### 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

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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

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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.

### AT: Circumvention

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

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

#### The president perceives legal constraints as working.

Prakash, University of Virginia law professor, and Ramsey, University of San Diego law professor, 2012

[Saikrishna and Michael, “The Goldilocks Executive” <http://www.texaslrev.com/wp-content/uploads/Prakash-Ramsey-90-TLR-973.pdf>, p.994-5, accessed 9-30-13, TAP]

6. The Executive’s Perception of Legal Constraint.—A final feature of ¶ modern

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act or refrain from acting, as implicitly required ¶ by the Constitution.

But also of significance is the Executive Branch’s internal recognition ¶ of legal constraints.

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unbound by law, why expend resources dealing with the law’s nonexistent bounds?

We accept that the President’s lawyers search for legal arguments to justify presidential action,

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law would ¶ trigger censure from Congress, courts, and the public.

### 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.

3. Doesn’t solve accountability – clear signal of the legality is key to lowering opposition and creating norms– Congressional action is necessary – that’s McKelvey. External checks are necessary to demonstrate legality – otherwise the courts roll back the drone program – that’s Goldsmith.

#### 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

seen by many as a legal non-starter under ¶ international law.

Before addressing what Congress should do in this regard, we might ask from a

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Administration. Perhaps it ¶ is better to let sleeping political dogs lie.

These questions require difficult political calculations. However, the sources cited above ¶ suggest

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its sovereign prerogatives are challenged by the international soft-law ¶ community.

The deeper issue here is not merely a strategic and political one about targeted killing

AND

general ¶ approach of overt legislation that removes ambiguity is to be preferred.

The single most important role for Congress to play in addressing targeted killings, ¶

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task—as fundamental as it ¶ is—remains unfortunately poorly understood.

Yet if it is really a matter of political consensus between Left and Right that

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a very powerful, very important, and ¶ very legitimate sovereign state.

Intellectually, continuing to squeeze all forms and instances of targeted killing by ¶ standoff

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

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

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.

#### 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

#### No Iran strikes – empirically denied

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

AND

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

#### Won’t pass – Boehner wants more budget reforms

Sherman and Bresnahan, Politico, 10-3-13

 (Jake and John, “Government shutdown: John Boehner to allies: I want a fiscal deal,” http://dyn.politico.com/printstory.cfm?uuid=595E8906-5E01-427C-BFAE-E44727AD6A72, accessed 10-4-13, CMM)

Speaker John Boehner told a small group of his closest congressional allies Thursday afternoon that

AND

budging, and the targeted bills by Republicans shows they are digging in.

#### The GOP won’t back down – Obama has no leverage.

Hooper, The Hill, 10-4-13

 (Molly, Peter Schroeder and Bernie Becker, “'This isn't some damn game',” http://thehill.com/video/in-the-news/326605-boehner-rallies-his-troops-at-closed-door-conference, accessed 10-4-13, CMM)

Speaker John Boehner (R-Ohio) urged Republicans to stick together Friday at

AND

as painful and visible as possible in an effort to pressure the GOP.

#### No perception impact.

O’Toole, CNN Money, 9-30-13

[James, “Rating agencies an afterthought in debt ceiling fight” <http://money.cnn.com/2013/09/30/news/economy/rating-agencies/index.html>, accessed 10-4-13, TAP]

The latest fiscal showdown in Washington could spark another downgrade of the U.S

AND

I don't think that would create a cascade of selling," he said.

#### Obama will solve.

Weisenthal, Business Insider, 9-30-13

[Joe, “It Increasingly Looks Like Obama Will Have To Raise The Debt Ceiling All By Himself” <http://www.businessinsider.com/it-increasingly-looks-like-obama-will-have-to-raise-the-debt-ceiling-all-by-himself-2013-9>, accessed 10-4-13, TAP]

With no movement on either side and the debt ceiling fast approaching, there's increasing

AND

around, again, Clinton is advising Obama to call the GOP's bluff.

#### 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.

#### But he doesn’t get involved in the fight.

Howell and Pevehouse, University of Chicago public policy professors, 2007

[William and Jon, Foreign Affairs. Sep/Oct2007, Vol. 86, “When Congress Stops Wars.” EBSCO, accessed 9-30-13, TAP]

After all, when presidents anticipate congressional resistance they will not be able to overcome

AND

Pace, so as to avoid a clash with Congress over his reappointment.

#### Congress won’t fight the plan.

Goldsmith, Harvard University law professor, 2012

[Jack, 11-9-12, “Counterterrorism Legal Policy in Obama’s Second Term” <http://www.lawfareblog.com/2012/11/counterterrorism-legal-policy-in-obamas-second-term/>, accessed 9-29-13, TAP]

One important consequence of President Obama’s re-election will be the further entrenchment,

AND

entrenched as a result of Obama’s election, compared to a Romney presidency.

#### 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."

### 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.

#### Perm solves – can’t abandon the notion of security BUT it can be reframed – also no impact.

Nunes, University of Warwick research fellow, 2012

[João, Security Dialogue 2012 43: 345, “Reclaiming the political: Emancipation and critique in security studies” Sagepub, p.349-50, accessed 9-30-13, TAP]

In the works of these authors, one can identify a tendency to see security

AND

address these limitations, the next section revisits emancipatory¶ understandings of security.

#### They are good – key to prevent genocide – the alt collapses on itself.

Reinhard, University of California Los Angeles English and comparative literature professor, 2005

[Kenneth, The Neighbor: Three Inquiries into Political Theology, “Toward a political theology of the neighbor” <http://books.google.com/books?id=4BPpfkNnsBEC&pg=PA14&lpg=PA14&dq=Towards+a+Political+Theology+of+the+Neighbor&source=bl&ots=HwXQX9wIRW&sig=TsAuQgWofTcQbLdJcUi3zFPTGGQ&hl=en&sa=X&ei=Y_RJUsCyLIP64AP7jIH4Cg&ved=0CDUQ6AEwAQ#v=onepage&q=Towards%20a%20Political%20Theology%20of%20the%20Neighbor&f=true>, p.16-7, accessed 9-30-13, TAP]

One problem with this account of the political, where we divide the world into

AND

declare war on him is to attempt to resuscitate the enemy’s failing animus.

## 1ar

### 1ar – Politics

#### Boehner won’t give in.

Tomasky, The Daily Beast, 10-4-13

(Michael, “Washington’s Other Car Crash: Obama vs. the Boehner Rule,” http://www.thedailybeast.com/articles/2013/10/04/washington-s-other-car-crash-obama-vs-the-boehner-rule.html, accessed 10-4-13, CMM)

But it also came clear to me in listening to these officials that they have

AND

they must approve of anything he places before the House for a vote.

#### GOP united and blocking Dem efforts now

Kasperowicz, The Hill, 10-4-13

(Pete, “GOP thwarts Dem move to force vote on ‘clean’ spending bill,” http://thehill.com/blogs/floor-action/house/326673-gop-holds-firm-rejects-dem-move-to-vote-on-clean-spending-bill, accessed 10-4-13, CMM)

House Republicans on Friday stood firm against a move by Democrats to call up the

AND

Republicans were also unanimously against this move when Democrats tried it on Wednesday.

#### PC fails – Obama has no leverage

Femia, Maddow Blog, 9-30-13

(Will, “2010 redistricting yields new breed of recalcitrant Republicans,” http://maddowblog.msnbc.com/\_news/2013/09/30/20763468-2010-redistricting-yields-new-breed-of-recalcitrant-republicans, accessed 10-2-13, CMM)

David Wasserman, House editor for the Cook Political Report, in tonight's discussion with

AND

, that drives the incentive on the right to actually oppose things more.

#### Err aff – their impacts are exaggerated.

AP, 2011

[1-15-11, “U.S. Debt Passes $14 Trillion” <http://www.cbsnews.com/2100-201_162-7249446.html>, accessed 10-4-13, TAP]

Democrats have use doomsday rhetoric about a looming government shutdown and comparing the U.

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," and raising the debt limit will become an imperative, he suggested.

#### 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.