2AC

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#### We meet – contextual ev

Guiora, 12 [Amos, Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Drone Policy: A Proposal Moving Forward,” <http://jurist.org/forum/2013/03/amos-guiora-drone-policy.php>]

To re-phrase, this strict scrutiny test seeks to strike a balance by enabling the state to act sooner but subjecting that action to significant restrictions. This paradigm would be predicated on narrow definitions of imminence and legitimate targets. Rather than enabling the consequences of the DOJ memo, the strict scrutiny test would ensure implementation of person-specific operational counterterrorism. That is the essence of targeted killing conducted in accordance with the rule of law and morality in armed conflict.

#### 2. Counter interpretation:

#### “Statutory restrictions” can mandate judicial review, but are *enacted* by congress

Mortenson 11 (Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

#### And, Restriction means a limit and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### A restriction on war powers authority limits Presidential discretion

Jules Lobel 8, Professor of Law at the University of Pittsburgh  Law School, President of the Center for Constitutional Rights, represented members of Congress challenging assertions of Executive power to unilaterally initiate warfare, “Conflicts Between the Commander in Chief and Congress: Concurrent Power  over the Conduct of War,” Ohio State Law Journal, Vol 69, p 391, 2008, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

So too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### 3. We meet our counter interpretation, drone courts are legal restrictions on the targeted killing activities of the president

#### .Prefer our interpretation

#### Topic Education— drone courts are heart of topic in targeted killing, it is the largest policy proposal for resolving presidential authority

#### Predictable ground—best to include largest cases in the literature because they are a locus for negative and affirmative research and preparation

#### 5. Prefer reasonability over competing interpretations if the aff doesn’t make debate impossible than you can’t vote against us

### 2ac Terrorism DA

drone program will collapse now—zenko

#### The status quo expansion of drone warfare undermines the United States credibility, and breeds Anti-Americanism

Brooks 13

Rosa Brooks, Prof of Law @ Georgetown University Law Center and Bernard Schwartz Senior Fellow at the New America Foundation, Statement for the Record Submitted the Senate Committee on Armed Services, May 16, 2013.

Mr. Chairman, let me close with a plea for perspective. We live in a dangerous world: ¶ adversarial states such as North Korea and Iran remain bellicose; the changing role of near-peer ¶ powers such as China and Russia poses challenges to U.S. interests and global stability; the ¶ Middle East remains awash in violence, and technological advances could place lethal tools in ¶ the hands of irresponsible actors. We also face unprecedented challenges from our increased ¶ global interdependence: climate change, the interdependence of global financial systems and our ¶ ever-increasing reliance on the internet all create new vulnerabilities. Against the backdrop of ¶ these many dangers, old and new, the fear of terrorist attack should not be the primary driver of ¶ U.S. national security policy.¶ Terrorism is a very real problem, and we cannot ignore it, any more than we should ¶ ignore violent organized crime or large-scale public health threats. Like everyone else, I worry ¶ about terrorists getting ahold of weapons of mass destruction. At the same time, we should ¶ recognize that terrorism is neither the only threat nor the most serious threat the U.S. faces.29¶ With the sole exception of 2001, terrorist groups worldwide have never succeeded in killing¶ more than a handful of Americans citizens in any given year. According to the State ¶ Department, seventeen American citizens were killed by terrorists in 2011, for instance. The ¶ terrorist death toll was fifteen in 2010 and nine in 2009.30¶ These deaths are tragedies, and we should continue to strive to prevent such deaths—but ¶ we should also keep the numbers in perspective. On average, about 55 Americans are killed by ¶ lightning strikes each year,31 and ordinary criminal homicide claims about 16,000 U.S. victims ¶ each year.32 No one, however, believes we need to give the executive branch extraordinary legal ¶ authorities to keep Americans from venturing out in electricalstorms, or use armed drones to ¶ preemptively kill homicide suspects.¶ What’s more, we should keep in mind that military force is not the only tool in the U.S.¶ arsenal against terrorism.33 Since 9/11, we’ve gotten far more effective at tracking terrorist ¶ activity, disrupting terrorist communications and financing, catching terrorists and convicting ¶ them in civilian courts,¶ 34 and a wide range of other counterterrorism measures. Much of the ¶ time, these non-lethal approaches to counterterrorism are as effective as targeted killings. And in ¶ fact, there’s growing reason to fear that the expansion of U.S. drone strikes is strategically ¶ counterproductive. ¶ Former vice-chair of the Joint Chiefs of Staff General James Cartwright recently ¶ expressed concern that as a result of U.S. drone strikes, the U.S. may have “ceded some of our ¶ moral high ground.”35 Retired General Stanley McChrystal has expressed similar concerns:¶ “The resentment created by American use of unmanned strikes… is much greater than the ¶ average American appreciates. They are hated on a visceral level, even by people who’ve never ¶ seen one or seen the effects of one,” and fuel “a perception of American arrogance.” 36 Former ¶ Director of National Intelligence Dennis Blair agrees: the U.S. needs to “pull back on unilateral ¶ actions… except in extraordinary circumstances,” Blair told CBS news in January. U.S. drone ¶ strikes are “alienating the countries concerned [and] …threatening the prospects for long-term ¶ reform raised by the Arab Spring…. [U.S. drone strategy has us] walking out on a thinner and ¶ thinner ledge and if even we get to the far extent of it, we are not going to lower the fundamental ¶ threat to the U.S. any lower than we have it now.”37¶ Mr. Chairman, Senator Inhofe, I believe it is past time for a serious overhaul of U.S.¶ counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone ¶ strikes, one that takes into account issues both of domestic legality and international legitimacy, ¶ and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist ¶ sentiment, and the future behavior or powerful states such as Russia and China. If we undertake ¶ such a rigorous cost-benefit analysis, I suspect we may come to see scaling back on kinetic ¶ counterterrorism activities less as an inconvenience than as a strategic necessity—and we may¶ come to a new appreciation of counterterrorism measures that don’t involve missiles raining ¶ from the sky.¶ This doesn’t mean we should never use military force against terrorists. In some ¶ circumstances, military force will be justifiable and useful. But it does mean we should ¶ rediscover a long-standing American tradition: reserving the use of exceptional legal authorities ¶ for rare and exceptional circumstances. ¶ Thank you for the opportunity to testify today.

#### Effective drones are the best internal to solve blowback

Masood 13

(Hassan, Monmouth College, “Death from the Heavens: The Politics of the United States’ Drone Campaign in Pakistan’s Tribal Areas,” 2013) /wyo-mm

Those who support the use of drones as an important counter-insurgency tactic nonetheless point out that the current campaign is not always conducted in the most effective manner. The authors of “Sudden Justice” for example, argue that the campaign should be focused on ‘high value targets’ and not be used frequently to take down the lower level operatives. The more you can destroy and disrupt the activities of personnel in the Taliban and al-Qaeda from the top-down instead of the bottom-up, the more of an impact it will have. The leadership qualities, organizational skills, and strategic awareness of various high-level commanders in both the Taliban and al-Qaeda cannot be easily replaced after their deaths at the hands of U.S. drones. Fricker and Plaw use the example of Baitullah Mehsud, a Tehrik-i-Taliban (TTP) leader who was killed by a drone strike on the roof of his uncle’s house on August 5, 2009. His death provoked an internal struggle in his organization that ultimately led to enough confusion and tension within the TTP that the Pakistan Army was able to launch the South Waziristan Offensive, putting the TTP on the defensive. But the lower level Taliban and al-Qaeda members have skills and abilities that are more common and more easily replaced. The amount of time and energy, the article asserts, that the U.S. is spending killing lower-level members (and increasing civilian casualties in the process, as the majority of the time these strikes happen during funeral processions or wedding parties) could instead be used to seriously disrupt the activities of the entire organization by targeting its leaders, much like the death of Osama bin Laden did to al-Qaeda in South/Central Asia in 2011. David Rohde agrees that the drones should be used, as they are an effective and efficient way of disrupting and destroying the extremist power base there, but their usage should be both selective and surgical. There is no consensus among scholars when it comes to evaluating the effectiveness of the use of drones as a counter-insurgency tactic. As Hassan Abbas points out “the truth is we don’t know whether U.S. drone strikes have killed more terrorists or produced more terrorists.”

#### Plans review process is key to check operation errors from the president—solves terrorism

Guiora, 2012ure strikes

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

The unitary executive theory aggressively articulated, and implemented, by the Bush Administration has been adopted in toto by the Obama Administration. While the executive clearly prefers to operate in a vacuum, the question whether that most effectively ensures effective operational counterterrorism is an open question. The advantage of institutionalized, process-based input into executive action prior to decision implementation is worthy of discussion in operational counterterrorism.¶ The solution to this search for an actionable guideline is the strict scrutiny standard. What is strict scrutiny, and how is it to be implemented in the context of operational counterterrorism? Why is there a need, if at all, for an additional standard articulating self-defense? The strict scrutiny standard would enable operational engagement of a non-state actor predicated on intelligence information that would meet admissibility standards akin to a court of law. The strict scrutiny test seeks to strike a balance enabling the state to act sooner but subject to significant restrictions.¶ The ability to act sooner is limited, however, by the requirement that intelligence information must be reliable, viable, valid, and corroborated. The strict scrutiny standard proposes that for states to act as early as possible in order to prevent a possible terrorist attack the information must meet admissibility standards similar to the rules of evidence. The intelligence must be reliable, material, and probative.¶ The proposal is predicated on the understanding that while states need to engage in operational counterterrorism, mistakes regarding the correct interpretation and analysis of intelligence information can lead to tragic mistakes. Adopting admissibility standards akin to the criminal law minimizes operational error.¶ Rather than relying on the executive branch making decisions in a "closed world" devoid of oversight and review, the intelligence information justifying the proposed action must be submitted to a court that would ascertain the information's admissibility. The discussion before the court would necessarily be conducted ex parte; however, the process of preparing and submitting available intelligence information to a court would significantly contribute to minimizing operational error that otherwise would occur.¶ The logistics of this proposal are far less daunting than they might seem--the court before which the executive would submit the evidence is the FISA Court. Presently, FISA Court judges weigh the reliability of intelligence information in determining whether to grant government ex parte requests for wire-tapping warrants. Under this proposal, judicial approval is necessary prior to undertaking a counterterrorism operation predicated solely on intelligence information. The standard the court would adopt in determining the information's reliability is the same applied in the traditional criminal law paradigm. The intelligence must be reliable, material, and probative.¶ While the model is different--a defense attorney cannot question state witnesses--the court will assume a dual role. In this dual role capacity the court will cross-examine the representative of the intelligence community and subsequently rule as to the information's admissibility. While some may suggest that the FISA court is largely an exercise in "rubber-stamping," the importance of the proposal is in requiring the government to present the available information to an independent judiciary as a precursor to engaging in operational counterterrorism.

#### No risk of nuclear terror- cannot build and detonate

Mueller and Stewart 2012(John, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science at Ohio State University, Senior Fellow at the CATO institute, and Mark, Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, Summer, "The Terrorism Delusion", International Security, Volume 37, Number 1, MUSE)

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized in a great many ways. For example, an extrapolation of delusionary proportions is evident in the common observation that, because terrorists were able, mostly by thuggish means, to crash airplanes into buildings, they might therefore be able to construct a nuclear bomb. Brian Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002.[47](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f47) By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.”[48](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f48)¶ Few of the sleepless, it seems, found much solace in the fact that an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was $2,000 to $4,000.[49](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f49) In the wake of the killing of Osama bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggest that the group had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb. This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders.[50](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f50)¶ If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that none of them were very close to creating, or having anything to do with, nuclear weapons—or for that matter biological, radiological, or chemical ones. In fact, with perhaps one exception, none seems to have even dreamed of the prospect; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a pail and then to make himself into a human centrifuge by swinging the pail around in great arcs.[51](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f51) ¶ Even if a weapon were made abroad and then brought into the United States, its detonation would require individuals in-country with the capacity to receive and handle the complicated weapons and then to set them off. Thus far, the talent pool appears, to put mildly, very thin. ¶ There is delusion, as well, in the legal expansion of the concept of “weapons of mass destruction.” The concept had once been taken as a synonym for nuclear weapons or was meant to include nuclear weapons as well as weapons yet to be developed that might have similar destructive capacity. After the Cold War, it was expanded to embrace chemical, biological, and radiological weapons even though those weapons for the most part are incapable of committing destruction that could reasonably be considered “massive,” particularly in comparison with nuclear ones.[52](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f52) And as explicitly rendered into U.S. law, the term was extended even further to include bombs of any kind, grenades, and mines; rockets having a propellant charge of more than four ounces; missiles having an explosive or incendiary charge of more than one-quarter ounce; and projectile-spewing weapons that have a barrel with a bore more than a half inch in diameter.[53](http://muse.jhu.edu/journals/international_security/v037/37.1.mueller.html" \l "f53) It turns out then that the “shot heard round the world” by revolutionary war muskets was the firing of a WMD, that Francis Scott Key was exultantly, if innocently, witnessing a WMD attack in 1814; and that Iraq was full of WMD when the United States invaded in 2003—and still is, just like virtually every other country in the world.

#### No nuclear retaliation.

Neely 3/21

(Meggaen Neely is a research intern for the Project on Nuclear Issues, Center for Strategic and International Studies, 3/21/13, Doubting Deterrence of Nuclear Terrorism, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>) KH

Because of the difficulty of deterring transnational actors, many deterrence advocates [shift](http://www.cfr.org/proliferation/deterring-state-sponsorship-nuclear-terrorism/p17171) the focus to deterring state sponsors of nuclear terrorism. The argument applies whether or not the state intended to assist nuclear terrorists. If terrorists obtain a nuclear weapon or fissile materials from a state, the theory goes, then the United States will track the weapon’s country of origin using nuclear forensics, and retaliate against that country. If this is U.S. policy, advocates predict that states will be deterred from assisting terrorists with their nuclear ambitions.

Yet, let’s think about the series of events that would play out if a terrorist organization detonated a weapon in the United States. Let’s assume forensics confirmed the weapon’s origin, and let’s assume, for argument’s sake, that country was Pakistan. Would the United States then retaliate with a nuclear strike? If a nuclear attack occurs within the next four years (a reasonable length of time for such predictions concerning current international and domestic politics), it seems unlikely.

Why? First, there’s the problem of time. Though nuclear forensics is useful, it takes time to analyze the data and determine the country of origin. Any justified response upon a state sponsor would not be swift. Second, even if the United States proved the country of origin, it would then be difficult to determine that Pakistan willingly and intentionally sponsored nuclear terrorism. If Pakistan did, then nuclear retaliation might be justified. However, if Pakistan did not, nuclear retaliation over unsecured nuclear materials would be a disproportionate response and potentially further detrimental. Should the United States launch a nuclear strike at Pakistan, Islamabad could see this as an initial hostility by the United States, and respond adversely. An obvious choice, given current tensions in South Asia, is for Pakistan to retaliate against a U.S. nuclear launch on its territory by initiating conflict with India, which could turn nuclear and increase the exchanges of nuclear weapons.

Hence, it seems more likely that, after the international outrage at a terrorist group’s nuclear detonation, the United States would attempt to stop the bleeding without a nuclear strike. Instead, some choices might include deploying forces to track down those that supported the suicide terrorists that detonated the weapon, pressuring Pakistan to exert its sovereignty over [fringe regions](http://www.c-span.org/pdf/nie_071707.pdf) such as the Federally Administered Tribal Areas, and increasing the number of drone strikes in Waziristan. Given the initial attack, such measures might understandably seem more of a concession than the retaliation called for by deterrence models, even more so by the American public.

### 2AC Consult

perm – consult and then do the plan

perm – do the cplan –

It severs nothing – plan doesn’t textually commit to “certainty”. Functional comp is a bad standard – discourages topic-clash. Our perms have no topicality burdens – if they did, a host of bad cplans would magically compete

The counterplan only questions how the plan should be implemented, not if it should

A. Resolution says “should,” not “shall” – means it’s not unconditional

Atlas Collaboration, 1999, “Use of shall, should, may can,” http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html

shall 'shall' describes something that is mandatory. If a requirement uses 'shall', then that requirement \_will\_ be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong. should 'should' is weaker. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means).

We don’t need to defend certainty, just desirability

American Heritage, 2009, “should,” http://dictionary.reference.com/browse/should

Like the rules governing the use of shall and will on which they are based, the traditional rules governing the use of should and would are largely ignored in modern American practice. Either should or would can now be used in the first person to express conditional futurity: If I had known that, I would (or somewhat more formally, should) have answered differently. But in the second and third persons only would is used: If he had known that, he would (not should) have answered differently. Would cannot always be substituted for should, however. Should is used in all three persons in a conditional clause: if I (or you or he) should decide to go. Should is also used in all three persons to express duty or obligation (the equivalent of ought to): I (or you or he) should go. On the other hand, would is used to express volition or promise: I agreed that I would do it. Either would or should is possible as an auxiliary with like, be inclined, be glad, prefer, and related verbs: I would (or should) like to call your attention to an oversight. Here would was acceptable on all levels to a large majority of the Usage Panel in an earlier survey and is more common in American usage than should. · Should have is sometimes incorrectly written should of by writers who have mistaken the source of the spoken contraction should've. See Usage Notes at if, rather, shall.

cplans which compete on “certainty of plan” are a voter:

1. **Infinitely de-limits**

Certainty can be suspended for ANY reason – conditioning the plan on China agreeing to the US not getting involved in an ROC-PRC war meets their standard.

1. **Aff ground**

Neg will always pick a situation where the condition would be readily accepted – this cplan proves.

1. **Jacks topic-education**

Their whole argument re-centers the debate around neg case that’s unrelated to the topic.

1. **Lit doesn’t check**

“Say yes” lit could stem from the how badly the nations wants the carrot, not the Aff.

Doesn’t solve the aff- CP would be viewed with mistrust- stops credibility

Clark ‘4 (Pat – editor and partner for the Parr Partnership -- GREEN BUSINESS STRATEGIES ASSISTANCE -- http://www.sust.org/pdf/housing.pdf)

The problem with consultation is that where it has not been carried out before it will often raise initial suspicion about motives and the commitment to follow through. Also where consultation has been begun, people will become used to being involved and will come to expect ongoing consultation as a matter of course. So while engaging with people and groups can be valuable, it is not a short-term process and it is not something that is easy to simply switch on and off.

Relations are high now—their Diplomatic Courier evidence says economic ties are high—probably proves the resiliency of relations

#### American decline will turn the U.S. xenophobic and protectionist, killing its relations with Mexico and thus antinarcotic efforts, igniting cross-border wars that draw in China

Brzezinski 2012

[Zbigniew K. Brzezinski, CSIS Counselor and Trustee, 2012, Strategic Vision, uwyo//amp]

The resulting consequences would severely damage the Mexican economy, creating social and political aftershocks that would complicate further the next two most important issues in the Mexican-American relationship: immigration and the narcotics trade. Both issues are the target of tense, sometimes begrudging cooperation between America and Mexico. America's fair treatment of Mexican immigrants and its commitment to help Mexico combat the drug trade are essential to sustaining a productive partnership. However, the domestic and regional outlook of an America in decline would almost certainly increase American demonization of Mexican immigration and American skepticism regarding Mexico's will to combat its drug cartels. The United States would be likely to pursue more coercive solutions to these issues (i.e., cut off or deport immigrants, build up or deploy troops at the border), thus scuttling the good-neighbor policy and possibly igniting a geopolitical confrontation. Mexican immigration, especially illegal immigration, is the result of the sharp contrast between economic and political conditions in Mexico and the United States. Over time, these differences have led to massive Mexican migration to America, such that the population of Mexican immigrants in America was estimated at around 11.5 million in 2009.5 The estimated population of illegal Mexican immigrants in the United States is said to be 6.6 million.7 And, the total population of individuals who are ethnically Mexican in America is now around 31 million or 10% of the total US population, most of whom remain deeply tied to their families in Mexico. Likewise, citizens of Mexico and the Mexican government itself are understandably concerned with the condition of immigrants in the United States. For example, Arizona's strict 2010 immigration law, aimed at increasing the prosecution and deportation of illegal immigrants, angered many in Mexico. Though President Obama denounced the bill, it still produced a sharp drop in the favorability with which Mexicans viewed Americans. According to the 2010 Pew Global Attitudes Survey, 44% of the Mexicans polled viewed the United States favorably after the enactment of the Arizona law, compared to 62% before. A more coercive US attitude and policy toward Mexican immigrants would heighten Mexican resentment, adversely affecting the overall US-Mexico partnership. After 9/11, the issue of border security has come to be seen as essential to homeland security; the specter of an Islamic terrorist crossing the border from Mexico enhanced popular cries to seal off the border completely. America's decision to construct a wall/fence to separate itself from Mexico as a mechanism to support lA border security has already stimulated anti-American sentiments. It evokes negative images of Israel's construction of a "security barrier" in the West Bank or of the Berlin Wall. An internationally declining America is likely to become even more disturbed by the insecurity of its porous border with Mexico and the resulting immigration, inspiring a continuation of similar policies and creating a dangerous downward spiral for relations between the two neighbors. Growing antagonism can also only further complicate both nations' ability to cooperate on the narcotics trade, an issue already of acute mutual concern. As a result of America's highly successful efforts to eliminate the Colombian drug trade, Mexico has increasingly inherited Colombia's role; 90% of all cocaine bound for the United States now goes through Mexico. This new reality has escalated violence in Mexico, for example in Juarez, and created spillover effects in the United States. And while America and Mexico have made combating the cross-border drug trade a policy priority, the problem has proven difficult to solve. The related violence has intensified and the corruption has persisted. It has been estimated that since 2006 about 5,000 Mexicans have died in drugrelated violence, with 535 Mexican police officers perishing in 2009.8 In short, this has produced unsustainable pressure on Mexico's local and national governments and on law enforcement in the United States. Defeating the narcotics pandemic would become exponentially more difficult if the United States declined, its financial and military resources dwindled, and its policies became more unilateral. Should the current strong north-south partnership then cease to exist because of growing anti-Americanism in Mexico resulting from America's economic protectionism and harsh immigration policies, the subsequent reorientation of the Mexican government away from full cooperation with the United States would weaken the effectiveness of any American counternarcotics efforts. Furthermore, a Mexican government lacking US support would find it impossible to defeat the drug cartels, and the political landscape in Mexico thus would become susceptible to political pressures for accommodation with drug lords at the expense of American security. This would return Mexico to levels of corruption equal to and beyond those present in Mexico prior to the shift of power from the Institutional Revolutionary Party (PRI) to an open, multiparty democracy in 2000. A return to such a state would stimulate further anti-Mexican tendencies in the United States. A waning partnership between America and Mexico could precipitate regional and even international realignments. A reduction in Mexico's democratic values, its economic power, and its political stability coupled with the dangers of drug cartel expansion would limit Mexico's ability to become a regional leader with a proactive and positive agenda. This, in the end, could be the ultimate impact of an American decline: a weaker, less stable, less economically viable and more anti-American Mexico unable to constructively compete with Brazil for cooperative regional leadership or to help promote stability in Central America. In that context, China could also begin to play a more significant role in the post-American regional politics of the Western Hemisphere. As part of China's slowly emerging campaign for greater global influence, the PRC has initiated large-scale investments in both Africa and Latin America. For example, Brazil and China have long been trying to forge a strategic partnership in energy and technology. This is not to suggest that China would seek to dominate this region, but it obviously could benefit from receding American regional power, by helping more overtly anti-American governments in their economic development. In the longer run, the potential worsening of relations between a declining America and an internally troubled Mexico could even give rise to a particularly ominous phenomenon: the emergence, as a major issue in nationalistically aroused Mexican politics, of territorial claims justified by history and ignited by cross-border incidents. Political and economic realities have forced Mexicans to sublimate historical memories of territory lost to the United States for the sake of more beneficial relations with the most powerful state in the Western Hemisphere and (later) the sole global superpower. But in a world where Mexico did not count as much on a weakened United States, incidents resulting initially from the cross-border narcotics trade could easily escalate into armed clashes. One could even imagine cross-border raids made under the banner of "recovery" of historically Mexican soil; there are historical precedents for such a transformation of banditry into a patriotic cause. An additional and convenient pretext could be the notion that antiimmigrant sentiment in the United States is tantamount to discrimination, thus requiring retaliatory acts. These in turn could lead to the argument that the presence of many Mexicans on the formerly Mexican territory raises the issue of territorial self-determination. Speculation along these lines reads today like futuristic fiction, unrelated to reality, but geopolitical realities would change dramatically in the event of America's decline. That could well include the oncehostile but lately amicable relationship between America and Mexico. And if that were to happen, America's geopolitically secure location free of neighborly conflicts, identified earlier in Part 2 as one of America's major assets, would become a thing of the past.

Their o donnell ev is terrible—no reason we’d go to war