# 1AC

Same as Round 1.

# 2AC

# 1AR

## Case

### Ss

**Zenko ’12** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Targeted Killings and Signature Strikes,” June 16, <http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/>]

No matter how U.S. officials (secretly) refer to the practice, signature strikes against military-age men have been part of U.S. targeted killings outside of battlefields from their beginning. In fact, the very first targeted killing was a signature strike.¶ After a year-long manhunt and several missed opportunities by Yemeni soldiers, on November 3, 2002, a fusion of human intelligence assets and signals intercepts pinpointed Abu Ali al-Harithi—an operational planner in the al-Qaeda cell that bombed the USS Cole in 2002—and his bodyguards living in the Marib region near the border with Saudi Arabia. Yemeni and U.S. forces on the ground, supported by a Predator drone circling above, were monitoring al-Harithi’s group when they left a compound in two Toyota SUVs. All of the men were in one vehicle and the women in the other. According to an unnamed U.S. official, “If the women hadn’t gotten into another car, we wouldn’t have fired.” (A member of the Senate Select Committee on Intelligence later wondered, “What do we do, next time, if the women get into the car?”)¶ Reportedly, the National Security Agency (NSA) intercepted a satellite phone call coming from the SUV filled with men. After an NSA analyst—who had listened to tapes of al-Harithi’s voice for years—heard confirming evidence, he shouted: “He’s in the backseat, and he’s giving the driver directions!” With that confirmation, a CIA-controlled Predator drone was authorized to fire a single Hellfire missile, which destroyed the SUV and killed al-Harithi, four unknown Yemenis, and Ahmed Hijazi (otherwise known as Kemal Derwish)—a naturalized U.S. citizen who recruited six men from Lackawanna, New York, to briefly attend an al-Qaeda training camp in Afghanistan. Ultimately, the Lackawanna Six pled guilty to providing material support to al-Qaeda and received sentences ranging from seven to nine years in federal prison.¶ As the Los Angeles Times reported the drone strike: “Even though the CIA wasn’t sure who else was in the car, the customary rules of armed conflict say that anyone sitting next to a legitimate target such as Harithi was, in effect, accepting the risk of imminent death.” (Many international legal scholars would dispute this interpretation.) At the same time, U.S. officials acknowledged that the CIA did not know Hijazi was in the vehicle before the CIA launched the missile, although one later claimed his death was justifiable “collateral damage” since “he was just in the wrong place at the wrong time.”¶ It is plausible that the military-age males who happened to get into al-Harithi’s SUV that day were involved with the suspected al-Qaeda operative in planning terrorist plots. However, there is no way to know this with any certainty, and the Bush administration never presented any supporting evidence to this effect. Moreover, we will never know what specific evidence was used to target al-Harithi, because some of it came from suspected al-Qaeda operative Abd al Rahim al-Nashiri. In 2008, CIA director Hayden testified before the Senate Select Committee on Intelligence that Nashiri was one of three detainees that the CIA waterboarded, and information obtained by torture is not admissible in a military commission trial.¶ Whether they are called signature strikes, crowd killing, or Terrorist Attack Disruption Strikes, all have been part of U.S. targeted killings from the start, and continue with the CIA’s tactic of staggered drone strikes to kill rescuers of initial victims. The Obama administration makes the false choice that kinetic counterterrorism options are either “large, intrusive military deployments” or drone strikes (although some signature strikes have been conducted with cruise missiles). Or, as former CIA official Henry Crumpton—who, according to his memoir, authorized the first U.S. drone strike on October 20, 2001, in Afghanistan—crudely described the dichotomy: “Look at the firebombing of Dresden, and compare what we’re doing today.” However, people have the right to disagree with the ethical and moral tradeoffs of how drone strikes are currently conducted, and the unwillingness of the Obama administration to discuss them, as well as Congress’ reticence to question them. After ten years of signature strikes, isn’t this a debate worth having?

**Guardian ’13** [Jan, translator at the International Monetary Fund, Resident Representative Office in Belarus, “TARGETED KILLINGS: A SUMMARY,” <http://acontrarioicl.com/2013/02/27/targeted-killings-a-summary/>]

Currently there is no legal definition of targeted killings in either international or domestic law.[1] ‘Targeted killing’ is rather a descriptive notion frequently used by international actors in order to refer to a specific action undertaken in respect to certain individuals.¶ Various scholars propose different definitions. Machon, for example, refers to ‘targeted killing’ as an “intentional slaying of a specific individual or group of individuals undertaken with explicit governmental approval,”[2] whereas Solis suggests that for there to be a targeted killing (i) there must be an armed conflict, either international or non-international in character; (ii) the victim must be specifically targeted; (iii) he must be beyond a reasonable possibility of arrest; (iv) the killing must be authorized by senior military commanders or the head of government; (v) and the target must be either a combatant or someone directly participating in the hostilities.[3] But whereas some scholars seek to use a human rights-based definition, [4] others propose those which do not entail the applicability of international humanitarian law. [5]¶ However, such definitions are incorrect for several reasons. First of all, the definition of a ‘targeted killing’ has to be broad enough as to cover a wide range of practices and flexible enough as to encompass situations within and outside the scope of an armed conflict, thus, being subject to the application of both international human rights law and international humanitarian law, as opposed to the definition provided by some scholars and even states themselves.[6] Secondly, one should bear in mind that defining an act as an instance of ‘targeted killing’ should not automatically render the illegality of such an act at stake.[7] Moreover, the definition also has to cover situations where such an act is carried out by other subjects of international law, rather than only by states.¶ Therefore, maintaining an element-based approach and synthesizing common characteristics of multiple definitions, it is more advisable to use the one employed by Alston and Melzer, which refers to targeted killings as a use of lethal force by a subject of international law (encompassing non-state actors) that is directed against an individually selected person who is not in custody and that is intentional (rather than negligent or reckless), premeditated (rather than merely voluntary), and deliberate (meaning that ‘the death of the targeted person [is] the actual aim of the operation, as opposed to deprivations of life which, although intentional and premeditated, remain the incidental result of an operation pursuing other aims).[8]

## T

### Cards

#### And, Restrictions are legal limitations on activities

Law.Com 9

(“restriction”, The People's Law Dictionary by Gerald and Kathleen Hill (legal writers), <http://dictionary.law.com/Default.aspx?selected=1835&bold=restrict>, accessed 9-9-9)

restriction

n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects managed by homeowners' associations or similar organizations, such organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions" intended to enhance the use of common facilities and property which are recorded and incorporated into the title of each owner.

#### “In” means within a set of limits

Dictionary.Com – No specific Date Included

Updated in 2013 but no specific date given, http://dictionary.reference.com/browse/in

In [in] preposition, adverb, adjective, noun, verb, inned, in·ning.¶ preposition¶ 1.¶ (used to indicate inclusion within space, a place, or limits): walking in the park.¶ 2.¶ (used to indicate inclusion within something abstract or immaterial): in politics; in the autumn.¶ 3.¶ (used to indicate inclusion within or occurrence during a period or limit of time): in ancient times; a task done in ten minutes.¶ 4.¶ (used to indicate limitation or qualification, as of situation, condition, relation, manner, action, etc.): to speak in a whisper; to be similar in appearance.¶ 5.¶ (used to indicate means): sketched in ink; spoken in French.¶ 6.¶ (used to indicate motion or direction from outside to a point within) into: Let's go in the house.¶ 7.¶ (used to indicate transition from one state to another): to break in half.¶ 8.¶ (used to indicate object or purpose): speaking in honor of the event.

#### A restriction on war powers authority limits Presidential discretion

Jules Lobel 8, Professor of Law at the University of Pittsburgh  Law School, President of the Center for Constitutional Rights, represented members of Congress challenging assertions of Executive power to unilaterally initiate warfare, “Conflicts Between the Commander in Chief and Congress: Concurrent Power  over the Conduct of War,” Ohio State Law Journal, Vol 69, p 391, 2008, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

So too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### Drone courts are included under presidential authority.

Mortenson 11 (Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

## politics

### 1ar – won’t pass

#### Won’t pass---GOP irrational

**Krugman 10/1** (Paul Krugman 10/1, Professor of Economics and International Affairs at Princeton, “Commentary: Rebels without a clue,” http://www.rutlandherald.com/article/20131001/OPINION04/710019982

No sane political system would run this kind of risk. But we don’t have a sane political system; we have a system in which a substantial number of Republicans believe that they can force President Barack Obama to cancel health reform by threatening a government shutdown, a debt default, or both, and in which Republican leaders who know better are afraid to level with the party’s delusional wing. For they are delusional, about both the economics and the politics.¶ On the economics: Republican radicals generally reject the scientific consensus on climate change; many of them reject the theory of evolution, too. So why expect them to believe expert warnings about the dangers of default? Sure enough, they don’t: The GOP caucus contains a significant number of “default deniers,” who simply dismiss warnings about the dangers of failing to honor our debts.¶ Meanwhile, on the politics, reasonable people know that Obama can’t and won’t let himself be blackmailed in this way, and not just because health reform is his key policy legacy. After all, once he starts making concessions to people who threaten to blow up the world economy unless they get what they want, he might as well tear up the Constitution. But Republican radicals — and even some leaders — still insist that Obama will cave in to their demands.¶ So how does this end? The votes to fund the government and raise the debt ceiling are there, and always have been: Every Democrat in the House would vote for the necessary measures, and so would enough Republicans. The problem is that GOP leaders, fearing the wrath of the radicals, haven’t been willing to allow such votes. What would change their minds?

### 1ar no pc

**Pc fails**

**a). empirics**

**Klein 12** (Ezra Klein, Political Scene, New Yorker, “THE UNPERSUADED¶ Who listens to a President?” MARCH 19, 2012, http://www.newyorker.com/reporting/2012/03/19/120319fa\_fact\_klein?currentPage=all) GANGEEZY

Richard Neustadt, who died in 2003, was the most influential scholar of the American Presidency. He was a founder of Harvard’s Kennedy School of Government and an adviser to Harry Truman, John F. Kennedy, Lyndon Johnson, and Bill Clinton, and, in his book “Presidential Power” (1960), he wrote the most frequently quoted line in Presidential studies: “The power of the presidency is the power to persuade.” On August 31st of last year, President Barack Obama prepared to exercise that power. Frustrated with the slow recovery of the economy, he wanted to throw the weight of his office behind a major new stimulus package, the American Jobs Act. To this end, the White House announced that the President would deliver a televised speech to a joint session of Congress, and, as is customary, the President sent a letter to the Speaker of the House, John Boehner, asking him to schedule the address for September 7th. Boehner, the man Obama needed to persuade above all others, said no.¶ In a written reply to the President, the Speaker said that the House had votes scheduled for six-thirty that evening. He added, “It is my recommendation that your address be held on the following evening, when we can ensure there will be no parliamentary or logistical impediments that might detract from your remarks.” Few believed that this was all there was to it. Boehner’s real objection, most thought, was that the Republican Presidential candidates were scheduled to hold a televised debate at the Reagan Library on the seventh, and Obama’s speech would upstage it. The White House, meanwhile, had its own concerns: Boehner’s suggested date would pit the President against the opening game of the N.F.L. season.¶ No Speaker of the House had ever refused a President’s request to address a joint session of Congress, but the House Republicans refused to budge, and the back-and-forth, which was dominating and delighting the political news media, threatened to overwhelm the President’s message on jobs. In the end, Obama agreed to speak on the eighth.¶ He was in a combative mood, and, after a summer in which the Republicans had driven the economic debate, with their brinkmanship over the debt ceiling, the Democrats were thrilled to see him take back the legislative initiative. When the TV ratings came in, the White House was relieved: with thirty-one million viewers, the President had beaten the N.F.L. But, in the days following the speech, Obama’s approval rating was essentially unchanged—according to a Gallup poll, it actually dropped a percentage point. The audience, apparently, had not been won over. Neither had Congress: the American Jobs Act was filibustered in the Senate and ignored in the House. The White House attempted to break the act into component parts, but none of the major provisions—expanded payroll-tax cuts, infrastructure investment, and a tax credit for businesses that hired unemployed workers—have passed. The President’s effort at persuasion failed. The question is, could it have succeeded?

**b). Republican backlash**

**Klein 12** (Ezra Klein, Political Scene, New Yorker, “THE UNPERSUADED¶ Who listens to a President?” MARCH 19, 2012, http://www.newyorker.com/reporting/2012/03/19/120319fa\_fact\_klein?currentPage=all) GANGEEZY

The experience helped to crystallize something that Lee had been thinking about. “Most of the work on the relationship between the President and Congress was about the President as the agenda setter,” she says. “I was coming at it from the perspective of the increase in partisanship, and so I looked at Presidents not as legislative leaders but as party leaders.” That changes things dramatically. As Lee writes in her book “Beyond Ideology” (2009), there are “inherent zero-sum conflicts between the two parties’ political interests as they seek to win elections.” Put more simply, the President’s party can’t win unless the other party loses. And both parties know it. This, Lee decided, is the true nature of our political system.¶ To test her theory, she created a database of eighty-six hundred Senate votes between 1981 and 2004. She found that a President’s powers of persuasion were strong, but only within his own party. Nearly four thousand of the votes were of the mission-to-Mars variety—they should have found support among both Democrats and Republicans. Absent a President’s involvement, these votes fell along party lines just a third of the time, but when a President took a stand that number rose to more than half. The same thing happened with votes on more partisan issues, such as bills that raised taxes; they typically split along party lines, but when a President intervened the divide was even sharper.