# Round 3 v. NU OS

## 1ac

### New Plan

The United States Federal Government should establish an ex parte and ex ante judicial review process utilizing a strict scrutiny standard for targeted killing by drones.

## 2ac

### 2ac – T – Restrictions

#### 1. We meet statutory restrictions.

Chehab, Georgetown Law Center, 2012

[Ahmad, 3-30-12, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572, p.26-7, accessed 9-15-13, TAP]

The creation of the Covert Operations Against American Citizens Court (COAACC) would help

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the use of electronic eavesdropping in the context of foreign intelligence gathering.121

#### 2. We meet judicial restrictions.

Guiora, University of Utah law professor, 2012

[Amos, Case Western Reserve Journal of Internal Law, vol 45, “Targeted Killing: When Proportionality Gets All Out of Proportion” http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.13.Article.Guiora.pdf, p.239, accessed 9-15-13, TAP]

The solution to this search for an actionable guideline is the strict ¶ scrutiny standard

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

#### 3. Counter-interpretation – restriction means a limit and includes conditions on action.

Snow, COURT OF APPEALS OF ARIZONA judge, 8

(G. Murray, COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613, accessed 9-18-13, CMM)

P10 The term "restriction" is not defined by the Legislature for the purposes

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natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification

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dictate that the term "restriction" includes the ignition interlock device limitation.

### 2ac – SCS – AT: Trade

#### Trade doesn’t check

Medcalf, Lowy Institute (Sydney) International Security Programme Director, and Heinrichs, Australian National University Strategic and Defence Studies Centre Scholar, 11

(Rory and Raoul, 6-27-11, “Asia’s Maritime Confidence Crisis,” http://the-diplomat.com/2011/06/27/asia%E2%80%99s-maritime-confidence-crisis/?all=true, accessed 10-9-11, CMM)

To the casual observer, recent security tensions in Asian waters might seem a storm

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and confidence-building, these events are increasing in frequency and intensity.

The harassment by Chinese civilian vessels of the USNS Impeccable in 2009 presaged a

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increases, so does the likelihood that an episode will escalate to armed confrontation

, diplomatic crisis or possibly even conflict. An accumulation of incidents could also play into a wider deterioration of relations among major powers, with dangerous implications for regional peace and stability.

### 2ac – Terror – Yes Nuclear Terror

#### Yes a threat.

Chibarirwe, Trumpet, 7-7-13

[Anthony, “IAEA Chief Warns of Threat of Nuclear Terrorism” <http://www.thetrumpet.com/article/10787.19.0.0/world/terrorism/iaea-chief-warns-of-threat-of-nuclear-terrorism>, accessed 10-7-13, TAP]

At a conference on enhancing global nuclear security efforts, the director general of the

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. For some, what they perceive happening after death actually motivates them.

[Tom note- Citing IAEA director general and SENIOR IAEA analyst]

### 2ac – Terror – AT: Econ Resilient

#### New collapse triggers total collapse – the economy is structurally weak.

Isidore, CNN Money, 11

(Chris, 8/10/2011, “Recession 2.0 would hurt worse,” http://money.cnn.com/2011/08/10/news/economy/double\_dip\_recession\_economy/index.htm, accessed 1-6-12, CMM)

And while economists disagree on just how likely the U.S. economy is

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this new recession would likely have virtually no policy effort to counteract it.

### 2ac – Congress CP – Say It Is Legal

#### 4. Nothing to show other countries means they still backlash to drones AND the executive would still lie to Congress

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]

Despite this, the executive branch is currently operating under a publicly lawless regime when

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U.S. citizen a terrorist and duly execute him or her.

#### 6. CP is after-the-fact – before-hand is key.

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

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officials to avoid making them in the first place.”111

#### 8. Clear criteria is key – mistrust overwhelms the CP – no one believes the white paper.

Goldsmith, Harvard University law professor, 5-1-13

[Jack, “How Obama Undermined the War on Terror” <http://www.newrepublic.com/node/112964/print>, accessed 9-29-13, TAP]

These are unhappy developments for the president who in his first inaugural address pledged with

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, even if it means that secret war abroad is harder to conduct.

### 2ac – Terrorism DA – Drones Good

#### Terrorists won’t be able to steal nuclear weapons – Pakistan’s weapons are secure.

Hundley, Pulitzer Center on Crisis Reporting senior editor, 2012

[Tom, 9-5-12, “Pakistan and India: Race to the End” http://pulitzercenter.org/reporting/pakistan-nuclear-weapons-battlefield-india-arms-race-energy-cold-war, accessed 9-11-13, TAP]

With both sides armed to the teeth, it is easy to exaggerate the fears

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secure against internal threats, according to those who know the country best.

#### Restrictions inevitable---only a question of whether they are deliberate or haphazard

Wittes, Brookings Institution public law senior fellow, 2009

[Benjamin, “Legislating the War on Terror: An Agenda for Reform” <http://www.amazon.com/Legislating-War-Terror-Agenda-Reform/dp/0815703104>, p.2-3, accessed 10-26-13, TAP]

A new administration now confronts the same hard problems that plagued its ideologically opposite predecessor

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past several years and will likely continue sparring over the next several years.

#### 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]

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.

#### Plan solves – reduces the risk of operational errors that trigger the internal link, while allowing effective counter-terror – expert concludes aff would strengthen effective self-defense

Guiora, University of Utah Law professor & Jurist contributing editor, 13

[Amos, 3-4-13, “Drone Policy: A Proposal Moving Forward”, accessed 10-26-13, AFB]

Targeted killing sits at the intersection of law, morality, strategy and policy. I am a proponent of targeted

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troubling paradigm established by the Obama administration in the DOJ white paper.

### 2ac – Politics – Immigration

Heg effectiveness is inflated

Fettweis, Tulane University Associate Political Science Professor, 11

(Christopher, Sept/Oct, “Free Riding or Restraint? Examining European Grand Strategy,” ebsco, Vol. 30 Issue 4, p316-332, accessed 3-24-12, CMM)

The hegemonic-stability argument overestimates the capability of the United States to maintain global

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upon an unwilling 95 percent. Stability and unipolarity may be simply coincidental.

#### Won’t pass now – long shot – and healthcare thumps.

Kuhnhenn & Cassata, AP, 10-25-13

[Jim & Donna, The Associated Press, “Obama calls for immigration law by end of the year”, Lexis, AFB]

President Barack Obama made a plea for Republican cooperation on immigration Thursday, seeking common

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who broke U.S. immigration laws to be in this country.

#### No deal – pressure won’t force the GOP to act.

Berman, The Hill, 10-25-13

(Russell, “GOP comfortable ignoring Obama pleas for vote on immigration bill,” http://thehill.com/homenews/house/330527-gop-comfortable-ignoring-obama-pleas-to-move-to-immigration-reform, accessed 10-25-13, CMM)

For President Obama and advocates hoping for a House vote on immigration reform this year

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-sighted: it made his achieving his real priorities much more difficult.”

#### Won’t pass – GOP blocks and Obama won’t spend PC

Miller, Time, 10-24-13

[Zeke, “Obama's New Immigration Pivot Isn't About Immigration” swampland.time.com/2013/10/24/obamas-new-immigration-pivot-isnt-about-immigration/, accessed 10-26-13, TAP]

President Obama called Thursday on the Republican-controlled House of Representatives to take up

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politics in this instance,” Obama added. They certainly are for him.

#### No immigration this year.

Palmer and Sherman, Politico, 10-25-13

(Anna and Jake, “House GOP plans no immigration vote in 2013,” http://dyn.politico.com/printstory.cfm?uuid=C53102C5-C26C-4E4F-80D7-8C8657616AB1, accessed 10-25-13, CMM)

House Republican leadership has no plans to vote on any immigration reform legislation before the

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to use his “existing legal authority to alleviate the suffering of immigrants.”

#### 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.)

#### But he doesn’t get involved in the fight.

Howell and Pevehouse, University of Chicago public policy professors, 2007

[William and Jon, Foreign Affairs. Sep/Oct2007, Vol. 86, “When Congress Stops Wars.” EBSCO, accessed 9-30-13, TAP]

After all, when presidents anticipate congressional resistance they will not be able to overcome

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Pace, so as to avoid a clash with Congress over his reappointment.

#### Congress won’t fight the plan.

Goldsmith, Harvard University law professor, 2012

[Jack, 11-9-12, “Counterterrorism Legal Policy in Obama’s Second Term” <http://www.lawfareblog.com/2012/11/counterterrorism-legal-policy-in-obamas-second-term/>, accessed 9-29-13, TAP]

One important consequence of President Obama’s re-election will be the further entrenchment,

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entrenched as a result of Obama’s election, compared to a Romney presidency.

### 2ac – Security K

#### The academy isn’t wrong – our authors would get fired if they produced wrong studies – our studies are real and create actionable knowledge

Earl C. Ravenal 9, distinguished senior fellow in foreign policy studies @ Cato, is professor emeritus of the Georgetown University School of Foreign Service. He is an expert on NATO, defense strategy, and the defense budget. He is the author of *Designing Defense for a New World Order.*What's Empire Got to Do with It? The Derivation of America's Foreign Policy.” *Critical Review: An Interdisciplinary Journal of Politics and Society* 21.1 (2009) 21-75

The underlying notion of “the security bureaucracies . . . looking for new enemies

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or to a lack of sufficient imagination to exploit opportunities for personal profit.

#### Reps don’t cause war

Reiter, Emory University political science professor, 1995

[Dan, International Security, Vol. 20, No. 2, “Exploding the Powder Keg Myth: Preemptive Wars Almost Never Happen” JSTOR, p.15-16, accessed 10-7-13, TAP]

A criticism of assessing the frequency of preemptive wars by looking only at wars themselves

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cancer, this is not demonstrated by the results of such a test.

#### No impact and the alt fails – it can’t explain the world adequately and trigger points are necessary.

Rodwell, Manchester Metropolitan University foreign policy PhD candidate, 2005

[Jonathan, “Trendy But Empty: A Response to Richard Jackson” <http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm>, accessed 9-22-13, TAP]

However, having said that, the problem is Jackson’s own theoretical underpinning, his

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analysis provides us with is a set of universals and a heuristic model.

## 1ar

### AT: Pakistan

**No Pakistani collapse – internal checks**

Dasgupta, director of UMBC's Political Science Program and a senior fellow at Brookings, 13

(Sunil, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/, accessed 9-29-13, CMM)

India is not likely to initiate an intervention that causes the Pakistani state to fail

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out a Pakistani civil war while covertly coordinating policy with the United States.

#### State collapse doesn’t risk nuclear theft, and the military controls so radicals won’t launch.

Hundley, Pulitzer Center on Crisis Reporting senior editor, 2012

[Tom, 9-5-12, “Pakistan and India: Race to the End” http://pulitzercenter.org/reporting/pakistan-nuclear-weapons-battlefield-india-arms-race-energy-cold-war, accessed 9-11-13, TAP]

To outsiders, Pakistan appears to be permanently teetering on the brink of collapse.

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here, there's a lot of confidence that Pakistan's nuclear weapons are secure."

### 2ac – Terror DA – AT: Slow Response

#### No link – it can handle requests quickly.

It is fast

It can handle a lot of requests

McKelvey, Vanderbilt University JD Candidate, 2011

[Benjamin, Vanderbilt journal of transnational law editorial board executive development editor, Vol 44, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/mckelvey-pdf.pdf, p.1379-80, accessed 9-15-13, TAP]

FISA is an existing legislative model that is applicable both in ¶ substance and structure

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is conducted only in lawful circumstances ¶ after a demonstration of sufficient evidence.

### 2ac – Terror DA – AT: No Expertise

#### No link – judges have expertise with sensitive information.

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]

[\*445] Rather, as recognized by the Founders in the Fourth Amendment

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ideal candidates to ensure that the executive exercises constitutional restraint when targeting citizens.