# GMU KL---Round 8---Texas---AFF vs USC SH

## 2AC

### Solvency

#### Obama isn’t going to end signature strikes

Zenko 6/11 Micah Zenko is Douglas Dillon Fellow @ CFR, “How does the recent shift in U.S. drone policy impact “signature strikes”?” <http://www.cfr.org/drones/does-recent-shift-us-drone-policy-impact-signature-strikes/p30885>, DOA: 8-26-13, y2k

"Signature strikes"—attacks based on patterns of activity—were first authorized by

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be reduced or ended based upon anything the Obama administration has recently stated.

### Norms

#### Erikson concludes Chinese drone usage is likely

Erikson & Strange 13 Andrew Erickson is associate professor at the Naval War College and Associate in Research at Harvard University's Fairbank Centre—AND—Austin Strange is a researcher at the Naval War College's China Maritime Studies Institute and graduate student at Zhejiang University, “China has drones. Now how will it use them? Foreign Affairs, McClatchy-Tribune, 29 May 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html

Yet there is a reason why the United States has employed drones extensively despite domestic

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of Japan and the United States, as well as in the Indian Ocean

### Pakistan

#### Drone strikes are not going down and still kills civilians---no functional changes

Bergen & Rowland 10/25 Peter Bergen is CNN's national security analyst, a director at the New America Foundation—AND—Jennifer Rowland is a graduate student at Harvard University's Kennedy School. “Did Obama keep his drone promises?” 10-25-13, <http://www.cnn.com/2013/10/25/opinion/bergen-drone-promises/> DOA: 10-29-13, y2k

(CNN) -- On May 23, President Barack Obama gave a major speech

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Louis Brandeis observed a century ago, "Sunlight is the best disinfectant."

#### Rules have changed---the new guidance document allows for civilian strikes

Kristina Wong 12/3 is Washington Times Staff, “Obama war chiefs widen drone kill box: Lethality of collateral damage ‘must not be excessive’ 12-3-13, <http://www.washingtontimes.com/news/2013/dec/3/pentagon-gives-more-room-for-deadly-error-in-drone/?page=all>, DOA: 1-2-14, y2k

The Pentagon has loosened its guidelines on avoiding civilian casualties during drone strikes, modifying

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version defines the term as objects “located inside the collateral hazard area.”

### 2AC T – Restriction

#### Signature strikes are the core aff---their interpretation over-limits and jacks aff ground.

Heller 12 Kevin Heller is Senior Lecturer @ Melbourne Law School, “‘One Hell of a Killing Machine’: Signature Strikes and International Law,” Melbourne Legal Studies Research Paper No. 634, DOA: 8-21-13, y2k

The available evidence indicates that the vast majority of drone strikes conducted by the CIA

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killed in signature strikes reminds him ‘of body counts in Vietnam’.11

#### SS=Targeted killing---means plan’s direct

William 13 Williams, University of Massachusetts Dartmouth Islamic studies professor 5-31-13 Brian Glyn, “Inside the Murky World of 'Signature Strikes' and the Killing of Americans With Drones” http://www.huffingtonpost.com/brian-glyn-williams/nside-the-murky-world-of-\_b\_3367780.html, accessed 1-7-14, y2k

An explanation of the difference between a "signature strike" and "personality strike

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vehicles of militants or compounds, eavesdropping on cell phone conversations, etc.).

### 2AC---CP---ESR

#### 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

#### CP causes 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.

#### Doesn’t solve the signaling---backlash kills the program

Goldsmith 13 Jack Goldsmith 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. Professor 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, “Why the Administration Needs to Get Congress on Board for Its Stealth War,” 3-7-13, <http://www.lawfareblog.com/2013/03/why-the-administration-needs-to-get-congress-on-board-for-its-stealth-war/> DOA: 9-12-13, y2k

There is a connection between Senator Paul’s filibuster and the need for a comprehensive renewal

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at that point the administration will wish it had gone to Congress sooner.

#### Links to politics---Congress will backlash to executive power

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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the U.S., effectively blocking Obama’s plan to shutter the jail.

#### Internal review fails---controlled by executive

Jacob Sullum 13 is a senior editor at Reason magazine and a nationally syndicated columnist. “Why Create A Court That Obama Can Ignore?” 2-21-13, <http://www.realclearpolitics.com/2013/02/21/why_create_a_court_that_obama_can_ignore_302498.html>, DOA: 1-15-13, y2k

President Obama's drone killing goes a great deal further, however. Mr. Obama

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come down to one man, which is the crux of the problem.

#### NSC fails

McNeal 8¶ Gregory McNeal 08, Visiting Assistant Professor of Law, Pennsylvania State University Dickinson School of Law. The author previously served as an academic consultant to the former Chief Prosecutor, Department of Defense Office of Military Commissions, “ARTICLE: BEYOND GUANTANAMO, OBSTACLES AND OPTIONS,” August 08, 103 Nw. U. L. Rev. Colloquy 29

3. Executive Forum-Discretion--Any reform which allows for adjudication of guilt

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proposed reform is incomplete without thoroughly addressing the factors that the Executive balances.

### 2AC---DA---TPA

#### Won’t pass – too many obstacles

Mauldin and Hughes, Wall Street Journal Staff Writers, 2-6, 2014,

(Will, International Trade Correspondent, and Siobhan, Capital Hill Reporter, "Trade Bill's Path Gets Bumpier", Wall Street Journal, PAS) Accessed on Factiva 2-6-14

Opposition from the Senate's top Democrat to the White House's trade agenda has highlighted a

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Brock, former U.S. trade representative in the Reagan administration.

#### Obama isn’t pushing AND PC fails

Strassel, Wall Street Journal Editorial Board Member, 2-6, 2014,

(Kimberly, "How Politics May Sink Trade Deals; Obama may want Trade Promotion Authority, but Harry Reid's priority is the midterm elections.", Wall Street Journal, PAS) Accessed on Factiva 2-6-14

Hitting from the north is the polar vortex known as Barack Obama. The grown

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a juicy bill renewing tax breaks. The list does not include TPA.

#### TPA gets kicked

Strassel, Wall Street Journal Editorial Board Member, 2-6, 2014,

(Kimberly, "How Politics May Sink Trade Deals; Obama may want Trade Promotion Authority, but Harry Reid's priority is the midterm elections.", Wall Street Journal, PAS) Accessed on Factiva 2-6-14

A near-term TPA vote could …can from Republicans.

#### Plan’s key to horse-trade---drones issue kill Dem support

Eric Bradner 1/15 is Trade Reporter for Politic, “Hill Democrats MIA on Obama's trade agenda,” Politico, http://www.politico.com/story/2014/01/obama-trade-agenda-hill-democrats-102177.html

President Barack Obama threw a trade party and almost no Democrats showed up.¶ His

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own base really begins to get unhappy and pushes back,” Ornstein said.

#### Plan’s key to bipart

Herb 12 Jeremy Herb, congressional correspondent for the Hill, 6-13-2012, “Lawmakers want legal justification for drone strikes,” The Hill, http://thehill.com/blogs/defcon-hill/operations/232523-lawmakers-want-legal-justification-for-drone-strikes

A group of more than two dozen anti-war lawmakers wants the White House

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in April, has been a tactic used for drone attacks in Pakistan.

#### K2 agenda

GHMI 1/1 GateHouse Media Illionois, “Opportunities for bipartisanship,” 1-1-14, <http://www.eastpeoriatimescourier.co-m/article/20131230/OPINION/131239984/1007/OPINION/?tag=2#ixzz2pIMaB98f>, DOA: 1-2-14, y2k

Congress left for its holiday recess with a modest nod toward bipartisanship: For the

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party leaders would make a New Year’s resolution to give bipartisanship a chance.

#### US econ is on the up- many indicators

Lahart 1/15 U.S. Economy Turns Onto Road to Wellville, U.S. Economy Turns Onto Road to Wellville, JUSTIN LAHARt, Jan. 15, 2014, http://online.wsj.com/news/articles/SB10001424052702304419104579322640716735138

The U.S. economy looks like it has reached escape velocity. But

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Fed's preferred price measure, regained its precrisis high in the third quarter.

#### No econ impact

Jervis 11 Robert Jervis, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved

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times bring about greater economic conflict, it will not make war thinkable.

#### Unipolarity doesn’t create peace

Fettweis 10 Christopher Fettweis, Professor of Political Science at Tulane University, 2010, Dangerous Times? The International Politics of Great Power Peace, p. 172-174

The primary attack on restraint, or justification for internationalism, posits that if the

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worth noting for our purposes that the United States was no less safe.

### 2AC---K---Legalism/Schmitt

#### Perm do both – political pressure with legal reform solves – the alternative alone is likely to lead to pure majoritarian tyranny

Cole, 12– professor of law at Georgetown (David, “Are We Stuck with the Imperial Presidency?” 6/7,

<http://www.nybooks.com/articles/archives/2012/jun/07/are-we-stuck-imperial-presidency/?pagination=false>)

Despite its limitations, Posner and Vermeule’s book underscores a critically important point about modern

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We cannot survive as a constitutional democracy true to our principles without both.

#### External checks are effective---Posner and Vermule are wrong

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, [www.law.uchicago.edu/files/file/400-ah-binding.pdf](http://www.law.uchicago.edu/files/file/400-ah-binding.pdf)

Paulson ’ s genuflection and Obama ’ s reticence, I will contend here,

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political actors’ exertions and legal rules will prove effective in limiting such discretion.

#### Legal norms don’t cause wars and the alt can’t solve

David Luban 10, law prof at Georgetown, Beyond Traditional Concepts of Lawfare: Carl Schmitt and the Critique of Lawfare, 43 Case W. Res. J. Int'l L. 457, <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1620&context=facpub>, DOA: 1-25-14, y2k

Among these associations is the positive, constructive side of politics, the very foundation

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would be a political decision. It would simply be a bad one.

#### Legalism is key to prevent violence---our norms advantage proves

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

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

#### Political constraints fail – weak media, governmental secrecy and the existence of a wide array of war powers abuses

**Giraldi, 12** - Philip Giraldi, a former CIA officer, is executive director of the Council for the National Interest (“Defending the Indefensible” 9/13, <http://www.theamericanconservative.com/articles/defending-the-indefensible/>

Posner is comfortable with the only restraint on executive power being the somewhat amorphous consent

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Americans (possibly excluding University of Chicago law professors) has fallen sharply.

#### Ethical policymaking must be grounded in consequences

Isaac 2 Jeffrey C. Isaac, James H. Rudy Professor of Political Science and director of the Center for the Study of Democracy and Public Life at Indiana University, Bloomington. He writes regularly for Dissent, and his most recent book is Democracy in Dark Times. “Ends, Means, and Politics” at <http://www.dissentmagazine.org/article/?article=601>

As a result, the most important political questions are simply not asked. It

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not true believers. It promotes arrogance. And it undermines political effectiveness.

## 1AR

### Cp

#### 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-

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

#### Internal process causes rollback

Benjamin McKelvey, Jun-15-2011, (Executive Development Editor on the Editorial Board of the Vanderbilt Journal of Transnational Law) Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power, 44 VAND. J. TRANSNAT'L L. 1353, http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/mckelvey-pdf.pdf

The Obama Administration has addressed the controversy over ¶ targeted killing in an effort to

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and legitimate use of targeted ¶ killings in narrowly ta¶ ilored circumstances.

### Politics

#### Studies conclude aff---our evidence is more recent

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

The final outcome addresses a dog that hasn’t barked: the effect of the Great

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II – and not even worse – must be regarded as fortunate.”42

#### Reid wont take up and reps are spilt

Lillis, The Hill Congress Reporter, 2-4, 2014,

(Mike, "Hoyer 'not optimistic' about trade bills", The Hill, PAS) thehill.com/homenews/house/197396-hoyer-not-optimistic-about-trade-bills-this-year 2-4-14

House Minority Whip Steny Hoyer (D-Md.) said Tuesday he's "not

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, referring to pacts with South Korea, Panama and Colombia approved in 2007

#### Reid blocks proves political capital failing now

Lowrey, New York Times Staff Writer, 1-30, 2014,

(Annie, "Obama and G.O.P. Facing Opposition to Trade Pacts", New York Times, PAS) [www.nytimes.com/2014/01/31/business/reid-pushes-back-on-fast-track-trade-authority.html?partner=rss&emc=rss](http://www.nytimes.com/2014/01/31/business/reid-pushes-back-on-fast-track-trade-authority.html?partner=rss&emc=rss) 2-6-14

President Obama, supported by many Republicans and business groups, has asked for fast

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let alone pass it — complicating the administration’s continuing negotiations with foreign leaders.

#### Reid won’t go against labor interests in an election year

Orange County Register, 2-3, 2014,

("Reid, unions vs. Obama, GOP on trade ; President should have authority to cut trade deals subject only to up-down votes.", PAS) Accessed on Factiva 2-6-14

Senate Majority Leader Harry Reid, the Nevada Democrat, knows on which side his

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paying U.S. jobs and unsafe food and products for Americans."

#### Obama won’t push to change reid

Baker and Parker, New York Times Staff Writers, 2-3, 2014,

(Peter, White House Correspondent, and Ashley, "Trade Issue Goes Untouched as Obama and Reid Meet", New York Times, PAS) [www.nytimes.com/2014/02/04/us/politics/trade-issue-goes-untouched-as-obama-and-reid-meet.html?partner=rss&emc=rss](http://www.nytimes.com/2014/02/04/us/politics/trade-issue-goes-untouched-as-obama-and-reid-meet.html?partner=rss&emc=rss) 2-4-14

WASHINGTON — President Obama met with Senator Harry Reid, Democrat of Nevada, at

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could capture control of the upper chamber if they pick up six seats.