## Counterplan

### 2NC CP is Good

#### Interpretation- The neg get counterplan’s that test the object of the resolution

#### This is the core educational question of the topic- The CP is *an explicit alternative to other branches*

Radsan and Murphy 2010 (Afsheen and Richard, Professor of Law, William Mitchell College of Law; AT&T Professor of Law, Texas Tech University School of Law, DUE PROCESS AND TARGETED KILLING OF¶ TERRORISTS, 31 Cardozo L. Rev. 405 2009-2010)

Yet as a practical matter, the judicial role just identified is¶ vanishingly small

AND

that this review¶ should be as public as national security permits. 34

#### This education outweighs

Aziz Huq, No Date (U Chicago Law Schoo, http://www.law.uchicago.edu/faculty/research/aziz-huq-binding-executive-law-or-politics)

What in practice limits executive branch discretion? In The Executive Unbound: After the

AND

has troubling normative implications for evaluations of the current scope of executive discretion.

#### Education - 90% debate is implementation

Elmore 80

Prof. Public Affairs at University of Washington, PolySci Quarterly 79-80, p. 605, 1980

The emergence of implementation as a subject for policy analysis coincides closely with the discovery

AND

10 percent, leaving the remaining 90 percent in the realm of implementation.

### 2NC CP Solves (Drones- International norms/Pakistan)

#### Solves the International Norms advantage- The advantage solvency is based off an international signal the executive branch would be in a better position to make. Internal review from the executive solves, leads to rules-based decisionmaking, transparency and solves the norm-based advantage *better*

Radsan and Murphy 2011 (Afsheen and Richard, Professor of Law, William Mitchell College of Law; AT&T Professor of Law, Texas Tech University School of Law, MEASURE TWICE, SHOOT ONCE:¶ HIGHER CARE FOR¶ CIA-TARGETED KILLING, http://illinoislawreview.org/wp-content/ilr-content/articles/2011/4/Murphy.pdf)

This Article makes two primary claims about how IHL’s core principles¶ should apply to

AND

steps toward development of a due process for the¶ age of terror.

### 2NC Executive Solves Rubber Stamping

#### Only the CP solves- Lack of expertise ensures rubber stamping- Judicial review of drone strikes fails and leaks key intelligence- causes terrorism

Radsan and Murphy 2011 (Afsheen and Richard, Professor of Law, William Mitchell College of Law; AT&T Professor of Law, Texas Tech University School of Law, MEASURE TWICE, SHOOT ONCE:¶ HIGHER CARE FOR¶ CIA-TARGETED KILLING, http://illinoislawreview.org/wp-content/ilr-content/articles/2011/4/Murphy.pdf)

Determining an appropriate scope of review still leaves open who¶ should conduct that review

AND

and it is not clear who else could be a proper plaintiff.¶ 180

#### FISA Court empirically failed at oversight- no reason the plan would be any different

Jason Sattler, 7-5-13 (“FISA Court Has Only Rejected 10 Of 20,909 Spying Requests: One Congressman Has A Solution”, The National Memo)

When the Federal Bureau of Investigation and National Security 9gency want to spy on American

AND

of the judges are nominated by one man — Chief Justice John Roberts.

#### Judicially based courts fail at enforcing Presidential checks

Katyal 13 [Neal K, writer for NY Times, “Who Will Mind Drones?” New York Times, February 21, 2013, <http://www.nytimes.com/2013/02/21/opinion/an-executive-branch-drone-court.html?_r=0>] CPO

But simply placing a drone court in the judicial branch is not a guaranteed check

AND

balance the demands of secrecy and speed with those of liberty and justice.

### 2NC AT PDB

#### 4. Disad to the perm, it destroys SOP

Paulsen(Michael Stokes, Assoc. Prof. Of Law, Univ. Of Minn. Law School, The Merryman

Power And The Dilemma of Autonomous Executive Branch Interpretation, 15 Cardozo L. Rev.

81, October) **19**93

The premise underlying autonomous executive branch interpretation is the ¶ coordinacy of the three branches

AND

- has completely independent interpretive ¶ authority within the sphere of its powers.

#### 5. Nuclear War

Redish and Cisar 91, (Martin H. Redish, Professor, law, Northwestern University and Elizabeth J., Cleark Chief Judge William Bauer, U.S. Court of Appeals, Seventh Circuit, DUKE LAW JOURNAL, 1991, LN.)

In summary, no defender of separation of powers can prove with certitude that,

AND

be forced into the position of saying, "I told you so."

## Case

### HEG

#### Soft power is useless—no impact to boosting U.S. credibility

Miller 10 [2/3/2010, Aaron David, public-policy scholar at the Woodrow Wilson International Center for Scholars, Foreign Policy, “The End of Diplomacy?” http://www.foreignpolicy.com/articles/2010/02/03/the\_end\_of\_diplomacy?page=full]

Back in the day, there was a time when American diplomacy did big and

AND

abroad and hobbled by its inability to organize its own house at home.

**No transition wars**

**Macdonald and Parent 11** (Paul, **Assistant Professor of Political Science at Williams College, and Joseph, Assistant Professor of Political Science at the University of Miami. “Graceful Decline? The Surprising Success of Great Power Retrenchment”. International Security** Spring 2011, Vol. 35, No. 4, Pages 7-44.)

¶ Our findings are directly relevant to what appears to be an impending great power

AND

ability to sustain its economic performance or engage in foreign policy adventurism.94

### ME War

**Middle East war doesn’t escalate**

**Ferguson 06** (Niall, Professor of History at Harvard University, Senior Research Fellow of Jesus College, Oxford, and Senior Fellow of the Hoover Institution, Stanford, LA Times, July 24)

Could today's quarrel between Israelis and Hezbollah over Lebanon produce World War III? That's

AND

, at any rate, is clearly the assumption being made in Washington.

**Empirically proven**

**Cook 07—**CFR senior fellow for Mid East Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania(Steven, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, 6 /28, Why the Iraq war won't engulf the Mideast, http://www.iht.com/bin/print.php?id=6383265)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over

AND

its civil strife and prevent local conflicts from enveloping the entire Middle East.

**Over 6 wars disprove their arguments**

**Atlantic 07**—Associate Editor of The Atlantic Monthly. Harvard grad. (Matthew Yglesias, 9/12, Containing Iraq, http://matthewyglesias.theatlantic.com/archives/2007/09/containing\_iraq.php, AG)

Kevin Drum tries to throw some water on the "Middle East in Flames"

AND

worse. The IDF has plenty of Arabs to fight closer to home.

**Alarmist predictions are wrong**

**Luttwak 07** (Edward, senior adviser at the Centre for Strategic and International Studies, Prospect, May http://www.prospect-magazine.co.uk/article\_details.php?id=9302)

Why are middle east experts so unfailingly wrong? The lesson of history is that

AND

about as many as are killed in a season of conflict in Darfur.

## Prez Powers DA

### Impact

#### SHORTEST TIMEFRAME – 2 MINUTES TILL WE’RE ALL DEAD

Mintz 1 (Morton, February 26, “Two Minutes to Launch,” The American Prospect, <http://www.prospect.org/cs/articles?article=two_minutes_to_launch>)

Hair-trigger alert means this: The missiles carrying those warheads are armed and

AND

would be, basically, a nuclear war by checklist, by rote."

#### Presidential leadership key to human space exploration

Sebathier et al. 09 (a senior associate with the CSIS Technology and Public Policy Program. From 2004 to 2009, he was senior fellow and director for space initiatives at CSIS. He is also senior adviser to the SAFRAN group and consults internationally on aerospace and telecommunications. Mr. Sabathier has written more than 50 articles and reports and lectured at a variety of conferences and symposiums. He has also taught space transportation systems at the University Paul Sabatier in Toulouse. He received his degree from École Centrale de Nantes in France and performed research work at the Colorado School of Mines with a grant from Martin Marietta Astronautics. (Vincent G, November 9th, Center for Strategic and International Studies, “Commentary on the Augustine Committee Report on the Future of Human Space Exploration,” http://csis.org/files/publication/091109\_Sabathier\_AugustineCommittee\_0.pdf)

After many months of speculation, numerous meetings, articles, and suggestions, the

AND

political, economic, and technological realities of the twenty-first century.

**Solves inevitable human extinction**

Objective Observer ‘3 [“The Case for Colonizing Mars”, July, <http://www.theobjectiveobserver.com/articles/space01.shtml>]

Homo sapiens, human beings, have to be one of the least intelligent species

AND

And Mars is the most likely candidate within our solar system for colonization.

### A2 –Syria

**Obama intended Russia to act before the vote**

**Easley 9/9** (Jason, BA in Political Science from Indiana University, “Obama is Outsmarting Everyone and Winning on Syria Without Firing a Shot,” <http://www.politicususa.com/2013/09/09/president-obama-outsmarting-winning-syria-firing-shot.html>)

Meanwhile, the president was telling Fox News that he expects the debate in Congress

AND

without risking a single American life, or another dollar on military action.

### Link

#### Obama thinks presidential powers are real—he’ll back off over controversies or increase actions if the opportunity arises

**Kuttner 9** [Robert, co-editor of The American Prospect and a senior fellow at Demos, author of "Obama's Challenge: America's Economic Crisis and the Power of a Transformative Presidency, “Obama Has Amassed Enormous Political Capital, But He Doesn't Know What to Do with It,” 4/28 – http://www.alternet.org/economy/138641/obama\_has\_amassed\_enormous\_political\_capital,\_but\_he\_doesn%27t\_know\_what\_to\_do\_with\_it/?page=entire]

We got a small taste of what a more radical break might feel like when

AND

a little of both, but he defaults to the politics of accommodation.

#### Limited targeted killings results in elimination of legal and necessary targeted killings

Jack Goldsmith, 2012, (Jack Goldsmith is a Harvard Law professor and former legal adviser to the General Counsel of the Department of Defense, *Power and Constraint*, W.W. Norton Publishing, p.199-200)

These sorts of institutional ripples were what the ACLU and the CCR were aiming at

AND

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

#### That destroys US leadership and flips all of their terminal impacts

Gonzalez, founder of NationandState.org an open-source foreign policy think tank, 7 (Nathan, Engaging Iran: The Rise of a Middle East Powerhouse and America’s Strategic Choice, p. 112)

In today’s unipolar world—one that has not yet been directly challenged by rival

AND

political capital. The United States must be resourceful in order remain strong.

### A2 – Terror

#### Zero risk of nuclear terrorism

Mearsheimer 11 (Professor of Political Science at UChicago, John, January, “Imperial by Design,” <http://nationalinterest.org/article/imperial-by-design-4576?page=10>, Mike)

The fact is that states have strong incentives to distrust terrorist groups, in part

AND

by accident-causing deer, or by severe allergic reactions to peanuts.”