### 2ac – Executive Commission and Ex Post CP

#### Links to terrorism DA.

Somin, George Mason University law professor, 2013

[Ilya, TESTIMONY BEFORE THE UNITED STATES SENATE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS, “HEARING ON “DRONE WARS: THE CONSTITUTIONAL AND COUNTERTERRORISM IMPLICATIONS OF TARGETED KILLING”” <http://www.judiciary.senate.gov/pdf/04-23-13SominTestimony.pdf>, p.7, accessed 1-23-14, TAP]

What we can hope to achieve is an oversight system that greatly diminishes the risk

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it is reasonable to hope that we can improve on the status quo.

#### 3. Congressional clarification key to norms – nothing gets clarified post-CP.

Maxwell, US Army colonel and judge advocate with the Army, 2012

[Mark David, National Defense University, Joint Force Quarterly, “Targeted killing, the law, and terrorists: feeling safe?” [http://www.thefreelibrary.com/Targeted+killing,+the+law,+and+terrorists%3A+feeling+safe%3F-a0289724330](http://www.thefreelibrary.com/Targeted%2Bkilling%2C%2Bthe%2Blaw%2C%2Band%2Bterrorists%3A%2Bfeeling%2Bsafe%3F-a0289724330), accessed 12-17-13, TAP]

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.

#### AND Mistrust overwhelms CP solvency.

Goldsmith, Harvard University law professor, 5-1-13

[Jack, “How Obama Undermined the War on Terror” <http://www.newrepublic.com/node/112964/print>, accessed 9-29-13, TAP]

These are unhappy developments for the president who in his first inaugural address pledged with

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more about the way of the knife through Freedom of Information Act requests.

A related sin is the Obama administration's surprising failure to secure formal congressional support.

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, even if it means that secret war abroad is harder to conduct.

#### 7. Doesn’t solve accountability – there will never be a case in the Courts AND the executive circumvents.

Epps, University of Baltimore law professor, 2-16-13

[Garrett, “Why a Secret Court Won't Solve the Drone-Strike Problem” <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, accessed 9-4-13, TAP]

Finally, some scholars have suggested that the Congress create a new "cause of

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but we'd be no closer to accountability for the drone-strike decision.

#### Links to politics.

Wakeman, Georgetown J.D. candidate, and Chong, Yale J.D. candidate, 13

 (Raffaela, project manager at the Brookings Institution, raduated with a B.S. and M.S. in political science from the Massachusetts Institute of Technology in 2009, Jane, she is an editor of the Yale Law Journal, 7-19-13, “A Recap of Friday’s Oral Arguments in Al-Aulaqi v. Panetta,” http://www.lawfareblog.com/2013/07/a-recap-of-fridays-oral-arguments-in-al-aulaqi-v-panetta/, accessed 9-26-13, CMM)

Despite the day (TGIF!), the weather (95 degrees and rising), and

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and then assessed using the test set forth in Baker v. Carr.

### 2ac – Terrorism DA

#### Drone strikes are decreasing – Obama is exercising self-restraint now.

Ackerman, The Guardian, 12-31-13

[Spencer, “Fewer deaths from drone strikes in 2013 after Obama policy change” <http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>, accessed 1-2-14, TAP]

President Barack Obama’s mid-year decision to wind down drone strikes has accounted for

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signature strikes,” Zenko said, “because it acknowledges they’ve done them.”

#### No uniqueness – AQ is strong.

Fantz, CNN, 12-28-13

[Ashley, “Still out there and growing -- al Qaeda on the rebound, experts say” <http://www.cnn.com/2013/12/28/world/meast/al-qaeda-growing/index.html?c=world&page=4>, accessed 12-29-13, TAP]

(CNN) -- Two years after the end of the Iraq war, the

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United States or against Western targets all around the world," he said.

#### No internal link – drones aren’t key.

Gilbreath, US Army War College MA candidate, 2013

[Gregory, US air force colonel, March 2013, “America’s Targeted Killing Policy: Is it Right? Is it Working?” <https://publicportal.carlisle.army.mil/sites/mobile/2013%20SRPs/Gilbreath%20Gregory%20SRPA.pdf>, p.11-2, accessed 12-23-13, TAP]

The policy of targeted killing has yielded tangible short-term results. The ramped

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it positively contributes to the long-term strategy of eliminating terrorism’s root ca

Further evaluation reveals that the policy potentially counters long-term goals because it breeds

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“removes any trace of a campaign to win hearts and minds.”55

Similar doubts about the effectiveness of a counterterrorism strategy without a complementary counterinsurgency strategy surfaced

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meet its long-term goals when terrorism’s roots are left in place.

Another measure that illuminates if a counterterrorism strategy is working is whether the targeted group

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more difficult and costly process of helping “local leaders marginalize militants.”64

#### No link to the plan.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1223-4, accessed 12-16-13, TAP]

Conversely, some object to the use of courts or court-like review as

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, the judges would be issuing a warrant to kill rather than surveil.

While this is significant, it should not fundamentally alter the legal analysis.187

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deal with¶ exceptional cases where ex ante approval is not possible.191

#### They need to win a link to a “limited” drone court.

Weinberger, University of Puget Sound political science professor, 2013

[Seth, Global Security Studies Review, May 2013, Volume I, Issue 2, “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership” <https://www.academia.edu/4033328/Enemies_Among_Us_The_Targeted_Killing_of_American_Members_of_al_Qaeda_and_the_Need_for_Congressional_Leadership>, p.20, accessed 1-23-14, TAP]

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

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nature of the armed conflict against al Qaeda, they become less compelling.

First, if properly defined, the new court could be limited solely to questions

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¶ individuals believed to be agents of a foreign power without a warrant.

Second, given the definition of imminent threat in the Department of Justice’s¶ white

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made in the process of long investigations and in light of much intelligence.

#### They would all be granted.

Johnson, former Pentagon general counsel, 3-18-13

[Jeh Charles, “Keynote address at the Center on National Security at Fordham Law School: A “Drone Court”: Some Pros and Cons” <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>, accessed 9-3-13, TAP]

But, we must be realistic about the degree of added credibility such a court

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“drone court” operating in secret is criticized in the same way?

**3. No Pakistani collapse – internal checks**

Dasgupta, director of UMBC's Political Science Program and a senior fellow at Brookings, 13

(Sunil, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/, accessed 9-29-13, CMM)

India is not likely to initiate an intervention that causes the Pakistani state to fail

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out a Pakistani civil war while covertly coordinating policy with the United States.

#### No risk of nuclear terrorism

Mueller, Adjunct Professor in the Department of Political Science at Ohio State University, and Stewart, Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, 12

(John, Senior Fellow at the Cato Institute, Senior Research Scientist at the Mershon Center for International Security Studies, and Mark, Australian Research Council Professorial Fellow, “The Terrorism Delusion,” International Security, Volume 37, Number 1, Summer 2012, project muse, accessed 7-14-13, CMM)

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized

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on small explosives or contemplating planting a hand grenade in a trash bin.

### 2ac – Congress Says Self-Defense CP

#### Doesn’t solve accountability – Congress doesn’t find out and when they do it is after the fact.

Klaidman, Daily Beast, 3-19-13

[Daniel, “Exclusive: No More Drones for CIA” <http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html>, accessed 7-4-13, TAP]

To be sure, even with these distinctions, it is not clear that the

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brief” Congress after any of its targeted killings away from conventional battlefields.)

#### CP doesn’t solve norms – it is the sqo.

Fisk, Claremont Graduate University, and Ramos, Loyola Marymount University, 2013

[Kerstin and Jennifer, International Studies Perspectives, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm” Wiley, p.4-6, accessed 12-27-13, TAP]

We adopt this basic framework in our analysis, but build on it to account

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¶ a trifecta of capabilities: precision, reconnaissance, and surveillance.8

### India Add-On

#### Norms key to maintain nuclear deterrence between Pakistan and India.

Boyle, La Salle University political science assistant professor, 2013

[Michael, “The costs and consequences of drone warfare” http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf, p.24, accessed 9-8-13, TAP]

A second consequence of the spread of drones is that many of the traditional ¶

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, thus magnifying the risks of a spiral of conflict ¶ between them.

#### Indo Pak war causes extinction

Chaffin, Foreign Policy in Focus research assistant, 2011

[Greg, “Reorienting U.S. Security Strategy in South Asia” http://fpif.org/reorienting\_us\_security\_strategy\_in\_south\_asia/, accessed 9-11-13, TAP]

The greatest threat to regional security (although curiously not at the top of most

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well lead to all-out war between the two that couldquickly escalate.

### 2ac – Politics – Iran

#### Winners win on controversial issues

Hirsh, National Journal, 2-7-13

(Michael, “There’s No Such Thing as Political Capital,” http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207?page=1, accessed 2-7-13, CMM)

Naturally, any president has practical and electoral limits. Does he have a majority

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right. He did. (At least until Vietnam, that is.)

#### Obama supports the plan.

Roberts, The Guardian, 5-24-13

[Dan, “Obama drone oversight proposal prompts concern over 'kill courts'” http://www.theguardian.com/world/2013/may/24/obama-drone-vetting-kill-courts, accessed 9-18-13, TAP]

The president has asked Congress to consider establishing a special court or oversight board to

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but raises serious constitutional issues about presidential and judicial authority," he said.

#### No Israel strikes.

Cook, CFR Senior Fellow for Middle Eastern Studies, 9

(Steven A, 6-8-09, “Why Israel Won’t Attack Iran,”

http://www.foreignpolicy.com/articles/2009/06/07/why\_israel\_wont\_attack\_iran, accessed 10-26-11, CMM)

There is no way of knowing for sure what the Israelis will do, but

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decides to act, they will not hear about it first on CNBC.

#### PC fails.

Mascaro, LAT, 1-14-14

(Lisa, “Iran sanctions bill standoff may not amount to much,” http://www.latimes.com/world/la-fg-iran-senate-20140115,0,4947167.story#axzz2rM04k8iQ, accessed 1-24-14, CMM)

Nevertheless, the White House is not taking any chances, voicing firm opposition to

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a march to war, as some critics have suggested," he wrote.

#### PC not key – Reid is.

Kaper, National Journal, 1-17-14

[Stacy, National Journal, “U.S. Senate's Iran Hawks Flounder Against Reid-Obama Coalition”,

<http://www.nti.org/gsn/article/us-senates-iran-hawks-flounder-against-reid-obama-coalition/?mgs1=92ebeq5GVx>, accessed 1-17-14, AFB]

The U.S. Senate's Iran hawks have lots of votes to back their

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this is something at this moment that Senator Reid doesn't want to happen."

#### Details trigger momentum for sanctions.

Global Security Newswire, 1-17-14

[“Worries Persist After Release of Iran Nuclear-Pact Terms”, <http://www.nti.org/gsn/article/worries-persist-over-iran-nuclear-pact-terms/?mgs1=7f2beq5GUU>, accessed 1-17-14, AFB]

U.S. lawmaker concerns persisted about talks with Iran following Thursday's circulation of

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backer of an Iran-sanctions bill under consideration in the upper chamber.

#### OR the State of the Union swamps the link and multiple thumpers trigger controversy.

Swanson, The Hill, 1-24-14

[Ian, “Five things to watch in Obama’s 2014 State of the Union address” <http://thehill.com/blogs/blog-briefing-room/news/196270-five-questions-for-obamas-state-of-the-union-address>, accessed 1-24-14, TAP]

President Obama hopes to push the reset button on his second term Tuesday when he

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which sounds strikingly familiar to an earlier theme of “change can’t wait.”