### Case

Zenko, CFR Center for Preventive Action Douglas Dillon fellow, 2013

[Micah, Council Special Report No. 65, January 2013, “Reforming U.S. Drone Strike Policies”<http://www.foreignpolicy.com/articles/2013/04/16/clip_the_agencys_wings_cia_drones?page=full> p.3, accessed 6-20-13, TAP]

Existing practices carry two major risks for U.S. interests that are¶

AND

U.S. officials to openly address concerns and¶ counter misinformation.

### 2ac – Ex Post CP

#### 3. Doesn’t solve – Group think – ex post review is the sqo.

Chehab, Georgetown Law Center, 2012

[Ahmad, 3-30-12, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572, p.22-5, accessed 9-15-13, TAP]

Because this process is internal to the executive branch, it is subject to executive

AND

interests of deliberate review, dissent, and accountable decision-making.105

While Judge Baker concluded that these risks “magnify the importance of a meaningful process

AND

politicians are unqualified to make the necessary legal judgments that these situations require.

Rather, balancing the needs of

AND

 and cause executive officials to avoid making them in the first place.”111

3. Double-bind

#### A. Doesn’t solve any of the aff – the cases would be dismissed due to standing and the political question doctrine.

Opderbeck, Seton Hall University law professor, 2013

[David, 8-2013, “Drone Courts” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2305315>, p.55-6, accessed 8-28-13, TAP]

A related objection to a specialized court is that existing¶ judicial procedures can address

AND

statute providing for judicial review, of course,¶ would eliminate this concern.

#### They would deny standing based on deference to precedent.

Klingler, Sidley Austin LLP, 12

(Richard, AEI Adjunct Scholar, Former NSC Legal Adviser, 7-25-12, “Bivens and/as Immunity: Richard Klingler Responds on Al-Aulaqi–and I Reply,” http://www.lawfareblog.com/2012/07/bivens-andas-immunity-richard-klingler-responds-on-al-aulaqi-and-i-reply/, accessed 8-21-13, CMM)

Richard writes:¶ Steve’s post arguing that courts should recognize Bivens actions seeking damages from

AND

and will weigh as they resolve cases brought against military officials and policymakers.

#### OR B. Triggers court clog which takes out legitimacy.

Lindsay, Senior Vice President, Director of Studies, CFR, 11

(James, 4-5-11, “Is Operation Odyssey Dawn Constitutional? Part V,” http://blogs.cfr.org/lindsay/2011/04/05/is-operation-odyssey-dawn-constitutional-part-v/, accessed 8-5-13, CMM)

Why have the courts in recent decades shied away from policing the boundaries of the

AND

judgment on the wisdom rather than the legality of what the government does.

#### 6. Links to politics

Campbell, Government Professor, 2K

(Colton, CONGRESS CONFRONTS THE COURTS, p. 22)

The final situation in which the judiciary usurps the legislative power may be equally dangerous

AND

elitist, and out-of-touch is unlikely to be respected.

### 2ac – Executive CP

#### 3. Doesn’t solve – Group think – inter-branch process is key to effective drone use – they solve none of the Pakistan advantage.

Chehab, Georgetown Law Center, 2012

[Ahmad, 3-30-12, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572, p.22-5, accessed 9-15-13, TAP]

The argument put forth here, therefore, is that in light of the protections

AND

the United States and (2) targeting is truly the last resort.

The preceding case law suggests that domestic legal protections for U.S. citizens

AND

Judge James Baker, in describing the nature of covert actions put it:

Because this process is internal to the executive branch, it is subject to executive

AND

interests of deliberate review, dissent, and accountable decision-making.105

While Judge Baker concluded that these risks “magnify the importance of a meaningful process

AND

politicians are unqualified to make the necessary legal judgments that these situations require.

Rather, balancing the needs of security

AND

officials to avoid making them in the first place.”111

#### 4. Doesn’t solve accountability – independent oversight is key to changing public and international perceptions of drone strikes – they solve none of prolif.

McKelvey, Vanderbilt University JD Candidate, 2011

[Benjamin, 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.1373-4, accessed 9-15-13, TAP]

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

AND

accurate and legitimate use of targeted ¶ killings in narrowly tailored circumstances.17

#### 6. No solvency – Obama will ignore the CP.

Friedersdorf, The Atlantic, 5-24-13

[Conor, “A Skeptical Celebration of President Obama's Shifty Terrorism Speech” <http://www.theatlantic.com/politics/archive/2013/05/a-skeptical-celebration-of-president-obamas-shifty-terrorism-speech/276205/>, accessed 7-6-13, TAP]

All things considered, Thursday's developments were an improvement on the status quo. Obama

AND

if only in the ways that Obama says that he has constrained himself.

#### 9. Links to politics.

Cooper, University of Vermont political science professor, 99

(Phillip J., Federal News Service, October 28, 1999, “Prepared Testimony of Phillip J. Cooper Gund Professor of Liberal Arts Department of Political Science University of Vermont before the House Committee on the Judiciary Subcommittee on Commercial and Administrative Law, p. Lexis)

There is certainly the danger that excessive use of broad application of executive orders can

AND

to be maintained throughout if the tasks of government are to be accomplished.

### 2ac – Yes Debt Ceiling DA

#### Either a last minute deal resolves or debt default inevitable – Obama not key

Marcus, Real Clear Politics, 9-20-13

(Ruth, “On Debt Ceiling, a Different Feel,” http://www.realclearpolitics.com/articles/2013/09/20/on\_debt\_ceiling\_a\_different\_feel\_120005.html, accessed 9-21-13, CMM)

Be afraid. Be very, very afraid.¶ This is my chilling, and

AND

existent. The ability to quickly concoct a mini-bargain is limited.

#### Shutdown inevitable – that thumps the link.

Linkins, Huff Post, 9-17-13

(Jason, “Boehner's Government Shutdown Calculus: Let Calamity Be The Cure,” http://www.huffingtonpost.com/2013/09/17/john-boehner-government-shutdown\_n\_3942752.html?utm\_hp\_ref=politics, accessed 9-19-13, CMM)

The growing clamor around the Beltway is that everyone should batten down the hatches and

AND

, in the end, a shutdown is in Boehner's interest, too.

#### No impact to the debt ceiling

Boring, economic analyst and economic correspondent at RT-TV America, 9-19-13

(Perianne, Prior to joining RT, I was a legislative analyst on Capitol Hill advising on economic, tax, and health care policy, graduated with a degree in business and economics from the University of Florida, “Don't Believe The Hysterics, The Federal Government Will NOT Shut Down If The Debt Ceiling Isn't Raised,” http://www.forbes.com/sites/perianneboring/2013/09/19/dont-believe-the-hysterics-the-federal-government-will-not-shut-down-if-the-debt-ceiling-isnt-raised/, accessed 9-19-13, CMM)

Congress is debating a debt ceiling agreement, and they are playing with the public’s

AND

pick up our buckets and scoop out the waste that’s sinking the ship.

#### Obama lost big on Syria.

Riordan and Rutten, Huffington Post, 9-16-13

[Richard and Tim, “It's Time for Obama's Bipartisan Moment” http://www.huffingtonpost.com/richard-j-riordan/obama-bipartisanism\_b\_3937968.html, accessed 9-19-13, TAP]

President Barack Obama never has appeared more unsteady and uncertain at home and abroad,

AND

we should stand by forever and do nothing about Assad's crimes against humanity.

#### 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

AND

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

#### Turn – the plan is popular.

Hosenball, Reuters, 2-8-13

[Mark, “Support grows for U.S. "drone court" to review lethal strikes” <http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209>, accessed 9-4-13, TAP]

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

AND

. citizen alleged to be a "senior operational leader of Al Qaeda."

#### Gun control thumps.

Condon, CBS News, 9-17-13

[Stephanie, “Obama urges Congress to act in wake of mass shooting” http://www.cbsnews.com/8301-250\_162-57603344/obama-urges-congress-to-act-in-wake-of-mass-shooting/, accessed 9-18-13, TAP]

A day after 12 people were killed in a mass shooting at the Washington Navy

AND

to move the country forward, and yet we keep on getting blocked."

#### Obama is bleeding PC – only wins can right the ship.

Metzler, US News and World Report, 9-13-13

[Rebekah, “Obama's Plunging Approval Threatens Fall Agenda: Syria, other crises have sapped Obama's political capital” http://www.usnews.com/news/articles/2013/09/13/obamas-plunging-approval-threatens-fall-agenda, accessed 9-18-13, TAP]

Benghazi. The Internal Revenue Service's targeting of tea party groups. The stagnant economy

AND

depends on how quickly he can right the ship, the experts said.

#### Media spin is wrecking Obama now – only the plan overcomes

Byers, Politico, 9-16-13

 (Dylan, “Media doesn't hold back on President Obama,” http://dyn.politico.com/printstory.cfm?uuid=159E273B-2B0D-4F6D-96DC-01AB2CE1EF35, accessed 9-19-13, CMM)

President Barack Obama is damaging his presidency, weakening America’s standing in the world,

AND

bad coverage on the merits,” one senior-level Washington reporter said.

### 2ac – Security K

#### 2. Ethical policymaking must be grounded in consequences

Isaac, Indiana University James H. Rudy Professor of Political Science and Center for the Study of Democracy and Public Life director, Spring 2002

(Jeffrey C. “Ends, Means, and Politics,” Dissent Magazine Vol. 49 Issue 2, p32)

Power is not a dirty word or an unfortunate feature of the world. It

AND

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

Changing representational practices won’t alter policy, looking to structures and politics is more vital

Tuathail, Department of Geography at Virginia Polytechnic Institute, Political Geography, 96 (Gearoid Tuathail, Department of Geography at Virginia Polytechnic Institute, Political Geography, 15(6-7), 664 )

While theoretical debates at academic conferences are important to academics, the discourse and concerns

AND

needs to always be open to the patterned mess that is human history.

#### Threats are real.

Yudowsky, Singularity Institute for AI Research Fellow and Director, 06

[Eliezer, 8/31/2006, Cognitive Biases Potentially Affecting Judgment of Global Risk, http://www.singinst.org/ourresearch/publications/cognitive-biases.pdf]

Every true idea which discomforts you will seem to match the pattern of at least

AND

real-world assertions. Do not take your eye off the ball.

## 1ar

### AT: Rubber Stamping

#### Ex ANTE would hold evidence to a high standard.

Guiora, University of Utah law professor, 2012

[Amos, Case Western Reserve Journal of Internal Law, vol 45, “Targeted Killing: When Proportionality Gets All Out of Proportion” http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.13.Article.Guiora.pdf, p.239, accessed 9-15-13, TAP]

The solution to this search for an actionable guideline is the strict ¶ scrutiny standard

AND

balance enabling the ¶ state to act sooner but subject to significant restrictions.

#### High approval rate does not make something a rubber stamp.

Chehab, Georgetown Law Center, 2012

[Ahmad, 3-30-12, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572, p.30, accessed 9-15-13, TAP]

Although not a required form of analysis, these factors nonetheless suggest a rigorous review

AND

of American efforts to target alleged terrorists and reduce likelihood of collateral damage.