## 1ac – New Impact

### Caucuses

#### Unrestricted drone use causes nuclear war in the Caucuses

Clayton, Kanal PIK TV English service senior editor, 2012

[Nick, has worked for multiple publications, “Drone violence along Armenian-Azerbaijani border could lead to war” [www.globalpost.com/dispatch/news/regions/europe/121022/drone-violence-along-armenian-azerbaijani-border-could-lead-war](http://www.globalpost.com/dispatch/news/regions/europe/121022/drone-violence-along-armenian-azerbaijani-border-could-lead-war), accessed 11-15-13, TAP]

Armenia and Azerbaijan could soon be at war if drone proliferation on both sides of

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] will not be small. That’s the one thing I’m sure of.”

## 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

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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

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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

#### 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

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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

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are also needed to help further¶ minimize abuse.

### Yes Crackdown – AT: Public Likes Drones

#### Backlash to drones is mounting

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)

Ethical and effective—and yet today drone warfare is coming under increasingly¶ strong public attack AND

academic international lawyers; much of¶ the elite international media; and Obama’s American left.

#### 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

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

### 2ac – Terrorism DA – Drones Good

#### No link – strikes still get approved.

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 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

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, 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

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

### 2ac – Executive CP

#### 1. 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

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

#### 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>, accessed 12-17-13, TAP]

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

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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

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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

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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.

### 2ac – Ex Post CP

#### 4. CP doesn’t solve ambiguity of legality – that’s key to solve opposition and norms.

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

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

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

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

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

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

#### 6. Ex ante is the only way to catch errors and deter mistakes.

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

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

#### 7. Doesn’t solve accountability – courts defer – political question doctrine and state secrets – and even if the Courts don’t defer – the executive circumvents.

Epps, University of Baltimore law professor, 2-16-13

[Garrett, “Why a Secret Court Won't Solve the Drone-Strike Problem” <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, accessed 9-4-13, TAP]

Finally, some scholars have suggested that the Congress create a new "cause of

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but we'd be no closer to accountability for the drone-strike decision.

#### Doesn’t create a deterrent – the fine is so low the president would just pay it.

Vladecck, American University law professor, 2013

[Steve, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…” <http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/>, accessed 9-22-13, TAP]

As I explain (in rather painful length) below the fold, I think

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(and tribunal) that would raise as many questions as it answers.

#### They will LOSE THE CASES—turns the aff

Murphy, Professor of Law, Texas Tech University School of Law and Radsan, Professor, William Mitchell College of Law, 9

(Richard and Afsheen, “ARTICLE: DUE PROCESS AND TARGETED KILLING OF TERRORISTS,” 32 Cardozo L. Rev. 405, lexis, accessed 9-27-13, CMM)

In addition, the doctrine of qualified immunity requires dismissal of actions against officials if a court

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these egregious cases, a judicial check on executive authority is most necessary.

### 2ac – Midterms – GOP Moderates Good

#### 24 hours is a lifetime in politics.

Page, USA Today, 11-6-13

[Susan, “Warning flags for the Tea Party and Democrats in 2014” <http://www.usatoday.com/story/news/politics/2013/11/05/warning-flags-for-tea-party-and-democrats-in-2014-midterms/3444207/>, accessed 11-14-13, TAP]

For yet another election, Obamacare seems to be emerging as the defining issue of

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advantage they might have gained has been effectively neutralized" by Obamacare's problems.

#### No DA –

#### No unique link – Tea Party has zombie powers – and

#### Plan not key – fortunes change quickly and the primaries are still months away

#### Clout on agenda inevitable

Skocpol, Harvard Government and Sociology professor, 14

[Theda, Democracy Journal, “Why the Tea Party’s Hold Persists”, <http://www.democracyjournal.org/31/why-the-tea-partys-hold-persists.php>, accessed 1-4-14, AFB]

The demise of the Tea Party was loudly announced right after Congress voted on October

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up in disgust on our blatantly manipulated democracy and our permanently hobbled government.

#### Congressional races are local, not national.

Stanage, The Hill, 1-2-14

[Niall, “Dems can't count on economy to save them in midterm elections” <http://thehill.com/blogs/on-the-money/economy/194213-obama-dems-cant-count-on-economy-to-save-them-in-midterms>, accessed 1-2-14, TAP]

President Obama and Democrats may not be able to rely on the economic recovery to

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cases, the local economic story is different from the emerging national trend.

#### 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

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but raises serious constitutional issues about presidential and judicial authority," he said.