the CTRC adequately fills

AND

improvement from the civil libertarian perspective, as compared to the status quo.