## 1ac

### Plan

#### Text: The United States Federal Government should restrict the war powers authority of the President of the United States in the area of targeted killing to self-defense.

### Contention 1

#### Contention 1 – Saudi Relations

#### 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

AND

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

AND

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

#### 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

AND

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

AND

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

AND

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

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

#### US-Saudi rift now – sustaining credible security ties is key to prevent total collapse.

Brown, PBS Newshour, 10-22-13

[Jeffrey, interviewing Margaret Warner, PBS chief foreign affairs correspondent, and Graeme Bannerman, Middle East Institute scholar and State Department analyst, “Changing relations with Mideast allies may affect U.S. position in the region” <http://www.pbs.org/newshour/bb/world/july-dec13/saudi2_10-22.html?print>, accessed 11-12-13, TAP]

JEFFREY BROWN: And to find out more on how the U.S.-

AND

not paying enough attention to the feelings of our allies in the region.

#### Drones are key.

Eakin, International Reporting Project Gatekeepers editor trip recipient and author, 12

[Hugh, “Saudi Arabia and the New US War in Yemen” <http://www.nybooks.com/blogs/nyrblog/2012/may/21/saudi-arabia-and-new-us-war-yemen/>, accessed 11-12-13, TAP]

The United States is quietly being drawn into an escalating conflict in Yemen. Following

AND

that argument will continue to assuage the country’s youth remains an open question.

#### US-Saudi relations collapse bad – causes oil price spikes.

HENDERSON, Baker fellow and director of the Gulf and Energy Policy Program at the Washington Institute for Near East Policy, 11-1-13

(Simon, “The U.S.-Saudi Royal Rumble,” http://www.foreignpolicy.com/articles/2013/11/01/the\_us\_saudi\_royal\_rumble?page=full, accessed 11-2-13, CMM)

Assuming that the Saudi-U.S. relationship is really heading off course

AND

is way down near the bottom of the Obama administration's list of concerns.

#### Collapses the economy.

Luft, executive director of the Institute for the Analysis of Global Security, 11

(Gal, 2-6-11, “What if Saudi Arabia Erupts?,” http://www.thecuttingedgenews.com/index.php?article=31896pageid=16pagename=Opinion, accessed 11-7-11, CMM)

Egypt is relevant to the oil market because it may be a bellwether for the

AND

Middle East is to expedite our effort to wean our economy from oil.

#### 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.

#### Saudi Arabia will dump the dollar and collapse US leadership

Nyquist, Financial Sense geopolitical analyst, 11-4-13

[JR, “America, Saudi Arabia, and the Dollar” <http://www.financialsense.com/contributors/jr-nyquist/america-saudi-arabia-dollar>, accessed 1-22-14, TAP]

The alliance between the United States and Saudi Arabia has been strategically important for both

AND

privileged financial position. There does not appear to be a third choice.

#### That triggers a transition to multipolarity, causing multiple wars

Khalilzad, former U.S. ambassador to Afghanistan, Iraq, and the UN, 2-8-11

(Zalmay, United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, National Review Online, “The Economy and National Security,” http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad, accessed 2-8-11, CMM)

Today, economic and fiscal trends pose the most severe long-term threat to

AND

to work our way through the kind of crisis that we face today.

#### Leadership solves nuclear conflict

Zhang & Shi, Researcher @ The Carnegie Endowment, ’11

[Yuhan Zhang, Researcher at the Carnegie Endowment for International Peace, Lin Shi, Columbia University, Independent consultant for the Eurasia Group, Consultant for the World Bank, “[America’s decline: A harbinger of conflict and rivalry](http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/),” January 22nd 2011, <http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/>]

Over the past two decades, no other state has had the ability to seriously

AND

forecast in a future that will inevitably be devoid of unrivalled US primacy.

### Contention 2

#### Contention 2: Legal Clarity

#### Obama’s legal rationale is unclear.

Dworkin, European Council on Foreign Relations senior policy fellow, 13

[Anthony, policy brief, July 2013, “Drones and Targeted Killing: Defining a European Position” <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>, p.5, accessed 12-27-13, TAP]

At times, however, administration officials have appeared¶ to add an additional or

AND

targeted state to use force against that¶ group as a collective entity.

Because the administration has not been clear about the¶ precise justification for the strikes

AND

-Qaeda grouping responsible for the¶ September 11 attacks has no presence.

The significance of the distinction between the armed conflict¶ and self-defence justifications

AND

the distinction is not in practice a hard-and-fast one.

#### Targeted killing by drones undermines the distinction between self-defense and loac.

Anderson, American University international law professor, 11

[Kenneth, Washington College of Law Research Paper No. 2011-16, “TARGETED KILLING AND DRONE WARFARE: HOW WE CAME TO DEBATE WHETHER THERE IS A ‘LEGAL GEOGRAPHY OF WAR’” <http://ssrn.com/abstract=1824783>, p.1-3, accessed 12-18-13, TAP]

Targeted killing using armed drones has¶ raised profound anxieties in legal, policy,¶

AND

that they have irresistible¶ attractions in a war of humanitarian¶ intervention.

The concerns run particularly high given¶ that the Obama administration has made¶ the

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safe haven¶ and protected locales in which to hide and¶ regroup.

Critics of the practice are naturally most¶ concerned where it appears to involve relatively

AND

is so, despite the uncorroborated¶ nature of much of the information.

Even if collateral damage to civilians is¶ significantly less, however, important concerns

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-the-ground local intelligence but¶ rather depends vitally on it.

Moving beyond the issue of civilian collateral¶ damage, the most salient anxiety¶

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¶ might not apply. The laws of war might apply¶ instead.

In earlier times, these boundaries did not¶ need to be specified in a

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under way and where not for¶ purposes of the laws of war.

The emergence of technologies for targeted¶ killing using drones seems to alter¶ that

AND

¶ to the laws of war: an implied geography¶ of war.

#### New forms of conflict are coming.

Maxwell, US Army colonel and judge advocate with the Army, 12

[Mark David, National Defense University, Joint Force Quarterly, “Targeted killing, the law, and terrorists: feeling safe?” <http://www.thefreelibrary.com/Targeted+killing,+the+law,+and+terrorists%3A+feeling+safe%3F-a0289724330>, accessed 12-17-13, TAP]

After 9/11, the complexion of warfare changed in two profound ways:

AND

is that this unique type of armed conflict is growing. (61)

#### The international law of war regime is a critical conflict dampener.

Blank, Emory University international humanitarian law clinic director, 2012

[Laurie, William Mitchell law review, 38.5, “Targeted strikes: the consequences of blurring the armed conflict and self-defense justifications” <http://www.wmitchell.edu/lawreview/Volume38/documents/11.BlankFINAL.pdf>, p.1675-6, accessed 12-27-13, TAP]

As noted in the introduction to this article, maintaining the separation between and independence

AND

of international security, and to the regulation of the conduct of hostilities.

#### Blurring self-defense and international humanitarian law breaks down the inter-state system – it makes global war and escalation inevitable.

Martin, Washburn University law professor, 12

[Craig, “Going Medieval: Targeted killing, self-defense and that jus ad bellum regime” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1956141>, p.249-51, accessed 12-28-13, TAP]

In addition, however, the targeted killing policy threatens to create other holes in

AND

being subject¶ to the limitations and conditions imposed by the IHL regime.

The structure of Harold Koh’s two-pronged justification similarly implies a severance¶ of

AND

the¶ threat or use of force under the jus ad bellum regime.

This interpretation of the justifications cannot be pressed too far on the basis of¶

AND

use of force against the states in which the groups may be operating.

While the initial use of force in jus ad bellum terms is currently understood to

AND

of laws designed to govern and constrain¶ all aspects of its operation.

There is a tendency in the U.S. approach to the so-

AND

the U.N. system after the Second¶ World War.108

The premise of my argument is not that any return to past principles is inherently

AND

and international armed conflict was thus far more frequent and¶ widespread.109

#### Triggers great power war.

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.

#### Expansive self-defense regime enables Israel strike on Iran --- escalates and causes World War 3

Slager, UNC JD candidate, 2012

[Katherine, 38 N.C.J. Int'l L. & Com. Reg. 267, “Legality, Legitimacy and Anticipatory Self-Defense: Considering an Israeli Preemptive Strike on Iran's Nuclear Program” Lexis, accessed 1-9-14, TAP]

I. Introduction

World War III is an event the world universally wishes to avoid. n3 Threats

AND

thus foiling the trigger that would lead the world into World War III.

### Contention 3

#### Obama relies on self-defense for drones now.

Gilbreath, US Army War College MA candidate, 13

[Gregory, US air force colonel, March 2013, “America’s Targeted Killing Policy: Is it Right? Is it Working?” <https://publicportal.carlisle.army.mil/sites/mobile/2013%20SRPs/Gilbreath%20Gregory%20SRPA.pdf>, p.2-3, accessed 12-23-13, TAP]

Since 2009, the number of targeted killing strikes in Pakistan’s Federally Administered Tribal Area

AND

imminent threats, and is in compliance with the principle of proportionality.9

#### Tying drone use to self-defense solves.

Anderson, Washington University law professor, 9

[Kenneth, “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.33, accessed 12-22-13, TAP]

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

AND

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

The most intellectually honest approach would be to begin from the category of self-

AND

defined by the traditional American interpretations of the inherent right of self defense.

Specifically, Congress and the Obama Administration should find ways, formal and informal,

AND

make clear its basis and that it is different from IHL armed conflict.

#### Plain, clear, certain endorsement of the legality of drones by Congress sends a critical signal to ensure the sustainability of the program.

Anderson, American University law professor, 10

[Kenneth, “Rise of the Drones: Unmanned Systems and the Future of War” <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1002&context=pub_disc_cong>, p.1-2, accessed 12-19-13, TAP]

3. The basic conclusions of my testimony are six:

• First, the United States government urgently needs publicly to declare the legal¶ rationale behind its use of drones, and defend that legal rationale in the¶ international community, which is increasingly convinced that parts, if not all, of¶ its use is a violation of international law.

• Second, the legal rationale offered by the United States government needs to take

AND

¶ reasons for using force that have no relationship to the current situation.

• Third, the proper legal rationale for the use of force in drone operations in special,¶ sometimes covert, operations outside of traditional zones of armed conflict is the¶ customary international law doctrine of self-defense, rather than the narrower law¶ of armed conflict.

• Fourth, Congress has vital roles to play here, mostly in asserting the

AND

civilian CIA using drones is per se an unlawful act of extrajudicial execution.

## 2ac

### AT: Sloane

#### Sloane concludes aff.

Sloane, Boston University law professor, 2009

[Robert, Yale law journal, “The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in the Contemporary Law of War” <http://www.yale.edu/yjil/files_PDFs/vol34/Sloane>, p.103-4, accessed 1-9-14, TAP]

V. CONCLUSION: THE DUALISTIC AXIOM IN THE TWENTY-FIRST CENTURY ¶ Law

AND

by means of customary principles of ad bellum necessity and ¶ proportionality.360

The dualistic axiom is indispensable to the efficacy of the law of war, ¶

AND

proportionality, with far more analytic ¶ rigor than it has to date.

I do not mean we should abandon the strategy of prohibition, as some ¶

AND

therefore want to propose four ¶ clarifications or refinements of the dualistic axiom.

### 2ac – OLC CP

#### 2. Congress key to shaping global norms – only the plan generates a sufficient signal to solve legal clarity.

Anderson, Washington University law professor, 2009

[Kenneth, “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.32-3, accessed 12-22-13, TAP]

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

AND

the 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

AND

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

#### 3. Congress key to generating the perception of limiting the executive – other countries need to know what limits exist on TK policy in order to maintain the law of war regime.

Maxwell, US Army colonel and judge advocate with the Army, 2012

[Mark David, National Defense University, Joint Force Quarterly, “Targeted killing, the law, and terrorists: feeling safe?” <http://www.thefreelibrary.com/Targeted+killing,+the+law,+and+terrorists%3A+feeling+safe%3F-a0289724330>, accessed 12-17-13, TAP]

The weakness of this theory is that it is not codified in U.S

AND

eschews what gives a state its greatest safety: the rule of law.

#### 4. Congressional codification is key drone program legitimacy – CP does not solve rollback.

Anderson, professor of international law at Washington College of Law, American University, 10-18-13

(Kenneth, “No Safe Havens?,” Hoover Digest, No. 4, Fall 2013 by Hoover Institution http://www.hoover.org/publications/hoover-digest/article/159096, accessed 10-19-13, CMM)

Without a hardheaded effort on the part of Congress and the executive¶ branch to

AND

Jack¶ Goldsmith have repeatedly warned, they might well be miscalculating now.

U.S. counterterrorism policy overall needs to be embedded in policies,¶ processes

AND

framework for the¶ long run, but effectively to outlaw the practice.

Republicans should not be enablers in this effort. They should not¶ mimic the

AND

future presidents,¶ among whom there will surely be a Republican or two.

#### 5. CP solves none of the aff – Obama is a non-credible actor.

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

AND

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.

AND

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

#### 4. Hard law key to legal certainty – that’s key to both advs.

Shaffer, University of Minnesota law professor, and Pollack, Temple University political science professor, 2011

[Gregory and Mark, 52 B.C. L. Rev 1147, “ARTICLE: HARD VERSUS SOFT LAW IN INTERNATIONAL SECURITY” Lexis, accessed 1-21-14, TAP]

To effect specific policy goals, state and private actors increasingly turn to legal instruments

AND

are great but the potential for opportunism and its costs are high." n85

#### 6. No solvency – no way for Congress to assert the legality of TK policy.

Posner, Professor, University of Chicago Law School, 12

(Eric, “REFLECTIONS ON THE LAW OF SEPTEMBER 11: A TEN-YEAR RETROSPECTIVE: DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER SEPTEMBER 11: CONGRESS, THE COURTS, AND THE OFFICE OF LEGAL COUNSEL,” Winter, 35 Harv. J.L. & Pub. Pol'y 213, lexis, accessed 8-16-13, CMM)

B. The OLC as a Constraint on the Executive¶ A number of scholars

AND

and other institutions with political power, then the President would ignore it.

8. Perm – do both – shields the nb 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

AND

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

9. CP links to Terror DA – transparency constrains counter-terror ops.

#### 10. Links to politics.

Posner, University of Chicago law professor, 2011

[Eric, “Deference to the Executive in the United States after 9/11: Congress, the Courts, and the Office of Legal Counsel” <http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1084&context=public_law_and_legal_theory>, p.11-13, accessed 10-4-13, TAP]

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s

AND

¶ for adverse reactions from the courts, Congress, and the public.

Can OLC constrain the executive? That is the position taken by many scholars,

AND

accomplish. It is more accurate to say that OLC enables than constrains.

A. Background on OLC ¶ OLC is a small office in the Justice Department

AND

General has ¶ delegated to it much of his advice-giving role.

Most matters that come before OLC are routine. OLC provides legal analysis of bills

AND

White ¶ House may put pressure on OLC to rubber stamp the action.

B. OLC as a Constraint on the Executive ¶ A number of scholars have argued that OLC can serve as an important constraint on ¶ executive power. I will argue that OLC cannot act as a constraint on executive power. Indeed, its ¶ only function is the opposite—as an “enabler” (as I will put it) or extender of executive power.

A president must choose a course of action. He goes to OLC for advice

AND

, and the president will gratefully accept it although not necessarily follow it.

If the story ended here, then it would be hard to see what the

AND

constraints ¶ on executive power that are imposed from outside the executive branch.

However, there is an important twist that complicates the analysis. The president may

AND

, and they have in this way given OLC quasi-judicial status.

But if the president publicizes OLC opinions, he takes a risk. The risk

AND

. At a minimum, OLC raises the political cost of the action.

I have simplified greatly, but I believe that this basic logic has led some scholars to ¶ believe that OLC serves as a constraint on the president. But this is a mistake. OLC strengthens ¶ the president’s hand in some cases and weakens them in others; but overall it extends his ¶ power—it serves as enabler, not constraint.

To see why, consider an example in which a president must choose an action

AND

political opposition to L ¶ will be greater than it would be otherwise.

### 2ac – Terrorism DA

#### No uniqueness – AQ is strong.

Fantz, CNN, 12-28-13

[Ashley, “Still out there and growing -- al Qaeda on the rebound, experts say” <http://www.cnn.com/2013/12/28/world/meast/al-qaeda-growing/index.html?c=world&page=4>, accessed 12-29-13, TAP]

(CNN) -- Two years after the end of the Iraq war, the

AND

United States or against Western targets all around the world," he said.

#### No internal link – drones aren’t key.

Gilbreath, US Army War College MA candidate, 2013

[Gregory, US air force colonel, March 2013, “America’s Targeted Killing Policy: Is it Right? Is it Working?” <https://publicportal.carlisle.army.mil/sites/mobile/2013%20SRPs/Gilbreath%20Gregory%20SRPA.pdf>, p.11-2, accessed 12-23-13, TAP]

The policy of targeted killing has yielded tangible short-term results. The ramped

AND

it positively contributes to the long-term strategy of eliminating terrorism’s root ca

Further evaluation reveals that the policy potentially counters long-term goals because it breeds

AND

“removes any trace of a campaign to win hearts and minds.”55

Similar doubts about the effectiveness of a counterterrorism strategy without a complementary counterinsurgency strategy surfaced

AND

meet its long-term goals when terrorism’s roots are left in place.

Another measure that illuminates if a counterterrorism strategy is working is whether the targeted group

AND

more difficult and costly process of helping “local leaders marginalize militants.”64

#### No link uniqueness – backlash to drones is inevitable – that takes out the program – also illegality means courts strike it down, only the aff solves, that’s Zenko and Goldsmith. 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

AND

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

#### Obama’s TK policy is self-defense – he announced it in May, that’s Dworkin. Self-defense is Obama’s TK policy.

Anderson, Washington University law professor, 2009

[Kenneth, “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.25, accessed 12-22-13, TAP]

To all of this, the Obama Administration might ask a resounding “So what

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might exist legally tomorrow, we do not have a legal difficulty today.

#### Turn – conflation of self-defense and IHL undermines TK – only the plan solves.

Anderson, Washington University law professor, 2009

[Kenneth, “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.21, accessed 12-22-13, TAP]

With respect to international law, therefore, the U.S. justification for

AND

-defense to run together with the law governing the conduct of hostilities.

#### Turn – Illegality crushes allied cooperation over intel – that’s key to effective strikes.

Anderson, Washington University law professor, 2009

[Kenneth, “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.27, accessed 12-22-13, TAP]

More broadly, there are hidden but important costs when the United States is perceived

AND

too, over time, will push the United States away from it.

The Obama foreign policy team may assume that the world’s goodwill toward the new administration

AND

to confront this problem while it still has intellectual and legal maneuvering space.

#### Turn – current TK legal regime will be rendered obsolete – maintaining a legal footing by the plan preserves TKs.

Anderson, Washington University law professor, 2009

[Kenneth, “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.36-7, accessed 12-22-13, TAP]

The ultimate lesson for Congress and the Obama Administration about targeted killings is “Use

AND

need and evidently knows it will need. So will administrations beyond it.

Although the U.S. is in a war, in its view,

AND

render obsolete—the legal framework we currently employ to justify these operations.

What we can do is to insist on defining armed conflict self-defense broadly

AND

it will find that as a practical matter they have dissipated through desuetude.

#### Turn – self-defense is key to prevent safe havens – that solves.

Barnes, Boston University and Tufts University joint JD-MA program candidate, 2012

[Beau, “Reauthorizing the “war on terror”: the legal and policy implications of the AUMF’s coming obsolescence” <https://www.jagcnet.army.mil/DOCLIBS/MILITARYLAWREVIEW.NSF/20a66345129fe3d885256e5b00571830/b7396120928e9d5e85257a700042abb5/$FILE/By%20Beau%20D.%20Barnes.pdf>, p.93-7, accessed 12-28-13, TAP]

A failure to reauthorize military force would lead to significant¶ negative consequences on the

AND

law¶ of self defense would likely lead to precisely such a result.

#### No risk of nuclear terrorism

Mueller, Adjunct Professor in the Department of Political Science at Ohio State University, and Stewart, Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, 12

(John, Senior Fellow at the Cato Institute, Senior Research Scientist at the Mershon Center for International Security Studies, and Mark, Australian Research Council Professorial Fellow, “The Terrorism Delusion,” International Security, Volume 37, Number 1, Summer 2012, project muse, accessed 7-14-13, CMM)

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized

AND

on small explosives or contemplating planting a hand grenade in a trash bin.

### 2ac – Politics – TPA

#### Won’t Pass – lobbying momentum

Mauldin, WSJ, 2-4-14

(William, “Fast-Track Opponents Rally Support,” http://blogs.wsj.com/washwire/2014/02/04/fast-track-opponents-build-grassroots-opposition/, accessed 2-5-14, CMM)

A coalition opposed to overseas trade agreements is building grassroots support, gathering more than

AND

in Sen. Reid’s footsteps by publicly opposing the fast-track bill.

#### Reid says no to TPA

Bolton, The Hill, 1-29-14

(Alexander, “Reid rejects Obama’s trade power,” http://thehill.com/homenews/senate/196853-reid-rejects-obamas-plea-for-trade-power, accessed 1-29-14, CMM)

Senate Majority Leader Harry Reid (D-Nev.) said Wednesday he is not

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aren’t standing on the sidelines. Neither should we,” the president added.

#### Obama won’t invest PC

Hadar, The Business Times Singapore, Washington Correspondent, 2-4-14

(Leon, former research fellow with the Cato Institute, “Obama signals a changed emphasis; Asia and trade were footnoted in the president's State of the Union address while other issues were highlighted,” The Business Times Singapore, lexis, accessed 2-5-14, CMM)

And those in Washington and abroad who had hoped that President Obama would use the

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about his willingness to invest his political capital in advancing his trade policies.

#### 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.

#### PC fails.

Noonan, WSJ, 1-23-14

[Peggy, “Noonan: The Sleepiness of a Hollow Legend” <http://online.wsj.com/news/articles/SB10001424052702303947904579339142225570548>, accessed 1-24-14, TAP]

So the president's State of the Union address is Tuesday night, and it's always

AND

John Dickerson just put it: Barack Obama, Inaction Figure.¶ Zzzzzzz.

#### Drones are triggering fights.

Firestone, NYT, 1-22-14

[David, “On Drones, Keeping the Public in the Dark” <http://takingnote.blogs.nytimes.com/2014/01/22/on-drones-keeping-the-public-in-the-dark/>, accessed 1-23-14, TAP]

We don’t get to say this very often on The Times editorial page, but

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the country’s endless secret war against terrorists, and this time it won.

## 1ar

### AT: NT

#### No nuclear terrorism – newest ev – won’t get a bomb, loose nukes unlikely, and dirty bombs not possible.

Mearsheimer, University of Chicago distinguished political science professor, 1-2-14

[[John, “America Unhinged” <http://nationalinterest.org/article/america-unhinged-9639?page=show>, accessed 1-6-14, TAP]

Am I overlooking the obvious threat that strikes fear into the hearts of so many

AND

encourage and help other states to place nuclear materials in highly secure custody.

No risk of nuclear terrorism

A. No organizational capacity

van den Bergh, Eramus University IR Professor, Hague Social Studies Institute, Harvard Harkness Fellow, Neterlands Association for International Affairs Chairman, Dutch Ministries Foreign Affairs and Defense IR Advisory Council Member, May 2009

[Godfried van Benthem, "The Taming of the Great Nuclear Powers," http://www.carnegieendowment.org/npp/publications/index.cfm?fa=view&id=23152]

Recently, a new fear has developed. The NPT only deals with the rights

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organization, and these groups thrive in small, relatively autonomous “cells.”

B. Probability of success is so low that there is also no motive

DeGroot, St. Andrews University History Professor, November 2009

[Gerard, "Dismissing Doomsday," http://www.armscontrol.org/act/2009\_11/BookReview, 11/9]

Mueller sees nuclear weapons as a massive misjudgment inspired by irrational fear. Worst-

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the time, effort, risk, and expense—contradicts that ethic.

In examining the terrorist scenario, Mueller analyzes the process of funding, designing,

AND

al Qaeda has been seeking nuclear material and information for bomb-making.