# Aff v. MSU RT

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### Adv 1

Contention 1 – Accountability

#### Drone proliferation is coming – accountability is critical to prevent conflict.

Ingersoll and Kelley, Business Insider, 1-9-13

[Geoffrey and Michael, “America Is Setting A Dangerous Precedent For The Drone Age” <http://www.businessinsider.com/america-is-setting-a-dangerous-precedent-for-the-drone-age-2013-1>

The decisions America makes today regarding drone policy could come back to haunt it sooner

AND

is waging its fight against terrorism in accordance with the rule of law."

#### Drone conflict escalates.

Cronin, George Mason University public policy professor, 13

[Audrey Kurth, Foreign Affairs, Jul/Aug 2013, Vol 92 Issue 4, “Why Drones Fail” Ebsco, accessed 6-30-13, TAP]

The sometimes contradictory demands of the American people -- perfect security at home without burdensome

AND

-- then al Qaeda will be the least of the United States' worries.

#### Accountability allows the US to shape international norms.

Whibley, Victoria University of Wellington international relations MA, 2-6-13

[James, Georgetown journal of international affairs, “The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent” <http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/>, accessed 7-29-13, TAP]

If drones are destined to proliferate, the more important issue may become whether American

AND

, then surely China or Russia possessing such a program would be terrifying.

#### Accountability also gives the US leverage to pressure other countries into using best practices.

Zenko, CFR Center for Preventive Action Douglas Dillon fellow, 13

[Micah, Council Special Report No. 65, January 2013, “Reforming U.S. Drone Strike Policies”<http://www.foreignpolicy.com/articles/2013/04/16/clip_the_agencys_wings_cia_drones?page=full> p.24-5, accessed 6-20-13, TAP]

Beyond the United States, drones are proliferating even as they are¶ becoming increasingly

AND

likely to use lethal force against the United States¶ and its allies.

#### Drones will trigger regional wars in the South and East China Seas – lack of norms causes miscalc.

Brimley et al, Center for a New American Security vice president, 9-17-13

[Shawn, Ben Fitzgerald, CNAS Tech and National Security program, and Ely Ratner, CNAS Asia program deputy director, “The Drone War Comes to Asia” http://www.foreignpolicy.com/articles/2013/09/17/the\_drone\_war\_comes\_to\_asia?page=full, accessed 9-18-13, TAP]

It's now been a year since Japan's previously ruling liberal government purchased three of the

AND

but the lack of well-established norms for their use in conflict..

#### Escalation is likely – collapses the economy

Cronin, Center for New American Security Asia-Pacific security program senior director, 9-7-12

[Patrick, “Averting Conflict in the South China Sea” <http://www.chinausfocus.com/peace-security/averting-conflict-in-the-south-china-sea/>, accessed 10-29-12, TAP]

Despite rising tensions over the South China Sea, conflict can and should be averted

AND

the South China Sea will only be harnessed when there is such cooperation.

#### Economic collapse leads to global war.

Lind**, New America Foundation Economic Growth Program Policy Director**, 5/11/2010

[Michael, "Will the great recession lead to World War IV?," http://www.salon.com/news/economics/index.html?story=/opinion/feature/2010/05/11/great\_recession\_world\_war\_iv]

If history is any guide, an era of global economic stagnation will help the

AND

Eurasia, Eastasia and Oceania in 1984 is all too easy to imagine.

#### Asian instability escalates to nuclear war.

Landay, National Security and Intelligence Correspondent, 2K

(Jonathan S., “Top administration officials warn stakes for U.S. are high in Asian conflicts”, 3-10, Knight Ridder/Tribune News) Accessed on LexisNexis 12-29-09

Few if any experts think China and Taiwan, North Korea and South Korea,

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that totaled $600 billion last year, according to the Commerce Department.

### Adv 2

Contention 2 – Terrorism

#### Wide-scale restriction of drone use coming – only increasing accountability solves.

Zenko, CFR Center for Preventive Action Douglas Dillon fellow, 13

[Micah, Council Special Report No. 65, January 2013, “Reforming U.S. Drone Strike Policies”<http://www.foreignpolicy.com/articles/2013/04/16/clip_the_agencys_wings_cia_drones?page=full> p.22, accessed 6-20-13, TAP]

In his Nobel Peace Prize acceptance speech, President Obama declared:¶ “Where force

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the¶ United States modified its drone policy in the ways suggested below.

#### Public backlash culminates in a legal crackdown that hemorrhages the targeted killing program.

Goldsmith, Harvard University law professor, 12

[Jack, “Power and Constraint” [google books](http://books.google.com/books?id=Yi5-9bVd3YEC&pg=PA201&lpg=PA201&dq=power+and+constraint,+And+it+is+only+a+matter+of+time,+if+it+has+not+happened+already,+before+they+lead+the+U.S.+government+to+forgo+lawful+targeted+killing+actions+otherwise+deemed+to+be+in+the+interest+of+U.S.+national+security&source=bl&ots=7g6173TJSO&sig=mhMTjOq3Q0gzLibX9Hmtcr7snQs&hl=en&sa=X&ei=vmdLUrWtEJDs9ASQyIGIBg&ved=0CCsQ6AEwAA#v=onepage&q=power%20and%20constraint%2C%20And%20it%20is%20only%20a%20matter%20of%20time%2C%20if%20it%20has%20not%20happened%20already%2C%20before%20they%20lead%20the%20U.S.%20government%20to%20forgo%20lawful%20targeted%20killing%20actions%20otherwise%20de), p.199-201, accessed 9-30-13, TAP]

For the GTMO Bar and its cousin NGOs and activists, however, the al

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deemed to be in the interest of U.S. national security.

#### US counter-terror ops are expanding in Africa now.

Tinti, WPR, 13

(Peter, freelance journalist and analyst based in Bamako, Mali, and Dakar, Senegal, 1-2-13, “U.S. Debates Framework for Counterterror Operations in Africa,” http://www.worldpoliticsreview.com/articles/12593/u-s-debates-framework-for-counterterror-operations-in-africa, accessed 8-23-13, CMM)

Some of these core assumptions, however, are being reconsidered amid the revelation that

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have on relations between the U.S. and its African counterparts.

#### Drones are key.

Byman, Georgetown University security studies professor, 2013

[Daniel, Brookings Institution Saban Center for Middle East Policy senior fellow, foreign affairs, Jul/Aug 2013, Vol 92 Issue 4, “Why Drones Work” Ebsco, accessed 7-1-13, TAP]

The Obama administration relies on drones for one simple reason: they work. According

AND

forcing the group to choose between having no leaders and risking dead leaders.

#### Unchecked executive power causes groupthink – that triggers massive policy errors.

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.30-3, accessed 9-15-13, TAP]

The practical, pragmatic justification for the COAACC derives largely from considering social psychological findings

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irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147

Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus

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1960’s,152 and the controversial decision to wage war against Vietnam.153

Professor Sunstein also has described the related phenomenon of “group polarization,” which includes

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and other associated deficiencies are inevitable features in Executive Branch decision-making.

[Tom note – Sunstein, University of Chicago and Harvard University law professor]

#### AQIM is a unique nuclear threat

FMWG, Fissile Materials Working Group ‘11

(Irma Arguello, David Culp, Ingrid Drake, Rob Golan-Vilella, Li Hong, Kenneth Luongo, Michelle Marchesano, Rajiv Nayan, Miles Pomper, William Potter, Kingston Reif, Jennifer Smyser, Elena Sokova, Peter Stockton, Alexandra Toma, Paul Walker, Peter Wilk, and Sarah Williams, all experts in the field, “After bin Laden: Nuclear terrorism still a top threat,” 5-13-11, <http://www.thebulletin.org/web-edition/columnists/fissile-materials-working-group/after-bin-laden-nuclear-terrorism-still-top-t>, accessed 2-23-12) PM

The evolving threat. While Al Qaeda's anti-American ideology is unlikely to change

AND

Al Qaeda, a US priority must be securing this potential source material.

#### AQIM will have nuclear and biological weapon capabilities – and they will attack the US.

Allison, Belfer Center for Science and International Affairs director, 12

[Graham, Harvard University government professor, 9-7-12, "Living in the Era of Megaterror" <http://belfercenter.ksg.harvard.edu/publication/22302/living_in_the_era_of_megaterror.html>, accessed 9-30-13, TAP]

Forty years ago this week at the Munich Olympics of 1972, Palestinian terrorists conducted

AND

the eye can see, we will live in an era of megaterror.

#### Nuclear terror results in extinction.

Morgan, Hankuk University foreign studies professor, 9

[Dennis, Elsivier Vol 41 Issue 10, “World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race Futures” [www.cgee.org.br/atividades/redirKori/6255](http://www.cgee.org.br/atividades/redirKori/6255), p.685-6, accessed 9-30-13, TAP]

In a remarkable website on nuclear war, Carol Moore asks the question ‘‘Is

AND

start through the accidental or reckless use of strategic weapons. [10]

#### Bioterror causes extinction.

Ochs, Chemical Weapons Working Group member, 2

[Richard , Former Aberdeen Proving Ground Superfund Citizens Coalition president, member of the Depleted Uranium Task force of the Military Toxics Project, “Biological Weapons Must Be Abolished Immediately” <http://www.freefromterror.net/other_articles/abolish.html>, accessed 10-28-10, TP]

Of all the weapons of mass destruction, the genetically engineered biological weapons, many

AND

Can we imagine hundreds of such plagues? Human extinction is now possible.

#### Unchecked Saharan terrorism spreads causes regional instability, environmental decline, and economic collapse

Metz, defense analyst, 13

(Steven, 1-23-13, “Strategic Horizons: Containment Should Guide U.S. Approach to al-Qaida in Africa,” http://www.worldpoliticsreview.com/articles/12657/strategic-horizons-containment-should-guide-u-s-approach-to-al-qaida-in-africa, accessed 8-23-13, CMM)

Today all conflicts have cascading effects, quickly engulfing neighboring states and, if unchecked

AND

al-Qaida-associated organizations is the least-bad option available.

#### AQIM will attack oil fields – that triggers global price spikes.

Jegarajah, CNBC News, 1-16-13

[Sri, “Algeria Attack 'Wake-Up' Call for Oil Markets” <http://www.cnbc.com/id/100386265>, accessed 9-30-13, TAP]

Global oil markets, under pressure from increased North American production, are facing the

AND

formidable in the region and yet we saw that they can be vulnerable."

#### Price spikes collapse the global economy.

The Economist, 11

(3-3-11, “The Price of Fear,” http://www.economist.com/node/18285768, accessed 11-7-11, CMM)

The reason for a rise in the oil price is as important as how large it is. An increase forced by higher demand is less dangerous than one driven by constricted supply, because it is evidence of a healthy global economy. If rapid growth means that China and India are importing more oil, they are probably importing larger amounts of other things as well, lessening the pain for slower-growing consumers of oil.

Nonetheless, whether driven by demand or supply, a large enough spike in the

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0.5% to 1% of GDP that simple extrapolation suggests.

James Hamilton, of the University of California, San Diego, has identified numerous

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, after the biggest one-week increase since Hurricane Katrina in 2005.

#### Economic collapse leads to global war.

Lind, New America Foundation Economic Growth Program Policy Director, 5/11/2010

[Michael, "Will the great recession lead to World War IV?," http://www.salon.com/news/economics/index.html?story=/opinion/feature/2010/05/11/great\_recession\_world\_war\_iv]

If history is any guide, an era of global economic stagnation will help the

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Eurasia, Eastasia and Oceania in 1984 is all too easy to imagine.

### Solvency

#### Ex ante review by a drone court solves group think.

Chehab, Georgetown Law Center, 12

[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.33-4, accessed 9-15-13, TAP]

To check the vices of groupthink and shortcomings of human judgment, the psychology literature

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(and political motivations incentivized and exploited by popular hysteria and fear).159

Requiring accounting in a formalized way prior to engaging in a targeted killing—by

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choices and evaluate available alternatives than when subject to little to no review.

#### Executive secrecy guts support for drones – a drone court garners legitimacy for the drone program.

Johnson, former Pentagon general counsel, 3-18-13

[Jeh Charles, “Keynote address at the Center on National Security at Fordham Law School: A “Drone Court”: Some Pros and Cons” <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>, accessed 9-3-13, TAP]

Thank you for this invitation. Today I want to join the current public debate

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who actually wouldn’t mind the added comfort of judicial imprimatur on their decisions.

#### Congress can establish an effective drone court – Congressional involvement creates credibility of drone strikes with the public.

McKelvey, Vanderbilt University JD Candidate, 11

[Benjamin, Vanderbilt journal of transnational law editorial board executive development editor, Vol 44, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/mckelvey-pdf.pdf, p.1378-9, accessed 9-15-13, TAP]

As the Aulaqi case demonstrates, any resolution to the problem ¶ of targeted killing

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have the potential to violate civil liberties.206¶ FISA also effectively balances

## 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 – Solvency EXTN – AT: Rubber Stamp

#### High approval rate does not make something a rubber stamp.

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.

#### No impact to rubber stamping.

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.240, accessed 9-15-13, TAP]

While the model is different—a defense attorney cannot question ¶ state witnesses—

AND

an ¶ independent judiciary as a precursor to engaging in operational ¶ counterterrorism.

### 2ac – Executive CP

#### 1. Perm – do both – shields the link

Chesney et al., University of Texas law professor, 2013

[Robert, Brookings Institute senior fellow, Jack Goldsmith, Harvard University law professor, Matthew Waxman, Columbia University law professor and CFR senior fellow, and Benjamin Wittes, Brookings Institution governance studies senior fellow, 2-25-13, “A Statutory Framework for Next-Generation Terrorist Threats,” http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf, p.8-9, accessed 9-26-13, TAP]

Congress could authorize the president to use force that is consistent with his ¶ extant

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defense regime is ¶ politically and legally more stable when backed by Congress.

3. Doesn’t solve accountability – clear signal is key – that can only be sent by Congress – that’s McKelvey.

And Congress is critical to preventing ambiguity.

Anderson, American University law professor, 2009

[Kenneth, 5-11-09, “Targeted Killing in U.S. Counterterrorism Strategy and Law” <http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511_counterterrorism_anderson.pdf>, p.31-3, accessed 9-22-13, TAP]

What Should Congress Do? ¶ Does this analysis offer any practical policy prescriptions for

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seen by many as a legal non-starter under ¶ international law.

Before addressing what Congress should do in this regard, we might ask from a

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Administration. Perhaps it ¶ is better to let sleeping political dogs lie.

These questions require difficult political calculations. However, the sources cited above ¶ suggest

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its sovereign prerogatives are challenged by the international soft-law ¶ community.

The deeper issue here is not merely a strategic and political one about targeted killing

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general ¶ approach of overt legislation that removes ambiguity is to be preferred.

The single most important role for Congress to play in addressing targeted killings, ¶

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task—as fundamental as it ¶ is—remains unfortunately poorly understood.

Yet if it is really a matter of political consensus between Left and Right that

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a very powerful, very important, and ¶ very legitimate sovereign state.

Intellectually, continuing to squeeze all forms and instances of targeted killing by ¶ standoff

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a certain ¶ deformation of the IHL concept of hostilities and armed conflict.

#### 3. Doesn’t solve – Group think – inter-branch process is key to effective drone use – they solve none of the Pakistan advantage.

Chehab, Georgetown Law Center, 2012

[Ahmad, 3-30-12, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572, p.22-5, accessed 9-15-13, TAP]

The argument put forth here, therefore, is that in light of the protections the Constitution affords U.S. AND

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

#### Public mistrust overwhelms ANY ACTION Obama can take – only congressional involvement solves.

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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more about the way of the knife through Freedom of Information Act requests.

A related sin is the Obama administration's surprising failure to secure formal congressional support.

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

#### 6. No solvency – Obama will ignore the CP.

Friedersdorf, The Atlantic, 5-24-13

[Conor, “A Skeptical Celebration of President Obama's Shifty Terrorism Speech” <http://www.theatlantic.com/politics/archive/2013/05/a-skeptical-celebration-of-president-obamas-shifty-terrorism-speech/276205/>, accessed 7-6-13, TAP]

All things considered, Thursday's developments were an improvement on the status quo. Obama

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if only in the ways that Obama says that he has constrained himself.

#### 9. Links to politics.

Cooper, University of Vermont political science professor, 99

(Phillip J., Federal News Service, October 28, 1999, “Prepared Testimony of Phillip J. Cooper Gund Professor of Liberal Arts Department of Political Science University of Vermont before the House Committee on the Judiciary Subcommittee on Commercial and Administrative Law, p. Lexis)

There is certainly the danger that excessive use of broad application of executive orders can

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to be maintained throughout if the tasks of government are to be accomplished.

#### “Cause of action” fails – executive circumvents

Epps, University of Baltimore law professor, 2-16-13

[Garrett, “Why a Secret Court Won't Solve the Drone-Strike Problem” <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, accessed 9-4-13, TAP]

Finally, some scholars have suggested that the Congress create a new "cause of

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but we'd be no closer to accountability for the drone-strike decision.

#### Boumedine decision blocks non-citizen suits

Murphy, Professor of Law, Texas Tech University School of Law and Radsan, Professor, William Mitchell College of Law, 9

(Richard and Afsheen, “ARTICLE: DUE PROCESS AND TARGETED KILLING OF TERRORISTS,” 32 Cardozo L. Rev. 405, lexis, accessed 9-27-13, CMM)

As to legal hurdles, Boumediene itself poses a high one to lawsuits by non

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killing, that may mean cutting off non-citizens from American courts.

#### State secret privilege blocks Biven’s effectiveness

Murphy, Professor of Law, Texas Tech University School of Law and Radsan, Professor, William Mitchell College of Law, 9

(Richard and Afsheen, “ARTICLE: DUE PROCESS AND TARGETED KILLING OF TERRORISTS,” 32 Cardozo L. Rev. 405, lexis, accessed 9-27-13, CMM)

The state-secrets privilege poses another barrier to Bivens-style actions. This

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the government could prevent litigation from seriously compromising intelligence sources and methods.219

#### They will LOSE THE CASES—turns the aff

Murphy, Professor of Law, Texas Tech University School of Law and Radsan, Professor, William Mitchell College of Law, 9

(Richard and Afsheen, “ARTICLE: DUE PROCESS AND TARGETED KILLING OF TERRORISTS,” 32 Cardozo L. Rev. 405, lexis, accessed 9-27-13, CMM)

In addition, the doctrine of qualified immunity requires dismissal

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these egregious cases, a judicial check on executive authority is most necessary.

I had to stop reading here

### 2ac – Yes Debt Ceiling DA

#### PC isn’t key

Kopan, Politico, 10-1-13

(Tal, “Robert Gibbs to Obama: ‘Sit back and watch’,” http://www.politico.com/story/2013/10/robert-gibbs-obama-government-shutdown-97653.html?hp=lh\_b4, accessed 10-1-13, CMM)

Former White House press secretary Robert Gibbs said Tuesday there’s nothing for the administration to

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shutdown for five or six days and Republicans will probably evaluate after that.”

#### Obama’s a lame duck.

Parnes, The Hill, 9-24-13

(Amie, “Obama’s time for action ticks away,” http://thehill.com/homenews/administration/324085-obamas-time-for-action-ticks-away, accessed 9-25-13, CMM)

GOP critics of the president argue he’s already a lame duck.¶ “From a

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of immigration, most of the president’s priorities have stalled, he added.

#### Obama isn’t focused on the budget

Brown, Politico, 9-30-13

(Carrie Budoff, “Obama’s shutdown sales pitch,” http://www.politico.com/story/2013/09/barack-obama-government-shutdown-sales-pitch-97602.html?hp=l15, accessed 10-1-13, CMM)

Monday morning President Barack Obama met with Israeli Prime Minister Benjamin AND

and the start of Obama’s trip through Asia is still scheduled for Saturday.

#### Obama will lose the shutdown fight – ’95 doesn’t prove anything

\*says this prediction is media groupthink

Stevens, The Daily Beast, 10-1-13

(Stuart, “Don’t Listen to Shutdown Predictions,” http://www.thedailybeast.com/articles/2013/10/01/don-t-listen-to-shutdown-predictions.html, accessed 10-1-13, CMM)

There seem to be three basic assumptions governing much of the coverage of the ongoing

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, this is likely to be a moment he wish had not happened.

#### No impact to the debt ceiling

Boring, economic analyst and economic correspondent at RT-TV America, 9-19-13

(Perianne, Prior to joining RT, I was a legislative analyst on Capitol Hill advising on economic, tax, and health care policy, graduated with a degree in business and economics from the University of Florida, “Don't Believe The Hysterics, The Federal Government Will NOT Shut Down If The Debt Ceiling Isn't Raised,” http://www.forbes.com/sites/perianneboring/2013/09/19/dont-believe-the-hysterics-the-federal-government-will-not-shut-down-if-the-debt-ceiling-isnt-raised/, accessed 9-19-13, CMM)

Congress is debating a debt ceiling agreement, and they are playing with the public’s

AND

pick up our buckets and scoop out the waste that’s sinking the ship.

#### Winners win on controversial issues

Hirsh, National Journal, 2-7-13

(Michael, “There’s No Such Thing as Political Capital,” http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207?page=1, accessed 2-7-13, CMM)

Naturally, any president has practical and electoral limits. Does he have a majority

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right. He did. (At least until Vietnam, that is.)

#### Obama supports the plan.

Roberts, The Guardian, 5-24-13

[Dan, “Obama drone oversight proposal prompts concern over 'kill courts'” http://www.theguardian.com/world/2013/may/24/obama-drone-vetting-kill-courts, accessed 9-18-13, TAP]

The president has asked Congress to consider establishing a special court or oversight board to

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

#### 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.

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### Solvency

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

Adelsberg, Yale University JD candidate, 2012

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

National Security Concerns

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

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of the supporting intelligence" n83 and perform a collateral damage assessment. n84

Although not as public, the CIA apparently also has robust internal targeting procedures.

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"legalistic and carefully argued, often running up to five pages." n87

The purpose of surveying the known targeting procedures is to demonstrate that there is already

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

### Constitutionality

#### Plan is constitutional

Vladeck, American University law professor, 2-10-13

[Steve, “Why a drone court won' work - but (nominal) damages might” <http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/>, accessed 9-20-13, TAP]

First, and most significantly, even though I am not a particularly strong defender

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cases where the President otherwise would have the power to use lethal force.

### Ex Ante Key

#### Ex ante review is key to check the executive.

Adelsberg, J.D. Candidate, Yale Law School, 12

(Samuel, “SHORT ESSAYS: Bouncing the Executive's Blank Check: Judicial Review and the Targeting of Citizens,” 6 Harv. L. & Pol'y Rev. 437, lexis, accessed 9-27-13, CMM)

The relevance of these precedents to the targeting of citizens is clear: the constitutional right to due process is alive and well--regardless of geographic location. We now turn to what type of process is due.

III. BRING IN THE COURTS: BRINGING JUDICIAL LEGITIMACY TO TARGETED KILLINGS

The function of this Article is not to argue that targeted killing should be removed

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a degree of inter-branch process when the government targets such individuals.

The current intra-executive process afforded to U.S. citizens is not

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executive branch is a clear violation of due process guaranteed by the Constitution.

Justices O'Connor and Kennedy are pointing to a dangerous institutional tension inherent in any intra

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, which would preclude the type of process that he was advocating. n43

Although there may be a role for Congress in such instances, a legislative warrant

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politicians are unqualified to make the necessary legal judgments that these situations require.

Solutions calling for the expatriation of citizens deemed to be terrorists are fraught with judicial

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a target would be effectively meaningless in the wake of a successful attack.

[\*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.

Reforming the decision-making process for executing American citizens to allow for judicial oversight

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Now, we will turn to what this judicial involvement would look like.

#### Would just pay the damages – doesn’t check group think.

Vladecck, American University law professor, 2013

[Steve, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…” <http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/>, accessed 9-22-13, TAP]

As I explain (in rather painful length) below the fold, I think

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(and tribunal) that would raise as many questions as it answers.

#### Obama won’t support personal damages

Wakeman, Georgetown J.D. candidate, and Chong, Yale J.D. candidate, 13

(Raffaela, project manager at the Brookings Institution, raduated with a B.S. and M.S. in political science from the Massachusetts Institute of Technology in 2009, Jane, she is an editor of the Yale Law Journal, 7-19-13, “A Recap of Friday’s Oral Arguments in Al-Aulaqi v. Panetta,” http://www.lawfareblog.com/2013/07/a-recap-of-fridays-oral-arguments-in-al-aulaqi-v-panetta/, accessed 9-26-13, CMM)

Despite the day (TGIF!), the weather (95 degrees and rising), and

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and then assessed using the test set forth in Baker v. Carr.

#### Bivens fail – victims have zero access to courts

Murphy, Professor of Law, Texas Tech University School of Law and Radsan, Professor, William Mitchell College of Law, 9

(Richard and Afsheen, “ARTICLE: DUE PROCESS AND TARGETED KILLING OF TERRORISTS,” 32 Cardozo L. Rev. 405, lexis, accessed 9-27-13, CMM)

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

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

## 2ar

### AT: ATS

#### Would not break deference – just a small carve-out.

Chehab, Georgetown Law Center, 2012

[Ahmad, 3-30-12, “Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572, p.29, accessed 9-15-13, TAP]

While in Hamdi, Justice O’Connor allowed for a presumption in favor of the government

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focus exclusively on the targeted individual and whether targeting is necessary and legal.