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### Plan

Text: The United States Federal Government should establish a limited ex parte and ex ante judicial review process for targeted killing by drones.

### Norms

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 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 cause miscalc in the South and East China Seas and global escalation.

Xiaolin, PhD student in Lee Kuan Yew School of Public Policy, National university of Singapore, 11-2-13

(Duan, “The Rise of the Drones,” http://thediplomat.com/2013/11/02/the-rise-of-the-drones/?all=true, accessed 11-4-13, CMM)

In a broader sense, America’s use of drones may create more strategic dilemmas for

AND

use should be taken very seriously, and condemned by the international community.

#### 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,

AND

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

### Saudi

Contention 2 – Saudi Arabia

#### 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

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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

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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]

#### 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

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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.

### Solvency

#### Contention 3: 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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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

AND

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

AND

the use of all ¶ peaceful measures before lethal force is pursued.212

#### “Limited” means only questions of eligibility will be addressed by the court

Weinberger, University of Puget Sound political science professor, 2013

[Seth, Global Security Studies Review, May 2013, Volume I, Issue 2, “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership” <https://www.academia.edu/4033328/Enemies_Among_Us_The_Targeted_Killing_of_American_Members_of_al_Qaeda_and_the_Need_for_Congressional_Leadership>, p.20, accessed 1-23-14, TAP]

Several people have voiced objections to the creation of a FISA-¶ style “drone

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nature of the armed conflict against al Qaeda, they become less compelling.

First, if properly defined, the new court could be limited solely to questions

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¶ individuals believed to be agents of a foreign power without a warrant.

Second, given the definition of imminent threat in the Department of Justice’s¶ white

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made in the process of long investigations and in light of much intelligence.

#### ------------------Strict scrutiny solves.

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.239-40, 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.

The ability to act sooner is limited, however, by the requirement ¶ that intelligence information must be reliable, viable, valid, and ¶ corroborated. The strict scrutiny standard proposes that for states to ¶ act as early as possible in order to prevent a possible terrorist attack ¶ the information must meet admissibility standards similar to the rules ¶ of evidence. The intelligence must be reliable, material, and probative.

The proposal is predicated on the understanding that while states ¶ need to engage in operational counterterrorism, mistakes regarding ¶ the correct interpretation and analysis of intelligence information can ¶ lead to tragic mistakes. Adopting admissibility standards akin to the ¶ criminal law minimizes operational error.

Rather than relying on the executive branch making decisions in a ¶ “closed world

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court would significantly contribute to ¶ minimizing operational error that otherwise would occur.

#### 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

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risk of weakening pre-existing international norms about the use of violence.

In the summer 2000 issue of International Security, Ward Thomas warned that, while

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

## 2ac

### 2ac – T – And/Or

CX checks

### 2ac – Solvency EXTN – AT: Rubber Stamp

#### Plan still solves.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1222, accessed 12-16-13, TAP]

That said, there is a reasonable fear that any such court or review board

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features in and of themselves can lead to increased¶ reflection and restraint.

Additional accountability mechanisms, such as civil or criminal sanctions¶ in the event of material misrepresentations or omissions, the granting of¶ far-reaching authority to the relevant Inspectors General, and meaningful¶ ex post review by Article III courts,182 are also needed to help further¶ minimize abuse.

### China Drones

#### Senkaku drone conflict is highly probable – diplomacy and interdependence don’t check – also triggers cascading conflicts.

Auslin, resident scholar at the American Enterprise Institute, 11-5-13

(Michael, “Tensions Are Escalating in The East China Sea,” http://online.wsj.com/news/articles/SB10001424052702303482504579178850122997242, accessed 11-9-13, CMM)

The East China Sea may see the world's first war started by aerial drones.

AND

and advanced aircraft is also certain to drive Asia's arms spending even higher.

### Yes Heg

#### Heg has reduced violence – it also checks nuclear great power war.

Thayer, University of Utah international relations professor, 2013

[Bradley, International Studies Review Volume 15, Issue 3, within The Forum: The Decline of War, “Humans, Not Angels: Reasons to Doubt the Decline of War Thesis” Wiley, p.409-10, accessed 1-21-14, TAP]

Accordingly, while Pinker is sensitive to the importance of power in a domestic¶

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and has¶ four major positive consequences for international politics (Thayer 2006).

In addition to ensuring the security of the United States and its allies, American

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reduce war’s likelihood—particularly¶ the worst form—great power wars.

Second, American power gives the United States the ability to spread democracy¶ and

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likely to want to resolve things amicably¶ in concurrence with US leadership.

Third, along with the growth of the number of democratic states around the world has been the growth of the global economy. With its allies, the United¶ States has labored to create an economically liberal worldwide network characterized¶ by free trade and commerce, respect for international property rights,¶ mobility of capital, and labor markets. The economic stability and prosperity that¶ stems from this economic order is a global public good.

Fourth, and finally, the United States has been willing to use its power

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the world’s police, the global paramedic, and the planet’s fire department.

There is no other state, group of states, or international organizations that can

AND

¶ relative power changes and not to the benefit of the United States.

### 2ac – Transparency CP

#### Links to politics.

McNeal, Pepperdine University law professor, 3-14-13

[Gregory, “The Politics of Accountability for Targeted Killings” <http://www.lawfareblog.com/2013/03/the-politics-of-accountability-for-targeted-killings/#.Ut69FtIo7tQ>, accessed 1-21-14, TAP]

Does any member of Congress actually care? It seems that the targeted killing policy

AND

change is possible absent sufficient energy to overcome the current state of affairs.

#### Links to terrorism.

Bashir, Ph.D. candidate in the Department of Politics at Princeton University and a graduate of the Department of Aeronautics and Astronautics at MIT, 12

(Omar, 9-24-12, “Who Watches the Drones?,” http://www.foreignaffairs.com/articles/138141/omar-s-bashir/who-watches-the-drones, accessed 10-6-13, CMM)

First, imagine that the government opted for full transparency in its drone programs.

AND

the courts that might render one of its most potent counterterrorism weapons unusable.

#### 3. Congressional codification is key to norms – CP accesses none of the prolif adv.

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

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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.

#### AND Mistrust overwhelms CP solvency.

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.

#### No deterrent effect.

McNeal, Pepperdine University law professor, 4-23-13

[Gregory, “Five Ways to Reform the Targeted Killing Program” <http://www.lawfareblog.com/2013/04/five-ways-to-reform-the-targeted-killing-program/#.Ut7DXtIo7tQ>, accessed 1-21-14, TAP]

The transparency related accountability reforms specified above have the ability to expose wrongdoing; however

AND

details that are currently held deep within the files of the targeting bureaucracy.

#### No sufficiency framing.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1225, accessed 12-16-13, TAP]

In the absence of such a system, the President ought to, at a

AND

the stakes, a clear and¶ convincing evidentiary standard is warranted.195

#### 10. Perm – do the CP – CP is a way the plan could be done.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1218-21, accessed 12-16-13, TAP]

4. Procedural Requirements¶ Currently, officials in the executive branch carry out all

AND

is no equivalent¶ effort in areas outside the active conflict zone.164

Meanwhile, the degree of ex post review of detention decisions depends¶ on the location of detention as opposed to the location of capture. Thus, Guantanamo detainees are entitled to habeas review, but detainees held in¶ Afghanistan are not, even if they were captured far away and brought to¶ Afghanistan to be detained.165

Enhanced ex ante and ex post procedural protections for both detention¶ and targeting, coupled with transparency as to the standards and processes¶ employed, serve several important functions: they can minimize error and¶ abuse by creating time for advance reflection, correct erroneous deprivations¶ of liberty, create endogenous incentives to avoid mistake or abuse, and¶ increase the legitimacy of state action.

a. Ex Ante Procedures¶ Three key considerations should guide the development of ex

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must be transparent¶ and sufficiently credible to achieve the desired legitimacy gains.

These considerations suggest the value of an independent, formalized,¶ ex ante review system. Possible models include the Foreign Intelligence Surveillance Court (FISC),168 or a FISC-like entity composed of military¶ and intelligence officials and military lawyers, in the mode of an executive¶ branch review board.169

### 2ac – Terrorism DA

#### Drone strikes are decreasing – Obama is exercising self-restraint now.

Ackerman, The Guardian, 12-31-13

[Spencer, “Fewer deaths from drone strikes in 2013 after Obama policy change” <http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>, accessed 1-2-14, TAP]

President Barack Obama’s mid-year decision to wind down drone strikes has accounted for

AND

signature strikes,” Zenko said, “because it acknowledges they’ve done them.”

#### 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

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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 to the plan.

Daskal, Georgetown Center on national security and the law professor, 2013

[Jennifer, 161 U. Pa. L. Rev. 1165, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1252&context=facsch\_lawrev

Zone, p.1223-4, accessed 12-16-13, TAP]

Conversely, some object to the use of courts or court-like review as

AND

, the judges would be issuing a warrant to kill rather than surveil.

While this is significant, it should not fundamentally alter the legal analysis.187

AND

deal with¶ exceptional cases where ex ante approval is not possible.191

#### They need to win a link to a “limited” drone court.

Weinberger, University of Puget Sound political science professor, 2013

[Seth, Global Security Studies Review, May 2013, Volume I, Issue 2, “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership” <https://www.academia.edu/4033328/Enemies_Among_Us_The_Targeted_Killing_of_American_Members_of_al_Qaeda_and_the_Need_for_Congressional_Leadership>, p.20, accessed 1-23-14, TAP]

Several people have voiced objections to the creation of a FISA-¶ style “drone

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nature of the armed conflict against al Qaeda, they become less compelling.

First, if properly defined, the new court could be limited solely to questions

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¶ individuals believed to be agents of a foreign power without a warrant.

Second, given the definition of imminent threat in the Department of Justice’s¶ white

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made in the process of long investigations and in light of much intelligence.

#### They would all be granted.

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]

But, we must be realistic about the degree of added credibility such a court

AND

“drone court” operating in secret is criticized in the same way?

#### 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 – Iran

#### No impact – containment solves – that makes our internal link more probable.

Zenko, Fellow in the Center for Preventive Action at the Council on Foreign Relations, and Cohen, Fellow at the Century Foundation, 12

(Micah, and Michael, “Clear and Present Safety: The United States Is More Secure Than Washington Thinks,”

Foreign Affairs. New York: Mar/Apr 2012. Vol. 91, Iss. 2; pg. 79, 15 pgs, accessed 3-2-12, CMM)

Of course, the gravest concerns about Iran focus on its nuclear activities.Those

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threat to the U.S. homeland would continue to be minimal.

Overblown fears of a nuclear Iran are part of a more generalized American anxiety about

AND

of the Cold War, the risk of a nuclear attack has increased."

#### Deal will fail.

Kroenig, Council on Foreign Relations nuclear security fellow, 1-7-14

[Matthew, US secretary of Defense former special adviser, “Still Time to Attack Iran: The Illusion of a Comprehensive Nuclear Deal” http://www.foreignaffairs.com/articles/140632/matthew-kroenig/still-time-to-attack-iran, accessed 2-1-14, TAP]

The successful negotiation of an interim deal between Iran and the United States and its

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leader, Ayatollah Ali Khamenei, might be unwilling to make necessary concessions;

or the diplomats might simply fail to come to mutually acceptable terms. If any

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could resume its march to a nuclear weapons capability without violating the agreement.

#### Either sanctions will pass because of GOP pressure

Rogin, Daily Beast, 2-5-14

(Josh, “GOP Will Force Reid to Save Obama’s Iran Policy—Over and Over Again,” http://www.thedailybeast.com/articles/2014/02/05/gop-will-force-reid-to-save-obama-s-iran-policy-over-and-over-again.html, accessed 2-7-14, CMM)

The Republican Senate caucus is planning to use every parliamentary trick in the book to

AND

tools at their disposal to keep this issue front and center for Democrats.

Since the legislation is already on the Senate’s legislative calendar, any senator can

AND

or fail to agree to a final deal that dismantles its nuclear infrastructure.

#### OR there will never be a vote.

Benen, MSNBC, 2-7-14

(Steve, “When AIPAC throws in the towel,” http://www.msnbc.com/rachel-maddow-show/when-aipac-throws-the-towel, accessed 2-7-14, CMM)

Over the last week or so, support for the Iranian sanctions bill started collapsing

AND

¶ This turn of events was simply hard to fathom a month ago.

As we discussed the other day, by the first week in January, the Senate bill had 59 co-sponsors, and the number was growing. The question wasn’t whether the bill would pass the Senate, but rather, whether it could garner a veto-proof super-majority.¶ ¶ Now, the bill isn’t on the House’s to-do list; Senate co-sponsors are walking away; and even AIPAC – AIPAC – has no use for the Republican push for a vote.

#### 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.

#### 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.

### 2ac – K

#### 6. The absolutism of their alternative results in tunnel vision – evaluate 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.

#### Violence is already institutionalized – ending drones just results in a worse form of militarism.

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.9, accessed 12-22-13, TAP]

The United States has long accepted a legal, political, and policy space for

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. domestic law quietly and intentionally preserved the category while strengthening the oversight.

This category of force is now an obvious means by which to confront non-

AND

the most discrete and most precisely-targeted lethal measures available against terrorists.

The result would be to throw the United States into the much more difficult policy dilemma of using larger-scale military activity against terrorists or taking no very meaningful action at all.36

#### The alt fails – critical analysis is insufficient and movements will never reach a critical mass – doesn’t spill over.

Shaw, University of Sussex international relations professor, 2012

[Martin, Institut Barcelona d’Estudis Internacionals global political sociology professor, and University of Roehampton London international relations and human rights professor, “Twenty-First Century Militarism: A Historical-Sociological Framework” <https://docs.google.com/document/d/18fiBRAMCllbfvY3IG1rj3sWsKiln43j_dTL6I_2W2DA/edit>, accessed 1-20-14, TAP]

The potential of all these issues to generate substantial anti-militarist movements will depend

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to fall short of what is required for extensive anti-militarist action.

In the societies which are most directly experiencing the excesses of military power,

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action, but it is for the actors to define their practical possibilities.

#### No risk of militarism escalating – alt doesn’t solve it

Gray, University of Reading international relations professor, 2007

[Colin, Centre for Strategic Studies director, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration” <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>, p.45-7, accessed 1-20-14, TAP]

7. A policy that favors preventive warfare expresses a futile quest for absolute security

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an executive prerogative, in practice that authority is disciplined by public attitudes.

Clausewitz made this point superbly with his designation of the passion, the sentiments,

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strategy, though not always policy, must be nothing if not pragmatic.

## 1ar

### 2ac – Solvency EXTN – AT: Rubber Stamp

#### Creation of the court is sufficient to solve credibility and shape norms.

Wexler, University of Illinois law professor, 2013

[Lesley, 5-8-13, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262412>, p.1-2, accessed 5-14-13, TAP]

Critics of the status quo would like greater transparency and accountability in regards to tar

AND

proposed the use of courts to foster either transparency or accountability or both.

#### 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

AND

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.

### ME War

1. Middle East conflict won’t spillover or escalate

Cook and Takeyh, CFR Middle Eastern Studies senior fellow, 6-28-07

[Ray, and Steven A., Douglas Dillon fellow, "Why the Iraq war won't engulf the Mideast," http://www.cfr.org/publication/13702/]

Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very

AND

its frontier with Iraq in order to keep militants out of the kingdom.

Finally, there is no precedent for Arab leaders to commit forces to conflicts in

AND

Lebanese. The civil war in Lebanon was regarded as someone else’s fight.

Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight.

As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary.

So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq.

The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

### Congress Likes Plan

#### Turn – the plan is popular.

Hosenball, Reuters, 2-8-13

[Mark, “Support grows for U.S. "drone court" to review lethal strikes” <http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209>, accessed 9-4-13, TAP]

During a fresh round of debate this week over President Barack Obama's claim that he

AND

. citizen alleged to be a "senior operational leader of Al Qaeda."

### Uniqueness

#### 2AC Ev

Benen, MSNBC, 2-7-14

(Steve, “When AIPAC throws in the towel,” http://www.msnbc.com/rachel-maddow-show/when-aipac-throws-the-towel, accessed 2-7-14, CMM)

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#### Uniqueness overwhelms – Dems block on the merits

Kaper, National Journal, 2-2-14

(Stacy, “How Obama Won the War on Iran Sanctions,” http://www.nationaljournal.com/defense/how-obama-won-the-war-on-iran-sanctions-20140202, accessed 2-3-14, CMM)

The impact of Democrats growing gun-shy could have implications for the GOP agenda

AND

He declined to elaborate on what other course of action he might consider.

#### Dems won't defect

Rubin, Washington Post, 2-7-14

(Jennifer, “Sanctions hypocrisy,” http://www.washingtonpost.com/blogs/right-turn/wp/2014/02/07/sanctions-hypocrisy/, accessed 2-7-14, CMM)

So let’s be clear — the problem is not lack of bipartisanship. The problem

AND

he can bring sanctions to the floor any time and pass it overwhelmingly.

### 1AR Drones Thumper

#### Triggers the link.

Schmitt, NYT, 1-16-14

[Eric, “Congress Restricts Drones Program Shift” <http://www.nytimes.com/2014/01/17/us/politics/congress-restricts-drones-program-shift.html?_r=0>, accessed 1-17-14, TAP]

In an unusual move, Congress is placing restrictions on the Obama administration’s plan to

AND

terrorism suspects with Predator or Reaper drones, a notion the Pentagon rejects.

#### These crushed Obama’s discretion – major loss.

Russia Times, 1-16-14

[“Secret amendment in Congress keeps CIA in charge of deadly drone strikes” <http://rt.com/usa/congress-secret-drone-cia-712/>, accessed 1-17-14, TAP]

President Barack Obama said last May that control of the United States’ weaponized drone program

AND

over an arsenal of robotic killing machines would stay within the CIA’s jurisdictions.

#### Obama got thwarted by considerable pressure.

McDuffee, Wired, 1-16-14

[Allen, “Congress Blocks Plan to Transfer Drone Control From CIA to Pentagon” <http://www.wired.com/dangerroom/2014/01/drone-strikes-likely-stay-cia/>, accessed 1-17-14, TAP]

An effort by President Obama to transfer America’s lethal, highly classified drone program from

AND

president’s own party, are not in agreement with the transfer of authority.