### 2ac – T – And/Or

1. We meet – they have not contested that we are a restriction –

#### A. 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

#### B. 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.

### 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.

### Yes Crackdown – AT: Public Likes Drones

#### Your evidence assumes pre-fillibuster opinions – public opinion trends aff.

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]

Most Americans are little interested in the popularity abroad of the way of the knife

AND

] American citizens—without any public standards and no checks and balances."

### Yes Nuclear Terror

#### Yes a threat.

Chibarirwe, Trumpet, 7-7-13

[Anthony, “IAEA Chief Warns of Threat of Nuclear Terrorism” <http://www.thetrumpet.com/article/10787.19.0.0/world/terrorism/iaea-chief-warns-of-threat-of-nuclear-terrorism>, accessed 10-7-13, TAP]

At a conference on enhancing global nuclear security efforts, the director general of the

AND

. For some, what they perceive happening after death actually motivates them.

[Tom note- Citing IAEA director general and SENIOR IAEA analyst]

### 2ac – Executive CP – AT: Publish Criteria

#### 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.

#### 3. AND Congressional signal key to legality.

Anderson, professor of international law at Washington College of Law, American University, 10-18-13

(Kenneth, “No Safe Havens?,” Hoover Digest, No. 4, Fall 2013 by Hoover Institution http://www.hoover.org/publications/hoover-digest/article/159096, accessed 10-19-13, CMM)

Without a hardheaded effort on the part of Congress and the executive¶ branch to

AND

Jack¶ Goldsmith have repeatedly warned, they might well be miscalculating now.

U.S. counterterrorism policy overall needs to be embedded in policies,¶ processes

AND

framework for the¶ long run, but effectively to outlaw the practice.

Republicans should not be enablers in this effort. They should not¶ mimic the

AND

future presidents,¶ among whom there will surely be a Republican or two.

#### 6. Ex ante is 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

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

#### 8. 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

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.

AND

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

#### 10. Links to politics – Obama is resisting now.

Huffington Post ’13 [Ryan J Reilly, Obama Justice Department Won't Disclose Number Of Classified OLC Opinions (UPDATE), Feb 25, http://www.huffingtonpost.com/2013/02/25/obama-classified-olc-opinions\_n\_2759878.html?view=print&comm\_ref=false]

Just how many classified opinions has the Justice Department's Office of Legal Counsel issued since

AND

disclosed in response to a FOIA request from Talking Points Memo in 2011.¶

### 2ac – Flex DA

#### 3. Presidential powers low and more Congressional backlash coming.

Rothkopf, Foreign Policy CEO, 8-31-13

[David, “The Gamble” https://www.google.com/search?q=rothkopf&oq=rothkopf&aqs=chrome..69i57j0l3.1891j0&sourceid=chrome&ie=UTF-8, accessed 9-16-13, TAP]

Obama has reversed decades of precedent regarding the nature of presidential war powers -- and

AND

the imperial presidency than anything his predecessors or Congress have done for decades.

#### 4. No unique link – the legwork for strikes already exists.

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]

National Security Concerns

A major concern for the military and intelligence community would likely be the effect of

AND

of the supporting intelligence" n83 and perform a collateral damage assessment. n84

Although not as public, the CIA apparently also has robust internal targeting procedures.

AND

"legalistic and carefully argued, often running up to five pages." n87

The purpose of surveying the known targeting procedures is to demonstrate that there is already

AND

that list could be put through the GTP with hearings before the CTRC.

#### 5. Legal challenges to drone use are inevitable – drone court confirms flexibility.

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]

Judges are also both knowledgeable in the vagaries of the law and accustomed to dealing

AND

reinstate American moral legitimacy in its use of force against global terrorism.114

### 2ac – Prez Cred – Iran Prolif – Georgetown

#### Legal challenges to drone use are inevitable – drone court confirms flexibility.

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]

Judges are also both knowledgeable in the vagaries of the law and accustomed to dealing

AND

reinstate American moral legitimacy in its use of force against global terrorism.114

#### No deal – negotiations will take months

Stratfor 10-2-13 [The Next Steps in U.S.-Iranian Negotiations, http://www.stratfor.com/geopolitical-diary/next-steps-us-iranian-negotiations]

Iranian President Hassan Rouhani received a fresh vote of confidence in Iran's parliament on Oct

AND

a small menu of sanctions under his authority to reciprocate without consulting Congress.

#### Khameni blocks.

Pollack, Brookings Institution senior fellow, 9-22-13

[Kenneth, former CIA analyst and NSA official, “Short of a Deal, Containing Iran Is the Best Option” <http://www.nytimes.com/2013/09/23/opinion/short-of-a-deal-containing-iran-is-the-best-option.html?emc=edit_tnt_20130922&tntemail0=y&_r=0&pagewanted=print>, accessed 9-22-13, TAP]

WASHINGTON — THIS week, Iran’s new president, Hassan Rouhani, will address the

AND

recent statements from the leadership offer hope that their position may be softening.

#### Netanyahu will spoil.

Williams and Spetalnick, Reuters, 9-30-13

[Dan and Matt, “Israel's Netanyahu to press Obama for no let-up on Iran pressure” <http://www.reuters.com/article/2013/09/30/us-usa-israel-iran-idUSBRE98T04C20130930>, accessed 10-1-13, TAP]

Israeli Prime Minister Benjamin Netanyahu will warn President Barack Obama at a meeting on Monday

AND

as a top priority in his address to the United Nations on Tuesday.

#### Congress blocks a deal.

Traub, fellow of the Center on International Cooperation, 9-27-13

(James, “The Test We're Giving Iran Is Rigged,” http://www.foreignpolicy.com/articles/2013/09/27/obama\_rouhani\_iran\_rigged\_test\_diplomacy\_nuclear?page=full, accessed 9-27-13, CMM)

But so far, Obama hasn't been willing to apply that test; the politics

AND

proved Iran's intransigence. Diplomacy will thus fail without actually having been attempted.

#### Concessions key to a deal – not military force.

Traub, fellow of the Center on International Cooperation, 9-27-13

(James, “The Test We're Giving Iran Is Rigged,” http://www.foreignpolicy.com/articles/2013/09/27/obama\_rouhani\_iran\_rigged\_test\_diplomacy\_nuclear?page=full, accessed 9-27-13, CMM)

That's where we are now. The United States and its five partners in the

AND

program (but will never forgo the right to pursue peaceful nuclear technology).

#### Negotiations will fail – Syria weakened leverage.

Bolton, American Enterprise Institute senior fellow, 10-1-13

[John, “First Syria, now Iran; Obama being played for a fool” <http://www.theaustralian.com.au/news/world/first-syria-now-iran-obama-being-played-for-a-fool/story-e6frg6ux-1226730266947>, accessed 10-1-13, TAP]

In marked contrast, Obama enters negotiations gravely weakened by his Syria failures. Yet

AND

options on the table" incantation regarding their nuclear program carries no weight.

#### Rowhani is all rhetoric.

Bolton, American Enterprise Institute senior fellow, 10-1-13

[John, “First Syria, now Iran; Obama being played for a fool” <http://www.theaustralian.com.au/news/world/first-syria-now-iran-obama-being-played-for-a-fool/story-e6frg6ux-1226730266947>, accessed 10-1-13, TAP]

Unfortunately, too many already believe that Rowhani's election marked a substantive rather than a

AND

legitimacy to overcome scientific and technical glitches in its nuclear-weapons program.

#### Shutdown undermines sanctions on Iran – those are key

Rogin, senior correspondent for national security and politics for The Daily Beast, and Lake, senior national-security correspondent for The Daily Beast, 10-2-13

(Josh and Eli, “Government Shutdown Empties Offices Enforcing Sanctions on Iran,” http://www.thedailybeast.com/articles/2013/10/02/government-shutdown-empties-offices-enforcing-sanctions-on-iran.html, accessed 10-4-13, CMM)

With the government shut down, most U.S. officials enforcing sanctions on

AND

increased the likelihood that they could reach nuclear breakout sooner rather than later.”

#### No impact – containment solves.

Zenko, Fellow in the Center for Preventive Action at the Council on Foreign Relations, and Cohen, Fellow at the Century Foundation, 12

(Micah, and Michael, “Clear and Present Safety: The United States Is More Secure Than Washington Thinks,”

Foreign Affairs. New York: Mar/Apr 2012. Vol. 91, Iss. 2; pg. 79, 15 pgs, accessed 3-2-12, CMM)

Of course, the gravest concerns about Iran focus on its nuclear activities.Those

AND

threat to the U.S. homeland would continue to be minimal.

Overblown fears of a nuclear Iran are part of a more generalized American anxiety about

AND

of the Cold War, the risk of a nuclear attack has increased."

### Add-On

#### Drone proliferation undermines nuclear deterrence.

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 ¶

AND

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

### 2ac – Politics – Immigration Reform

#### 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 common

AND

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.”

#### Won’t pass – GOP blocks and Obama won’t spend PC

Miller, Time, 10-24-13

[Zeke, “Obama's New Immigration Pivot Isn't About Immigration” swampland.time.com/2013/10/24/obamas-new-immigration-pivot-isnt-about-immigration/, accessed 10-26-13, TAP]

President Obama called Thursday on the Republican-controlled House of Representatives to take up

AND

politics in this instance,” Obama added. They certainly are for him.

#### No immigration this year.

Palmer and Sherman, Politico, 10-25-13

 (Anna and Jake, “House GOP plans no immigration vote in 2013,” http://dyn.politico.com/printstory.cfm?uuid=C53102C5-C26C-4E4F-80D7-8C8657616AB1, accessed 10-25-13, CMM)

House Republican leadership has no plans to vote on any immigration reform legislation before the

AND

to use his “existing legal authority to alleviate the suffering of immigrants.”

#### Or Inev – political incentives – PC not key

Creamer, Political Organizer, Strategist, Author; Partner Democracy Partners, 10-25-13

(Robert, “Four Reasons Why Shutdown Battle Increases Odds of Passing Immigration Reform,” http://www.huffingtonpost.com/robert-creamer/four-reasons-why-shutdown\_b\_4162829.html?utm\_hp\_ref=politics, accessed 10-25-13, CMM)

Yesterday, President Obama renewed his own push for passage of comprehensive immigration reform with

AND

.4 trillion dollars while reducing the federal deficit by almost a trillion.

#### 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.)

#### 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.

### 2ac – CLS

#### Evaluate 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.

#### No war impact.

Hinde and Pulkkinnen, Cambridge psychology professor and University of Jyväskylä psychology professor, 2000

[Robert and Lea,  [DRAFT Background Paper for Working Group 1: HUMAN AGGRESSIVENESS AND WAR, 50th Pugwash Conference On Science and World Affairs: "Eliminating the Causes of War" Queens' College, Cambridge , UK, 3-8 August <http://www.pugwash.org/reports/pac/pac256/WG1draft1.htm>](http://www.pugwash.org/reports/pac/pac256/WG1draft1.htm)]

People are capable of perpetrating the most terrible acts of violence on their fellows.

AND

multiple causes, and the interactions between the causal factors remain largely unexplored.

#### Only the perm solves – legal reform is key

Lobel, Assistant Law Prof at Univ. of San Diego, ‘7

(Orly, “THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS,” 2007, [http://www.harvardlawreview.org/media/pdf/lobel.pdf](http://www.harvardlawreview.org/media/pdf/lobel.pdfm), accessed 9-23-13) PM

In all of these cases, it is the act of engagement, not law

AND

, and in turn serve to facilitate and ¶ stabilize the process.185