# Wake Round 7 Cards

## 1AC

### Plan

#### Plan: The United States Federal Government should establish a National Security Court with exclusive jurisdiction over cases pursuant to Section 1021 of the National Defense Authorization Act for Fiscal Year 2012.

### Fear of Islam

#### Contention One: Fear of Islam

#### The upsurge of Anti-Muslim rhetoric threatens to turn the political sphere into an echo chamber of racism, sacrificing any remaining semblance of critical thought on the altar of bipartisanship.

Giroux 11

[Henry A. Giroux, Global TV Network Chair in English and Cultural Studies at McMaster University, formerly Boston University, Miami University, Penn State University, "Breivik's Fundamentalist War on Politics, and Ours," August 3, <http://www.truth-out.org/breiviks-fundamentalist-war-politics-and-ours/1312390288>]

The tragic slayings in Norway raise anew serious questions about domestic terrorism and its roots in right-wing ideology and fundamentalist movements. Breivik's manifesto "2083" and his murderous actions remind us of the degree to which right-wing extremism is more than a minor threat to American security - a fact we have been all too often willing to forget. The foundation of such violence, and the insistent threat it poses to democracy, is not to be found in its most excessive and brutal acts, but in the absolutist worldview that produces it. As the Swedish religion scholar Mattias Gardell insists, "The terrorist attacks in Oslo were not an outburst of irrational madness, but a calculated act of political violence. The carnage was a manifestation of a certain logic that can and should be explained, if we want to avoid a repetition."[5] Elements of such a logic are not only on full display in American society, but are also gaining ground. The influence of extremist and fundamentalist ideologies and worldviews - whether embodied in religion, politics, militarism or the market - can be seen currently in the rhetoric at work at the highest levels of government. How else to explain that just one day after the deficit settlement in Washington, Republican Congressman Doug Lamborn of Colorado Springs, in an interview with a Denver radio station, referred to President Obama as a "tar baby."[6] It is hard to mistake the racist nature of the use of the term "tar baby," given its long association as a derogatory term for African-Americans. Soon afterward, Pat Buchanan wrote a column that began with a shockingly overt racist comment in which he writes: "Mocked by The Wall Street Journal and Sen. John McCain as the little people of the Harry Potter books, the Tea Party 'Hobbits' are indeed returning to Middle Earth - to nail the coonskin to the wall."[7] What is clear about this type of racist discourse is that it creates a climate where hatred and violence become legitimate options. It also indicates that the violence of extremist rhetoric is alive and well in American politics; yet, it is barely noticed, and produces almost no public outrage. Moreover, this type of fundamentalism and extremism is about more than just the rise of the Tea Party. It is a growing and ominous force in everyday life, politics, and in the media. A rigid, warlike mentality has created an atmosphere in which dialogue is viewed as a weakness and compromise understood as personal failing. As Richard Hofstadter argued over 50 years ago, fundamentalist thinking is predicated on an anti-intellectualism and the refusal to engage other points of view.[8] The other is not confronted as someone worthy of respect, but as an enemy, someone who constitutes a threat, who must be utterly vanquished. Michel Foucault goes further and insists that fundamentalists do not confront the other as: a partner in the search for the truth but an adversary, an enemy who is wrong, who is harmful, and whose very existence constitutes a threat.... There is something even more serious here: in this comedy, one mimics war, battles, annihilations, or unconditional surrenders, putting forward as much of one's killer instinct as possible.[9] Missing from the fundamentalist toolbox is the necessity for self-reflection, thinking critically about the inevitable limitations of one's arguments, or being morally accountable to the social costs of harboring racist ideologies and pushing policies that serve to deepen racist exclusions, mobilize fear, and legitimate a growing government apparatus of punishment and imprisonment.[10] What connects the moral bankruptcy of right-wing Republicans who embrace violent imagery in order to mobilize their followers with the mindset of extremists like Breivik is that they share a deep romanticization of violence that is valorized by old and new fundamentalisms, whose endpoint is a death-dealing blow to the welfare state, young people, immigrants, Muslims, and others deemed dangerous and, so, "disposable." It is not surprising that Breivik's radical anti-Islamic views draw repeatedly on the work of a number of American extremists, including Andrew Bostrom, David Horowitz and Daniel Pipes. In contrast to comforting media illusions, we are not talking about the emergence of right-wing lone wolfs who explode in a frenzy of hate and violence, but an increasing pervasive - though not yet dominant - fundamentalist worldview that embraces a circle of certainty, evokes a Manichean struggle between good and evil, espouses an anti-intellectual populism, calls for the banishing of critical intellectuals from the academy, and rails against critical academic fields such as postcolonial studies, feminist studies, peace studies and ethnic studies. And while many of these religious and secular fundamentalists may not argue directly for real violence, they spew out a steady stream of hatred that created the conditions for such violence. I am not suggesting that Breivik's actions can be linked directly to right-wing extremism in the Congress and broader society, but it is not altogether unjust to suggest that what they share are a number of core concerns, including a view of immigrants as a threat to American nationalism, an embrace of anti-Muslim rhetoric, a strong espousal of militarism, market fundamentalism, hyper-nationalism and support for a host of retrograde social policies that embrace weakening unions, the rolling back of women's rights, and a deep distrust of equality as a foundation of democracy itself.[11] Chris Hedges outlines the elements of such a fundamentalism when he writes: Fundamentalists have no interest in history, culture or social or linguistic differences.... They are provincials.... They peddle a route to assured collective deliverance. And they sanction violence and the physical extermination of other human beings to get there. All fundamentalists worship the same gods - themselves. They worship the future prospect of their own empowerment. They view this empowerment as a necessity for the advancement and protection of civilization or the Christian state. They sanctify the nation. They hold up the ability the industrial state has handed to them as a group and as individuals to shape the world according to their vision as evidence of their own superiority.... The self-absorbed world view of these fundamentalists brings smiles of indulgence from the corporatists who profit, at our expense, from the obliteration of moral and intellectual inquiry.[12] At work here is a moral and political absolutism that more and more dehumanizes young people, immigrants, feminists, Muslims, and others relegated to the outside of the narrow parameters of a public sphere preserved for white, Christian and male citizens. Breivik acted upon his hatred of Muslims, leftists and immigrants by murdering young people whose activities at a Labor Party Camp suggested they might usher in a future at odds with his deeply racist and authoritarian views. As Scott Shane, writing in The New York Times, put it, and it bears repeating, Breivik, "was deeply influenced by a small group of American bloggers and writers who have warned for years about the threat from Islam."[13] Breivik names, among others, the right-wing extremist Pamela Geller, "who has called President Obama 'President Jihad' and claimed that Arab language classes are a plot to subvert the United States."[14] More recently, Geller's xenophobic blog, Atlas Shrugs, has repeatedly attempted, "to unearth Obama's relationship to Islam [and prove that] Islam is a political ideology [that is] incompatible with democracy."[15] Geller's racist and hate-filled blog implied that Breivik's attack on the Labor youth camp may have been somehow justified because, as she puts it, "the victims would have grown up to become 'future leaders of the party responsible for flooding Norway with Muslims who refuse to assimilate, who commit major violence against Norwegian natives including violent gang rapes, with impunity, and who live on the dole."[16] Atlas vomits! As ThinkProgress' Lee Fang points out, Geller attempts to prove her point by posting a picture taken on the island camp a few hours before Breivik's murderous rampage, and she writes, without any sense of remorse, "Note the faces which are more Mlddle [sic] Easter or mixed than pure Norwegian."[17] While such shocking expressions of racism cannot be directly connected to all forms of fundamentalism, there is nothing in those who espouse this worldview that renders them open or willing to exercise the judgment, critical inquiry, and thoughtfulness necessary to counter and resist such views and the violence to which they often lead. Such worldviews operate on the side of certainty, wrap themselves in a logic that is considered unquestionable, refuse compromise and dialogue, and often invoke a militarized vocabulary to define themselves as soldiers fighting a war for Western civilization. This is a worldview in which ignorance and impotence join with violence, sanctified by a fundamentalism that thrives on conformity and authoritarian populism. Breivik was not a typical right-wing terrorist. He refused to endorse a strategy that made a claim for racial superiority on biological grounds; more specifically, he recognized that it was not wise tactically, "to oppose immigration and Islam on racial grounds (an argument that would attract few people.)"[18] Instead, he admired and adopted an ideology from those far-right groups that revised old racist beliefs and adopted a new anti-Muslim narrative in which immigrants and those deemed other, "are not biologically inferior, but they are culturally incompatible."[19] In this case, cultural difference rather than biological degeneration is viewed as a threat to democracy.[20] While most right-wing politicians, individuals and groups denounce the horrendous violence perpetrated by Breivik, they nonetheless produce and contribute to a culture of violence and rhetoric of demonization that undermines respect for difference, democratic values, and a capacious notion of personal and social responsibility. As recently stated in a study by the Anti-Defamation League: The hateful rhetoric around the immigration debate has gone beyond the rallies, lobbying and media appearances by anti-immigration advocates. A number of media personalities in television and radio, as well as political leaders, have adopted the same language when discussing immigration issues in this country. These extend from [former] "national TV correspondent Lou Dobbs to more extreme political commentator Patrick Buchanan to local radio personalities to members of Congress such as Tom Tancredo and Steve King ... the use of anti-immigrant rhetoric has permeated the culture in our country."[21] There are few degrees of separation between far-right extremists such as the late Madeleine Cosman, an alleged medical lawyer, and radio and TV personality Lou Dobbs, yet both have argued that Mexican immigrants are criminals and carriers of diseases such as leprosy. This type of hysterical xenophobia can also be found in the words and actions of New York Republican Rep. Peter T. King, who, as chairman of the House Homeland Security Committee, has opened hearings on the radicalization of Muslim Americans. This type of racist hysteria (that precludes investigation of other forms of radicalization) is commonplace in America, and is aided and abetted by conservatives such as Buchanan, who writes columns such as "Say goodbye to Los Angeles" filled with apocalyptic visions of the United States being taken over by people of color.[22] This type of rhetoric is easy politics. As such, it is widely used in the United States, and can also be found in the work of the late Harvard scholar Samuel Huntington, [23] anti-Muslim bloggers, Christian fundamentalists, Fox News commentators and in anti-immigration policies initiated in a variety of states, with one of the most pernicious examples introduced by state legislators in Arizona. Fundamentalism is as home grown as the Ku Klux Klan and white militia groups, and can be found across a range of groups extending from the Christian right to secular fundamentalists such as Sam Harris.[24] This type of bigotry and the life-crushing policies it produces can give rise to and spread like a disease; its targets seem to multiply every day in the United States. Indeed, one could argue that the only successful (though hardly cost-effective) war the United States has waged since the 1980's has been against poor men of color, who now represent 70 percent of all inmates in US prisons.[25] Lesbian, gay, bisexual and transgender (LGBT) populations are indeed another target of hate, captured for example in one of Buchanan's recent columns, in which he writes: "What is the moral basis of the argument that homosexuality is normal, natural and healthy? In recent years, it has been associated with high levels of AIDS and enteric diseases, and from obits in gay newspapers, early death. Where is the successful society where homosexual marriage was normal?"[26] There is also the war on youth, which is now in high gear with the implosion of social safety nets, decent housing, health care and the simultaneous rise of the punishing state, this the result of the conservative takeover of a number of state legislators and governorships by radical conservatives and the control of the House of Representatives by right-wing extremists. This isn't the kind of direct warfare we saw in Norway, but it is warfare just the same, less spectacular in the short run, but with more casualties in the long run. Consider the actions of Jan Brewer, the governor of Arizona, in, "spearheading a bill to eliminate KidsCare, the state's Medicaid Program for children ... though twenty three percent of Arizona's children live in poverty."[27] What does one say about Gov. Paul LePage of Maine, who, "recently signed into law a bill that eases child labor laws, lowering restrictions on the hours and days teenagers can work."[28] It gets worse. Nevada Democratic Sen. Harry Reid signaled the current extremism of the Republican Party by highlighting that the legislation they have recently introduced would cut or eliminate Medicaid and the Children's Health Insurance Program (CHIP). Over 1.7 million kids would lose health insurance by 2016.[29] Common Dreams reported that, "GOP Florida lawmakers have rejected over $50 million in much-needed federal child-abuse prevention money because it was part of Obama's healthcare reform package."[30] Violence becomes news when its most extreme registers erupt in waves of bloodshed. Yet, there is another kind of violence that can rightfully be viewed as a form of domestic terrorism. It can be seen in an array of statistics that point to the current war on youth: 43.6 millions Americans live in poverty and one child in five is poor; "infant mortality, low birth weight and child deaths under five are ranked higher in the United States as compared to other Western nations and Japan. Among Organization for Economic Co-operation and Development (OECD) countries, only Mexico, Turkey and the Slovak Republic have higher infant mortality than the U.S."[31] As a result of the corruption and crimes of bankers, Wall Street, and the right-wing politicians who have bailed them out and legitimated the deregulatory policies that produced such hardships, millions of people are unemployed and have lost their homes, all of which impacts not just on adults, but on generations of young people condemned to poverty, homelessness, unemployment and a future without hope. This is the violence legitimated by right-wing conservative policies, which contribute to shocking levels of inequality in which the wealth of Hispanics and blacks fell by 66 percent and 55 percent, respectively, between 2005 and 2009. The United States has the highest inequality and poverty rate among the industrialized nations. Such statistics point to policies that are not simply mean-spirited; they are cruel, sadistic and dishonor the government's obligations to young people and politically marginalized populations. Economist Paul Krugman rightly claims that, "The G.O.P. budget plan isn't a good-faith effort to put America's fiscal house in order; it's voodoo economics, with an extra dose of fantasy, and a large helping of mean-spiritedness."[32] Krugman goes further and argues that the American government is being held hostage by a group of Republican extremists who purposely want to make government dysfunctional. Far-right zealots such a Michele Bachmann and her conservative evangelical compatriots embody a mode of fundamentalism that promotes gay-bashing, a disdain for social protections and a deep hatred of government, which is rooted less in political and economic analyses than in biblical stricture and religious values.[33] Yet, such commitments are not marginal to American politics. For example, Senate Minority Leader Mitch McConnell (R-Kentucky) stated that, "After years of discussions and months of negotiations, I have little question that as long as this president is in the Oval Office, a real solution is unattainable."[34] There is more than a covert racism at work here, given the extremist views about Obama that inform much of the Republican Party, there is also a cult of certainty that has given political extremism a degree of normalcy, while at the same time indicating the degree to which such thought now permeates American society. In fact, absolutist thought is now driving official state and federal policy and pushing an alleged liberal Obama to a far-right position, all in the name of a cowardly appeal to bipartisanship and a deeply flawed notion of consensus. Not only is the power of market-driven casino capitalism at its zenith, but a culture of fundamentalism has become the driving force in American politics that is only a few degrees away from an outright embrace of a 21st century authoritarianism. What is interesting, and quite frightening, about Krugman's analysis of the growing fundamentalism and religiosity of American politics is his insightful claim that such a move is being abetted by a dominant media apparatus that views extremist ideas within what he calls a "cult of balance," in which such views are treated as just one more legitimate opinion. Listen to Brian Williams, the NBC News anchor, on any given night, and you get firsthand one of the worst offenders of the cult of balance. Krugman is worth citing on this issue. He writes: News reports portray the parties as equally intransigent; pundits fantasize about some kind of "centrist" uprising, as if the problem was too much partisanship on both sides. Some of us have long complained about the cult of "balance," the insistence on portraying both parties as equally wrong and equally at fault on any issue, never mind the facts. I joked long ago that if one party declared that the earth was flat, the headlines would read, "Views Differ on Shape of Planet." But would that cult still rule in a situation as stark as the one we now face, in which one party is clearly engaged in blackmail and the other is dickering over the size of the ransom? The answer, it turns out, is yes. And this is no laughing matter: The cult of balance has played an important role in bringing us to the edge of disaster. For when reporting on political disputes always implies that both sides are to blame, there is no penalty for extremism.[35] All of which is to say that there is another side to right-wing fundamentalism that needs to be addressed outside of its xenophobic, homophobic, antigovernment, antifeminist and youth-hating beliefs, which have become increasingly normalized, legitimated and defined loosely as just another view in American society. Yet, this is about more than the rise of a hate-filled fundamentalism and populist anti-intellectualism that scorns debate, dialogue and critical exchange. It is also symptomatic of the end of politics, and, by default, signals the death knell of democracy itself. Politics becomes moribund when dialogue, critical exchange, reasoned arguments, facts, logic and critical modes of education become objects of derision and contempt. Right-wing extremism is nourished when the formative culture that makes democracy possible is defunded, commercialized and diminished - when it is eroded and increasingly ceases to exist. Right-wing extremism and the fundamentalist logic it embraces is not merely a security threat; it does not simply produce terrorists. It actively wages a war on the very possibility of judgment, informed argument and critical agency itself. It opens the door for lies and omissions parading as truth, ignorance celebrated as informed reason and the dismissal of science as just another worthy opinion. In the end, violence emerges as a legitimate strategy to weed out those not on the side of an unquestioning moralism. Education redefined as training, fear driven by political illiteracy and authoritarian populism parading as the will of the people speak to what philosopher Hannah Arendt once called "dark times," to refer to that period in history in which the forces of totalitarianism and fascism extinguished reason, thoughtful exchange, discerning judgments, justice and truth. We are once again in on the brink of "dark times" and the clock is not merely ticking. The alarm is blaring, and yet the American public refuses to wake from a nightmare that is about to become a dreadful and punishing reality. Of course, history is open, and we have witnessed in Egypt, Iran, Syria, Greece and other countries, men, women and young people who have refused the established and beckoning forms of authoritarianism, giving rise to collective revolts that display immense courage and hope. It is past time for Americans to look beyond existing forms of leadership, the tired vocabularies of established political parties, the thoughtless stenography dispersed by mainstream media and the official view of democracy as just another form of consumerism. It is time to look to those struggles abroad that both embrace democracy and embody a form of civic courage in which thinking and morality inform each other in support of a world where young people can flourish, politics becomes a noble practice and democracy has a future.

#### This is evident in status quo detention policy. Indefinite detention represents an attempt to single out, debase and eradicate Muslim culture.

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[Hilal, “Racializing Islam Before and After 9/11: From Melting Pot to Islamophobia”, TRANSNATIONAL LAW & CONTEMPORARY PROBLEMS, Vol. 21, Spring 2012, RSR]

The combination of prolonged illegal detention, a new interpretation of ¶ torture, and cruel interrogation practices has led to widespread criticism in ¶ the United States and abroad, both by human rights organizations and by ¶ foreign governments.149 “According to a report by Human Rights First, close ¶ to one hundred people have died in U.S. custody; the Pentagon classifies ¶ thirty-four of those cases as criminal homicides. At least eight of those people ¶ were literally tortured to death.”150 The most shocking treatment was ¶ exposed in photographs from Abu Ghraib that were published in mainstream ¶ media in the United States and worldwide.151 Various human rights ¶ organizations and the Pentagon rushed to investigate the atrocities. The ¶ resulting reports were revealing. Abuses were widespread, not only in Iraq ¶ but in Afghanistan and Guantanamo as well.¶ 152 This incident is considered ¶ something of a game changer in relation to the popularity of the Iraq war. ¶ After Abu Ghraib, much of the American public lost its confidence in military ¶ practices. This was a big turning point against the Bush Administration ¶ among the American political establishment. Right after this incident,¶ Senator McCain and his supporters introduced an anti-torture amendment. ¶ However, despite all these pictures that became disturbing icons of the¶ Bush Administration’s policy in Iraq, Afghanistan, and Guantanamo, the ¶ general public did not appreciate a deeper problematic aspect of these ¶ practices: “U.S. soldiers and interrogators singled out Islamic culture in their ¶ efforts to humiliate and mistreat prisoners.”153 “The experiences of U.S. ¶ Captain James Yee, a West Point graduate and convert to Islam, offer ¶ compelling evidence of how, throughout the post-9/11 period, antagonism ¶ toward prisoners, and efforts to break them, rested upon the debasement of ¶ Muslim practices and religious items.”154 Another disturbing incident¶ happened in Afghanistan. American soldiers ¶ burned and desecrated the bodies of two Taliban fighters, ¶ publicly placing their corpses “facing west,” in an apparent, deliberate mocking of the Islamic requirement to face Mecca ¶ during prayer. Elsewhere, female soldiers have been used to ¶ humiliate detainees by touching them and by making them ¶ undress . . . and [using] sexually provocative tactics . . . meant ¶ to violate Muslim taboos about contact between the sexes and ¶ religious purity.155¶ Using woman interrogators in such a way is also extremely humiliating ¶ for American female military officers, but again this issue never became a ¶ public concern as subordination and humiliation and dehumanization of ¶ women in the military. To draw a fine line between the war on terror and a ¶ war on Islam obviously was not one of the concerns of the American military. ¶ Moreover, these tactics have been used to dehumanize detainees, using their ¶ belief as a weapon against them.156 In Iraq, the attitudes of American ¶ soldiers to the Iraqi people provide abundant evidence that racial ¶ subordination of the Iraqi people was common knowledge.

#### The lack of legal protections risks of a repeat of Korematsu. Detention risks racialized dehumanization outside the sphere of law.

Muller, George R. Ward Professor of Law, University of North Carolina School of Law, ‘3

[Eric, “Inference or Impact? ¶ Racial Profiling and the Internment’s ¶ True Legacy”, Ohio State Journal of Criminal Law, Vol. 1, 2003, RSR]

On the other hand, however, there are plenty of reasons to worry that time has ¶ not created sufficient firebreaks in the legal landscape to keep the flame of ¶ minimal race- or ethnicity-based intrusions from blazing out of control. First, and perhaps most importantly, people in positions of power too often seem to have ¶ missed the last sixty years’ worth of social learning. In a single week in February ¶ of 2003, two Members of Congress from my home state of North Carolina went ¶ public with simply extraordinary views on the Japanese American internment and ¶ on the suspiciousness of Arab Americans. Fielding questions after a speech on ¶ terrorism at the Heritage Foundation, Representative Sue Myrick spoke about ¶ dangers within the country. She said, “You know, and this can be misconstrued, ¶ but honest to goodness [my husband] Ed and I for years, for 20 years, have been ¶ saying, ‘You know, look at who runs all the convenience stores across the ¶ country.’ Every little town you go into, you know?”125 Not to be outdone, ¶ Representative Howard Coble, speaking on a radio talk show a few days later, ¶ volunteered that he supported Franklin Roosevelt’s policy of internment for ¶ Japanese Americans during World War II. Trotting out a long-discredited ¶ rationale for the internment, Coble added that “[f]or many of these Japanese ¶ Americans, it wasn’t safe for them to be out on the street.”126 In other words, ¶ Japanese Americans were imprisoned for their own good. Representative Coble is ¶ the Chairman of the House Judiciary Subcommittee on Crime, Terrorism, and ¶ Homeland Security, the committee with primary oversight of the new Department ¶ of Homeland Security. I would not trust him or Representative Myrick to police ¶ the line between minimal and severe race- and ethnicity-based government actions. ¶ In addition, while it is true that the larger legal landscape has changed ¶ significantly in the last sixty years, the changes have come more slowly at the level ¶ of actual police-citizen interactions—precisely the spot where many race- and ¶ ethnicity-based intrusions are most likely to occur. The Supreme Court has shown ¶ decidedly little interest in scrutinizing the motivations of police officers when they ¶ make stops, ask questions, and perform frisks and searches.127 The Supreme Court ¶ has also removed or watered down many of the incentives for police compliance ¶ with its rules on criminal investigations, with the result that actual police conduct ¶ in the field may be more intrusive than what “the law” officially allows.128¶ More importantly, most interactions between law enforcement agents and ¶ citizens happen outside of public scrutiny, and therefore largely outside of public ¶ accountability. The government has insisted on secrecy in as many of its post September 11 dealings as possible, including immigration hearings, where ¶ allegations of excess might be heard and tested.129 And in any case, law ¶ enforcement officers benefit from the rich doctrine of good-faith immunity from constitutional tort liability that the courts have created and strengthened for them ¶ over several decades.130 Thus, to the extent that we would expect the scrutiny of an ¶ energetic press and a curious public to serve as a firebreak, there will be a good ¶ deal less of that than is likely necessary. ¶ These are, moreover, risks on which we do not need to speculate. In April of ¶ 2003, the Justice Department’s Office of the Inspector General made public a ¶ report on the treatment of aliens held on immigration charges in connection with ¶ the investigation of the September 11 attacks.131 It is a depressing document. ¶ Seven hundred sixty-two aliens, almost exclusively Arab and Muslim,132 were ¶ arrested, mostly on immigration charges, between September of 2001 and July of ¶ 2002.133 Many of these aliens came under suspicion primarily because of their ¶ national origin.134 Yet the suspicion hardly led to just minimal intrusions. They ¶ led rather to an almost Kafka-esque series of escalating burdens, all imposed by a ¶ law enforcement and corrections system that did not seem interested in drawing ¶ distinctions among the aliens or protecting their rights. ¶ First, and perhaps most notably, the aliens were not simply questioned or ¶ watched; they were arrested and detained. Once it arrested them, the FBI made ¶ little effort to distinguish between those who were subjects of an actual terrorism ¶ investigation and those who were detained solely for immigration violations.135¶ The Immigration and Naturalization Service (“INS”) routinely failed to serve the ¶ detainees with timely notices of the charges under which it was holding them.136¶ And the Justice Department decided that no detainee who was “of interest” to the ¶ FBI in relation to terrorism—an exceedingly loosely defined category—could be ¶ released from custody until first “cleared” of terrorism suspicion.137 The clearance ¶ process took an average of eighty days, far longer than the “few days” that the ¶ Justice Department had anticipated.138 Justice Department officials knew of these ¶ delays, but did nothing.139¶ The burdens on the September 11 detainees did not end there. The INS ¶ adopted a blanket policy of refusing them release on bond, and supported this ¶ policy with boilerplate affidavits that recited general national security concerns but ¶ averred nothing specific to any individual detainee’s case.140 And this “no bond” policy kept the detainees locked up in conditions that were, in many cases, ¶ horrifying. For several weeks after September 11, they were completely cut off ¶ from the outside world, under a total communications blackout.141 Once allowed ¶ contact with the outside world, the contact was spotty and difficult to obtain, even ¶ with legal counsel.142 Perhaps most disturbingly, many of the September 11 ¶ detainees were subject to a pattern of physical and verbal abuse by some ¶ correctional officers, including name-calling, excessive physical force and ¶ restraint, twenty-four-hour-per-day exposure to fluorescent light, and inadequate ¶ medical treatment and recreation.143 In the few months after the horror of ¶ September 11, the flame of discrimination simply jumped the firebreaks in the ¶ legal landscape that were supposed to control it.

#### We must reject complicity with racism – no instance is too small.

Barndt 91

[Joseph. NYC pastor and author, “Crossroads; Dismantling Racism” p. 219, date accessed: 7/8/2010] AJK

To study racism is to study walls. We have looked at barriers and fences, restraints and limitations, ghettos and prisons. The prison of racism confines us all, people of color and white people alike. It shackles the victimizer as well as the victim. The walls forcibly keep people of color and white people seperate from each other in our seperate prisons. We are all prevented from achieving human potential that God intends for us. The limitations imposed on people of color by poverty, subservience, and powerlessness are cruel, inhumane and unjust; the effects of uncontrolled power, privilege, and greed, which are the marks of our white prison, will inevitably destroy us as well. But we have also seen that the walls of racism can be dismantled. We are not condemned to an inexorable fate, but are offered the vision and possibility of freedom. Brick by brick, stone by stone, the prison of individual, institutional, and cultural racism can be destroyed. You and I are urgently called to join the efforts of those who know it is time to tear down once and for all, the walls of racism.

#### The way we frame the Other is a pre-condition to all violence.

Collins and Glover, 2002

[John Collins, Ass. Prof. of Global Studies at St. Lawrence, and Ross Glover, Visiting Professor of Sociology at St. Lawrence University, 2002, Collateral Language, p. 6-7, The Real Effects of Language]

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruc­tion) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that **language matters** in the most concrete, im­mediate way possible: **its use**, by political and military leaders, **leads directly to violence in the form of war,** mass murder (**in­cluding genocide**), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, **if the world ever witnesses a nuclea**r holocaust, it **will** probably **be because leaders** in more than one country have **succeeded in convincing** their **people**, through the use of political language, **that** the **use of nuclear weapons and**, if necessary, **the destruction of the earth** itself, **is justifiable.** From our perspective, then, **every act of political violence**—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—**is** intimately linked **with the use of language**. Partly what we are talking about here, of course, are the processes of “**manufacturing consent**” and shaping people’s per­ception of the world around them; **people are more likely to sup­port** acts of **violence** committed in their name **if** the **recipients** of the violence **have been defined as “terrorists,” or if the violence is presented as a defense of “freedom**.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; **the language that shapes public opinion is the same language that burns villages,** besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering lan­guage of “civilization” and ‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

### Solvency

#### Contention Two: Solvency

#### The national security court would ensure defendants’ rights and solve status quo abuse.

Sulmasy, Commander and associate professor of law at the U.S. Coast Guard Academy, ‘10

[Glenn, “Create a Hybrid Court”, 11-18-10, The New York Times,   
<http://www.nytimes.com/roomfordebate/2010/11/18/prosecuting-terrorists-in-federal-court/create-a-hybrid-court>, RSR]

A National Security Court System (as part of a broader FISA court) would offer the best means to achieve a proper balance between providing for national security and bringing terrorists to justice.¶ This system would be overseen by the Justice Department and have civilian judges who are experts in this area of the law. These courts, with three to five judge panels, would be held on military bases within the United States (such as Ft. Leavenworth) or utilize the facilities at Guantanamo, use the rules of evidence already employed in the military commissions, provide for a habeas appeal to one of these judges within three months of capture, ensure due process, try every detainee within one year from capture (and try all of the detainees currently held in Guantanamo and perhaps Bagram), and provide the right to appeal. Finally, the legislation authorizing this court system should have a sunset provision of five years.¶ Just as the U.S. and our allies have adapted strategically and tactically to combating international terror, it is time to create a new system to prosecute fighters in this kind of conflict.

#### Combating fear of Islam requires access to the political sphere – prevents the right wing takeover of the status quo.

Yazdiha, PhD in Sociology at the University of North Carolina, ‘13

[Haj, “Law as Movement Strategy: How the¶ Islamophobia Movement Institutionalizes¶ Fear Through Legislation”, Social Movement Studies, 2013, RSR]

First, the successful use of law as strategy brings Islamophobia into an elite political¶ sphere. Any movement to successfully counter Islamophobia’s legislative efforts must¶ also gain access to the political arena and the support of political elites. This shift in the¶ movement’s playing field raises questions about the viable tactics of attempted counter-¶ movements. How might the successful use of law as strategy legitimize a movement,¶ politically incorporating and empowering the movement, such that it cannot be directly¶ challenged?¶ Similarly, as the political process model suggests, a movement’s acquisition of elite¶ allies can provide greater political opportunities. The Islamophobia movement’s¶ legislative successes have garnered the support of political insiders like Newt Gingrich¶ and Michelle Bachmann, which only drives further political access, opportunity and¶ power. Insofar as¶ Fear, Inc.¶ suggests that elites’ support is given in exchange for political¶ donations, further research might consider the temporal relationship between resources elite allies and political opportunity. To what extent is the successful use of law as strategy¶ dependent upon fluid resources?¶ Finally, though less readily measurable, a shift in broader discourse such as the notable¶ increase in¶ New York Times¶ articles about Sharia is a significant measure of a movement’s¶ impact. A shift in cultural consciousness and discourse is as much a goal of the¶ Islamophobia movement as is its legislative gains. Furthermore, these broader cultural¶ successes create further discursive opportunities on which movements can build and¶ through which related movements can be framed.

#### The law can help people --- reformism is empirically more successful than revolutionary withdrawal.

Kazin, Professor of History at Georgetown University, ‘11

[Michael, Has the US Left Made a Difference, Dissent Spring p. 52-54]

But when political radicals made a big difference, they generally did so as decidedly junior partners in a coalition driven by establishment reformers. Abolitionists did not achieve their goal until midway through the Civil War, when Abraham Lincoln and his fellow Republicans realized that the promise of emancipation could speed victory for the North. Militant unionists were not able to gain a measure of power in mines, factories, and on the waterfront until Franklin Roosevelt needed labor votes during the New Deal. Only when Lyndon Johnson and other liberal Democrats conquered their fears of disorder and gave up on the white South could the black freedom movement celebrate passage of the civil rights and voting rights acts. For a political movement to gain any major goal, it needs to win over a section of the governing elite (it doesn’t hurt to gain support from some wealthy philanthropists as well). Only on a handful of occasions has the Left achieved such a victory, and never under its own name. The divergence between political marginality and cultural influence stems, in part, from the kinds of people who have been the mainstays of the American Left. During just one period of about four decades—from the late 1870s to the end of the First World War— could radicals authentically claim to represent more than a tiny number of Americans who belonged to what was, and remains, the majority of the population: white Christians from the working and lower-middle class. At the time, this group included Americans from various trades and regions who condemned growing corporations for controlling the marketplace, corrupting politicians, and degrading civic morality. But this period ended after the First World War—due partly to the epochal split in the international socialist movement. Radicals lost most of the constituency they had gained among ordinary white Christians and have never been able to regain it. Thus, the wageearning masses who voted for Socialist, Communist, and Labor parties elsewhere in the industrial world were almost entirely lost to the American Left—and deeply skeptical about the vision of solidarity that inspired the great welfare states of Europe. Both before and after this period, the public face and voice of the Left emanated from an uneasy alliance: between men and women from elite backgrounds and those from such groups as Jewish immigrant workers and plebeian blacks whom most Americans viewed as dangerous outsiders. This was true in the abolitionist movement—when such New England brahmins as Wendell Phillips and Maria Weston Chapman fought alongside Frederick Douglass and Sojourner Truth. And it was also the case in the New Left of the 1960s, an unsustainable alliance of white students from elite colleges and black people like Fannie Lou Hamer and Huey Newton from the ranks of the working poor. It has always been difficult for these top and- bottom insurgencies to present themselves as plausible alternatives to the major parties, to convince more than a small minority of voters to embrace their program for sweeping change. Radicals did help to catalyze mass movements. But furious internal conflicts, a penchant for dogmatism, and hostility toward both nationalism and organized religion helped make the political Left a taste few Americans cared to acquire. However, some of the same qualities that alienated leftists from the electorate made them pioneers in generating an alluringly rebellious culture. Talented orators, writers, artists, and academics associated with the Left put forth new ideas and lifestyles that stirred the imagination of many Americans, particularly young ones, who felt stifled by orthodox values and social hierarchies. These ideological pioneers also influenced forces around the world that adapted the culture of the U.S. Left to their own purposes—from the early sprouts of socialism and feminism in the1830s to the subcultures of black power, radical feminism, and gay liberation in the 1960s and 1970s. Radical ideas about race, gender, sexuality, and social justice did not need to win votes to become popular. They just required an audience. And leftists who were able to articulate or represent their views in creative ways often found one. Arts created to serve political ends are always vulnerable to criticism. Indeed, some radicals deliberately gave up their search for the sublime to concentrate on the merely persuasive. But as George Orwell, no aesthetic slouch, observed, “the opinion that art should have nothing to do with politics is itself a political attitude.” In a sense, the radicals who made the most difference in U.S. history were not that radical at all. What most demanded, in essence, was the fulfillment of two ideals their fellow Americans already cherished: individual freedom and communal responsibility. In 1875, Robert Schilling, a German immigrant who was an official in the coopers, or caskmakers, union, reflected on why socialists were making so little headway among the hard-working citizenry: ….everything that smacks in the least of a curtailment of personal or individual liberty is most obnoxious to [Americans]. They believe that every individual should be permitted to do what and how it pleases, as long as the rights and liberties of others are not injured or infringed upon. [But] this personal liberty must be surrendered and placed under the control of the State, under a government such as proposed by the social Democracy. Most American radicals grasped this simple truth. They demanded that the promise of individual rights be realized in everyday life and encouraged suspicion of the words and power of all manner of authorities—political, economic, and religious. Abolitionists, feminists, savvy Marxists all quoted the words of the Declaration of Independence, the most popular document in the national canon. Of course, leftists did not champion self-reliance, the notion that an individual is entirely responsible for his or her own fortunes. But they did uphold the modernist vision that Americans should be free to pursue happiness unfettered by inherited hierarchies and identities. At the same time, the U.S. Left—like its counterparts around the world—struggled to establish a new order animated by a desire for social fraternity. The labor motto “An injury to one is an injury to all” rippled far beyond picket lines and marches of the unemployed. But American leftists who articulated this credo successfully did so in a patriotic and often religious key, rather than by preaching the grim inevitability of class struggle. Such radical social gospelers as Harriet Beecher Stowe, Edward Bellamy, and Martin Luther King, Jr., gained more influence than did those organizers who espoused secular, Marxian views. Particularly during times of economic hardship and war, radicals promoted collectivist ends by appealing to the wisdom of “the people” at large. To gain a sympathetic hearing, the Left always had to demand that the national faith apply equally to everyone and oppose those who wanted to reserve its use for privileged groups and undemocratic causes. But it was not always possible to wrap a movement’s destiny in the flag. “America is a trap,” writes the critic Greil Marcus, “its promises and dreams…are too much to live up to and too much to escape.”

#### The aff’s discursive act successfully breaks down myths regarding Islam. This makes peaceful coexistence possible.

Nimer, Professor at the American University School of International Service in International Peace and Conflict Resolution , ‘7

[Mohamed, “Breaking the Vicious Cycle of Islamophobia and Anti-Americanism”, PRINCE ALWALEED BIN TALAL¶ CENTER FOR MUSLIM-CHRISTIAN UNDERSTANDING¶ GEORGETOWN UNIVERSITY, Islamophobia and the Challenges of Pluralism in the 21st Century, 2007, RSR]

Dialogue for the purpose of exposing myths and forging a common understanding is a must to assure a peaceful future. Richard Cizik, a leader in the¶ National Association of Evangelicals movement warns Muslims against equating¶ evangelicals with fundamentalist Christians.11 Muslims have complained for so¶ long that Western academics and journalists invented the term fundamentalist¶ Islam and equate its characteristics with profiles of practicing Muslims, equate¶ those with extremists, and extremists with terrorists. Following the Iranian¶ Revolution in 1979 such assumptions were applied to Shia Muslims and after¶ 9/11 Sunnis became the main villains.¶ Charting the way out of stereotyping and communication based on ignorant profiling, Muslims, Christians, and Jews must acknowledge their Abrahamic¶ roots as one strong foundation for communication between all followers of these¶ three religions. Religious scriptures of all major world religion enunciate the golden¶ rule, which simply recommends treating others as one would like to be treated.¶ This universal principle offers a solid moral ground for peaceful coexistence.¶ Political realists may think such a lofty idea will not change the nature of¶ international relations, which, in their view, are based on mistrust, power and¶ interest. But those who believe in the free will of human beings may disagree.¶ Therefore, there is reason to support a global discourse premised on a shared¶ future. Within this framework, various sub-discourses may prove fruitful.

#### State engagement is a good method ---- refusal to engage in the methodical politics of democratic citizenship makes every impact inevitable.

Dietz, Professor of Political Science and Gender Studies Program at Northwestern University, ‘94

[Mary, “’THE SLOW BORING OF HARD BOARDS’: METHODICAL THINKING AND THE WORK OF POLITICS”, American Political Science Review, Vol. 88, No. 4 December 1994, <http://www.jstor.org/stable/pdfplus/2082713.pdf>]

Earlier, in considering the means-end category in politics, I suggested that everything hinges upon the action context within which this mode of thinking takes place. I now want to suggest that there is a richer conceptual context-beyond utilitarian objectification, rational capitalist accumulation, and/or Leninism-within which to think about the category of means and ends. Weil offers this alternative in her account of methodical thinking as (1) problem- oriented, (2) directed toward enacting a plan or method (solutions) in response to problems identified, (3) attuned to intelligent mastery (not domination), and (4) purposeful but not driven by a single end or success. Although Weil did not even come close to doing this herself, we might derive from her account of methodical thinking an action concept of politics. Methodical politics is equally opposed to the ideological politics Hannah Arendt deplores, but it is also distinct in important respects from the theatrical politics she defends. Identifying a problem-or what the philosopher David Wiggins calls "the search for the **best specification** of what would honor or answer to relevant concerns" (1978, 145)-is where methodical politics begins.26 It continues (to extrapolate from Weil's image of the methodical builders) in the determination of a means-end sequel, or method, directed toward a political aim. It reaches its full realization in the actual undertaking of the plan of action, or method, itself. To read any of these action aspects as falling under technical rules or blueprints (as Arendt tends to do when dealing with means and ends) is to confuse problem solving with object making and something methodical with something ideological. By designating a problem orientation to political activity, methodical politics assigns value to the activity of constantly deploying "knowing and doing" on new situations or on new understandings of old ones. This is neither an ideological exercise in repetition nor the insistent redeployment of the same pattern onto shifting circumstances and events. The problem orientation that defines methodical politics rests upon a recognition of the political domain as a matrix of obstacles where it is impossible to secure an ideological fix or a single focus. In general, then, methodical politics is best under- stood from the perspective of "the fisherman battling 880 American Political Science Review Vol. 88, No. 4 against wind and waves in his little boat" (Weil 1973, 101) or perhaps as Michael Oakeshott puts it: "In political activity . . . men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither starting-place nor ap- pointed destination" (1962, 127).27 Neither Weil's nor Oakeshott's is the perspective of the Platonist, who values chiefly the modeller who constructs his ship after pre-existing Forms or the pilot-philosopher who steers his craft to port by the light of immutable Forms fixed in a starry night. In both of the Platonic images (where the polis is either an artifact for use or a conveyance to safe harbor), a single and predictable end is already to hand. Neither Weil's nor Oakeshott's images admit any equivalent finality. The same is true of methodical politics, where political phenomena present to citizens-as the high sea presents to the sailor-challenges to be identified, demands to be met, and a context of circumstances to be engaged (without blueprints). Neither the assurance of finality nor the security of certainty attends this worldly activity. In his adamantly instrumental reading of politics in the ancient world, M.I. Finley makes a similar point and distinguishes between a problem orientation and patterned predictability by remarking upon the "iron compulsion" the Greeks and Romans were under "to be continuously inventive, as new and often unantic- ipated problems or difficulties arose that had to be resolved without the aid of precedents or models" (1983, 53). With this in mind, we might appreciate methodical politics as a mode of action oriented toward problems and solutions within a context of adventure and unfamiliarity. In this sense, it is compatible with Arendt's emancipatory concept of natality (or "new beginnings") and her appreciation of openness and unpredictability in the realm of human affairs. There are other neighborly affinities between methodical and theatrical politics as well. Both share a view of political actors as finite and fragile creatures who face an infinite range of possibilities, with only limited powers of control and imagination over the situations in which they are called upon to act. From both a methodical and a theatrical vantage point, this perpetual struggle that is politics, whatever its indeterminacy and flux, acquires meaning only when "knowing what to do and doing it" are united in the same performance (Arendt, 1958a, 223). Freedom, in other words, is realized when Plato's brilliant and devious conceptual maneuver is outwitted by a politics that opposes "the escape from action into rule" and reasserts human self-realization as the unification of thought-action in the world (pp. 223-25). In theatrical politics, however, the actual action content of citizen "knowing and doing" is **upstaged** by the spectacular appearance of personal identities courageously revealed in the public realm. Thus Plato's maneuver is outwitted in a bounded space where knowing what to do and doing it are disclosed in speech acts and deeds of self-revelation in the company of one's-fellow citizens. In contrast, methodical politics doggedly reminds us that **purposes themselves are what matter** in the end, and that citizen action is as much about obstinately pursuing them as it is about the courage to speak in performance. So, in methodical politics, the Platonic split between knowing and doing is overcome in a kind of boundless navigation that is realized in purposeful acts of collective self-determination. Spaces of appearances are indispensable in this context, but these spaces are not exactly akin to "islands in a sea or as oases in a desert" (Arendt 1970, 279). The parameters of methodical politics are more fluid than this, set less by identifiable boundaries than by the very activity through which citizens "let realities work upon" them with "inner concentration and calmness" (Weber 1946, 115). In this respect, methodical politics is not a context wherein courage takes eloquent respite from the face of life, danger (the sea, the desert), or death: it is a daily confrontation wherein obstacles or dangers (including the ultimate danger of death) are transformed into prob- lems, problems are rendered amenable to possible action, and action is undertaken with an aim toward solution. Indeed, in these very activities, or what Arendt sometimes pejoratively calls the in order to, we might find the perpetuation of what she praises as the for the sake of which, or the perpetuation of politics itself (1958a, 154). To appreciate the **emancipatory dimension** of this action concept of politics as methodical, we might now briefly return to the problem that Arendt and Weil think most vexes the modern world-the deformation of human beings and human affairs by forces of automatism. This is the complex manipulation of modern life that Havel describes as the situation in which everything "must be cossetted together as firmly as possible, **predetermined, regulated and controlled**" and "every aberration from the prescribed course of life is **treated as error, license and anarchy**" (1985, 83). Constructed against this symbolic animal laborans, Arendt's space of appearances is the agonistic opposite of the distorted counterfeit reality of automatism. The space of appearances is where individuality and personal identity are **snatched from the jaws of automatic processes** and recuperated in "the merciless glare" of the public realm (Arendt 1969, 86). Refigured in this fashion, Arendtian citizens counter reductive technological complexes in acts of individual speech revelation that powerfully proclaim, in collective effect, "This is who we are!" A politics in this key does indeed dramatically defy the objectifying processes of modern life-and perhaps even narratively transcends them by delivering up what is necessary for the reification of human remembrance in the "storybook of mankind" (Arendt 1958a, 95). But these are also its limits. For whatever else it involves, Arendtian politics cannot entail the practical confrontation of the situation that threatens the human condition most. Within the space of appearances, Arendt's citizens can neither search for the best specification of the problem before them nor, it seems, pursue solutions to the problem once it is identified, for such activities involve "the pursuit of a definite aim which can be set by practical considerations," and that is homo faber's prerogative and so in the province of "fabrication," well outside the space of appearances where means and ends are left behind (pp. 170-71). Consequently, automatism can be conceptualized as a "danger sign" in Arendt's theory, but it cannot be designated as a problem in Arendt's politics, a problem that citizens could cognitively counter and purposefully attempt to resolve or transform (p. 322). From the perspective of methodical politics, which begins with a **problem orientation, automatism can be specified and encountered within the particular spaces** or circumstances (schools, universities, hospitals, factories, corporations, prisons, laboratories, houses of finance, the home, public arenas, public agencies) upon which its technological processes intrude. Surely something like this is what Weil has in mind when she calls for "a sequence of mental efforts" in the drawing up of "an inventory of modern civilization" that begins by "**refusing** **to subordinate one's own destiny to the course of history**" (1973, 123-24). Freedom is immanent in such moments of cognitive inventory, in the **collective citizen-work** of "taking stock"-identifying problems and originating methods-and in the shared pursuit of purposes and objectives. This is simply what it means to think and act methodically in spaces of appearances. Nothing less, as Wiggins puts it, "can rescue and preserve civilization from the mounting irrationality of the public province, . . . from Oppression exercised in the name of Management (to borrow Simone Weil's prescient phrase)" (1978, 146).

## 2AC

### Case

#### The aff establishes standards of fairness for detainees – gets out of your generic prison indicts.

David Welsh 11, J.D. from the University of Utah, “Procedural Justice Post-9/11: The Effects of Procedurally Unfair Treatment of Detainees on Perceptions of Global Legitimacy”, http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-welsh.pdf

DTC = Domestic Terror Court

To further improve perceptions of U.S. consistency, I suggest: (1) that traditional rules of law may need to be modified, but cannot be abruptly discarded in periods of crisis; (2) a general uniformity among military commissions must exist as required by the U.S. Su- preme Court; and (3) detainees of different nations, ethnicities, and religions must be given equal treatment and equal rights. The DTC model addresses each of these three concerns. First, the DTC model sets a clear standard of consistency in con- trast to current ad hoc policies that have fluctuated in the political winds of this crisis and have been vaguely applied. The DTC model provides clear definitions and specific criteria for determining who is a threat based on information that is “(1) reliable; (2) viable; (3) valid; and (4) corroborated.” 115 When individuals are not on notice about how they will be treated, they respond negatively when the law appears to implicate their conduct without adequate warning. 116 Outside observers such as human rights groups and citizens of other nations will similarly be dissatisfied by a system that generates un- predictable results. Second, the DTC model provides a system of uniformity as re- quired by the U.S. Supreme Court. In Hamdan v. Rumsfeld ,117 the Court proclaimed the need for a uniform system of courts-martial and military commission procedures. 118 As a result, procedural rules must be consistent with the Uniform Code of Military Justice, and rules must be the same between military commissions and courts- martial “insofar as practicable.” 119 The DTC model proposes un- iformity in terms of sentencing as well as procedure. Like the U.S. criminal justice system, the DTC model utilizes maximum and min- imum sentencing terms. 120 Additionally, the DTC model rejects the death penalty in all cases rather than providing exceptions to the citi- zens of certain nations. 121 Third, the DTC model provides the same treatment for citizens and non-citizens. A 2006 poll suggests that even Americans gener- ally do not feel that their fellow citizens deserve preferential treat- ment. 122 Sixty-three percent of respondents indicated that the deten- tion policies should be the same for citizens and non-citizens, while 33% felt that policies should be different. 123 When granting U.S. citizens additional rights that are not applied to individuals of other nations, a tradeoff is clearly being made. One of the fears surround- ing U.S. treatment of foreign detainees is that other nations will reciprocate by treating U.S. prisoners with disrespect.124 The application of standard rights and procedures to similarly situated individuals under the DTC model comports with universal conceptions of fair- ness and also enhances the next procedural justice factor: bias sup- pression.

#### No circumvention – the President would use the NSC

Harvey Rishikof 8, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, www.cwsl.edu/content/journals/Rishikof.pdf

The primary triggering mechanism for establishing NSC jurisdiction would fall within the discretion and control of the Attorney General. Through certification and charging provisions, the Attorney General could invoke NSC jurisdiction by certifying that persons in custody inside the United States are suspected of terrorist activity, or by charging persons in custody outside the United States with one or more specific terrorism offenses. However, the NSC would provide the government with a preferred venue to manage terrorism cases and proceedings, reducing the risk of the NSC being sidelined like the current ATRC.102 Further, the NSC could review challenges to the executive certification or charging decisions,103 transferring those cases in which the government has improperly attempted to employ the NSC for non-terrorism cases to the appropriate district court. This review power will reduce government incentives to dress up any case in terrorism clothing to obtain the advantages of the NSC procedures. The review power would not prevent the government from pursuing a terrorism matter in district court instead of the NSC. However, even without an executive action triggering NSC jurisdiction, if a district court determines that it is unable to adequately manage a terrorism case, it would be permitted to sua sponte transfer the case to NSC jurisdiction

#### Debating the law teaches us how to make it better – rejection is worse.

Hedrick, Assistant Professor of Philosophy at Michigan State University, ‘12

[Todd, Sept 2012, Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory, Constellations Volume 19, Issue 3, pages 382–400]

¶ Habermas’ alleged abandonment of immanent critique, however, is belied by the role that the democratic legal system comes to play in his theory. While in some sense just one system among others, it has a special capacity to shape the environments of other systems by regulating their interaction. Of course, the legal system is not the only one capable of affecting the environments of other systems, but law is uniquely open to inputs from ordinary language and thus potentially more pliant and responsive to democratic will formation: “Normatively substantive messages can circulate throughout society only in the language of law … . Law thus functions as the ‘transformer’ that guarantees that the socially integrating network of communication stretched across society as a whole holds together.”55 This allows for the possibility of consensual social regulation of domains ranging from the economy to the family, where actors are presumed to be motivated by their private interests instead of respect for the law, while allowing persons directed toward such interests to be cognizant that their privately oriented behavior is compatible with respect for generally valid laws. While we should be cautious about automatically viewing the constitution as the fulcrum of the legal order, its status as basic law is significant in this respect. For, recalling Hegel's broader conception of constitutionalism, political constitutions not only define the structure of government and “the relationship between citizens and the state” (as in Hegel's narrower “political” constitution); they also “implicitly prefigure a comprehensive legal order,” that is, “the totality comprised of an administrative state, capitalist economy, and civil society.”56 So, while these social spheres can be conceived of as autonomous functional subsystems, their boundaries are legally defined in a way that affects the manner and degree of their interaction: “The political constitution is geared to shaping each of these systems by means of the medium of law and to harmonizing them so that they can fulfill their functions as measured by a presumed ‘common good’.”57 Thus, constitutional discourses should be seen less as interpretations of a positive legal text, and more as attempts to articulate legal norms that could shift the balance between these spheres in a manner more reflective of generalizable interests, occurring amidst class stratification and cultural pluralism.¶ A constitution's status as positive law is also of importance for fundamentally Hegelian reasons relating to his narrower sense of political constitutionalism: its norms must be public and concrete, such that differently positioned citizens have at least an initial sense of what the shared hermeneutic starting points for constitutional discourse might be. But these concrete formulations must also be understood to embody principles in the interest of all citizens, so that constitutional discourse can be the site of effective democratic will formation concerning the basic norms that mediate between particular individuals and the general interests of free and equal citizens. This recalls Hegel's point that constitutions fulfill their mediational function by being sufficiently positive so as to be publicly recognizable, yet are not exhausted by this positivity – the content of the constitution is instead filled in over time through ongoing legislation. In order to avoid Hegel's foreshortened conception of public participation in this process and his consequent authoritarian tendencies, Habermas and, later, Benhabib highlight the importance of being able to conceive of basic constitutional norms as themselves being the products of public contestation and discourse. In order to articulate this idea, they draw on legal theorists like Robert Cover and Frank Michelman who characterize this process of legal rearticulation as “jurisgenesis”58: a community's production of legal meaning by way of continuous rearticulation, through reflection and contestation, of its constitutional project.¶ Habermas explicitly conceives of the democratic legal order in this way when, in the context of considering the question of how a constitution that confers legitimacy on ordinary legislation could itself be thought to be democratically legitimate, he writes:¶ I propose that we understand the regress itself as the understandable expression of the future-oriented character, or openness, of the democratic constitution: in my view, a constitution that is democratic – not just in its content but also according to its source of legitimation – is a tradition-building project with a clearly marked beginning in time. All the later generations have the task of actualizing the still-untapped normative substance of the system of rights.59¶ A constitutional order and its interpretive history represent a community's attempt to render the terms under which they can give themselves the law that shapes their society's basic structure and secure the law's integrity through assigning basic liberties. Although philosophical reflection can give us some grasp of the presuppositions of a practice of legitimate lawmaking, this framework of presuppositions (“the system of rights”) is “unsaturated.”60 In Hegelian fashion, it must, to be meaningful, be concretized through discourse, and not in an one-off way during a founding moment that fixes the terms of political association once and for all, but continuously, as new persons enter the community and as new circumstances, problems, and perspectives emerge.¶ The stakes involved in sustaining a broad and inclusive constitutional discourse turn out to be significant. Habermas has recently invoked the concept of dignity in this regard, linking it to the process through which society politically constitutes itself as a reciprocal order of free and equal citizens. As a status rather than an inherent property, “dignity that accrues to all persons equally preserves the connotation of a self-respect that depends on social recognition.”61 Rather than being understood as a quality possessed by some persons by virtue of their proximity to something like the divine, the modern universalistic conception of dignity is a social status dependent upon ongoing practices of mutual recognition. Such practices, Habermas posits, are most fully instantiated in the role of citizens as legislators of the order to which they are subject.¶ [Dignity] can be established only within the framework of a constitutional state, something that never emerges of its own accord. Rather, this framework must be created by the citizens themselves using the means of positive law and must be protected and developed under historically changing conditions. As a modern legal concept, human dignity is associated with the status that citizens assume in the self-created political order.62¶ Although the implications of invoking dignity (as opposed to, say, autonomy) as the normative core of democratic constitutionalism are unclear,63 plainly Habermas remains committed to strongly intersubjective conceptions of democratic constitutionalism, to an intersubjectivity that continues to be legally and politically mediated (a dimension largely absent from Honneth's successor theory of intersubectivity).¶ What all of this suggests is a constitutional politics in which citizens are empowered to take part and meaningfully impact the terms of their cultural, economic, and political relations to each other. Such politics would need to be considerably less legalistic and precedent bound, less focused on the democracy-constraining aspects of constitutionalism emphasized in most liberal rule of law models. The sense of incompleteness and revisability that marks this critical theory approach to constitutionalism represents a point where critical theories of democracy may claim to be more radical and revisionary than most liberal and deliberative counterparts. It implies a sharp critique of more familiar models of bourgeois constitutionalism: whether they conceive of constitutional order as having a foundation in moral rights or natural law, or in an originary founding moment, such models a) tend to be backward-looking in their justifications, seeing the legal order as founded on some exogenously determined vision of moral order; b) tend to represent the law as an already-determined container within which legitimate ordinary politics takes place; and c) find the content of law to be ascertainable through the specialized reasoning of legal professionals. On the critical theory conception of constitutionalism, this presumption of completeness and technicity amounts to the reification of a constitutional project, where a dynamic social relation is misperceived as something fixed and objective.64 We can see why this would be immensely problematic for someone like Habermas, for whom constitutional norms are supposed to concern the generalizable interests of free and equal citizens. If it is overall the case for him that generalizable interests are at least partially constituted through discourse and are therefore not given in any pre-political, pre-discursive sense,65 this is especially so in a society like ours with an unreconciled class structure sustained by pseudo-compromises. Therefore, discursive rearticulation of basic norms is necessary for the very emergence of generalizable interests.¶ Despite offering an admirably systematic synthesis of radical democracy and the constitutional rule of law, Habermas’ theory is hobbled by the hesitant way he embraces these ideas. Given his strong commitment to proceduralism, the view that actual discourses among those affected must take place during the production of legitimate law if constitutionalism is to perform its mediational function, as well as his opposition to foundational or backward-looking models of political justification, we might expect Habermas to advocate the continuous circulation in civil society of constitutional discourses that consistently have appreciable impact on the way constitutional projects develop through ongoing legislation such that citizens can see the links between their political constitution (narrowly construed), the effects that democratic discourse has on the shape that it takes, and the role of the political constitution in regulating and transforming the broader institutional backbone of society in accordance with the common good. And indeed, at least in the abstract, this is what the “two track” conception of democracy in Between Facts and Norms, with its model of discourses circulating between the informal public sphere and more formal legislative institutions, seeks to capture.66 As such, Habermas’ version of constitutionalism seems a natural ally of theories of “popular constitutionalism”67 emerging from the American legal academy or of those who, like Jeremy Waldron,68 are skeptical of the merits of legalistic constitutionalism and press for democratic participation in the ongoing rearticulation of constitutional norms. Indeed, I would submit that the preceding pages demonstrate that the Left Hegelian social theoretic backdrop of Habermas’ theory supplies a deeper normative justification for more democratic conceptions of constitutionalism than have heretofore been supplied by their proponents (who are, to be fair, primarily legal theorists seeking to uncover the basic commitments of American constitutionalism, a project more interpretive than normative.69) Given that such theories have very revisionary views on the appropriate method and scope of judicial review and the role of the constitution in public life, it is surprising that Habermas evinces at most a mild critique of the constitutional practices and institutions of actually existing democracies, never really confronting the possibility that institutions of constitutional review administered by legal elites could be paternalistic or extinguish the public impetus for discourse he so prizes.70 In fact, institutional questions concerning where constitutional discourse ought to take place and how the power to make authoritative determinations of constitutional meaning should be shared among civil society, legislative, and judiciary are mostly abstracted away in Habermas’ post-Between Facts and Norms writings, while that work is mostly content with the professional of administration of constitutional issues as it exists in the United States and Germany.¶ This is evident in Habermas’ embrace of figures from liberal constitutional theory. He does not present an independent theory of judicial decision-making, but warmly receives Dworkin's well-known model of “law as integrity.” To a certain extent, this allegiance makes sense, given Dworkin's sensitivity to the hermeneutic dimension of interpretation and the fact that his concept of integrity mirrors discourse theory in holding that legal decisions must be justifiable to those affected in terms of publicly recognizable principles. Habermas does, however, follow Michelman in criticizing the “monological” form of reasoning that Dworkin's exemplary Judge Hercules employs,71 replacing it with the interpretive activities of a specialized legal public sphere, presumably more responsive to the public than Hercules. But this substitution does nothing to alleviate other aspects of Dworkin's theory that make a match between him and Habermas quite awkward: Dworkin's standard of integrity compels judges to regard the law as a complete, coherent whole that rests on a foundation of moral rights.72 Because Dworkin regards deontic rights in a strongly realistic manner and as an unwritten part of the law, there is a finished, retrospective, “already there” quality to his picture of it. Thinking of moral rights as existing independently of their social articulation is what moves Dworkin to conceive of them as, at least in principle, accessible to the right reason of individual moral subjects.73 Legal correctness can be achieved when lawyers and judges combine their specialized knowledge of precedent with their potentially objective insights into deontic rights. Fashioning the law in accordance with the demands of integrity thereby becomes the province of legal elites, rendering public discourse and the construction of generalizable interests in principle unnecessary. This helps explain Dworkin's highly un-participatory conception of democracy and his comfort with placing vast decision-making powers in the hands of the judiciary.7¶ There is more than a little here that should make Habermas uncomfortable. Firstly, on his account, legitimate law is the product of actual discourses, which include the full spate of discourse types (pragmatic, ethical-political, and moral). If the task of judicial decision-making is to reconstruct the types of discourse that went into the production of law, Dworkin's vision of filling in the gaps between legal rules exclusively with considerations of individual moral rights (other considerations are collected under the heading of “policy”75) makes little sense.76 While Habermas distances himself from Dworkin's moral realism, calling it “hard to defend,”77 he appears not to appreciate the extent to which Dworkin links his account of legal correctness to this very possibility of individual insight into the objective moral order. If Habermas wishes to maintain his long held position that constitutional projects involve the ongoing construction of generalizable interests through the democratic process – which in my view is really the heart of his program – he needs an account of legal correctness that puts some distance between this vision and Dworkin's picture of legal elites discovering the content of law through technical interpretation and rational intuition into a fixed moral order.¶ Also puzzling is the degree of influence exercised by civil society in the development of constitutional projects that Habermas appears willing to countenance. While we might expect professional adjudicative institutions to play a sort of yeoman's role vis-à-vis the public, Habermas actually puts forth something akin to Bruce Ackerman's picture of infrequent constitutional revolutions, where the basic meaning of a constitutional project is transformed during swelling periods of national ferment, only to resettle for decades at a time, during which it is administered by legal professionals.78 According to this position, American civil society has not generated new understandings of constitutional order that overcome group divisions since the New Deal, or possibly the Civil Rights era. Now, this may actually be the case, and perhaps Habermas’ apparent acquiescence to this view of once-every-few-generations national conversations is a nod to realism, i.e., a realistic conception of how much broad based, ongoing constitutional discourse it is reasonable to expect the public to conduct. But while a theory with a Left Hegelian pedigree should avoid “the impotence of the ought” and utopian speculation, and therefore ought not develop critical conceptions of legal practice utterly divorced from present ones, such concessions to realism are unnecessary. After all, critical theory conceptions of constitutionalism will aim to be appreciably different from the more authoritarian ones currently in circulation, which more often than not fail to stimulate and sustain public discourse on the basic constitution of society. Instead, their point would be to suggest how a more dynamic, expansive, and mediational conception of constitutionalism could unlock greater democratic freedom and rationally integrated social identities.¶ Given these problems in Habermas’ theory, the innovations that Benhabib makes to his conception of constitutionalism are most welcome. While operating within a discourse theoretic framework, her recent work more unabashedly recalls Hegel's broader conception of the constitution as the basic norms through which a community understands and relates to itself (of which a founding legal document is but a part): a constitution is a way of life through which individuals seek to connect themselves to each other, and in which the very identity and membership of a community is constantly at stake.79 Benhabib's concept of “democratic iterations,” which draws on meaning-as-use theories, emphasizes how meaning is inevitably transformed through repetition:¶ In the process of repeating a term or a concept, we never simply produce a replica of the original usage and its intended meaning: rather, very repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever-so-subtle ways. In fact, there is really no ‘originary’ source of meaning, or an ‘original’ to which all subsequent forms must conform … . Every iteration involves making sense of an authoritative original in a new and different context … . Iteration is the reappropriation of the ‘origin’; it is at the same time its dissolution as the original and its preservation through its continuous deployment.80¶ Recalling the reciprocal relationship that Hegel hints at between the narrow “political” constitution and the broader constitution of society's backbone of interrelated institutions, Benhabib here seems to envision a circular process whereby groups take up the conceptions of social relations instantiated in the legal order and transform them in their more everyday attempts to live with others in accordance with these norms. Like Cover and Michelman, she stresses that the transformation of legal meaning takes place primarily in informal settings, where different groups try (and sometimes fail) to live together and to understand themselves in their relation to others according to the terms they inherit from the constitutional tradition they find themselves subject to.81 Her main example of such democratic iteration is the challenge Muslim girls in France raised against the head scarf prohibition in public schools (“L’Affaire du Foulard”), which, while undoubtedly antagonistic, she contends has the potential to felicitously transform the meaning of secularity and inclusion in the French state and to create new forms of togetherness and understanding. But although Benhabib illustrates the concept of democratic iterations through an exemplary episode, this iterative process is a constant and pervasive one, which is punctuated by events and has the tendency to have a destabilizing effect on authority.82¶ It is telling, however, that Benhabib's examples of democratic iterations are exclusively centered on what Habermas would call ethical-political discourses.83 While otherwise not guilty of the charge,84 Benhabib, in her constitutional theory, runs afoul of Nancy Fraser's critical diagnosis of the trend in current political philosophy to subordinate class and distributional conflicts to struggles for cultural inclusion and recognition.85 Perhaps this is due to the fact that “hot” constitutional issues are so often ones with cultural dimensions in the foreground, rarely touching visibly on distributional conflicts between groups. This nonetheless is problematic since much court business clearly affects – often subtly and invisibly – the outcomes of these conflicts, frequently with bad results.86 For another reason why centering constitutional discourse on inclusion and cultural issues is problematic, it is useful to remind ourselves of Habermas’ critique of civic republicanism, according to which the main deficit in republican models of democracy is its “ethical overburdening” of the political process.87 To some extent, republicanism's emphasis on ethical discourse is understandable: given the level of cooperativeness and public spirit that republicans view as the font of legitimate law, political discourses need to engage the motivations and identities of citizens. Arguably, issues of ethical self-understanding do this better than more abstract or arid forms of politics. But it is not clear that this is intrinsically so, and it can have distorting effects on politics. In the American media, for example, this amplification of the cultural facets of issues is very common; conflicts over everything from guns to taxes are often reduced to conflicts over who is a good, real American and who is not. It is hard to say that this proves edifying; substantive issues of rights and social justice are elided, politics becomes more fraudulent and conflictual. None of this is to deny a legitimate place for ethical-political discourse. However, we do see something of a two-steps-forward-one-step-back movement in Benhabib's advancement of Habermas’ discourse theory of law: although her concept of democratic iterations takes center stage, she develops the notion solely along an ethical-political track. Going forward, critical theorists developing conceptions of constitutional discourse should work to see it as a way of integrating questions of distributional justice with questions of moral rights and collective identities without subordinating or conflating them.¶ 4. Conclusion¶ Some readers may find the general notion of reinvigorating a politics of constitutionalism quixotic. Certainly, it has not been not my intention to overstate the importance or positive contributions of constitutions in actually existing democracies, where they can serve to entrench political systems experiencing paralysis in the face of long term fiscal and environmental problems, and where public appeals to them more often than not invoke visions of society that are more nostalgic, ethno-nationalistic, authoritarian, and reactionary than what Habermas and Benhabib presumably have in mind. Instead, I take the basic Hegelian point I started this paper with to be this: modern persons ought to be able to comprehend their social order as the work of reason; the spine of institutions through which their relations to differently abled and positioned others are mediated ought to be responsive to their interests as fully-rounded persons; and comprehending this system of mediation ought to be able to reconcile them to the partiality of their roles within the universal state. Though modern life is differentiated, it can be understood, when seen through the lens of the constitutional order, as a result of citizens’ jointly exercised rationality as long as certain conditions are met. These conditions are, however, more stringent than Hegel realized. In light of this point, that so many issues deeply impacting citizens’ social and economic relations to one another are rendered marginal – and even invisible – in terms of the airing they receive in the public sphere, that they are treated as mostly settled or non-questions in the legal system consitutues a strikingly deficient aspect of modern politics. Examples include the intrusion of market logic and technology into everyday life, the commodification of public goods, the legal standing of consumers and residents, the role of shareholders and public interests in corporate governance, and the status of collective bargaining arrangements. Surely a contributing factor here is the absence of a shared sense of possibility that the basic terms of our social union could be responsive to the force that discursive reason can exert. Such a sense is what I am contending jurisgenerative theories ought to aim at recapturing while critiquing more legalistic and authoritarian models of law.¶ This is not to deny the possibility that democratic iterations themselves may be regressive or authoritarian, populist in the pejorative sense. But the denial of their legitimacy or possibility moves us in the direction of authoritarian conceptions of law and political power and the isolation of individuals and social groups wrought by a political order of machine-like administration that Horkheimer and Adorno describe as a main feature of modern political domination. Recapturing some sense of how human activity makes reason actual in the ongoing organization of society need not amount to the claim that reason culminates in some centralized form, as in the Hegelian state, or in some end state, as in Marx. It can, however, move us to envision the possibility of an ongoing practice of communication, lawmaking, and revision that seeks to reconcile and overcome positivity and division, without the triumphalist pretension of ever being able to fully do so.

### Wilderson

#### Our interpretation is that debate should be a question of the aff plan versus a competitive policy option.

#### This is key to ground and predictability – infinite number of possible kritik alternatives or things the negative could reject explodes the research burden. That’s a voting issue.

#### Embracing hope via the state produces joy that makes radical, collective political struggle possible—their advocacy causes disengagement which turns their impacts and destroys value to life.

Jensen 1 (Robert Jensen is Professor of Journalism @ University of Texas, Austin. “Critical Hope: Radical Citizenship in Reactionary Times,” 12-17-01, http://uts.cc.utexas.edu/~rjensen/freelance/attack20.htm)

Just as we have to distinguish between critique and cynicism, we have to realize that hope is not synonymous with optimism. I am hopeful, but I am not necessarily always optimistic, at least not about the short-term possibilities. These systems and structures of power, these illegitimate structures of authority, are deeply entrenched. They will not be dislodged easily or quickly. Optimism and pessimism should hang on questions of fact -- we should be optimistic when the facts argue for optimism.¶ For example, I am against the illegitimate structure of authority called the corporation. I want to see different forms of economic organization emerge. I am hopeful about the possibilities but not optimistic that in my lifetime I will see the demise of capitalism, corporations, and wage slavery. Still, I will do certain things to work toward that.¶ The same can be said of the problem of U.S. aggression against innocent people in the rest of the world, particularly these days in Afghanistan, where the aggression is most intense. Given the bloody record of the United States in the past 50 years and the seemingly limitless capacity of U.S. officials to kill without conscience, I must confess I am not optimistic that such aggression will stop anytime soon, in large part because those corporate structures that drive the killing are still around. But I will do certain things to work against it.¶ Or take the large state research university. I am concerned about how the needs of students are systematically ignored and the needs of corporate funders are privileged, how critical thinking is squashed not by accident but by design. I am concerned about the illegitimate structures of authority that I work in and that compel me to act in ways against the interests of students. I am not optimistic that the structure of big research universities is going to change anytime soon. But I will do certain things to work against the structures.¶ So, why would I do any of those things if my expectations of short-term success are so low? One reason is that I could be wrong about my assessment of the likelihood of change. I’ve been wrong about a lot of things in my life; the list grows every day. For all I know, corporate capitalism is on the verge of collapse, and if we just keep the pressure on it will start to unravel tomorrow. Or perhaps public discontent with murderous U.S. foreign policy is just about ready to crystallize and mobilize people. Or perhaps the contradictions of these behemoth universities are becoming so apparent that the illegitimate structures of authority are about to give way to something that deserves the label “higher education.”¶ History is too complex and contingent for any of us to make predictions. We simply don’t have the intellectual tools to understand with much precision how and why people and societies change. History is a rough guide, but it offers no social-change equation. Still, there’s really no reasonable alternative except to keep plugging away. Basically, there are two choices, which are common sense but that I didn’t figure out until I heard them articulated by Noam Chomsky: We can either predict the worst -- that no change is possible -- and not act, in which case we guarantee there will be no change. Or we can understand that change always is possible, even in the face of great odds, and act on that assumption, which creates the possibility of progress. (See Chomsky’s interview with Michael Albert at http://www.zmag.org/chomsky/interviews/9301-albchomsky-2.html)¶ Every great struggle for justice in human history began as a lost cause. When Gabriel Prosser made plans to take Richmond, Virginia, in 1800, the first large-scale organized slave revolt, he was fighting a lost cause, for which he was hanged. When eight Quakers got together in 1814 in Jonesboro, Tennessee, to form the first white anti-slavery society in the United States (the Tennessee Society for the Manumission of Slaves) they were fighting a lost cause. A lost cause that eventually won.¶ But that can’t be the only answer to the question “why should I be politically active.” We are human beings, not machines, and we all have needs. It is hard to sustain yourself in difficult work if the only reward is the possibility that somewhere down the line your work may have some positive effect, though you may be long dead. That’s a lot to ask of people. We all want more than that out of life. We want joy and love. At least every now and then, we want to have a good time, including a good time while engaged in our work. No political movement can sustain itself indefinitely without understanding that, not just because people need -- and have a right -- to be happy, but because if there is no joy in it, then movements are more likely to be dangerous. The joy -- the celebration of being human and being alive in connection with others -- is what must fuel the drive for change.¶ People find joy in many different ways. As many people over the years have pointed out, one source of joy is in the struggle. I have spent a lot of time in the past few years doing political work, and some of that work isn’t terribly fun. Collating photocopies for a meeting for a progressive political cause isn’t any more fun than collating photocopies for a meeting at a marketing company. But it is different in some ways: It puts you in contact with like-minded people. It sparks conversation. It creates space in which you can think and feel your way through difficult questions. It’s a great place to laugh as you staple. It provides the context for connections that go beyond superficial acquaintanceships.¶ The joy is in the struggle, but not just because in struggle one connects to decent people. The joy is also in the pain of struggle. Joy is multilayered -- one key aspect of it is discovery, and one way we discover things about ourselves and others is through pain. Struggle confronts pain, and confronting pain is part of joy. The pain is there, in all our lives; there is no human life without pain. Pain can become part of joy when it is confronted. Struggle confronts pain. Struggle produces joy.¶ The joy is in the struggle. The struggle is not just the struggle against illegitimate structures of authority in the abstract. The struggles are in each of us -- struggles to find the facts, to analyze clearly, to imagine solutions, to join with others in collective action for justice, and struggles to understand ourselves in relation to each other and ourselves as we engage in all these activities.¶ I realize that this struggle doesn’t seem appealing to many. I have heard lots of people lately say that they can’t cope with the complexity of politics. It seems too much, too big, too confusing. All they can handle, they say, is to focus on their individual lives and do the best to fix their lives. I think these folks misunderstand not just their moral obligation but the nature of progress, individual and collective. We don’t fix ourselves in isolation. We don’t build decent lives by cutting ourselves off from problems just because they are complex. Yes, there are times when difficult situations force us to turn inward and deal with pressing problems in our lives. I have done that, and I see no need to apologize for it. But I am arguing against the permanent division of our lives into these artificial categories. Our problems are never wholly individual, and hence they can’t be fixed in individual ways. Part of the solution is always to be found in the bigger struggle, in which we all have a part.¶ I have learned that there is great joy in that bigger struggle. And that leads us back to the abandonment of cynicism and the embrace of hope. Cynicism is a sophomoric and self-indulgent retreat from the world and all its problems. Hope is a mature and loving embrace of the world and all its promise. That does not mean one should have unfounded or naive hope. Wendell Berry reminds us that history shows that “massive human failure” is possible, but:¶ “[H]ope is one of our duties. A part of our obligation to our own being and to our descendants is to study our life and our condition, searching always for the authentic underpinnings of hope. And if we look, these underpinnings can still be found.” [Sex, Economy, Freedom & Community (New York: Pantheon, 1993), p. 11.]¶ Hope is one of our duties. But that does not mean it is always easy. There are many times, especially since September 11, that I have had to struggle to hold onto hope. The combination of seeing the World Trade Center towers fall in an instance and then watching the unfolding of an illegal and immoral war on Afghanistan has tested my own sense of hope. I managed to hold on for a couple of months, but in the few days before I sat down to write this I could feel my sense of hope fading. At the same time that I have been writing and thinking about the war, I also have been continuing my work on sexual violence and pornography. Both spark the same feeling in my gut -- despair over how cruel people, especially men, can be. When I have to face humans’ willingness to inflict pain -- and ability to find pleasure in inflicting pain -- whether in the realm of the global or the intimate, some part of me wants to die; I can’t bear it. Maybe some part of me does die.¶ In the few days before I wrote this, I especially was having trouble in the mornings; lying awake in bed in the dark; trying to reclaim that sense of hope so that getting out of bed would make sense; trying not to think about the war but realizing that not thinking about it would be even worse; dying a little bit inside every morning, in the dark.¶ But those authentic underpinnings of hope remain. On the day I wrote this, I had a meeting with a student on my campus who had read something I had written about the war and wanted to talk. She said she didn’t have anything in particular to ask me. She just wanted to talk to someone who didn’t think she was crazy. All around her at work and school, people -- pro, con or neutral -- were refusing to talk about the war, she said. So we talked for a bit. We did politics, in a small way, the way politics is most often done. We talked about how she might organize a political group on campus. But maybe more important, we shored up each other’s sense of hope. We could talk about the pain and craziness of the war without turning away.¶ Real hope -- the belief in the authentic underpinnings of hope -- is radical. A belief that people are not evil and stupid, not consigned merely to live out pre-determined roles in illegitimate structures of authority, is radical. The willingness to act publicly on that hope and that belief is radical.¶ We all live in a society that would prefer that we not be radical, that we not understand any of this. We live in a society that prefers productive but passive people. I work at a university that is part of that society, and has many of the same problems. Many classes at the university are either explicitly or implicitly designed to convince students that everything I have argued here is fundamentally loony. The same goes for much of what comes to us through the commercial mass media. Some of what I say indeed may be misguided; as I said, I understand that I could be, and often am, wrong.¶ But, even if I’m wrong in some ways, I’d rather be wrong with hope than cynicism. I’d rather be naive than hip. I’d rather work for a just and sustainable world and fail than abandon the hope. I understand that this position is not wholly logical; it is based on a sense of how we can best make good on the gifts that come with being part of the human community. It is based on a faith in something common to us all, a capacity that is difficult to name, but which is perhaps best summed up by a phrase once used by the Brazilian educator Paulo Freire. Our task simply put, Freire said, is “to change some conditions that appear to me as obviously against the beauty of being human.” [Myles Horton and Paulo Freire, We Make the Road by Walking (Philadelphia: Temple University Press, 1990), p. 131.]

#### Perm do both.

#### Embrace their criticism through our policy making framework. A policy focus is key to challenge structures of white supremacy.

Themba-Nixon 2k, Executive Director of The Praxis Project, a nonprofit organization helping communities use media and policy advocacy

Makani, July 31, Colorlines, Changing the Rules: What Public Policy Means for Organizing, Vol 3.2)

“This is all about policy," a woman complained to me in a recent conversation. "I'm an organizer." The flourish and passion with which she made the distinction said everything. **Policy is for** wonks, sell-out politicians, and **ivory-tower eggheads**. **Organizing is what real**, grassroots **people do**. Common as it may be, **this distinction doesn't bear out in the real world**. Policy is more than law. It is any written agreement (formal or informal) that specifies how an institution, governing body, or community will address shared problems or attain shared goals. It spells out the terms and the consequences of these agreements and is the codification of the body's values-as represented by those present in the policymaking process. **Given who's usually present**, **most policies reflect the political agenda of powerful elites**. Yet, policy can be a force for change-especially when we bring our base and community organizing into the process. In essence, **policies are the codification of power relationships** and resource allocation. Policies are the rules of the world we live in. Changing the world means changing the rules. So, **if organizing is about changing the rules and building power**, **how can organizing be separated from policies**? **Can we** really speak truth to power, fight the right, stop corporate abuses, or **win racial justice without contesting** the rules and the rulers, **the policies and the policymakers**? **The answer is no**-and double no **for people of color**. Today, **racism subtly dominates** nearly every aspect of **policymaking**. From ballot propositions to city funding priorities, policy is increasingly about the control, de-funding, and disfranchisement of communities of color. Take the public conversation about welfare reform, for example. Most of us know it isn't really about putting people to work. The right's message was framed around racial stereotypes of lazy, cheating "welfare queens" whose poverty was "cultural." But the new welfare policy was about moving billions of dollars in individual cash payments and direct services from welfare recipients to other, more powerful, social actors. Many of us were too busy to tune into the welfare policy drama in Washington, only to find it washed up right on our doorsteps. Our members are suffering from workfare policies, new regulations, and cutoffs. Families who were barely getting by under the old rules are being pushed over the edge by the new policies. Policy doesn't get more relevant than this. And so we got involved in policy-as defense. Yet we have to do more than block their punches. We have to start the fight with initiatives of our own. Those who do are finding offense a bit more fun than defense alone. Living wage ordinances, youth development initiatives, even gun control and alcohol and tobacco policies are finding their way onto the public agenda, thanks to focused community organizing that leverages power for community-driven initiatives. - Over 600 local policies have been passed to regulate the tobacco industry. Local coalitions have taken the lead by writing ordinances that address local problems and organizing broad support for them. - Nearly 100 gun control and violence prevention policies have been enacted since 1991. - Milwaukee, Boston, and Oakland are among the cities that have passed living wage ordinances: local laws that guarantee higher than minimum wages for workers, usually set as the minimum needed to keep a family of four above poverty. These are just a few of the examples that demonstrate how organizing for local policy advocacy has made inroads in areas where positive national policy had been stalled by conservatives. Increasingly, the local policy arena is where the action is and where activists are finding success. Of course, corporate interests-which are usually the target of these policies-are gearing up in defense. Tactics include front groups, economic pressure, and the tried and true: cold, hard cash. Despite these barriers, grassroots organizing can be very effective at the smaller scale of local politics. At the local level, we have greater access to elected officials and officials have a greater reliance on their constituents for reelection. For example, getting 400 people to show up at city hall in just about any city in the U.S. is quite impressive. On the other hand, 400 people at the state house or the Congress would have a less significant impact. Add to that the fact that all 400 people at city hall are usually constituents, and the impact is even greater. Recent trends in government underscore the importance of local policy. Congress has enacted a series of measures devolving significant power to state and local government. Welfare, health care, and the regulation of food and drinking water safety are among the areas where states and localities now have greater rule. Devolution has some negative consequences to be sure. History has taught us that, for social services and civil rights in particular, the **lack of clear federal standards and mechanisms for accountability lead to** uneven enforcement and even **discriminatory implementation of policies**. Still, there are real opportunities for advancing **progressive initiatives** in this more localized environment. Greater local control can mean greater community power to shape and implement important social policies that were heretofore out of reach. To do so will **require careful attention to the mechanics of** local **policymaking** and a clear blueprint of what we stand for. Much of the work of framing what we stand for takes place in the shaping of demands. **By getting into the policy arena** in a proactive manner, **we can take our demands to the next level**. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decisionmaker with more than a handshake and his or her word. Of course, **this work requires** a certain amount of **interaction with** "the suits," as well as struggles with **the bureaucracy**, **the technical language**, and the all-too-common resistance by decisionmakers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, **policy work is** just one tool in our box.

#### Exclusive focus on racial groups are bad – only the permutation allows for an integration of perspective that’s key to solve oppression.

Ogbuagu, Professor in Social Work at the University of Saint Francis, ‘13

[Buster, “Constructing America’s “New Blacks:” Post 9/11 Social Policies and their Impacts on and Implications for the Lived Experiences of Muslims, Arabs and “Others””, Mediterranean Journal of Social Sciences, Vol 4, Issue 1, January 2013, RSR]

8.3. Patience and Resilience The current construction of “New Blacks” in Arabs, Muslims and “Others,” just like most forms of discrimination and oppression have a shelf life and will one day soon come to an end, at least for the current recipients of the discrimination and harassment. It is a historical fact that during the periods of national emergencies, the majority population tends to find common tantrumic grounds with the minorities amongst them.United States history abounds with multi-ethnicities such as the Irish, Jews, Italians, Japanese and Chinese, who underwent persecution just for the mere fact of their ethnicities. They are all now mainstreamed and thriving as Americans and have become the majority population who currently has become the producers and reproducers of oppression against other minorities. Although it is unlikely that the “Othering” of Blacks in America will ever end even with the election and reelection of President Obama, who is routinely and whimsically demanded by Donald Trump and American “birthers,” to produce his birth certificate and other evidences as they consider him an outsider, Black experiences with discrimination appear to be ebbing somewhat. The reason for advising caution and patience with the current scapegoats is that the way we have come to know America, it may not be long before another set of “New Blacks” are identified and constructed and routinized, a situation that stands to provide the much needed relief from the negative attention that the Arabs, Muslims and “Others” within our society currently face. 8.4. Positive outcomes of 9/11 According to Clay (2011) 9/11 was devastating to Americans and others alike. However, it has also imparted a strong and invaluable lesson in Civil Rights to those, not Black Americans and not Whites, who thought previously that they were immune from subordination, therefore above the Civil Rights fray, because, as they believed, those matters only pertained to Blacks and African Americans . An Indian Muslim opined that prior to the 9/11 mayhem, Muslims and Arabs, as well as Indians and those of South Asia, especially ones that occupied a higher socioeconomic echelon did not feel that prejudice, discrimination and the entire racial discourse was a part of their existence and life construct. They expressed an unwillingness to stand with Blacks against the oppression that they were enduring and refused to participate in Civil or Human Rights struggles most of which they witnessed within or outside the boundaries of America. Now they believe that they know better, as the discourses of subordination transcends race and ethnicity, exposing their own inclusion and adequacy mirages. Now, they understandand state that even the younger generation has joined and has shifted attention to their identity, rights and civil engagement by asserting themselves as Americans first and Muslim- Americans second. 9. Conclusion and final thoughts Like Pearl Harbor before it, the terrorist events of 9/11 will remain indelible in the minds and psyche of all those who witnessed it, all Americans and those who have been sieged by some of the policies that were created to prevent further acts of terror against Americans. For better or for worse, the events of the 9/11 have changed not only America, but the whole world, including the ways we think, perceive and act. One of the ways that terrorist activities changed the world as we knew it was in the way America chose to protect itself. It used immigration, profiling, covert and overt surveillance of its citizenry, especially minority groups as represented by Arabs, Muslims and “Others” who have been lumped in the same category for fitting profiles that were created by the Department of Homeland Security. Tensions apparently are beginning to relax somewhat, especially following the abrogation of some of the tenets of the PATRIOT Act, such as a section of NSEERS in 2011 re quiring nonimmigrant persons to register when they depart. However, the time it takes for its impact to be felt within the rank and file of security agencies at the airports and borders may be protracted. To this extent, those who are disproportionately impacted by the policies may not only have to be patient, but exercise constraints, a lot of it in the way they think, act or even associate with others, especially those who may harbor grudges against America. One of the key elements in reducing unwanted and painful contact with the security agencies is in compliance, for most of those who work here are simply following orders, despite the fact that a few may be engaged in an ego trip, due to the enormous powers that the Act has assigned to them. For in this, cooperation with the procedure is a form of prosocial resistance, which will go a long way to easing the tension and other unsavory outcomes more than any other form of resistance . The major solace is that eventually the unsavory experiences of those who are the disproportionate targets of the post 9/11 policy may soon be mainstreamed when other events may necessitate America’s construction of other “New Blacks”.

#### Focusing upon the traumatic elements of black subjectivity denies the agency present within black attempts at thwarting white supremacy and domination. Specifically, this prevents them from resolving issues of indefinite detention that is promoted by structures constituted by whiteness.

Walker 12 (Tracey, Graduate of Psychosocial Studies at Birbeck University of London, Graduate Journal of Social Science July 2012, Vol. 9, Issue 2, " The Future of Slavery: From Cultural Trauma to Ethical Remembrance" http://gjss.org/images/stories/volumes/9/2/Walker%20Article.pdf)

To argue that there is more to the popular conception of slaves as victims who experienced social death within the abusive regime of transatlantic slavery is not to say that these subjectivities did not exist. When considering the institution of slavery we can quite confidently rely on the assumption that it did indeed de- stroy the self-hood and the lives of millions of Africans. Scholar Vincent Brown (2009) however, has criticised Orlando Patterson’s (1982) seminal book Slavery and Social Death for positioning the slave as a subject without agency and maintains that those who managed to dislocate from the nightmare of plantation life ‘were not in fact the living dead’, but ‘the mothers of gasping new societies’ (Brown 2009, 1241).¶ The Jamaican Maroons were one such disparate group of Africans who managed to band together and flee the Jamaican plantations in or- der to create a new mode of living under their own rule. These ‘run- aways’ were in fact ‘ferocious fight- ers and master strategists’, building towns and military bases which en- abled them to fight and successfully win the war against the British army after 200 years of battle (Gotlieb 2000,16). In addition, the story of the Windward Jamaican Maroons disrupts the phallocentricism in- herent within the story of the slave ‘hero’ by the very revelation that their leader, ‘Queen Nanny’ was a woman (Gotlieb 2000). As a leader, she was often ignored by early white historians who dismissed her as an ‘old hagg’ or ‘obeah’ woman (possessor of evil magic powers) (Gotlieb 2000, xvi). Yet, despite these negative descriptors, Nanny presents an interesting image of an African woman in the time of slavery who cultivated an exceptional army and used psychological as well as military force against the English despite not owning sophisticated weapons (Gotlieb 2000). As an oral tale, her story speaks to post-slavery generations through its representa- tion of a figure whose gender defy- ing acts challenged the patriarchal fantasies of the Eurocentric imagi- nary and as such ‘the study of her experiences might change the lives of people living under paternalistic, racist, classist and gender based oppression’ (Gotlieb 2000, 84).¶ The label of ‘social death’ is re- jected here on the grounds that it is a narrative which is positioned from the vantage point of a European hegemonic ideology. Against the social symbolic and its gaze, black slaves were indeed regarded as non-humans since their lives were stunted, diminished and deemed less valuable in comparison to the Europeans. However, Fanon’s (1967) assertion that ‘not only must the black man be black; he must be black in relation to the white man’ (Fanon 1967, 110) helps us to un- derstand that this classification can only have meaning relative to the symbolic which represents the alive-ness of whiteness against the back- drop of the dead black slave (Dyer 1997). Butler (2005) makes it clear that the ‘death’ one suffers relative to the social symbolic is imbued with the fantasy that having constructed the Other and interpellated her into ‘life’, one now holds the sovereignty of determining the subject’s right to live or die: ¶ this death, if it is a death, is only the death of a certain kind of sub- ject, one that was never possible to begin with, the death of the fan- tasy of impossible mastery, and so a loss of what one never had, in other words it is a necessary grief (Butler 2005, 65).¶ The point to make here is that al- though the concept of social death has proved useful for theorists to de- scribe the metaphysical experience of those who live antagonistically in relation to the social symbolic, it is nevertheless a colonial narrative within which the slaves are confined to a one dimensional story of terror. In keeping with Gilroy’s (1993b) argument that the memory of slav- ery must be constructed from the slaves’ point of view, we might in- stead concentrate, not on the way in which the slaves are figured within the European social imaginary, but on how they negotiated their own ideas about self and identity. We might therefore find some value in studying a group like the Maroons who not only managed to create an autonomous world outside of the¶ hegemonic discourse which ne- gated them, but also, due to their unique circumstances, were forced to create new modes of communi- cation which would include a myriad of African cultures, languages and creeds (Gottlieb 2000). This cre- ative and resistive energy of slave subjectivity not only disrupts the colonial paradigm of socially dead slaves, but also implies the ethical tropes of creation, renewal and mu- tual recognition.¶ In contrast, the passive slave proved to feature heavily in the 2007 bicentenary commemorations causing journalist Toyin Agbetu to interrupt the official speeches and exclaim that it had turned into a discourse of freedom engineered mostly by whites with stories of black agency excluded8. Young’s argu- ment that ‘one of the damaging side effects of the focus on white peo- ple’s role in abolition is that Africans are represented as being passive in the face of oppression’, appears to echo the behaviour in the UK today given that a recent research poll re- veals that the black vote turnout is significantly lower than for the white majority electorate and that forty percent of second generation ‘immi- grants’ believe that voting ‘doesn’t matter’.9 Yet, Gilroy (1993a) argues that this political passivity may not simply be a self fulfilling prophecy, but might allude to the ‘lived contra- diction’ of being black and English which affects one’s confidence about whether opinions will be validated in a society that, at its core, still holds on to the fantasy of European supe- riority (Gilroy 1993a). Without con- sidering the slaves’ capacity for sur- vival and their fundamental role in overthrowing the European regime of slavery, we limit the use–value of the memory and risk becoming overly attached to singular slave subjectivities seeped in death and passivity. The Maroons story how- ever, enables slave consciousness to rise above the mire of slavery’s abject victims and establishes an ethical relation with our ancestors who lived and survived in the time of slavery.

## 1AR

### Wilderson

#### Studies prove that engagement with the government is critical to reform success

Rootes, Centre for the Study of Social and Political Movements – School of Social Policy, Sociology and Social Research @ University of Kent, ‘13

(Christopher, “From local conflict to national issue: when and how environmental campaigns succeed in transcending the local,” Environmental Politics Vol. 22, Issue 1, p. 95-114)

¶ In all three cases, the national salience of the issue varied over time. Local campaigns against road-building only achieved national prominence from 1991 to 1996. Campaigns against waste incineration achieved national salience only briefly (in 2000–2002). Campaigns against airport expansion remained mostly local until 2007, when the issue became a national and party-political one. A common factor in the periods of salience of campaigns against roads and airports was the existence of policies of national government upon which mobilisation could be focused and around which local campaigners could seek non-local allies. In the case of waste incineration, by contrast, because government never explicitly endorsed incineration as its preferred strategy for waste but merely listed it among the available options considered preferable to landfill, local campaigners always struggled to generalise their battle beyond particular struggles against individual developers or waste authorities. Only briefly, when government appeared resignedly to accept the inevitability of incineration, and in the spotlight of publicity attracted by the Byker ash scandal, did Greenpeace and national political parties take up the issue, only to abandon it as government policy was clarified to promote recycling and composting rather than incineration.¶ In none of these cases was it local campaigners themselves who succeeded in elevating their concerns to the status of national issues. Nevertheless, without local protests, it is unlikely that the more general issues would have achieved the salience they did. Local contention was a necessary but not sufficient condition of the national problematisation of the issues, but the existence of contentious government policies and the intervention of non-local actors were also necessary in order to render those issues nationally salient. 16¶ In all three cases, national environmental NGOs played crucial roles in networking otherwise isolated local campaigners, but the intensity of their efforts varied according to the national salience of the issue. 17 The principal exception was FoE. With its broad range of policy concerns, FoE, fundamentally opposed to the Thatcher government's transport policies, played an important role in translating anti-roads protests into a national issue, and was a long-standing source of support for anti-incineration campaigners, initially from the standpoint of its broader concern with air pollution, and later in line with its campaign to promote recycling. The interventions of Transport 2000 to network anti-roads campaigners through ALARM UK and, later, in the establishment of AirportWatch, were directly tied to its concern to influence salient national public policy. Greenpeace's support for anti-roads protesters was relatively inconspicuous, perhaps because transport was not then one of its campaign priorities. Its support for local anti-incinerator campaigners was intermittent, waxing when Greenpeace perceived the possible emergence of waste incineration as a highly salient national policy issue, and waning when it became clear that government would not prioritise incineration as a means of waste management. Greenpeace did, however, take action against aviation in its own name, and from 2008, in collaboration with local campaigners (Price 2012), made opposition to Heathrow expansion a national campaign priority. 18 It also supported the translocal direct action network, Plane Stupid, when, even while government policy remained ambiguous, increasing concern with climate change made expansion of aviation especially contentious.¶ Party politics only briefly figured in the politics of waste, but it was a sustained undercurrent in contention over roads, with Labour clearly preferring investment in rail to road-building, less because of any influence of anti-roads campaigners than because of its traditional commitment to public transport and links to transport workers' unions. Only in the case of airports did a clear party political divide emerge that might be attributed to the impact of local campaigners, but the clarity of this link owes much to the electoral cycle and the need of a low-polling Conservative party to capture marginal seats close to London's airports if it were to gain office. The ‘success’ of anti-aviation campaigners may well prove limited to the particular focuses of contention – the London airports – rather than to the wider issue of increased reliance on aviation and its implications for climate change.¶ In general, where national policy frameworks are broad and ambiguous, local implementation and campaigns against it cannot easily invoke or decide universal principles, networking remains tentative and national environmental NGO involvement is limited; the outcomes of local campaigns may vary, but change in national policy rarely results.¶ Because local campaigns defend particular places, they are vulnerable to the charge that they are ‘just NIMBY’. But any defence of general principle must, in the real world of campaigning, involve defence of the particular; particular campaigns raise general issues and many local campaigns are or become much more than NIMBY defences of the particular (Rootes 2007b).¶ Climate change provides local environmental campaigners with a new frame that provides effective bridging not merely between the local and the national but between the local and the global (Rootes 2006). It has not been equally helpful to all campaigners, but it has added a useful arrow to the quivers of anti-roads campaigners, and has been a boon to anti-airports campaigners. For those struggling against waste incinerators, however, it has been less helpful. Although climate change provided anti-incineration campaigners with new universal arguments that environmental NGOs could support without jeopardising their scientific credentials, and raised the bar for proponents of new waste incinerators, it also (at least partially) validated the claims of advocates of ‘energy-from waste’ that waste incineration might contribute to reducing greenhouse gas emissions by substituting for fossil fuels.¶ Concern with climate change itself has stimulated local environmental activism, notably around energy conservation and renewable energy projects, but climate change has not been a grassroots issue struggling to find a presence at the national level but a universal one that emerged at national and transnational levels and only subsequently stimulated efforts, often top-down, to mobilise local communities in support of the campaigns of national environmental NGOs or to demand local implementation of national policies (Rootes 2012).¶ Conclusion¶ Local grievances are ubiquitous, local conflicts scarcely less so, and local mobilisations and campaigns of varying degrees of scale and intensity are common. Most such local struggles are the small change of history; played out in local arenas, only in aggregate, if at all, do they rise above the mundane drama by which society and politics are reproduced to effect significant changes in policy and politics. Local campaigns may raise fundamental issues of life and death for communities, but they are often crushed beneath the steamroller of a developmental rationale that sets economic advantage against and above environmental amenity. Yet some do succeed in transcending the constrictions of the local. In examining recent mobilisations in England, I have outlined the conditions that have facilitated the translation of some local concerns into national issues, paying particular attention to the role of national policies as stimuli to and targets for translocal mobilisations, and of national NGOs in facilitating the networking of local campaigns. If, by successfully taking their concerns to the national stage, local campaigners have sometimes succeeded in defending local environmental amenity, the sobering fact remains that their successes are less the products of their own efforts than they are the outcomes of policies, priorities and calculations of competitive advantage among more powerful, non-local actors.