### 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.

4. We meet – the plan has Congress and the Judiciary limit the circumstances in which the president can use drones.

5. Overlimiting is worse – core aff to the topic and the most prominent argument in relation to drones.

6. No impact – we defend an increase which checks lost ground AND acceptance of the executive CP AND substantial are functional check on limits explosion.

7. Default to reasonability – they have to win this aff makes it impossible to be neg, competing interps causes a race to the bottom.

### 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.

#### No sufficiency framing.

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.1225, accessed 12-16-13, TAP]

In the absence of such a system, the President ought to, at a

AND

the stakes, a clear and¶ convincing evidentiary standard is warranted.195

### 2ac – Executive CP – AT: UK Model/Bashir

#### 7. The counterplan they describe doesn’t match Bashir’s recommendations – it doesn’t solve – neg needs a solvency advocate – only way for predictable ground to exist – reject the CP.

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)

The United States would, of course, need to make a few modifications to

AND

rights organizations overseas would be the most credible and thus most valuable intermediaries.

#### 12. Links to politics.

#### [IF THEY REPORT TO CONGRESS.

Lennard 13 [Natasha Lennard is an assistant news editor at Salon,WH refuses to release more kill list opinions, 2-21, http://www.salon.com/2013/02/21/wh\_refuses\_to\_release\_more\_kill\_list\_opinions/]

The White House is resisting demands of some senators to provide more legal opinions justifying the use of targeted killing. During the Senate Intelligence Committee’s confirmation hearing for CIA director nominee John Brennan, a number of Democratic senators asked that they and their staff be given access to more legal memos — this request is, according to the New York Times Thursday, being flouted.

### 2ac – AUMF CP

#### Obama fights new AUMF authorization – he doesn’t want to expand the war.

Goldsmith, Harvard University law professor, 1-24-13

[Jack, “Second-Term Obama Administration Policy on Extra-AUMF Threats” <http://www.lawfareblog.com/2013/01/second-term-obama-administration-policy-on-extra-aumf-threats/>, accessed 9-29-13, TAP]

Given the Obama administration’s first-term resistance to expanding the AUMF, the President’s

AND

to not extending the AUMF with its commitment to the rule of law.

#### The plan would reopen debates over the scope of the president’s ability to target terrorists under the AUMF – that results in a net broadening of authority

Cohen, fellow at the Brennan Center for Justice, 5-16-13

(Andrew, contributing editor at The Atlantic, 60 Minutes' first-ever legal analyst, chief analyst for CBS Radio News, “This Is Congress's Chance to Rein In the War on Terror,” http://www.theatlantic.com/politics/archive/2013/05/this-is-congresss-chance-to-rein-in-the-war-on-terror/275902/, accessed 6-10-13, CMM)

Although it will be drowned out by Washington's other unfolding political dramas and never pierce

AND

reason for legislative inertia. But it's rarely cause for comfort, either.

#### AUMF reform fails – Obama would come up with alternative legal justifications

\*AUMF not key for forever war

Zenko, Douglas Dillon Fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR), 1-24-14

 (Micah, “The True Forever War,” http://www.foreignpolicy.com/articles/2014/01/24/the\_true\_forever\_war\_technology\_aumf, accessed 2-5-14, CMM)

In preparation for a recent talk, I spoke to a range of thinkers and

AND

continue to use force against a growing range of perceived national security threats.

### 2ac – LOAC DA

#### Obama’s legal rationale is unclear.

Dworkin, European Council on Foreign Relations senior policy fellow, 13

[Anthony, policy brief, July 2013, “Drones and Targeted Killing: Defining a European Position” <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>, p.5, accessed 12-27-13, TAP]

At times, however, administration officials have appeared¶ to add an additional or

AND

targeted state to use force against that¶ group as a collective entity.

Because the administration has not been clear about the¶ precise justification for the strikes

AND

-Qaeda grouping responsible for the¶ September 11 attacks has no presence.

The significance of the distinction between the armed conflict¶ and self-defence justifications

AND

the distinction is not in practice a hard-and-fast one.

#### Targeted killing by drones undermines the distinction between self-defense and loac.

Anderson, American University international law professor, 11

[Kenneth, Washington College of Law Research Paper No. 2011-16, “TARGETED KILLING AND DRONE WARFARE: HOW WE CAME TO DEBATE WHETHER THERE IS A ‘LEGAL GEOGRAPHY OF WAR’” [http://ssrn.com/abstract=1824783](http://ssrn.com/abstract%3D1824783), p.1-3, accessed 12-18-13, TAP]

Targeted killing using armed drones has¶ raised profound anxieties in legal, policy,¶

AND

that they have irresistible¶ attractions in a war of humanitarian¶ intervention.

The concerns run particularly high given¶ that the Obama administration has made¶ the

AND

safe haven¶ and protected locales in which to hide and¶ regroup.

Critics of the practice are naturally most¶ concerned where it appears to involve relatively

AND

is so, despite the uncorroborated¶ nature of much of the information.

Even if collateral damage to civilians is¶ significantly less, however, important concerns

AND

-the-ground local intelligence but¶ rather depends vitally on it.

Moving beyond the issue of civilian collateral¶ damage, the most salient anxiety¶

AND

¶ might not apply. The laws of war might apply¶ instead.

In earlier times, these boundaries did not¶ need to be specified in a

AND

under way and where not for¶ purposes of the laws of war.

The emergence of technologies for targeted¶ killing using drones seems to alter¶ that

AND

¶ to the laws of war: an implied geography¶ of war.

#### 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 need to win a link to a “limited” drone court.

Weinberger, University of Puget Sound political science professor, 2013

[Seth, Global Security Studies Review, May 2013, Volume I, Issue 2, “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership” <https://www.academia.edu/4033328/Enemies_Among_Us_The_Targeted_Killing_of_American_Members_of_al_Qaeda_and_the_Need_for_Congressional_Leadership>, p.20, accessed 1-23-14, TAP]

Several people have voiced objections to the creation of a FISA-¶ style “drone

AND

nature of the armed conflict against al Qaeda, they become less compelling.

First, if properly defined, the new court could be limited solely to questions

AND

¶ individuals believed to be agents of a foreign power without a warrant.

Second, given the definition of imminent threat in the Department of Justice’s¶ white

AND

made in the process of long investigations and in light of much intelligence.

#### Restrictions key to human rights credibility.

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.1232, accessed 12-16-13, TAP]

Fourth, such self-imposed restrictions are more consistent with the¶ United States’ long-standing

AND

applicable¶ human rights and domestic law enforcement norms.

### 2ac – Politics – TPA

#### Won’t Pass – lobbying momentum

Mauldin, WSJ, 2-4-14

(William, “Fast-Track Opponents Rally Support,” http://blogs.wsj.com/washwire/2014/02/04/fast-track-opponents-build-grassroots-opposition/, accessed 2-5-14, CMM)

A coalition opposed to overseas trade agreements is building grassroots support, gathering more than

AND

in Sen. Reid’s footsteps by publicly opposing the fast-track bill.

#### Reid says no to TPA

Bolton, The Hill, 1-29-14

(Alexander, “Reid rejects Obama’s trade power,” http://thehill.com/homenews/senate/196853-reid-rejects-obamas-plea-for-trade-power, accessed 1-29-14, CMM)

Senate Majority Leader Harry Reid (D-Nev.) said Wednesday he is not

AND

aren’t standing on the sidelines. Neither should we,” the president added.

#### Won’t pass – Wyden

Needham, The Hill, 2-6-14

(Vicki, “How Wyden is slowing Obama on trade,” http://thehill.com/blogs/on-the-money/trade/197610-sen-wyden-says-not-so-fast-on-trade, accessed 2-6-14, CMM)

The next chairman of the Senate Finance Committee is making it plain to President Obama

AND

currency manipulation, I want to give them a chance to weigh in.”

#### Drones are triggering fights.

Firestone, NYT, 1-22-14

[David, “On Drones, Keeping the Public in the Dark” <http://takingnote.blogs.nytimes.com/2014/01/22/on-drones-keeping-the-public-in-the-dark/>, accessed 1-23-14, TAP]

We don’t get to say this very often on The Times editorial page, but

AND

the country’s endless secret war against terrorists, and this time it won.

#### No PC.

Thiessen, Washington Post, 2-3-14

[Marc, “How Obamacare killed immigration reform” <http://www.washingtonpost.com/opinions/marc-thiessen-how-obamacare-killed-immigration-reform/2014/02/03/a2536836-8ce5-11e3-98ab-fe5228217bd1_print.html>, accessed 2-7-14, TAP]

Barack Obama has all but conceded his lame-duck status. His State of

AND

what Obama will ultimately be remembered for long after his presidency is over.

#### Unemployment thumps.

Peters, NYT, 2-6-14

(Jeremy, “Senate Fails to Pass 3-Month Extension of Jobless Benefits,” http://www.nytimes.com/2014/02/07/us/politics/senate-fails-to-advance-unemployment-extension.html, accessed 2-6-14, CMM)

The Senate failed to move forward on a three-month extension of assistance for

AND

“And I think that’s just not a philosophy I’m willing to support.”

#### 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.)

#### Only a risk of a turn.

Gonzales, former US attorney general, 2013

[Alberto, GEORGE WASHINGTON LAW REVIEW 82:1, “Drones: The Power to Kill” <http://www.lawfareblog.com/wp-content/uploads/2014/02/Gonzales-Drones-Article.pdf>, p.46-7, accessed 2-9-14, TAP]

Relying on Congress unvaryingly results in additional problems.¶ There is an understandable, institutional

AND

unlikely that the President would call for legislation¶ under such circumstances.407