### 2ac – Ex Post – Courts

#### 3. Doesn’t solve – Group think – review must come before – otherwise errors are inevitable.

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

#### Congress key – any vaguesness means the CP solves none of the aff.

Vladeck, professor of law and the associate dean for scholarship at American University Washington College of Law, 13

(Steve, 2-10-13, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…,” http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/, accessed 9-26-13, CMM)

To be sure, there are a host of legal doctrines that would get in

AND

not most–of these cases, these legal issues would be overcome.

#### Executive circumvents – he has the motive – the cp fails to create accountability – solves none of the aff.

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

AND

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

AND

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

AND

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 of actions against officials if a court

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

#### They don’t fiat how decisions are decided – the Court would defer to the executive based standing and the political question doctrine.

Opderbeck, Seton Hall University law professor, 2013

[David, 8-2013, “Drone Courts” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2305315>, p.55-6, accessed 8-28-13, TAP]

A related objection to a specialized court is that existing¶ judicial procedures can address

AND

statute providing for judicial review, of course,¶ would eliminate this concern.

### 2ac – Court Capital DA

#### Would not crush legitimacy – link empirically denied.

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

AND

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

#### Would not hurt legitimacy – 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

AND

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

#### No link – controversy doesn’t risk capital.

Fontana, George Washington associate law professor, 2008

[David, “The Supreme Court: Missing in Action” http://dissentmagazine.org/article/?article=1165, accessed 9-20-13, TAP]

Second, Court decisions do not necessarily create the backlash that many on the left

AND

even when the Court issues controversial decisions such as Bush v. Gore.

#### Drones undermine US credibility across the globe.

Boyle, La Salle University political science assistant professor, 2013

[Michael, “The costs and consequences of drone warfare” http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf, p.28-9, accessed 9-8-13, TAP]

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

AND

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

If the US fails to take these steps, its unchecked pursuit of drone technology

AND

to shrug off the loss of life that drones inflict on others today.

### ATS

#### Strict scrutiny

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

AND

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

#### \_\_\_ No link – the Court has eliminated the prospect of ATS suits – and this evidence disproves the impact because there have been a flood of ATS claims in the past

Posner, professor at the University of Chicago Law School, 4-24-13 [Eric, The United States Can’t Be the World’s Courthouse: Why the Supreme Court just killed off a whole category of human rights suits. http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/04/the\_supreme\_court\_and\_the\_alien\_tort\_statute\_ending\_human\_rights\_suits.single.html]

Two things America is known for—its love of lawsuits and its delight in

AND

be the world’s policeman. It cannot be the world’s courthouse, either.

#### \_\_\_ And “state secrets” solves the risk

Rosen, Professor of Law and Director, Center for Military Law and Policy, Texas Tech, ’11 [Richard, Drones and the US Courts, 37 Wm. Mitchell L. Rev. 5280, http://apps.law.georgetown.edu/state-secrets-archive/resourcedocuments/DRONESANDTHEUSCOURTS\_202.docx.]

Assuming a complaint survives the jurisdictional, justiciability, immunity, and other hurdles to

AND

to the means, methods, and circumstances under which drones are employed.

### 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

AND

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

#### 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 Netanyahu.

AND

reform in the House, 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

AND

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

#### Obama can ignore the debt ceiling

Aaron, senior fellow at the Brookings Institution, 9-29-13

(Henry, “Our Outlaw President?,” http://www.nytimes.com/2013/09/30/opinion/obama-should-ignore-the-debt-ceiling.html, accessed 10-1-13, CMM)

Failure to raise the debt will force the president to break a law — the

AND

and tax laws, the president has no choice but to ignore it.

#### 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

AND

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

AND

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

AND

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,

AND

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

### 2ac – Militarism K

#### No evidence drones make war easier.

Etzioni, George Washington University international relations professor, 4-30-13

[Aimtai, “Everything Libertarians and Liberals Get Wrong About Drones” http://www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/, accessed 9-20-13, TAP]

Finally, critics worry that drones make going to war too easy. Drones are

AND

Afghanistan and Iraq despite the recent increase in drone strikes should know better.

#### 2. Ethical policymaking must be grounded in consequences

Isaac, Indiana University James H. Rudy Professor of Political Science and Center for the Study of Democracy and Public Life director, Spring 2002

(Jeffrey C. “Ends, Means, and Politics,” Dissent Magazine Vol. 49 Issue 2, p32)

Power is not a dirty word or an unfortunate feature of the world. It

AND

not true believers. It promotes arrogance. And it undermines political effectiveness.

4. Alt doesn’t solve the case – doesn’t result in the PTC – the impacts happen before the alt solves – that means the aff outweighs on timeframe.

#### 5. Case turns the K, not the other way around

Joshua Goldstein, American University International Relations Professor, 2001, “War and Gender: How Gender Shapes the War System and Vice Versa,” p.411-412

I began this book hoping to contribute in some way to a deeper understanding of

AND

on injustice as the main cause of war seems to be empirically inadequate.

#### 6. Structural violence doesn’t escalate – prefer proximate causes

Hinde and Pulkkinnen, Cambridge psychology professor and University of Jyväskylä psychology professor, 2000

[Robert and Lea,  [DRAFT Background Paper for Working Group 1: HUMAN AGGRESSIVENESS AND WAR, 50th Pugwash Conference On Science and World Affairs: "Eliminating the Causes of War" Queens' College, Cambridge , UK, 3-8 August <http://www.pugwash.org/reports/pac/pac256/WG1draft1.htm>](http://www.pugwash.org/reports/pac/pac256/WG1draft1.htm)]

People are capable of perpetrating the most terrible acts of violence on their fellows.

AND

multiple causes, and the interactions between the causal factors remain largely unexplored.