## 1ac

### Plan

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

### Adv 1

Adv 1 Contention 1 – Accountability

#### Drone prolif makes multiple scenarios for conflict more likely – US restraint sets global norms for use that solve.

Kreps and Zenko, CFR fellows, 14

(Sarah, Assistant Professor of Government at Cornell University, and Micah, March/April, “The Next Drone Wars,” http://www.foreignaffairs.com/articles/140746/sarah-kreps-and-micah-zenko/the-next-drone-wars?nocache=1, accessed 2-18-14, CMM)

Nearly seven decades later, Arnold’s prophecy is slowly being realized: armed drones are

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as militants and criminals -- the most common and the most dangerous scenarios.

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

Auslin, AEI scholar, 11-5-13

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

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

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

#### Asian instability escalates to nuclear war.

Landay, National Security and Intelligence Correspondent, 2K

(Jonathan S., “Top administration officials warn stakes for U.S. are high in Asian conflicts”, 3-10, Knight Ridder/Tribune News) Accessed on LexisNexis 12-29-09

Few if any experts think China and Taiwan, North Korea and South Korea,

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

### Adv 2

#### Contention 2 – Hegemony

#### Wide-scale restriction of drone use coming – only increasing accountability solves.

Zenko, CFR Center for Preventive Action Douglas Dillon fellow, 13

[Micah, Council Special Report No. 65, January 2013, “Reforming U.S. Drone Strike Policies”<http://www.foreignpolicy.com/articles/2013/04/16/clip_the_agencys_wings_cia_drones?page=full> p.22, accessed 6-20-13, TAP]

In his Nobel Peace Prize acceptance speech, President Obama declared:¶ “Where force

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the¶ United States modified its drone policy in the ways suggested below.

#### Structural change is inevitable – US leadership prevents great power war that triggers extinction.

Barnett, Wikistrat geostrategic analysis consulting firm chief analyst, 11

[Thomas, 3-7-11, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads” <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>, accessed 9-15-12, TAP]

It is worth first examining the larger picture: We live in a time of

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in all of its forms, deeply embedded in the geometry to come.

#### Heg solves conflict – it prevents transition wars and de-escalates conflicts.

BROOKS et al, Associate Professor of Government at Dartmouth College, 13

 (Stephen, John IKENBERRY, Professor of Politics and International Affairs at Princeton University, William WOHLFORTH, Professor of Politics and International Affairs at Princeton University, “Lean Forward,” Foreign Affairs; Jan/Feb2013, Vol. 92 Issue 1, p130-142, 13p, 1 Black and White Photograph, esbco, accessed 1-13-13, CMM)

KEEPING THE PEACE¶ Of course, even if it is true that the costs

AND

an engaged and liberal leading power. The results could well be disastrous.

#### Decline causes US lashout.

Lieven, New America Foundation, 2011

[Anatol, 7-11-11, “U.S.-Russian Relations and the Rise of China” <http://newamerica.net/publications/policy/us_russian_relations_and_the_rise_of_china>, accessed 9-28-13, TAP]

At the same time, it would be very unwise to be complacent about the

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between the U.S. and China in the decades to come.

#### Drones solve overstretch.

Rushforth, University of Arizona JD candidate, 12

[Elinor, 29 Ariz. J. Int'l & Comp. Law 623, “NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012” Lexis, accessed 9-28-13, TAP]

The drone program is a fixture in the Obama administration's fight against terror n163 and

AND

that its full focus is on protecting and growing our nation at home.

#### Overstretch collapses heg.

Florig, University of Hankuk foreign studies professor, 10

[Dennis, Review of International Studies, Vol. 36, No. 4, October 2010, “Hegemonic Overreach vs. Imperial Overstretch” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1548783>, p.23-7, accessed 9-28-13, TAP]

Despite the belief of some in the U.S. in the divine sanction

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or other WMD by the rising number of powers who possess them looms.

#### Heg best explains global peace.

Owen, associate professor in the University of Virginia’s Department of Politics, 11

(John, 2-11-11, “Don’t Discount Hegemony,” http://www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony, accessed 8-12-13, CMM)

Our colleagues at Simon Fraser University are brave indeed. That may sound like a

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are now seeing is about much more than the humbling of a superpower.

### Solvency

#### Contention 3: Solvency

#### Executive secrecy guts support for drones – a drone court garners legitimacy for the drone program.

Johnson, former Pentagon general counsel, 3-18-13

[Jeh Charles, “Keynote address at the Center on National Security at Fordham Law School: A “Drone Court”: Some Pros and Cons” <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>, accessed 9-3-13, TAP]

Thank you for this invitation. Today I want to join the current public debate

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who actually wouldn’t mind the added comfort of judicial imprimatur on their decisions.

#### Congress can establish an effective drone court – Congressional involvement creates credibility of drone strikes with the public.

McKelvey, Vanderbilt University JD Candidate, 11

[Benjamin, Vanderbilt journal of transnational law editorial board executive development editor, Vol 44, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/mckelvey-pdf.pdf, p.1378-9, accessed 9-15-13, TAP]

As the Aulaqi case demonstrates, any resolution to the problem ¶ of targeted killing

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

#### Congress supporting the legality of the drone program is key

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

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

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

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

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

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

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

AND

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

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

Weinberger, University of Puget Sound political science professor, 2013

[Seth, Global Security Studies Review, May 2013, Volume I, Issue 2, “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership” https://www.academia.edu/4033328/Enemies\_Among\_Us\_The\_Targeted\_Killing\_of\_American\_Members\_of\_al\_Qaeda\_and\_the\_Need\_for\_Congressional\_Leadership, p.20, accessed 1-23-14, TAP]

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

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

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

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

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

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

#### The world is getting better – all measures proves.

Beauchamp, Think Progress, 12-11-13

[Zack, “5 Reasons Why 2013 Was The Best Year In Human” <http://thinkprogress.org/security/2013/12/11/3036671/2013-certainly-year-human-history/>, accessed 1-20-14, TAP]

Between the brutal civil war in Syria, the government shutdown and all of the

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reason to believe the historical decline in criminal violence is here to stay.

#### Accountability allows the US to shape international norms.

Whibley, Victoria University of Wellington international relations MA, 2-6-13

[James, Georgetown journal of international affairs, “The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent” <http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/>, accessed 7-29-13, TAP]

If drones are destined to proliferate, the more important issue may become whether American

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

#### Trade doesn’t check

Medcalf, Lowy Institute (Sydney) International Security Programme Director, and Heinrichs, Australian National University Strategic and Defence Studies Centre Scholar, 11

(Rory and Raoul, 6-27-11, “Asia’s Maritime Confidence Crisis,” http://the-diplomat.com/2011/06/27/asia%E2%80%99s-maritime-confidence-crisis/?all=true, accessed 10-9-11, CMM)

To the casual observer, recent security tensions in Asian waters might seem a storm

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and confidence-building, these events are increasing in frequency and intensity.

 The harassment by Chinese civilian vessels of the USNS Impeccable in 2009 presaged a

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relations among major powers, with dangerous implications for regional peace and stability.

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## 2ac

### 2ac – Structural Violence

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

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

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

AND

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

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

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

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

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

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

### 2ac – AT: Sexton

#### Sexton’s entire K is de-contextual and based on poor evidence.

Spickard, University of California Santa Barbara history and Asian American studies professor, 2009

[Paul, American Studies Volume 50, Number 1/2, Spring/Summer 2009, “Amalgamation Schemes: Antiblackness and the Critique of Multiracialism. Jared Sexton. Minneapolis: University of Minnesota Press. 2008.” Project Muse, accessed 3-20-14, TAP]

Sexton does point out, as do many writers, the flawed tendencies in multiracial

AND

personal lives of the writers themselves. It is a pretty tawdry exercise.

### AT: Liberalism Bad – General

#### You can endorse the aff without endorsing liberalism.

McCormick, Yale University political science professor, 1999

[John, “Three Ways of Thinking “Critically” about the Law” JSTOR, p.418-9, accessed 1-19-14, TAP]

Drawing on Dworkin, Habermas claims that the¶ supposed indeterminacy of liberal democratic law

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is far less pervasive than¶ CLS or Schmitt would have it.20

For Habermas, the de facto strategy of reducing all¶ cases to "exceptions

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¶ made specific in interpretation and application (pp.¶ 172, 208).

Rules may collide in irreconcilable ways, but they do¶ not constitute the broader

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¶ examined to see whether another better conforms to a¶ particular case.

There is, for Habermas, an intimate relationship¶ between rules and principles,

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which is therefore suspendable in the name of a¶ sovereign popular will.

### AT: Liberalism Bad – Racism

#### Liberalism is contingently racist – that means the perm solves.

Mills, Northwestern University moral and intellectual philosophy professor, No Date

[Charles, presumably 2010 given that he cites a work of his from 2009, “Rawls, Ideal Theory, And Racial Justice” <http://ptw.uchicago.edu/Mills10handout.pdf>, p.1-2, accessed 1-16-14, TAP]

Radicals and progressives are generally skeptical if not outright contemptuous of liberalism, which they

AND

a racial white liberalism? That the opacity is structural rather than accidental?

### AT: Domestic Racism Trade-off

#### Doesn’t export violence.

Chandler, University of Westminster international relations professor, 2010

[David, “The uncritical critique of ‘liberal peace’” <http://www.davidchandler.org/pdf/journal_articles/RIS%20Critiques%20of%20Liberal%20Peace.pdf>, p.144-9, accessed 3-19-14, TAP]

In the critiques of the liberal peace, this growing consensus on the problematic¶

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regard to a shift away from the policy emphasis of liberal¶ peace.

In a recent article, Endre Begby and Peter Burgess argue that the majority of

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practices of intervention as much as the classical¶ assumptions of liberalism itself.

The critique of liberalism as a set of assumptions and practices seems to be¶

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of course, facilitated¶ by the ambiguous nature of the concept itself.

It is this ambiguity which enables liberalism to be critiqued from opposing¶ directions,

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the critique of the¶ ‘liberalism’ of intervention tells us very little.

The mechanism through which these liberal framings have been facilitated and¶ critiqued is that

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as actively) policy practices which may otherwise have¶ been less problematic.

Rather than a critique of liberalism for its inability to overcome social,¶ economic and

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the¶ relationship between the liberal West and the non-liberal Other.

The rock on which the liberal peace expectations are held to crash is that of

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expectations¶ need to be substantially lowered or changed to account for difference.

International statebuilding and the critique of liberalism¶ It would appear that the assumptions held

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liberal transformation and the discourse of ‘liberating’ societies economically¶ and politically.

In fact, it is the consensus of opinion on the dangers of democracy,

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which it is assumed¶ needs external or international frameworks for its production).

The focus on institutionalism does not stem from a critique of liberal peace¶ programmes

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ensure that the¶ population learnt civic values to make democracy viable.39

It was through the engagement with ‘transition’ and the problematic negotiation¶ of EU

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dominant a framing as their radical and policy¶ critics have claimed.41

Rather than attempting to transform non-Western societies into the liberal¶ self-

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of the mechanisms of governance,¶ removing substantive autonomy rather than promoting it.

While it is true that the reconstruction or rebuilding of states is at the centre

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self-standing actor in¶ so-called ‘Westphalian’ terms.44

No tradeoff – perm solves.

Hardt, Duke University literature professor, and Negri, Collège International de Philosophie professor, 2000

[Michael, phd in comparative literature from the Univ Washington, and Antonio, Univ Vincennes, “Empire” p.44-5, TAP]

We are well aware that in affirming this thesis we are swimming against the current

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some sense outside and protected against the global flows of capital and Empire.

### 2ac – Framework – Long

#### 2. Method focus fails – never results in action.

Fearon, Stanford Political Science Professor, and Wendt, Ohio State IR Professor, 2002

[James and Alexander, Handbook of International Relations, p. 68]

It should be stressed that in advocating a pragmatic view we are not endorsing method

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, but we certainly believe a conversation should continue on all three levels.

#### C. Switch side debate uniquely solves critical thinking through deliberation that solves oppression.

Lundberg, University of North Carolina Chapel Hill communications professor, 2010

[Christian, Navigating Opportunity: Policy Debate in the 21st Century by Allan Louden, “Tradition of Debate in North Carolina” <http://books.google.com/books?id=ntHxX_9J7gYC&printsec=frontcover#v=onepage&q=complex%20world&f=false>, p.311-3, accessed 8-8-12, TAP]

The second major problem with the critique that identifies a naivety in articulating debate and

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their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on

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concrete work to realize and expanded commitment to debate at colleges and universities.

#### Simulating of threats is important in an academic setting – their alt may be true but not in the context of debate.

Donohue, Georgetown University law professor, 2013

[Laura, “Nation al Security Pedagogy: The Role of Simulations” <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2172&context=facpub>, p.48-9, accessed 9-30-13, TAP]

The legal academy has, of late, been swept up in concern about the

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the ¶ expression of government authority and the effort to limit the same.

The one-size fits all approach currently dominating the conversation in legal education,

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suggest a greater nuance with regard to how ¶ the pedagogical skills present.

With this approach in mind, I have here suggested six pedagogical goals for national

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¶ ensuring that they will be most effective when they enter the field.

The problem with the current structures in legal education is that they fall short,

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other areas of experiential education, such as clinics and moot ¶ court.

It is in an effort to address these concerns that I developed the simulation model

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necessary, it suggests one potential direction for ¶ the years to come.

#### Don’t prioritize certain knowledge.

Conway, Penn State University philosophy professor, 1997

[Daniel, “Nietzsche and the political” <http://www.amazon.com/Nietzsche-Political-Thinking-Daniel-Conway/dp/0415100682>, p.135-6, accessed 1-6-14, TAP]

This preference is clearly political in nature, and Haraway makes no pretense of aspiring

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at the expense of the greater objectivity that they might otherwise have gained.

#### They attribute motives. Defense – each decision’s complex. Offense – assuming bad motives cements disastrous politics.

Robson ‘13

Geoff – full-time Staff at the University of Canterbury, “How to poison your relationships in one easy step: Always assume the worst” – Every Thought Captive – April 17, 2013 – <http://geoffrobson.com/2013/04/17/how-to-poison-your-relationships-in-one-easy-step-always-assume-the-worst/>

Why assuming the worst about other people’s motives is so deadly – and how we

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. A cycle of destruction and hurt that feeds on itself is created.

#### Narratives and experience from people’s social locations should be combined with policy, not separated from it – this solves all their offense because it proves our FW interp doesn’t exclude lived experience.

Magee, University of San Francisco law professor, 2009

[Rhonda V, 43 U.S.F. L. Rev. 777, “Symposium: Deconstructing Race: When Reasonable Minds Differ: Article: Competing Narratives, Competing Jurisprudences: Are Law Schools Racist? and the Case for an Integral Critical Approach to Thinking, Talking, Writing, and Teaching About Race” Lexis, accessed 1-15-14, TAP]

The narratives I call for each of us to include in analyses of law-

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of law, and thus, help us to better understand law itself.

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

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

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

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

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

### 2ac – No Root Cause – Whiteness

#### C. Whiteness not the root cause of the aff – it’s too sweeping – this answers Giroux.

Shelby, Harvard University African and African American Studies professor, 2005

[Tommie, also a philosophy professor at Harvard, “We Who Are Dark: The Philosophical Foundations of Black Solidarity” <http://books.google.com/books?id=8W7W6F3fCPkC&q=others+might+challenge#v=snippet&q=others%20might%20challenge&f=false>, p.147-8, accessed 10-23-13, TAP]

Others might challenge the distinction between ideological and structural causes of black disadvantage, on

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racism or when such policies are unfairly applied by racially biased public officials.

There are very real empirical difficulties in determining the specific causal significance of the factors

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legislators and those they represent cannot simply defer to social-scientific experts.

We must instead rely on open public debate—among politicians, scholars, policy

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developments (such as immigration policy or reduced federal funding for higher education).

### 2ac – Alt Fails

#### Alt cedes the drone debate to policy elites – only learning the language of policymakers solves.

Mellor, European University Institute Graduate Student, 13

(Ewan E. Mellor, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs,” Paper Prepared for BISA Conference 2013, http://www.academia.edu/4175480/Why\_policy\_relevance\_is\_a\_moral\_necessity\_Just\_war\_theory\_impact\_and\_UAVs, accessed 10-20-13, CMM)

This section of the paper considers more generally the need for just war theorists to

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the public engagement and political activism that are necessary for democratic politics.52

#### AND The alt is vague – that’s a reason to reject the team because it makes them a moving target that we can’t test to determine if it is true, and vague alts fail – utopianism doesn’t hit the ground.

Farber, City University of New York Brooklyn College political science professor, 9-13-12

[Samuel, “Occupy Wall Street and the Art of Demanding” <http://truth-out.org/opinion/item/11507-occupy-wall-street-and-the-art-of-demanding>, accessed 9-15-12, TAP]

The OWS reluctance to formulate demands might have been beneficial initially in that it might

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where they are – to point B – where they want to be.

### 2ac – State Good – Short

#### The state can be used strategically to fight racism – this responds to the Kilombo, RB and the first spit about f’ing the system.

Smith, Associate Professor of Media and Cultural Studies at UC Riverside, 12

 (Andrea, “The Moral Limits of the Law: Settler Colonialism and the Anti-Violence Movement,” settler colonial studies 2, 2 (2012) Special Issue: Karangatia: Calling Out Gender and Sexuality in Settler Societies, http://www.tandfonline.com/doi/pdf/10.1080/2201473X.2012.10648842, accessed 10-18-13, CMM)

Given the logics of settler colonialism, it may seem to be a hopeless contradiction

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strategic effects rather than based on the moral statements they propose to make?

### 2ac – Uniqueness – Black Condition Getting Better

#### Trends all point toward equality – the world is getting better even if it isn’t getting perfect – this answers his args about being locked up in Charlotte and the Civil Rights Act.

Currie, American Enterprise Institute The American Magazine managing editor, 2008

[Duncan, “The Long March of Racial Progress” <http://www.american.com/archive/2008/november-11-08/the-long-march-of-racial-progress/>, accessed 10-23-13, TAP]

The story of race relations in America is one of extraordinary change and transformation.¶

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, about 14 percent of young black husbands were married to white women.”

### 2ac – Afro-Pessimism K

#### Reject the totalizing pessimism of the alt – optimism is the only starting point that solves.

Hooks, City Univeristy New York English professor, 1996

[bell, “Killing Rage: Ending Racism” <http://books.google.com/books?id=3JlNFYKLheUC&q=unitary+representations#v=snippet&q=unitary%20representations&f=false>, p.249-50, accessed 3-21-14, TAP]

269More than ever before in our history, black Americans are succumbing to and internalizing

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tance will emerge everywhere. That is where we must go from here.

## 1AR

### Debate Game

Debates can’t create mindset shifts – proves the alt can’t solve BUT doesn’t not apply to our education arguments because that is garnered in the research process.

Deborah Tannen, Ph.D., Georgetown University professor of linguistics and University Professor, 1998, “The Argument Culture,” p. 174

Another scholar who questions the usefulness of opposition as the sole path to truth is

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usually attributes that loss to poor performance or to an adversary's unfair tactics.

#### Personal experience shuts down dialogue – that makes deliberation impossible.

Subotnik, Touro College law professor, 1998

[Daniel, Cornell journal of law and public policy, Spring 1998, 7 Cornell J. L. & Pub. Pol'y 681, “ARTICLE: WHAT'S WRONG WITH CRITICAL RACE THEORY?: REOPENING THE CASE FOR MIDDLE CLASS VALUES” Lexis, accessed 10-28-12, TAP]

Having traced a major strand in the development of CRT, we turn now to

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to faculty offices and, more generally, the streets and the airwaves.

### McClean

#### Learning policy making discourse is the only way to challenge the dogmatic assumptions of elites – using the state can fight oppression.

David E. McClean, New School University Professor, and Society for the Study of Africana Philosophy President, 2001, “The Cultural Left and the Limits of Social Hope,” http://www.american-philosophy.org/archives/past\_conference\_programs/pc2001/Discussion%20papers/david\_mcclean.htm

Yet for some reason, at least partially explicated in Richard Rorty's Achieving Our Country

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critics with their snobish disrespect for the so-called "managerial class."