# \*\*\*1NC\*\*\*

## Off

**ER**

**The executive branch of the United States should not use targeted killing and detention without charge to zones of active hostilities by submitting to statutory codification of executive branch review policy for those practices; and in addition, by limiting targeted killing and detention without charge outside zones of active hostilities to reviewable operations guided by an individualized threat requirement, a least-harmful-means test, a feasibility test for criminal prosecution, procedural safeguards, and by submitting to statutory codification of executive branch review policy for those practices and announce the policy.**

**Solves**

**Michaels 11** (Jon, Professor, UCLA School of Law, “The (Willingly) Fettered Executive: Presidential Spinoffs in National Security Domains and Beyond,” *Virginia Law Review,* <http://www.virginialawreview.org/content/pdfs/97/801.pdf>)

These are revealing case studies, weighty in their own right and interesting complements to

AND

itself serves as testament to the **durability** and primacy of the dominant understanding.

**Politics**

#### Immigration will pass- PC key and election pressure

Bob Ray Sanders is a columnist for the Fort Worth Star-Telegram 10-22-2013 <http://www.bnd.com/2013/10/22/2862687/bob-ray-sanders-theres-no-better.html>

 Now that the Republican hijacking of the federal government has been brought to an

AND

to file for office and gear up their campaigns for the 2014 contests.

**Restrictions doom Obama – losers lose is true –** looks like political overreach and a bargaining failure- perception matters

Dr. Andrew J. **Loomis** is a Visiting Fellow at the Center for a New American Security, and Department of Government at¶ Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, **2007**, pg 36-37,¶ <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>

American Presidents are vested with certain structural powers, such as those powers granted by

AND

affects the character of U.S. policy, foreign and domestic.

**Solves econ**

**Haseltine 10** (Eric, Neuroscientist, Former Head of Science and Technology for US Intelligence Community, "Why America's Economy is On the Brink of Going Down the Tubes...for Good," The Huffington Post, August 24, http://www.huffingtonpost.com/eric-haseltine/why-americas-economy-is-o\_b\_688483.html)

Recessions,especially the deep downturn that started in 2008, always cause us to

AND

into our workforce and our economy and help cure our deep economic ills.

**Economic decline causes global war – strong stastical support**

**Royal 10** (Jedediah, Director of Cooperative Threat Reduction – U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises”, Economics of War and Peace: Economic, Legal and Political Perspectives, Ed. Goldsmith and Brauer, p. 213-215)

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

AND

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

### Op. Clarity DA

#### Legal geographic restrictions undermine operational predictability and certainty

LAURIE R. BLANK, Director, International Humanitarian Law Clinic, Emory University School of Law, 2013 “Learning to Live with (a Little) Uncertainty: The Operational Aspects and Consequences of the Geography of Conflict Debate” 161 U. Pa. L. Rev. Online 347

Second, implementation in the context of a new law of war framework as proposed

AND

, the conduct of the enemy, and a range of other factors.

#### Perception of operational effectiveness key to deter Russia in the arctic

**Dowd, 11, Senior Fellow of the Fraser Institute**

(The Big Chill: Energy Needs Fueling Tensions in the Arctic,” <https://www.fraserinstitute.org/research-news/news/display.aspx?id=2147483979>)

**One reason a military presence will be necessary is the possibility of accidents caused by**

**AND**

When the message is unclear, Russia will take what it can get.

#### Arctic conflict goes nuclear

**Wallace 10,** Professor Emeritus at the University of British Columbia

(Ridding the Arctic of Nuclear Weapons A Task Long Overdue”, <http://www.arcticsecurity.org/docs/arctic-nuclear-report-web.pdf>)

The fact is, **the Arctic is** becoming **a zone of increased military competition**.

AND

geo-political/economic significance of the Arctic because of climate change.”

### EU Forum CP

#### The European Union should propose to the United States Federal Government a higher-level transatlantic forum for coordinating policies on terrorism modeled on the U.S.-E.U. strategic dialogue on Asia established in 2005. The European Union should inform the United States Federal Government of its intention to take a lead donor role on gathering intelligence to combat terrorism. The European Union should continue and expand intelligence gathering and sharing with the United States. The European Union should offer to include on the forum agenda a joint diplomatic statement of high level transatlantic support for the European initiative.

#### Solves allied coop on terrorism

Youngs, ‘4 Richard Youngs is senior researcher at the Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) in Madrid, and lecturer at the University of Warwick in the UK. He previously worked for the Foreign and Commonwealth Office and coordinated an EU funded research project on democracy in the Middle East, within which he established a network of experts from the Middle East and compiled a series of policy recommendations for the European Commission. Youngs has also acted as consultant to the FCO, DFID and a number of European research institute, the Foreign Policy Center, <http://fpc.org.uk/fsblob/352.pdf>

Europeans risk becoming so fixated with disassociating the EU from the US that they are

AND

the scenes to encourage a gradual strengthening and broadening of ongoing EU programmes.

## Solvency

### C

**Executive empirically circumvents other two branches on targeted killing issues**

Kristin **Roberts** 3/22/**13** (national journal, News Editor for National Journal. In this role, she leads the team of managing editors and guides NJ’s coverage of the biggest stories. Before joining National Journal in November 2011, Kristin was news editor and deputy bureau chief for Reuters’ Washington bureau. She spent 11 years at Reuters, with positions in New York, Miami, and Washington. She covered Wall Street while in New York and then led Reuters' coverage of housing and banking policy and regulation from Washington. In 2006, she shifted to Pentagon coverage, reporting on war policy and traveling with Defense Secretaries Donald Rumsfeld and Robert Gates. Kristin holds a master's degree in security studies from Georgetown University, a master's degree in journalism from Columbia University, and a bachelor's degree in international affairs from The George Washington University, “When the Whole World Has Drones” http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321)

America, the world’s leading democracy and a country built on a legal and moral

AND

requests by congressional overseers, and it has resisted monitoring by federal courts.

**Yes executive noncompliance– trends, institutional incentives, public sentiment, weak congressional checks**

**Baron, ’08** (David, Law Prof @ Harvard, Harvard LR, Feb)

Powers once claimed by the Executive are not easily relinquished. One sees from our

AND

that the President is entitled to unfettered discretion in the conduct of war.

### T

#### No operational commitment to limited geographic zones now- restricting that authority undermines CT

Geoffrey Corn 9-30, The Presidential Research Professor of Law at South Texas College of Law, Lieutenant Colonel (Retired), U.S. Army, was formerly the Army’s senior law of war expert advisor, 9/30/13, “Debate (Round 1): The Military Component of Counter-Terror Operations,” <http://justsecurity.org/2013/09/30/military-component-counter-terror-operations/>

This binary operational response framework arguably reveals why the United States has and continues to

AND

disruptive effect on our counter-terror operations, not on the enemy.

**War**

**Speice 6** (Patrick, JD Candidate, 47 Wm and Mary L. Rev. 1427, February, Lexis)

Terrorist groups could acquire a nuclear weapon by a number of methods, including "

AND

draw in the United States and escalate to the use of nuclear weapons.

## 1NC – Ext Overreach

### General

#### Welsh is about indefinite detention at Guantanamo in the status quo- the plan leaves this is place and could ever even hope to solve future trials

#### No drone wars

Joseph Singh 12, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ>

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive

AND

of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### You don’t solve drone prolif

#### No causal link between US doctrine and others’ choices

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday

AND

states competing to come up with weapons technologies that are … more discriminating.

#### Your Boyle av prove prolif is inevitable without binding international rules to govern it

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

A final, and crucial, step towards mitigating the strategic consequences of drones¶

AND

architecture which might avert¶ some of the worst consequences of their use.

#### The drone conflict impact is 10 years away

Micah Zenko 2013 (Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, council on foreign relations, “Reforming US Drone Strike Policies” pdf)

Based on current trends, it is unlikely that most states will have, ¶

AND

undertake the significant ¶ investment required for armed drones in the near term.

**1NC – Detention**

**Detention is inevitable**

**Vladeck 12** [10/01/12, Professor Stephen I. Vladeck of the Washington College of Law at American University, “Detention Policies: What Role for Judicial Review?”, <http://www.abajournal.com/magazine/article/detention_policies_what_role_for_judicial_review/>)]

The short chapter that follows aims to take Judge Brown’s suggestion seriously. As I

AND

**particularly high, especially compared to the benefit that such review has provided.**

**Democracy doesn’t cause peace – statistical models are spurious and don’t assume economic growth\*\*\***

**Mousseau, 12** (Michael – Professor IR Koç University, “The Democratic Peace Unraveled: It’s the Economy” International Studies Quarterly, p 1-12)

Model 2 presents new knowledge by adding the control for economic type. To capture

AND

economy being the more likely explanation for both democracy and the democratic peace.

## 1NC – Allied Cooperation

### general

#### Shea says multiple regional considerations kill NATO effectiveness – plan can’t overcome

#### Not willing to break relations over it- no monolithic EU response and tacitly accept US actions in private despite public comments

Judy Dempsey¶ Nonresident Senior Associate¶ Carnegie Europe¶ Editor in chief¶ Strategic Europe 7-11-2012 <http://www.nytimes.com/2012/06/12/world/europe/12iht-letter12.html?_r=0>

When Thomas de Maizière, the German defense minister, told a gathering of army

AND

directly concern them. Government officials point to this to explain their silence.

#### Squo solves—Obama already rolled back the detention policies the EU cares about

Archick, 13 (Kristin, Specialist in European Affairs, July 5, “The European Union: Questions and Answers”, Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS21372.pdf>)

At times, however, the U.S.-EU political relationship has faced

AND

the EU had long opposed as degrading shared values, have been reversed.

#### Alt cause to intel sharing-

#### spying scandal

Claire Davenport, Huffington Post, 7-4-2013 <http://www.huffingtonpost.com/2013/07/04/eu-parliament-spying_n_3546291.html>

The European Parliament called on Thursday for the scrapping of two agreements granting the United

AND

the only one that initially called for the suspension of the trade talks.

### Cyber

**Redundancy solves**

**Rid 12** (Thomas, writer for Foreign Policy, “Think Again: Cyberwar,” March, [http://www.foreignpolicy.com/articles /2012/02/27/cyberwar](http://www.foreignpolicy.com/articles%20/2012/02/27/cyberwar))

Just because there's more malware, however, doesn't mean that attacks are becoming easier

AND

made reprogramming highly specific installations on legacy systems more complex, not less.

### AT: Piracy Impact

#### Piracy is dead—statistics, international naval patrolling, private ship security, best management practices manual, Somalia stability

Venugopalan, 13 (Urmila Venugopalan – South Asia manager at Oceans Beyond Piracy, April 10, “Is Somali piracy over?”, CNN, http://globalpublicsquare.blogs.cnn.com/2013/04/10/is-somali-piracy-over/)

Difficult economic conditions have pushed many a business leader into early retirement. But Mohamed

AND

Somalia’s capital, are reminders of just how much remains to be done.

**Trade**

**Trade does not solve war—there’s no correlation between trade and peace**

**Martin et al., 8** (MARTIN, MAYER, AND THOENIG 2008 (Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75)

Does globalization pacify international relations? The “liberal” view in political science argues

AND

, even taking into account the increase in the number of sovereign states.

**Disease**

**No disease impact—**intervening actors, empirics, this ain’t 1918 yo

**Zakaria, 9** (Editor of Newsweek, BA from Yale, PhD in pol sci, Harvard. He serves on the board of Yale University, The Council on Foreign Relations, The Trilateral Commission, and Shakespeare and Company. Named "one of the 21 most important people of the 21st Century", Fareed, “The Capitalist Manifesto: Greed Is Good,” 13 June 2009, http://www.newsweek.com/id/201935)

Note: Laurie Garrett is a science and health writer, winner of the Pulitzer, Polk, and Peabody Prize

It certainly looks like another example of crying wolf. After bracing ourselves for a

AND

far better than anything Britain or France had in the early 20th century.

### AT: NATO Impact

#### Alt Causes to NATO co-op

Stevens, 8(Stevens, CEO of Lockheed Martin, 7/15/2008 (Robert J., “The Current State of Transatlantic Defense Industrial Relations” Hampton Roads International Security Quarterly, Proquest)

But the trends on today's horizon are not all positive. Most worrying is the

AND

way for European governments to protect European industry is to invest in it.

#### NATO is becoming increasing weak and ineffective in the 21st century

Sieff 9 (Martin, UPI Sr News Analyst, April 17, http://www.upi.com/Business\_News/Security-Industry/2009/04/17/21st-century-NATO-a-weak-hollow-giant/UPI-99071239994461/)

[WASHINGTON](http://www.upi.com/Business_News/Security-Industry/2009/04/17/21st-century-NATO-a-weak-hollow-giant/UPI-99071239994461/##), April 17 (UPI) -- The NATO alliance that confronted the collapse

AND

ever-increasing number of much smaller and weaker NATO member states rested.

# \*\*\*2NC\*\*\*

# EU CP

### perm

#### Only CP alone solves – Forum self-corrects – that’s key to new solutions and cooperation

Amirah-Fernadez and Menedez 9 [Haizam, Seenior Analyst at the Mediterranean and Arab World Program at the Elcano Royal Institute for International and Strategic Studies and Irene, Juan March Foundation, “Reform in Comparative Perspective: US and EU Strategies of Democracy Promotion in the MENA Region after 9/11,” Journal of Contemporary European Studies, Vol. 17, No. 3, 325–338, December]

Be it as it may, rapidly improving transatlantic relations and the more positive attitudes

AND

such policies effectively constitute the backbone of a solid effort for political liberalisation.

### 2NC CP Key

#### Joint Forum and Statement solves intel sharing and relations – even if they say no

Wittes and Youngs, ‘9

( Tamara Cofman Wittes is a Senior Fellow in the Saban Center for Middle East Policy at Brookings and directs the Center’s Project on Middle East Democracy and Development., Richard Youngs is Coordinator of the Democratisation programme at FRIDE, “Europe, the United States, and Middle Eastern Democracy: Repairing the Breach”, Brookings analysis paper, January)

Notwithstanding the oft-stated tensions and diplomatic differences, notable convergence between American and

AND

democratic reform in the Middle East is both possible and well worth pursuing.

#### Mechanism is best for cooperation- key to deep and sustained intel sharing

Daniel S. Hamilton Austrian Marshall Plan Foundation Professor and Director of the Center for Transatlantic Relations at the Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University and Frances G. Burwell Vice President, Director of Transatlantic Relations and Studies at the Atlantic Council of the United States, December 2009 “Shoulder to Shoulder:

Despite these positive examples of on-the-ground cooperation, U.S

AND

no regular mechanisms have been set up to¶ implement the agreed arrangements.

#### Only the CP guarantees US involvement- EU needs to take the lead

Daniel S. Hamilton Austrian Marshall Plan Foundation Professor and Director of the Center for Transatlantic Relations at the Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University and Frances G. Burwell Vice President, Director of Transatlantic Relations and Studies at the Atlantic Council of the United States, December 2009 “Shoulder to Shoulder:

There are also problems of capability on both sides. Continued U.S.

AND

military capabilities needed to play a role commensurate with its interests and responsibilities.

#### No Strategic Partnership on Security cooperation now – too ad hoc – counterplan key

Serfaty, 10 (Simon Serfaty and Sven Bisco, CSIS, http://transatlantic.sais-jhu.edu/bin/k/u/shoulder-to-shoulder-book-finaltext.pdf])

However, despite U.S.-EU strides since 2006 to foster closer cooperation

AND

occasional U.S.-EU press release masks the absence of real cooperation

#### Boosting Genuine cooperation vital to strategic partnership

Stivachtis 10 – Director of International Studies Program @ Virginia Polytechnic Institute [Dr. Yannis. A. Stivachtis (Professor of Poli Sci @ Virginia Polytechnic Institute & Ph.D. in Politics & International Relations from Lancaster University), THE IMPERATIVE FOR TRANSATLANTIC COOPERATION,” The Research Institute for European and American Studies, 2010, pg. <http://www.rieas.gr/research-areas/global-issues/transatlantic-studies/78.html>]

The post Iraq War realities have shown that it is no longer simply a question

AND

force Europe to conclude that the costs of continued alliance outweigh its benefits.

# Case

## Overreach-Drone

###  Ext. No Drone Wars

#### Drone war risk exaggerated- no factual basis and undermines informed dialogue

Ashley Boyle Adjunct Fellow at American Security Project, 7-13-2012 <http://americansecurityproject.org/blog/2012/the-us-and-its-uavs-addressing-legality-and-overblown-scenarios/>

One of the touchstones in the current US drones dialogue is the the legality of

AND

directed toward constructive efforts than at strangulating any hope for an informed dialogue.

###  Ext. No Drone Modeling

#### Zero chance that U.S. self-restraint causes any other country to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams

AND

the vain hope it will encourage disarmament on the part of dictatorial states.

#### It’s impossible to solve- conflicting interests

Alejandro Sueldo 12, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” <http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90>

Of particular concern are the legal and policy challenges posed if other states imitate the

AND

is virtually limitless, states are now unwilling to control how drones evolve.

## Overreach - Detention

### modeling

#### No modeling- best stats

Law and Versteeg 12

David, professor of law and political science at Washington University St. Louis, Mila, professor at University of Virginia Law School, “THE DECLINING INFLUENCE OF THE UNITED STATES CONSTITUTION,” June

It has been suggested, with growing frequency, that the United States may be

AND

emulated interna- tional or regional human rights instruments when writing their constitutions.

### impact

**Democracy doesn’t solve war**

**Taner, 2** (Binner, PhD Candidate – Syracuse U., Alternatives: Turkish Journal of Int’l Relations, 1(3), p. 43-44, http://www.alternativesjournal.com/binnur.pdf)

The discussion above suggests that the most important drawback of the “democratic peace”

AND

to the fact that “democratic peace” is theoretically and empirically overdetermined.

**Democracy doesn’t prevent the main threats to peace**

**Ostrowski 2** (James, Staff – Rockwell, “The Myth of Democratic Peace, Spring, <http://www.lewrockwell.com/> ostrowski/ostrowski72.html)

Spencer R. Weart alleges that democracies rarely if ever go to war with each

AND

induced interventions into ethnic/religious disputes in their parts of the world.

**Democratic peace is a myth – no statistical basis**

**Gowa 95** (Joanne, “Democratic States and International Disputes”, 6-22, http://www.accessmylibrary.com/coms2/summary\_0286-194275\_ITM)

Students of this issue have been very careful to make clear that whether or not

AND

likely to occur between democracies than between members of other pairs of states.

## Allies-internals

###  Ext. EU Not Mad – Drones

#### Leaders don’t care about drones and wont sever relations

Dworkin 13

[Anthony, senior policy fellow at the European Council on Foreign Relations, “Drones and Targeted Killing: Defining a European Position,” ECFR, 7/3, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>]

The US use of drones for targeted killing away from any battlefield has become the

AND

a greater scope for a productive dialogue with the Obama administration on drones.

## impacts

### nato

**NATO will collapse – enlargement double standard**

**Melikishvili, 9** (research associate with the James Martin Center for Nonproliferation Studies 1/26/2009 (Alexander, “NATO’s Double Standards Make for a Hollow Alliance” Yale Global Online http://yaleglobal.yale.edu/display.article?id=11868)

WASHINGTON: As events of the past year demonstrate, NATO faces an existential crisis

AND

past decade and a half has had an adverse impact on NATO’s cohesion.

# \*\*\*1NR\*\*\*

### Turns Case – Intel

#### Operational effectiveness is the vital internal link to successful use of intel gathering

Andrew Elwell, The University of Nottingham BA in History, Senior Editor at a news and data provider, offering proprietary analysis, intelligence, market research and data on the global security and defence industry. 11-28-2011 <http://rpdefense.over-blog.com/article-the-fog-of-war-airstrikes-on-pakistan-border-underscore-isr-requirements-90341427.html>

The fog of war always clouds the distinction between military intent and operational precision.

AND

inevitably intensify as situational awareness becomes an increasingly important factor in warfighting capabilities.

### \*\*Turns Case – Enforcement

#### Operational clarity turns the whole aff- won’t be enforced by commanders

LAURIE R. BLANK, Director, International Humanitarian Law Clinic, Emory University School of Law, 2013 “Learning to Live with (a Little) Uncertainty: The Operational Aspects and Consequences of the Geography of Conflict Debate” 161 U. Pa. L. Rev. Online 347

Third, the enforcement and accountability stage of conflict introduces similar challenges as a result

AND

as irrelevant or, still worse, as doing more harm than good.

#### Any risk of a link causes military noncompliance

Geoffrey Corn 10, Professor of Law and Presidential Research Professor, South Texas College of Law, 2010, “Mixing Apples and Hand Grenades: The Logical Limit of Applying Human Rights Norms to Armed Conﬂict,” International Humanitarian Legal Studies 1 (2010) 52–94

Perhaps the most critical premise of this article is that failing to recognize the existence

AND

of overbroad application creates the potent to disable the eﬃcacy of military operations.

#### Perception of operational effectiveness key to deterrence

Donnelly 3 (Thomas, resident fellow at AEI, The Underpinnings of the Bush Doctrine, February 1, <http://www.aei.org/article/foreign-and-defense-policy/the-underpinnings-of-the-bush-doctrine/>)

The preservation of today's Pax Americana rests upon both actual military strength and the perception

AND

in part on a logic of preemption that underlies the logic of primacy.

#### Global nuclear war

Brooks 13 – Stephen G., Associate Professor of Government at Dartmouth College, G. John ikenberry, Albert G. Milbank Professor of Politics and International Affairs at Princeton University and Global Eminence Scholar at Kyung Hee University in Seoul and William C. Wohlforth, Professor of Government at Dartmouth College, “Lean Forward”, Foreign Affairs, January / February, 92(1)

They are wrong. In making their case, advocates of retrenchment overstate the costs

AND

an engaged and liberal leading power. The results could well be disastrous.

### Restrict inev

#### The plan’s geographic limits will spillover- undermines broader operational effectiveness

LAURIE R. BLANK, Director, International Humanitarian Law Clinic, Emory University School of Law, 2013 “Learning to Live with (a Little) Uncertainty: The Operational Aspects and Consequences of the Geography of Conflict Debate” 161 U. Pa. L. Rev. Online 347

In the context of a specific legal framework for one particular type of conflict,

AND

of reasonableness or unreasonableness in targeting decisions, and other perennially tricky issues.

#### Geographic uncertainty is comparatively better than the legal mess the aff makes- undermines operational effectiveness

LAURIE R. BLANK, Director, International Humanitarian Law Clinic, Emory University School of Law, 2013 “Learning to Live with (a Little) Uncertainty: The Operational Aspects and Consequences of the Geography of Conflict Debate” 161 U. Pa. L. Rev. Online 347

The procedural and legal protections proposed in the sort of rules-based, geographically

AND

and may well be a better option than it appears at first blush.

### AT: No Link – Plan Standards Allow Strikes

#### Legal geographic limitations undermine operational effectiveness and predictability- not feasible in practice

LAURIE R. BLANK, Director, International Humanitarian Law Clinic, Emory University School of Law, 2013 “Learning to Live with (a Little) Uncertainty: The Operational Aspects and Consequences of the Geography of Conflict Debate” 161 U. Pa. L. Rev. Online 347

The recent release of the United States Department of Justice White Paper, detailing the

AND

in LOAC, which does not provide specific geographic parameters for armed conflict.

#### Congressional interference sends the signal to our enemies that we don’t operational clarity

**Newton 12 – prof of law @ Vanderbilt**

(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

The corollary to this modern reality, and the second of three inadvertent implications of

AND

**asymmetric enemy can in theory erode our political will even before it solidifies.**

#### Three- Northwestern tries to walk the line with this Daskal ev but they ARE NOT the recommendations she proscribes to solve legitimacy and toe the line- don’t solve the aff or credible response—they don’t do ex parte review

Jennifer Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, 161 U. Pa. L. Rev. 1165

Some likely will object that such an official designation would recreate¶ the same safe

AND

of either prosecution or release.¶ ---Section III. B. Ends---

### AT: Blank Votes Aff

#### Blank discusses *potential* benefits of the aff, but thinks the *functionally* wont work and are *outweighed* by the DA

Laurie R. Blank¶ 161 U. Pa. L. Rev. Online 347 (2013)¶ Responding to Jennifer C. Daskal¶ The Geography of the Battlefield: A Framework for Detention and Targeting Outside the “Hot” Conflict Zone¶ 161 U. Pa. L. Rev. 1165 (2013)

The issue of the geography of “the battlefield”—that is, where an

AND

the operational realm and their potential second- and third-order effects.

## Circum

**Turns Case – Allies**

**Non-compliances trashes ally cooperation – they’re watching if Obama follows through**

**Dworkin 13**

[Anthony, senior policy fellow at the European Council on Foreign Relations, “Drones and Targeted Killing: Defining a European Position,” ECFR, 7/3, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>]

This consensus provides a basis on which the EU can step up engagement with the

AND

**will be watching to see how far he matches his words with action**.

**Turns Case – Legitimacy**

**Circumvention spills over to grand strategy issues**

**Mustin and Rishikof, ’11** \*BS, JD, MBA, MA in International Affairs \*\*AND BA, MA, JD, Chair of the ABA Standing Committee on Law and National Security, Professor of law and chair of the Department of National Security Strategy at the National War College (Jeff Mustin and Harvey Rishikof, Summer 2011, “Projecting Force in the 21st Century – Legitimacy and the Rule of Law,” 63 Rutgers L. Rev. Iss. 4)//CC

In summary, the modern battlefield, and the adaptive enemy therein, presents legal

AND

**of the rule of law is the core to a coherent grand strategy.**

**ZoAC Link – Definitions**

**Aff use of “zone of active hostilities” guarantees circumvention-**

**-No universal definition**

Jennifer C. **Daskal**, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April, **2013** 161 U. Pa. L. Rev. 1165

Given the basis for distinguishing between zones of active hostilities and elsewhere, this Part provides the specifics of the proposed approach. It first lays out criteria for distinguishing between a zone of active hostilities and elsewhere by drawing on both existing law and the normative justifications for the distinctions. It then describes the proposed substantive and procedural standards that ought to apply, consistent with the goals of protecting individual liberty, peacetime institutions, and the fundamental security interests of the state.¶ This task is both necessary and **inherently difficult**. It is an attempt to develop a set of clear standards, or on-off triggers, for a situation in which the gravity, imminence, and likelihood of a threat are **dynamic**, **uncertain**, and **difficult to categorize**. My aim is to propose an initial set of standards that will regulate the use of force and detention without charge outside a zone of active hostilities, consistent with the state's legitimate security needs. The expectation is that debate and discussion will help develop and refine the details over time.¶ A. The Zone of Active Hostilities¶ ¶ Commentary, political discourse, court rulings, and academic literature are rife with references to the distinction between the so-called "hot battlefield" and elsewhere. **Yet despite the salience** of this distinction, **there is no commonly understood definition** of a "hot battlefield," **let alone a common term** applied by all. n118 In what follows, I briefly survey the relevant treaty [\*1203] and case law and offer a working definition of what I call the "zone of active hostilities." This definition takes into account such sources of law as well as the normative and practical reasons for this distinction.

**Drone Link – Covert**

**Covert use of drones mean noncompliance is inevitable- your solvency author**

**Cohen ’12** [Michael A. Cohen is a fellow at the Century Foundation, “The Imperial Presidency: Drone Power and Congressional Oversight,” July 24, <http://www.worldpoliticsreview.com/articles/12194/the-imperial-presidency-drone-power-and-congressional-oversight>]

The episode is reflective of the current state of congressional oversight of the executive branch

AND

**less than forthcoming** and that didn’t include reference to CIA targeted killing operations.