# Aff v. OU

## 1ac

### Plan

#### Text: The United States Federal Government should establish judicial review of targeted killing by drones.

### Contention 1

Contention 1 – Accountability

#### Drone proliferation is coming – accountability is critical to prevent conflict.

Ingersoll and Kelley, Business Insider, 1-9-13

[Geoffrey and Michael, “America Is Setting A Dangerous Precedent For The Drone Age” <http://www.businessinsider.com/america-is-setting-a-dangerous-precedent-for-the-drone-age-2013-1>

The decisions America makes today regarding drone policy could come back to haunt it sooner

AND

is waging its fight against terrorism in accordance with the rule of law."

#### Drone conflict escalates.

Cronin, George Mason University public policy professor, 13

[Audrey Kurth, Foreign Affairs, Jul/Aug 2013, Vol 92 Issue 4, “Why Drones Fail” Ebsco, accessed 6-30-13, TAP]

The sometimes contradictory demands of the American people -- perfect security at home without burdensome

AND

-- then al Qaeda will be the least of the United States' worries.

#### Accountability allows the US to shape international norms.

Whibley, Victoria University of Wellington international relations MA, 2-6-13

[James, Georgetown journal of international affairs, “The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent” <http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/>, accessed 7-29-13, TAP]

If drones are destined to proliferate, the more important issue may become whether American

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, then surely China or Russia possessing such a program would be terrifying.

#### Accountability also gives the US leverage to pressure other countries into using best practices.

Zenko, CFR Center for Preventive Action Douglas Dillon fellow, 13

[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.24-5, accessed 6-20-13, TAP]

Beyond the United States, drones are proliferating even as they are¶ becoming increasingly

AND

likely to use lethal force against the United States¶ and its allies.

#### Drones will trigger regional wars in the South and East China Seas – lack of norms causes miscalc.

Brimley et al, Center for a New American Security vice president, 9-17-13

[Shawn, Ben Fitzgerald, CNAS Tech and National Security program, and Ely Ratner, CNAS Asia program deputy director, “The Drone War Comes to Asia” http://www.foreignpolicy.com/articles/2013/09/17/the\_drone\_war\_comes\_to\_asia?page=full, accessed 9-18-13, TAP]

It's now been a year since Japan's previously ruling liberal government purchased three of the

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but the lack of well-established norms for their use in conflict..

#### Escalation is likely – collapses the economy

Cronin, Center for New American Security Asia-Pacific security program senior director, 9-7-12

[Patrick, “Averting Conflict in the South China Sea” <http://www.chinausfocus.com/peace-security/averting-conflict-in-the-south-china-sea/>, accessed 10-29-12, TAP]

Despite rising tensions over the South China Sea, conflict can and should be averted

AND

the South China Sea will only be harnessed when there is such cooperation.

#### Economic collapse leads to global war.

Lind**, New America Foundation Economic Growth Program Policy Director**, 5/11/2010

[Michael, "Will the great recession lead to World War IV?," http://www.salon.com/news/economics/index.html?story=/opinion/feature/2010/05/11/great\_recession\_world\_war\_iv]

If history is any guide, an era of global economic stagnation will help the

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Eurasia, Eastasia and Oceania in 1984 is all too easy to imagine.

#### Asian instability escalates to nuclear war.

Landay, National Security and Intelligence Correspondent, 2K

(Jonathan S., “Top administration officials warn stakes for U.S. are high in Asian conflicts”, 3-10, Knight Ridder/Tribune News) Accessed on LexisNexis 12-29-09

Few if any experts think China and Taiwan, North Korea and South Korea,

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that totaled $600 billion last year, according to the Commerce Department.

### Contention 2

#### Contention 2: Solvency

#### Executive secrecy guts support for drones – a drone court garners legitimacy for the drone program.

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]

Thank you for this invitation. Today I want to join the current public debate

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who actually wouldn’t mind the added comfort of judicial imprimatur on their decisions.

#### Congress can establish an effective drone court – Congressional involvement creates credibility of drone strikes with the public.

McKelvey, Vanderbilt University JD Candidate, 11

[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.1378-9, accessed 9-15-13, TAP]

As the Aulaqi case demonstrates, any resolution to the problem ¶ of targeted killing

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the abuse of targeted killing without ¶ interfering with executive duties and authority.

Perhaps most importantly, a legislative solution would provide ¶ the branches of government and

AND

the use of all ¶ peaceful measures before lethal force is pursued.212

### Contention 3

Contention 3 – Hegemony

Wide-scale restriction of drone use coming – only increasing accountability solves.

Zenko, CFR Center for Preventive Action Douglas Dillon fellow, 13

[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.22, accessed 6-20-13, TAP]

In his Nobel Peace Prize acceptance speech, President Obama declared:¶ “Where force

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the¶ United States modified its drone policy in the ways suggested below.

Structural change is inevitable – US leadership prevents great power war that triggers extinction.

Barnett, Wikistrat geostrategic analysis consulting firm chief analyst, 11

[Thomas, 3-7-11, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads” <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>, accessed 9-15-12, TAP]

It is worth first examining the larger picture: We live in a time of

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in all of its forms, deeply embedded in the geometry to come.

Heg solves conflict – it prevents transition wars and de-escalates conflicts.

BROOKS et al, Associate Professor of Government at Dartmouth College, 13

(Stephen, John IKENBERRY, Professor of Politics and International Affairs at Princeton University, William WOHLFORTH, Professor of Politics and International Affairs at Princeton University, “Lean Forward,” Foreign Affairs; Jan/Feb2013, Vol. 92 Issue 1, p130-142, 13p, 1 Black and White Photograph, esbco, accessed 1-13-13, CMM)

KEEPING THE PEACE¶ Of course, even if it is true that the costs

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an engaged and liberal leading power. The results could well be disastrous.

Decline causes US lashout.

Lieven, New America Foundation, 2011

[Anatol, 7-11-11, “U.S.-Russian Relations and the Rise of China” <http://newamerica.net/publications/policy/us_russian_relations_and_the_rise_of_china>, accessed 9-28-13, TAP]

At the same time, it would be very unwise to be complacent about the

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between the U.S. and China in the decades to come.

Drones solve overstretch.

Rushforth, University of Arizona JD candidate, 12

[Elinor, 29 Ariz. J. Int'l & Comp. Law 623, “NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012” Lexis, accessed 9-28-13, TAP]

The drone program is a fixture in the Obama administration's fight against terror n163 and

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that its full focus is on protecting and growing our nation at home.

Overstretch collapses heg.

Florig, University of Hankuk foreign studies professor, 10

[Dennis, Review of International Studies, Vol. 36, No. 4, October 2010, “Hegemonic Overreach vs. Imperial Overstretch” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1548783>, p.23-7, accessed 9-28-13, TAP]

Despite the belief of some in the U.S. in the divine sanction

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or other WMD by the rising number of powers who possess them looms.

Heg best explains global peace.

Owen, associate professor in the University of Virginia’s Department of Politics, 11

(John, 2-11-11, “Don’t Discount Hegemony,” http://www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony, accessed 8-12-13, CMM)

Our colleagues at Simon Fraser University are brave indeed. That may sound like a

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are now seeing is about much more than the humbling of a superpower.

## 2ac

### 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

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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

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

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

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

### 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

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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—

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

### 2ac – Soft Power Add-on

#### 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 ¶

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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.

#### Legitimacy solves their turns.

Finnemore, George Washington University international relations professor, 2009

[Martha, World Politics, Volume 61, Number 1, “Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn’t All It’s Cracked Up to Be” Project Muse, p.61-3, accessed 9-28-13, TAP]

Legitimacy is, by its nature, a social and relational phenomenon. One’s¶

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in determining which¶ actors and actions will be accepted as legitimate. 9

Recognizing the legitimacy of power does not mean these others¶ necessarily like the powerful

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expensive system to run¶ and few unipoles have tried to do so.

More often unipoles attempt to articulate some set of values and¶ shared interests that

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human rights and democracy¶ accompanies pushes for political reforms in other states.

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### AT: Heg Bad – Imperialism

#### Prefer proximate causes for war – imperialism doesn’t escalate.

Joshua Goldstein, American University International Relations Professor, 2001, “War and Gender: How Gender Shapes the War System and Vice Versa,” p.411-412

I began this book hoping to contribute in some way to a deeper understanding of

AND

on injustice as the main cause of war seems to be empirically inadequate.

#### The world is less violent because of heg.

Busby, University of Texas public policy professor, 2012

[Josh, 1-3-12, “Get Real! Chicago IR guys out in force” <http://www.whiteoliphaunt.com/duckofminerva/2012/01/get-real-chicago-ir-guys-out-in-force.html>, accessed 9-28-13, TAP]

Is Unipolarity Peaceful? As evidence, Monteiro provides metrics of the number of years

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that makes other states insecure, even though they can’t balance against it.

#### 1) The environment is indestructible and resilient

Gregg Easterbrook, Brookings Economic and Governance Studies Fellow, ‘95

[*A Moment on the Earth*, 25-26]

In the aftermath of events such as Love Canal or the Exxon Valdez oil spill

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anything approaching the environmental damage nature inflicts on itself on a recurrent basis.

### 2ac – Militarism K

#### Constructing prior questions doesn’t disprove the aff – it results in generalizations and inaction.

Owen, University of Southampton political theory professor, 2002

[David, Millennium Journal of International Studies, Vol 31 No 3, “Re-orienting International Relations: On Pragmatism, Pluralism, and Practical Reason” Sagepub, accessed 9-30-13, TAP]

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a]¶

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helped to promote the IR theory wars by motivating this¶ philosophical turn.

The first danger with the philosophical turn is that it has an inbuilt tendency to

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it¶ is not the only or even necessarily the most important kind.

The second danger run by the philosophical turn is that because prioritisation of ontology and

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the promotion of the pursuit of generality over that of empirical¶ validity.

The third danger is that the preceding two combine to encourage the¶ formation of

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first¶ and second dangers, and so a potentially vicious circle arises.

#### Turn – global drone use is inevitable – only the plan creates a framework for use.

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 ¶

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

#### Turn – the alt makes authoritarianism and oppression inevitable.

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.25-6, accessed 9-8-13, TAP]

Fourth, there is a distinct danger that the world will divide into two camps

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or even national liberation claims, including just ones, upon ¶ them.

#### No evidence drones make war easier.

Etzioni, George Washington University international relations professor, 4-30-13

[Aimtai, “Everything Libertarians and Liberals Get Wrong About Drones” http://www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/, accessed 9-20-13, TAP]

Finally, critics worry that drones make going to war too easy. Drones are

AND

Afghanistan and Iraq despite the recent increase in drone strikes should know better.

#### No playstation mentality.

Blank, Emory University international humanitarian law clinic director, 2012

[Laurie, “AFTER “TOP GUN”: HOW DRONE STRIKES IMPACT THE LAW OF WAR” <https://www.law.upenn.edu/live/files/968-blank33upajintll6752012pdf>, p.701-2, accessed 9-30-13, TAP]

In all three areas—distinction, proportionality, and precautions—drones‘ unique

AND

myth of the ―Playstation mentality.‖ As ¶ one UAV commander explains,

―There‘s no detachment. . . . Those employing the system are very involved at a personal level in combat. You hear ¶ the AK-47 going off, the intensity of the voice on the radio ¶ calling for help. You‘re looking at him, 18 inches away ¶ from him, trying everything in your capability to get that ¶ person out of trouble.‖99

In addition, the UAV will remain over the attack site and go from launching

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attacker in fulfilling the obligations of distinction, ¶ proportionality, and precautions.

#### 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.

#### 3. Utilitarianism precludes any other framework for evaluations, life comes first.

Schell, 2000

(policy analyst and proliferation expert, Jonathan, “The Fate of the Earth”, p. 94-5 \*This card has been gender-modified)

To say that human extinction is a certainty would, of course, be a

AND

the earth we tamper with a mystery. We are in deep ignorance.

#### 5. Case turns the K, not the other way around

Joshua Goldstein, American University International Relations Professor, 2001, “War and Gender: How Gender Shapes the War System and Vice Versa,” p.411-412

I began this book hoping to contribute in some way to a deeper understanding of

AND

on injustice as the main cause of war seems to be empirically inadequate.

#### 6. Structural violence doesn’t escalate – prefer proximate causes

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.

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