## 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

AND

balance enabling the ¶ state to act sooner but subject to significant restrictions.

#### 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 – Rubberstamp

#### No impact and deterrence solves.

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

AND

of American efforts to target alleged terrorists and reduce likelihood of collateral damage.

### Prolif Add-On

#### Relations prevent prolif – nuclear war.

Edelman, Distinguished Fellow at the Center for Strategic and Budgetary Assessments, et al, 11

(Eric, Undersecretary of Defense for Policy in 2005-9. ANDREW F. KREPINEVICH is President of the Center for Strategic and Budgetary Assessments. EVAN BRADEN MONTGOMERY is a Research Fellow at the Center for Strategic and Budgetary Assessments, January/February 2011 “The Dangers of a Nuclear Iran, <http://www.panzertruppen.org/articulos/2011/mh0014.pdf>,” accessed 3/29/12, ES)

There is, however, at least one state that could receive significant outside support

AND

Middle East could lead to a new Great Game, with unpredictable consequences.

### 2ac – AT: Sea-Basing

#### Designs for seabasing capabilities don’t even exist-and can’t support full combat operations

Sabnis, Lt Cdr, Indian Navy, 2004

[Amol M, CSC 2004 Subject Area National Military Strategy“Concept of Sea Basing and its Effect on Indo-US Relations: The Way Ahead” <https://www.google.com/search?q=Concept+of+Sea+Basing+and+its+Effect+on+Indo+-US+Relations%3A+The+Way+Ahead&oq=Concept+of+Sea+Basing+and+its+Effect+on+Indo+-US+Relations%3A+The+Way+Ahead&aqs=chrome..69i57.179j0j4&sourceid=chrome&espv=210&es_sm=122&ie=UTF-8#es_sm=122&espv=210&q=Concept+of+Sea+Basing+and+its+Effect+on+Indo-US+Relations%3A+The+Way+Ahead&safe=off>, p.21, accessed 11-12-13, TAP]

Sea Basing as a concept is bound to develop further and take a more concrete

AND

¶ operation of the magnitude of Operation Iraqi Freedom without host nation support.

Yet, the current capabilities of ships and aircraft are inadequate to meet the¶

AND

at least fifteen more years to mature into a full-fledged system.

#### No way to refurbish or refuel – and sea-basing precludes BMD – that means they don’t solve naval power.

Ellison, Missile Defense Advocacy Alliance founder and chairman, 2011

[Riki, “Unstable Momentum in Middle East Causes More US Need for Missile Defense” <http://www.prnewswire.com/news-releases/unstable-momentum-in-middle-east-causes-more-us-need-for-missile-defense-116674494.html>, accessed 11-12-13, TAP]

Today, for the first time in thirty years Iran is sending two naval war

AND

volatile region and preventing an escalation. Missile defense makes our world safer.

#### Seabasing collapses U.S.-India relations-impact is trade.

Sabnis, Lt Cdr, Indian Navy, 2004

[Amol M, CSC 2004 Subject Area National Military Strategy“Concept of Sea Basing and its Effect on Indo-US Relations: The Way Ahead” <https://www.google.com/search?q=Concept+of+Sea+Basing+and+its+Effect+on+Indo+-US+Relations%3A+The+Way+Ahead&oq=Concept+of+Sea+Basing+and+its+Effect+on+Indo+-US+Relations%3A+The+Way+Ahead&aqs=chrome..69i57.179j0j4&sourceid=chrome&espv=210&es_sm=122&ie=UTF-8#es_sm=122&espv=210&q=Concept+of+Sea+Basing+and+its+Effect+on+Indo-US+Relations%3A+The+Way+Ahead&safe=off>, p.41-5, accessed 11-12-13, TAP]

With one of the strongest militaries in the region, an economy that is growing

AND

more pertinent and this can be ensured by conducting joint¶ naval exercises.

#### Protectionism escalates to global war

Cho, Assistant Law Professor Chicago-Kent, 2007

[Sungjoon, Illinois Institute of Technology "Doha's Development," 25 Berkeley J. Int'l L. 165]

Second, the mercantilist nature of the current competitive regionalism tends to evoke the strikingly

AND

seriously lest we repeat the same historical errors and are punished for them.

#### Also Indo-pak war – leads to extinction.

New York Times – 2

 (6-10, Lexis)

Military cooperation between India and the United States has remarkably quickened since Sept. 11

AND

holocaust and would play havoc with the hunt for Al Qaeda in Pakistan.

### 2ac – Executive CP – AT: Executive Court

#### 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

AND

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

#### 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

AND

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

#### 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.

#### AND Congressional codification and ex ante court review establishes inter-branch checks – those are necessary to solve groupthink.

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

 them in the first place.”111

#### 10. 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 – PQD DA

Disad is terminally non-unique – lack of legality means the Court strikes down the drone program altogether – only the aff solves.

#### 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.

#### There’s no impact even if a Court messes up foreign policy

Knowles, New York University acting assistant law professor, 2009

[Robert, 41 Ariz. St. L.J. 87, “American Hegemony and the Foreign Affairs Constitution” Lexis, accessed 11-13-13, TAP]

But there are limits. Although speed matters a great deal during crises, its

AND

.S. government to "speak in different voices" at once.

### 2ac – Obama – Unemployment

#### PC is irrelevant – Obama doesn’t have it, he isn’t using it, it isn’t effective, and XOs solve.

Boyer, Washington Times, 12-31-13

[Dave, “Obama’s liberal wish list for Congress likely to stall in election year” <http://www.washingtontimes.com/news/2013/dec/31/obamas-wish-list-likely-to-stall-in-election-year/print/>, accessed 1-2-14, TAP]

If President Obama thought 2013 was an unproductive year for his agenda in Congress,

AND

and I would put immigration in that category," Mr. Feehery said.

#### Iran sanctions thumps.

Rafizadeh, president of the International American Council and he serves on the board of Harvard International Review at Harvard University, 12-13-13

(Majid, senior fellow at Nonviolence International Organization based in Washington DC and a member of the Gulf project at Columbia University, “Kerry’s Iranian Appeasement Pitch to Congress,” http://www.frontpagemag.com/2013/majid-rafizadeh/kerrys-iranian-appeasement-pitch-to-congress/, accessed 1-1-14, CMM)

Finally, and more fundamentally, while the unemployment rate is high and economy is not showing AND

 the destiny of millions of American youth and unemployment.

#### Immigration thumps.

Fox News, 1-1-14

(“After rough year, Obama looks for 2014 comeback, amid some unsolicited New Year's resolutions,” http://www.foxnews.com/politics/2014/01/01/after-rough-year-obama-looks-for-2014-comeback-amid-some-unsolicited-new-year/, accessed 1-1-14, CMM)

The president in the closing weeks of last year made clear that he would renew his push in 2014 to AND

 likely help him regain some of his political clout.

#### Gun control thumps.

Goad, The Hill, 1-3-14

[Ben, “White House offers new regs on gun control, background checks” <http://thehill.com/blogs/regwatch/administration/194371-white-house-unveils-new-gun-control-effort>, accessed 1-3-14, TAP]

The Obama administration on Friday announced a new set of actions designed to keep weapons

AND

our efforts this year to enact commonsense gun safety laws,” Markey said.

#### Doesn’t solve the economy.

Tanner, senior fellow at the Cato Institute, 1-1-14

(Michael, “Obama’s 2014 War on the Poor,” http://www.nationalreview.com/article/367333/obamas-2014-war-poor-michael-tanner, accessed 1-2-14, CMM)

To put it in today’s standard D.C. terms, Democrats sure must

AND

job and are as much as three times more likely to find jobs.

#### Won’t pass without a funding offset – and offset takes out the impact.

Trujillo, The Hill, 1-1-14

(Mario, “WH ups pressure for passage of jobless aid,” http://thehill.com/blogs/blog-briefing-room/news/194226-white-house-ups-pressure-for-passage-of-jobless-aid, accessed 1-2-14, CMM)

Republicans leaders in the House have not weighed in, but have insisted that any renewal of the

AND

 according to the Congressional Budget Office.

#### Unemployment benefits won’t pass and other issues come first

Khimm, MSNBC, 12-26-13

(Suzy, “Bye-bye, unemployment benefits,” http://www.msnbc.com/all/bye-bye-unemployment-benefits, accessed 1-2-14, CMM)

With jobless aid poised to expire for 1.3 million Americans this weekend,

AND

the expiring unemployment benefits. “But it’s not too late to act.”

#### WW

Jackson, USA Today, 12-30-13

[David, “McCain: Don’t count out Obama” <http://tucsoncitizen.com/usa-today-news/2013/12/30/mccain-dont-count-out-obama/>, accessed 1-2-14, TAP]

Never discount a sitting president — just ask some of the people who have run

AND

, with confidence in him doing the right thing in world affairs dropping.”

#### 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.

### 2ac – CLS

#### 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.

#### No war impact.

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.

AND

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

#### Only the perm solves – legal reform is key

Lobel, Assistant Law Prof at Univ. of San Diego, ‘7

(Orly, “THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS,” 2007, [http://www.harvardlawreview.org/media/pdf/lobel.pdf](http://www.harvardlawreview.org/media/pdf/lobel.pdfm), accessed 9-23-13) PM

In all of these cases, it is the act of engagement, not law

AND

, and in turn serve to facilitate and ¶ stabilize the process.185

#### Cooption and alt fails

Lobel, Assistant Law Prof at Univ. of San Diego, ‘7

(Orly, “THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS,” 2007, [http://www.harvardlawreview.org/media/pdf/lobel.pdf](http://www.harvardlawreview.org/media/pdf/lobel.pdfm), accessed 9-23-13) PM

NOTE – They use globalization activism as an example of extra-legal resistance

A similar process can be described with regard to the literature on ¶ globalization.

AND

— may ¶ bring about its own destruction by fracture and diffusion.184

## 1ar

### Drones Key

#### Drones change the game.

Xiaolin, PhD student in Lee Kuan Yew School of Public Policy, National university of Singapore, 11-2-13

(Duan, “The Rise of the Drones,” http://thediplomat.com/2013/11/02/the-rise-of-the-drones/?all=true, accessed 11-4-13, CMM)

In a broader sense, America’s use of drones may create more strategic dilemmas for

AND

use should be taken very seriously, and condemned by the international community.

### 2ac – Bahrain Key to BMD/Sea-basing

#### Bahrain-based BMD key to stabilize the entire Middle East—deters and de-escalates all conflicts – sea-basing fails – ev not predictive of Bahrain kickout.

Ellison, Missile Defense Advocacy Alliance founder and chairman, 2011

[Riki, “Unstable Momentum in Middle East Causes More US Need for Missile Defense” <http://www.prnewswire.com/news-releases/unstable-momentum-in-middle-east-causes-more-us-need-for-missile-defense-116674494.html>, accessed 11-12-13, TAP]

Today, for the first time in thirty years Iran is sending two naval war

AND

volatile region and preventing an escalation. Missile defense makes our world safer.

### Heg

#### Seabasing collapses ally support – that collapses heg.

Sabnis, Lt Cdr, Indian Navy, 2004

[Amol M, CSC 2004 Subject Area National Military Strategy“Concept of Sea Basing and its Effect on Indo-US Relations: The Way Ahead” <https://www.google.com/search?q=Concept+of+Sea+Basing+and+its+Effect+on+Indo+-US+Relations%3A+The+Way+Ahead&oq=Concept+of+Sea+Basing+and+its+Effect+on+Indo+-US+Relations%3A+The+Way+Ahead&aqs=chrome..69i57.179j0j4&sourceid=chrome&espv=210&es_sm=122&ie=UTF-8#es_sm=122&espv=210&q=Concept+of+Sea+Basing+and+its+Effect+on+Indo-US+Relations%3A+The+Way+Ahead&safe=off>, p.25, accessed 11-12-13, TAP]

Sea basing will give the US the capability to quickly deploy its forces in any

AND

US relies more on its military power vice other elements of national power.

### Iran

#### Naval BMD in the Gulf key to deter Iranian missiles—prevents Israel strikes

Goure, Lexington Institute vice president, and Grant, Lexington Institute senior fellow, 2009

[Daniel, Center for Strategic and International Studies former deputy director, and Rebecca, “US Naval Options for Influencing Iran” <http://www.lexingtoninstitute.org/library/resources/documents/Defense/us-naval-options.pdf>, p.27, accessed 11-12-13, TAP]

Iran also is seeking to develop a credible missile threat to its neighbors and to

AND

few Aegis BMDS-capable ships armed with an insufficient quantity of missiles.

### NATO

#### NATO collapse inevitable – no common enemy and more interventions quicken the collapse.

Walt, IR prof at Harvard, 11

(Stephen, 6-13-11, “Gates to NATO: Drop dead?,” http://walt.foreignpolicy.com/posts/2011/06/13/gates\_to\_nato\_drop\_dead, accessed 9-29-11, CMM)

Outgoing SecDef Robert Gates delivered a blunt message to America's NATO allies last week.

AND

enough to overcome the deep structural forces at work.