# Wake Doubles v. MoState BR

## 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 conditions.

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.

### Royal

Studies prove

Royal, Department of Defense Cooperative threat reduction director, 10

[Jedediah, *Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives*, p.213-4, TAP]

Less intuitive is how periods of economic decline may increase the likelihood of external conflict

AND

not featured prominently in the economic-security debate and deserves more attention.

### 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

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¶ 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¶

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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

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

#### 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

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

#### 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

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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

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

#### 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

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

#### Israel strikes cause nuclear WWIII.

Reuveny, Indiana University public and environmental affairs professor, 2010

[Rafael, “Unilateral Strike on Iran could trigger world Depression” <http://www.indiana.edu/~spea/news/speaking_out/reuveny_on_unilateral_strike_Iran.shtml>, accessed 11-12-13, TAP]

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including

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green light. A unilateral Israeli strike could ultimately spark World War III.

### 2ac – Ex Post CP – Base

#### 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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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.

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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.

11. Doesn’t solve accountability – ability to sue is limited – especially if they are dead.

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.25-6, accessed 9-15-13, TAP]

While the current process afforded to U.S. citizens is lacking, it

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these claims ex ante would be a better course of action to consider.

#### 12. Wouldn’t sue even if they didn’t die.

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)

But as the dissenting judge in Arar noted, these special factors lose much of

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the mountains of Afghanistan is not likely to hire an American lawyer either.

### 2ac – Terrorism DA – Uniqueness

#### AQ is resilient – drones don’t solve

May, president of the Foundation for Defense of Democracies, a policy institute focusing on national security, 8-2-13

(Clifford, “Al-Qaeda Is Back! (But It Never Really Went Away),” http://www.realclearworld.com/articles/2013/08/02/al-qaeda\_is\_back\_but\_it\_never\_really\_went\_away\_105364.html, accessed 8-5-13, CMM)

By all accounts, the attack was planned with care and executed with precision.

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attacked a jail in northwest Pakistan, freeing as many as 200 prisoners.

### 2ac – Terrorism DA – Drones Good

#### 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.

#### 4. No unique link – the legwork for strikes already exists.

Adelsberg, Yale University JD candidate, 2012

[Samuel, 6 Harv. L. & Pol'y Rev. 437, “SHORT ESSAYS: Bouncing the Executive's Blank Check: Judicial Review and the Targeting of Citizens” Lexis, accessed 9-15-13, TAP]

National Security Concerns

A major concern for the military and intelligence community would likely be the effect of

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that list could be put through the GTP with hearings before the CTRC.

#### Split second decisions don’t exist.

Opderbeck, Seton Hall University law professor, 2013

[David, 8-2013, “Drone Courts” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2305315>, p.52-3, accessed 8-28-13, TAP]

In addition to general separation of powers concerns, a¶ number of practical objections

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the actual strike. The same could be true¶ for a court.

### 2ac – AT: Nuclear Terror

#### 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

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

### 2ac – Agenda – Thumpers – Short

#### Nothing is going to pass this year

Sherman and Everett, Politico, 11-11-13

 (Jake and Burgess, “Congress seems to be done legislating for the year,” http://dyn.politico.com/printstory.cfm?uuid=F840B4A6-9706-4227-B811-8A54A316A406, accessed 11-14-13, CMM0

It’s just mid-November, but it’s quickly becoming a reality: Washington could

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last week that there isn’t enough time to complete immigration reform this year.

#### PC is low – polling proves multiple drains to PC now – healthcare, NSA, immigration, Syria, the economy.

Dionne, Washington Post, 11-13-13

[EJ, “Obama needs his friends back” <http://www.washingtonpost.com/opinions/ej-dionne-obama-needs-his-friends-back/2013/11/13/5ffe59b8-4c95-11e3-ac54-aa84301ced81_print.html>, accessed 11-14-13, TAP]

President Obama is furiously fending off those “winter of discontent” stories, and

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. He needs to win back the citizens who were once his friends.

### 2ac – Iran

#### Uniqueness favors the aff – massive momentum for sanctions

Pecquet, The Hill Global Affairs blog, 11-16-13

[Julian, The Hill, “Israel to sustain lobby push on Iran”, <http://thehill.com/blogs/global-affairs/middle-eastnorth-africa/190488-israel-to-sustain-lobby-push-on-iran>, accessed 11-17-13, AFB]

Israel will keep up its lobbying push on Iran next week in a series of congressional briefings with pro-AND

 program and could lead to war.

#### 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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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

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

#### 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

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. citizen alleged to be a "senior operational leader of Al Qaeda."

## 1ar

### Biowepaons

No impact- bio-weapons to difficult to build and disperse- history proves- AND- even if they could be effective the perceived barriers doom motivation

**Stratfor**, 12-21-200**7**, "Bioterrorism: Sudden Death Overtime?," <http://www.stratfor.com/analysis/bioterrorism_sudden_death_overtime>

First, it must be recognized that during the past several decades of the modern

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weapons have not been executed: The cost is higher than the benefit.

### Nuke Terror

No risk of nuclear terrorism

A. No organizational capacity

van den Bergh, Eramus University IR Professor, Hague Social Studies Institute, Harvard Harkness Fellow, Neterlands Association for International Affairs Chairman, Dutch Ministries Foreign Affairs and Defense IR Advisory Council Member, May 2009

[Godfried van Benthem, "The Taming of the Great Nuclear Powers," http://www.carnegieendowment.org/npp/publications/index.cfm?fa=view&id=23152]

Recently, a new fear has developed. The NPT only deals with the rights

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organization, and these groups thrive in small, relatively autonomous “cells.”

B. Probability of success is so low that there is also no motive

DeGroot, St. Andrews University History Professor, November 2009

[Gerard, "Dismissing Doomsday," http://www.armscontrol.org/act/2009\_11/BookReview, 11/9]

Mueller sees nuclear weapons as a massive misjudgment inspired by irrational fear. Worst-

AND

the time, effort, risk, and expense—contradicts that ethic.

In examining the terrorist scenario, Mueller analyzes the process of funding, designing,

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al Qaeda has been seeking nuclear material and information for bomb-making.

### AT: Taboo

Multiple trends are dooming the nuclear taboo

Gill, Aberystwyth University Professor, July 2009

[David, "Nuclear Deterrence and the tradition of non-use," International Affairs 85.4]

Paul does acknowledge several pressing challenges to the tradition. The decision by Russia,

AND

highlight the perceived fragility of the tradition, if only among its proponents.

This fragile tradition is also challenged by less overt actions, most notably China’s and

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use will be more greatly challenged in the future remains intelligent and persuasive.

### Prez Low

#### 3. Presidential powers low and more Congressional backlash coming.

Rothkopf, Foreign Policy CEO, 8-31-13

[David, “The Gamble” https://www.google.com/search?q=rothkopf&oq=rothkopf&aqs=chrome..69i57j0l3.1891j0&sourceid=chrome&ie=UTF-8, accessed 9-16-13, TAP]

Obama has reversed decades of precedent regarding the nature of presidential war powers -- and

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the imperial presidency than anything his predecessors or Congress have done for decades.

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