### 2ac – T – Restrictions

#### 1. We meet statutory restrictions.

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.26-7, accessed 9-15-13, TAP]

The creation of the Covert Operations Against American Citizens Court (COAACC) would help

AND

the use of electronic eavesdropping in the context of foreign intelligence gathering.121

#### 2. We meet judicial restrictions.

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.

#### 3. Counter-interpretation – restriction means a limit and includes conditions on action.

Snow, COURT OF APPEALS OF ARIZONA judge, 8

(G. Murray, COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613, accessed 9-18-13, CMM)

P10 The term "restriction" is not defined by the Legislature for the purposes

AND

natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification

AND

dictate that the term "restriction" includes the ignition interlock device limitation.

### AT: Circumvention

#### Obama would comply with the court

Vladeck, American University law professor, 2009

[Stephen, “The Long War, the Federal Courts, and the Necessity / Legality Paradox” <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1002&context=facsch_bkrev>, p.922-3, accessed 10-5-13, TAP]

Moreover, even if one believes that suspensions are unreviewable, there is a critical

AND

comply with a Supreme Court decision. But perhaps I am naïve.184

### 2ac – Solvency EXTN – AT: Rubber Stamp

#### 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.

#### No impact to rubber stamping.

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.240, accessed 9-15-13, TAP]

While the model is different—a defense attorney cannot question ¶ state witnesses—

AND

an ¶ independent judiciary as a precursor to engaging in operational ¶ counterterrorism.

### AT: Econ Resilient

#### New collapse triggers total collapse – the economy is structurally weak.

Isidore, CNN Money, 11

(Chris, 8/10/2011, “Recession 2.0 would hurt worse,” http://money.cnn.com/2011/08/10/news/economy/double\_dip\_recession\_economy/index.htm, accessed 1-6-12, CMM)

And while economists disagree on just how likely the U.S. economy is

AND

this new recession would likely have virtually no policy effort to counteract it.

### 2AC – QDR

#### AND should means desirability

American Heritage, 2009,

[“should,” <http://dictionary.reference.com/browse/should>]

Like the rules governing the use of shall and will on which they are based

AND

spoken contraction should've. See Usage Notes at [if](http://dictionary.reference.com/browse/%2Bif), [rather](http://dictionary.reference.com/browse/%2Brather), [shall](http://dictionary.reference.com/browse/%2Bshall).

#### This is distinct from shall, which means mandatory – this means we don’t have to defend certainty and proves perm – do the counterplan – is not severance

Atlas Collaboration, 1999

[“Use of shall, should, may can,” <http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html>]

'shall' describes something that is mandatory. If a requirement uses 'shall', then that

AND

to be stated anywhere (to say nothing of defining what  'thoroughly' means).

#### CP doesn’t solve – certainty is critical to shaping norms and pressure.

Byman, Georgetown University security studies professor, 2013

[Daniel, Brookings Institution Saban Center for Middle East Policy senior fellow, foreign affairs, Jul/Aug 2013, Vol 92 Issue 4, “Why Drones Work” Ebsco, accessed 7-1-13, TAP]

The spread of drones cannot be stopped, but the United States can still influence

AND

carefully considers the law and the risks to civilians before ordering a strike.

#### Certainty is critical to prevent massive crackdown on drones that gut their effectiveness – they solve none of the Pakistan advantage.

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.

#### Links to politics

PCAST ‘10

(President’s Council of Advisors on Science and Technology, “R EPORT TO THE PR ESIDENT ON¶ ACCELER ATING THE PACE OF ¶ CH ANGE IN ENERGY TECHNOLOGIES ¶ THROUGH AN INTEGR ATED ¶ FEDER AL ENERGY POLICY,” November 2010, <http://www.whitehouse.gov/sites/default/files/microsites/ostp/pcast-energy-tech-report.pdf> , accessed 10-3-12) PM

A QER process would, in some sense, formulate an integrated energy policy for

AND

key to the development of a sound product that can gain wide support.

### 2ac – Executive CP – AT: Executive Court

#### 1. Perm – do both – shields the link

Chesney et al., University of Texas law professor, 2013

[Robert, Brookings Institute senior fellow, Jack Goldsmith, Harvard University law professor, Matthew Waxman, Columbia University law professor and CFR senior fellow, and Benjamin Wittes, Brookings Institution governance studies senior fellow, 2-25-13, “A Statutory Framework for Next-Generation Terrorist Threats,” http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf, p.8-9, accessed 9-26-13, TAP]

Congress could authorize the president to use force that is consistent with his ¶ extant

AND

defense regime is ¶ politically and legally more stable when backed by Congress.

#### 4. Congressional signal key to legality.

Anderson, American University law professor, 2009

[Kenneth, 5-11-09, “Targeted Killing in U.S. Counterterrorism Strategy and Law” <http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511_counterterrorism_anderson.pdf>, p.31-3, accessed 9-22-13, TAP]

What Should Congress Do? ¶ Does this analysis offer any practical policy prescriptions for

AND

a certain ¶ deformation of the IHL concept of hostilities and armed conflict.

#### 6. Interbranch process key.

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 the Constitution affords U.S.

AND

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

#### 7. Congress is key – mistrust overwhelms the CP – anything the executive does is self-serving and non-credible.

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

AND

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

#### 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 – Judicial Deference DA

#### No link – it can handle requests quickly.

It is fast

It can handle a lot of requests

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.1379-80, accessed 9-15-13, TAP]

FISA is an existing legislative model that is applicable both in ¶ substance and structure

AND

of managing real-time executive ¶ decisions that affect national security.219

The motivation for passing FISA makes this an obvious choice ¶ for a legislative model

AND

is conducted only in lawful circumstances ¶ after a demonstration of sufficient evidence.

#### No link – judges have expertise with sensitive information.

Adelsberg, Yale University JD candidate, 2012

[Samuel, 6 Harv. L. & Pol'y Rev. 437, “SHORT ESSAYS: Bouncing the Executive's Blank Check: Judicial Review and the Targeting of Citizens” Lexis, accessed 9-15-13, TAP]

 [\*445] Rather, as recognized by the Founders in the Fourth Amendment

AND

ideal candidates to ensure that the executive exercises constitutional restraint when targeting citizens.

#### Sequestration devastates readiness.

Terkel, Huffington Post, 7-23-13

[Amanda, “Sequestration Damaging To Military Readiness, Chuck Hagel Says” http://www.huffingtonpost.com/2013/07/22/sequestration-military- readiness\_n\_3635686.html?utm\_hp\_ref=politics, accessed 8-15-13, TAP]

Sequestration will quietly chip away at the military's readiness capabilities, Defense Secretary Chuck Hagel

AND

addresses sequestration, there will be "a dramatic impact in our readiness."

#### Drones undermine US credibility across the globe.

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.28-9, accessed 9-8-13, TAP]

A final, and crucial, step towards mitigating the strategic consequences of drones ¶

AND

architecture which might avert ¶ some of the worst consequences of their use.

If the US fails to take these steps, its unchecked pursuit of drone technology

AND

to shrug off the loss of life that drones inflict on others today.

### 2ac – Politics – Immigration Reform

Investors not investing now – looking to secure markets like bonds – not high tech ones that are risky

Early warning prevents famine

Brian Stewart and Jill Umbach, Care Canada's Ethiopia Project Director, CBC TV, The National Magazine, 4-

20-00

STEWART: There's been a lot of talk about this eventually - - eventually becoming

AND

a much better position now than we were back in '84, '85.

#### Won’t pass now – long shot – and healthcare thumps.

Kuhnhenn & Cassata, AP, 10-25-13

[Jim & Donna, The Associated Press, “Obama calls for immigration law by end of the year”, Lexis, AFB]

President Barack Obama made a plea for Republican cooperation on immigration Thursday, seeking AND

many question offering citizenship to people who broke U.S. immigration laws to be in this country.

#### No deal – pressure won’t force the GOP to act.

Berman, The Hill, 10-25-13

(Russell, “GOP comfortable ignoring Obama pleas for vote on immigration bill,” http://thehill.com/homenews/house/330527-gop-comfortable-ignoring-obama-pleas-to-move-to-immigration-reform, accessed 10-25-13, CMM)

For President Obama and advocates hoping for a House vote on immigration reform this year

AND

-sighted: it made his achieving his real priorities much more difficult.”

#### Reform inevitable – pc not key.

Gamboa, NBC Latino, 10-25-13

(Suzanne, “GOP is taking immigration step-by-step,” http://nbclatino.com/2013/10/25/gop-our-immigration-approach-in-step-with-americans/, accessed 10-25-13, CMM)

Although the president has some political capital available to push for immigration reform, Republicans

AND

to immigration reform so that the end product is actually workable and enforceable.”

#### 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

AND

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