### 2ac – T – Restrictions

#### 1. We meet – a drone court restricts the president’s war power authority to do targeted killings.

Benson, CNN, 2-9-13

[Pam, “Drone court considered” <http://security.blogs.cnn.com/2013/02/09/legislators-consider-new-court-to-oversee-drone-strike-decisions/>, accessed 9-3-13, TAP]

Should federal judges weigh in on a president's decision to pursue and kill terrorists overseas

AND

the hearing was to create a new court to oversee such presidential decisions.

#### 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.

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

#### Creation of the court is sufficient to solve credibility and shape norms.

Wexler, University of Illinois law professor, 2013

[Lesley, 5-8-13, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262412>, p.1-2, accessed 5-14-13, TAP]

Critics of the status quo would like greater transparency and accountability in regards to tar

AND

proposed the use of courts to foster either transparency or accountability or both.

#### Plan still solves.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1222, accessed 12-16-13, TAP]

That said, there is a reasonable fear that any such court or review board

AND

features in and of themselves can lead to increased¶ reflection and restraint.

Additional accountability mechanisms, such as civil or criminal sanctions¶ in the event of material misrepresentations or omissions, the granting of¶ far-reaching authority to the relevant Inspectors General, and meaningful¶ ex post review by Article III courts,182 are also needed to help further¶ minimize abuse.

### 2ac – Transparency CP

#### Links to politics.

McNeal, Pepperdine University law professor, 3-14-13

[Gregory, “The Politics of Accountability for Targeted Killings” <http://www.lawfareblog.com/2013/03/the-politics-of-accountability-for-targeted-killings/#.Ut69FtIo7tQ>, accessed 1-21-14, TAP]

Does any member of Congress actually care? It seems that the targeted killing policy

AND

change is possible absent sufficient energy to overcome the current state of affairs.

#### Links to terrorism.

Bashir, Ph.D. candidate in the Department of Politics at Princeton University and a graduate of the Department of Aeronautics and Astronautics at MIT, 12

(Omar, 9-24-12, “Who Watches the Drones?,” http://www.foreignaffairs.com/articles/138141/omar-s-bashir/who-watches-the-drones, accessed 10-6-13, CMM)

First, imagine that the government opted for full transparency in its drone programs.

AND

the courts that might render one of its most potent counterterrorism weapons unusable.

#### 3. Congressional codification is key to norms – CP accesses none of the prolif adv.

Maxwell, US Army colonel and judge advocate with the Army, 2012

[Mark David, National Defense University, Joint Force Quarterly, “Targeted killing, the law, and terrorists: feeling safe?” [http://www.thefreelibrary.com/Targeted+killing,+the+law,+and+terrorists%3A+feeling+safe%3F-a0289724330](http://www.thefreelibrary.com/Targeted%2Bkilling%2C%2Bthe%2Blaw%2C%2Band%2Bterrorists%3A%2Bfeeling%2Bsafe%3F-a0289724330), accessed 12-17-13, TAP]

The weakness of this theory is that it is not codified in U.S

AND

eschews what gives a state its greatest safety: the rule of law.

#### 4. Congressional codification is key drone program legitimacy – CP does not solve rollback.

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.

#### AND Mistrust overwhelms CP solvency.

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.

#### No deterrent effect.

McNeal, Pepperdine University law professor, 4-23-13

[Gregory, “Five Ways to Reform the Targeted Killing Program” <http://www.lawfareblog.com/2013/04/five-ways-to-reform-the-targeted-killing-program/#.Ut7DXtIo7tQ>, accessed 1-21-14, TAP]

The transparency related accountability reforms specified above have the ability to expose wrongdoing; however

AND

details that are currently held deep within the files of the targeting bureaucracy.

### 2ac – Terrorism DA – Uniqueness

#### Drone strikes are decreasing – Obama is exercising self-restraint now.

Ackerman, The Guardian, 12-31-13

[Spencer, “Fewer deaths from drone strikes in 2013 after Obama policy change” <http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>, accessed 1-2-14, TAP]

President Barack Obama’s mid-year decision to wind down drone strikes has accounted for

AND

kill people and strikes are going down. There’s been a policy decision,

 and I think they’ve been correct to emphasize that.”¶ A number of counterterrorism

AND

signature strikes,” Zenko said, “because it acknowledges they’ve done them.”

#### Syria is a safe haven.

Schmitt, NYT, 3-25-14

[Eric, “Qaeda Militants Seek Syria Base, U.S. Officials Say” <http://www.nytimes.com/2014/03/26/world/middleeast/qaeda-militants-seek-syria-base-us-officials-say.html?hpw&rref=world>, accessed 3-27-14, TAP]

Dozens of seasoned militant fighters, including some midlevel planners, have traveled to Syria from Pakistan in recent months in what American intelligence and counterterrorism officials fear is an effort to lay the foundation for future strikes against Europe and the United States.¶ “

We are concerned about the use of Syrian territory by the Al Qaeda organization to

AND

due to the potential for Syria to be the next jihadist safe haven.”

#### No internal link – drones aren’t key.

Gilbreath, US Army War College MA candidate, 2013

[Gregory, US air force colonel, March 2013, “America’s Targeted Killing Policy: Is it Right? Is it Working?” <https://publicportal.carlisle.army.mil/sites/mobile/2013%20SRPs/Gilbreath%20Gregory%20SRPA.pdf>, p.11-2, accessed 12-23-13, TAP]

The policy of targeted killing has yielded tangible short-term results. The ramped

AND

it positively contributes to the long-term strategy of eliminating terrorism’s root ca

Further evaluation reveals that the policy potentially counters long-term goals because it breeds instability and increases recruits. The U.S. will continue to yield short-term gains by primarily only employing airstrikes, but without an effective and complementary counterinsurgency campaign, particularly in Pakistan and Yemen, the environment left behind will spur more instability and mistrust, which are key ingredients to producing more terrorists.

 A recent study by the Middle East Policy Council concluded that strikes in Yemen

AND

“removes any trace of a campaign to win hearts and minds.”55

Similar doubts about the effectiveness of a counterterrorism strategy without a complementary counterinsurgency strategy surfaced

AND

meet its long-term goals when terrorism’s roots are left in place.

Another measure that illuminates if a counterterrorism strategy is working is whether the targeted group

AND

more difficult and costly process of helping “local leaders marginalize militants.”64

#### No link to the plan.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1223-4, accessed 12-16-13, TAP]

Conversely, some object to the use of courts or court-like review as

AND

, the judges would be issuing a warrant to kill rather than surveil.

While this is significant, it should not fundamentally alter the legal analysis.187

AND

deal with¶ exceptional cases where ex ante approval is not possible.191

#### They would all be granted.

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]

But, we must be realistic about the degree of added credibility such a court

AND

“drone court” operating in secret is criticized in the same way?

#### No risk of nuclear terrorism

Mueller, Adjunct Professor in the Department of Political Science at Ohio State University, and Stewart, Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, 12

(John, Senior Fellow at the Cato Institute, Senior Research Scientist at the Mershon Center for International Security Studies, and Mark, Australian Research Council Professorial Fellow, “The Terrorism Delusion,” International Security, Volume 37, Number 1, Summer 2012, project muse, accessed 7-14-13, CMM)

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized

AND

a fancy, super-high-technology facility to fabricate a bomb.

This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining

AND

on small explosives or contemplating planting a hand grenade in a trash bin.

### 2ac – State Secret Privilege DA

#### Naval power is trending up

Drum, Mother Jones, 12

(Kevin, 10-23-12, “How Strong Is the American Navy?,” http://www.motherjones.com/kevin-drum/2012/10/how-strong-american-navy, accessed 2-2-13, CMM)

Mitt Romney says the American Navy is smaller than it was in 1916. In

AND

, American naval strength today is greater than it's ever been in history.

\*Crisher – PhD candidate in the Department of Political Science at Florida State University

\*\*Souva - Associate Professor, Department of Political Science, Florida State University

#### Would not hurt legitimacy – just a small carve-out.

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

While in Hamdi, Justice O’Connor allowed for a presumption in favor of the government

AND

focus exclusively on the targeted individual and whether targeting is necessary and legal.

#### No unique link – courts rejected state secrets

Savage, NYT 13

[Charlie, 3-15-13, New York Times, “Court Orders the C.I.A. to Disclose Drone Data,” Charlie Savage, March 15, <http://www.nytimes.com/2013/03/16/us/court-says-cia-must-yield-some-data-on-drones.html?_r=0>, accessed 10-27-13, AFB]

WASHINGTON — A federal appeals court held Friday that the Central Intelligence Agency must disclose

AND

memorandums related to the killing of both citizens and to targeted killings generally.

### 2ac – Midterms – Dems Good

#### All forecasts are converging – landslide win for the GOP.

Bernstein, Bloomberg, 3-24-14

[Jonathon, “Nate Silver Predicts Republican Senate Advantage. Is He Right?” <http://www.bloombergview.com/articles/2014-03-24/nate-silver-predicts-republican-senate-advantage-is-he-right>, accessed 3-27-14, TAP]

Everyone is all worked up this morning because Nate Silver, over at the new

AND

a slight edge for Republicans and one with a slight edge for Democrats.

#### Obama popularity key – currently he is down.

King and O’Connor, WSJ, 1-1-14

[Neil and Patrick, “Republicans Pin Hopes on Midterm Elections” <http://online.wsj.com/news/articles/SB10001424052702304202204579256691296159568>, accessed 1-2-14, TAP]

Voters are rarely kind to the occupant of the White House in the middle of

AND

of covering politics. Democrats, however, have 10 months to recover.

#### 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.

#### 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

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, and his ability to get far more done than anyone thought possible,

given his limited political capital. In the newest volume in his exhaustive study of

AND

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

#### Obamacare is poison.

Trujillo, The Hill, 3-16-14

[Mario, “ObamaCare is 'poison' for Dems, Priebus says” <http://thehill.com/blogs/ballot-box/house-races/200929-priebus-obamacare-is-poison-for-dems>, accessed 3-17-14, TAP]

ObamaCare is "poison" to Democratic candidates in the midterm elections, Republican National

AND

, he talked about issues affecting a lot of seniors around the district."

### 2ac – K

#### 6. The absolutism of their alternative results in tunnel vision – 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.

#### 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]¶

AND

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, in contrast, wholly dependent on these philosophical commitments.¶

 Thus, for example, one need not be sympathetic to rational choice theory

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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

AND

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

#### Perm solves – experts not mutually exclusive with the alt – also the aff is a prerequisite because transparency is necessary for the alt to solve AND the aff solves because groupthink precludes effective screening of experts.

Cole, Georgetown University law professor, 2012

[David, 44 Conn. L. Rev. 1627, “COMMENTARY: NATIONAL SECURITY: RESPONSE: Confronting the Wizard of Oz: National Security, Expertise, and Secrecy” Lexis, accessed 1-20-14, TAP]

The issue, in other words, is not whether to rely on experts,

AND

faith, the inevitable result is that their actions are increasingly insulated from scrutiny

by others and immune from democratic checks. Virtually everyone who has had access to

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survival of our polity, but its survival in the form we choose.

#### All IR is partial – the permutation is best.

Lake, University of California San Diego political science professor, 2011

[David, International Studies Quarterly, “Why ’’isms’’ Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress” Wiley, p.467, accessed 3-19-14, TAP]

This diverse range of research traditions reflects the complex state of world¶ politics and

AND

accept these limits with humility and grace and,¶ indeed, embrace partiality.

#### Threats are real.

Earl C. Ravenal 9, distinguished senior fellow in foreign policy studies @ Cato, is professor emeritus of the Georgetown University School of Foreign Service. He is an expert on NATO, defense strategy, and the defense budget. He is the author of *Designing Defense for a New World Order.*What's Empire Got to Do with It? The Derivation of America's Foreign Policy.” *Critical Review: An Interdisciplinary Journal of Politics and Society* 21.1 (2009) 21-75

The underlying notion of “the security bureaucracies . . . looking for new enemies

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- ity in the derivation of policy at every functional level; and objectivity

 in the treatment of parameters, especially external parameters such as “threats”

AND

or to a lack of sufficient imagination to exploit opportunities for personal profit.