## 1ac

### 1ac drones bad

#### Drones represent a new paradigm of warfare ---- centralization of power in the executive ensures limitless violence -- this violence is not neutral, but reifies wholesale psychological damage

Shaw, 13 [Predator Empire: The Geopolitics of US Drone Warfare Ian G. R. Shaw, a School of Geographical and Earth Sciences, The University of Glasgow, Scotland Published online: 14 Jun 2013, p. online]

The Spatial Topology of the Predator Empire According to research by Nick Turse, the US military operates 1,100 bases across the planet.98 Many of these sites exist in shadow because they are used for paramilitary operations by Special Forces and the CIA. These bases range in size and location, but a recent and favoured strategy of the US military has been to construct skeletal “lily pads” that are scattered in remote outposts across the globe. Chalmers Johnson, author of the book Blowback, wrote back in 2004 that “this vast network of American bases on every continent except Antarctica actually constitutes a new form of empire – an empire of bases with its own geography not likely to be taught in any high school geography class”.99 While this “new form of empire” has been growing for decades, the proliferation of remotely piloted aircraft certainly marks a new phase in its evolution – the Predator Empire. **Everywhere** and nowhere, **drones have become sovereign tools of life and death**; where “the lives and deaths of subjects become rights only as a result of the will of the sovereign”.100 The Predator Empire is underpinned by an expanding geography of drone bases in and around the “areas of concern” mentioned in the NSS and NSC. There are now at least sixty bases used for US military and CIA drones – from medium-sized Predators and Reapers to experimental systems such as the “Sentinel” that was captured by Iran. As part of their surveillance of Iraq, Afghanistan, Pakistan, Somalia, Yemen, Libya, and Mali, US drones have flown out of Saudi Arabia, Ethiopia, Djibouti, the Seychelles, Niger, and many more.101 These geographic locations are intended to develop overlapping circles of surveillance. The jewel in the crown in this new form of empire is Camp Lemonnier in Djibouti, which is sandwiched between Somalia and Yemen. This secretive 500-acre base is the first ever camp dedicated solely to tracking and eliminating al-Qa’ida and its “affiliates”.102 Around sixteen drones either take off or land every day at the base, which has its origins as an outpost in the French Foreign Legion. Activities at Camp Lemonnier increased in 2010 after eight Predators were delivered, turning the camp into a fully fledged drone base. The CIA first shipped its Predators to the camp in 2002,103 and it now acts in collaboration with the secretive Joint Special Operations Command. A total of 3,200 US troops, civilians, and contractors are assigned to the camp where they “train foreign militaries,gather intelligence and dole out humanitarian aid across East Africa as part of a campaign to prevent extremists from taking root”.104 In short, Camp Lemonnier is the concrete symbol of a Predator Empire no longer bound to Pakistan or Afghanistan, and expanding across Africa. But despite this concrete presence, the CIA’s fleet of secret drones has little interest in securing “territory” in the traditional sense, seeking instead to secure and eliminate patterns of life that threaten. In Security, Territory, Population105 Foucault details how biopower is not exercised across territory per se,106 but through spaces of circulation or a “milieu” of human and nonhuman multiplicities that constitute life-in-the-making. Similarly he wrote that the last domain of biopolitics is “control over relations between the human race, or human beings insofar as they are a species, insofar as they are living beings, and their environment, the milieu in which they live”.107 Here, Foucault refers to both natural and manmade environments, where mastery of the environment is translated into mastery of the population. Sloterdijk goes so far as to state that “the 20th century will be remembered as the period whose decisive idea consisted in targeting not the body of the enemy, but his environment”.108 Indeed, securing the atmosphere has continually transformed understandings of space, power, and sovereignty.109 The question is therefore how is the environment a biopolitical target for the Predator Empire? How is the environment understood and controlled? Unlike forms of environmental intervention that leave a gigantic “footprint” in the soil of the earth, such as the counterinsurgency pursued in Iraq, the Predator Empire pursues a different kind of spatial biopolitics; a virtual intervention where what is captured is not “hearts and minds” but endless streams of information that are broadcast back to the Homeland. This suggests that the direction of power is not just an outward projection – as with the geographic expansionism that traditionally defines “American power projection” across the globe. Rather, it also suggests an inward power collection: defined here as the power to incorporate, to bring closer. The drone continues to transform US biopower by bringing distant “areas of concern” such as the tribal areas of Pakistan into the gaze of pilots, targeters, and analysts in Creetch Air Force Base in Nevada. This power to make the faraway intimate is “a non-symmetrical power topology which sometimes coincides with a geographically materialized power topology and sometimes does not”.110 Predators “fold” space with an unparalleled level of aeromobility, reducing the importance that geographic distance and obstacles have in separating “there” from “here”. This power topology is not strictly exercised across space then, but rather, it is the capacity to crumple an environment by digitizing it. As Allen states, “The use of real-time technologies to create a simultaneous presence in a diversity of settings is, for instance, just one way in which relations of presence and absence may be reconfigured so that the gap between ‘here and there’ is bridged relationally, and distance itself is no longer understood simply as a metric”.111The 2012 DSG makes it clear that physical boots on the ground are not part of the strategic environment of the future. The Predator Empire therefore marks the continuing evolution from a reliance on a topographic, ground intensive empire to a topological, aerial empire. Airpower and aeromobilities has always been a central tenet of US military strategy of course. As Adey summarises, “From the air raids of the Blitz to the newest unmanned reconnaissance aircraft, aeromobilities provide both promise and possibility, as well as dread, terror, destruction and death”.112 And while it is undeniable that the CIA’s ghost war requires an expanding network of drone bases, such a Droneworld is not the end point of power – it is the architecture for the coding, cataloging, and eliminating of life in “real time”, on a scale that is historically unprecedented. It is within the unique topological spatiality of the Predator Empire that targeting killings become ever more decentralised across the planet, even as the power to take life is centralised in the hands of the executive branch of government. When Obama stated that “we will not apologize for our way of life, nor will we waver in its defense” in his inaugural address, he appealed to a biopolitics that is the hallmark of our geopolitical condition. The distinctiveness and coherence of “friend” and “enemy” has seemingly melted away into more amorphous patterns of life that are located across Pakistan, Yemen, Somalia, and North Africa. Although Foucault goes to create lengths detailing how biological life is included in politics, and how technologies exist “to control the series of random events that can occur in a living mass”,113 he also asks how “is it possible for a political power to kill, to call for deaths, to demand deaths, to give the order to kill . . . ?”114 He answers quite specifically with racism as “the precondition for exercising the right to kill”.115 Certainly, the Pashtun residents in the tribal areas of Pakistan are caught in a net of violent colonial language116 and laws117 inherited from the British Raj. But **such violence must constantly be performed** and is thus reliant on the technologies and spatialities of state power.118 The civilians living and dying in Pakistan, whose families and friends were interviewed in the 2010 CIVIC report and the 2012 Stanford and New York University report, are exposed to an unaccountable surveillance apparatus that scrutinises their patterns of life from thousands of miles away. Their vulnerability is inseparable from the topological spatial power of the Predator Empire. CONCLUSIONS By introducing the term Predator Empire I do not want to suggest that US extrajudicial killings are in any way “new”. Rather, I want to show how US national security strategy is transforming alongside the rise of the drone, creating the geopolitical conditions for a permanent war waged from the heart of Washington D.C. The Predator, manufactured by General Atomics, Downloaded by [Virginia Commonwealth University Libraries] at 16:12 26 June 2013 Predator Empire: Geopolitics of US Drone Warfare 17 was the first drone used by the US for a targeted killing in Afghanistan in 2002. Since then, the CIA’s model of extrajudicial assassination has moved from the periphery to the centre of a dronified form of state violence. This is a battle that is spearheaded by bureaucrats and White House officials that wear suits rather than uniforms, and wage war with spreadsheets rather than rifles. It is a different kind of empire, one in which US bases resemble outposts like Camp Lemonnier in Djibouti. This shift is encapsulated in the 2011 National Counterterrorism Strategy and the 2012 Defense Strategic Guidance. These documents mobilise an amorphous “everywhere war”119 against vaguely defined “affiliates”. Of course, the “war on terror” has always been a type of governmentality120 that inserts itself into the population, whether at airports, borders,121 or other security checkpoints, where biometric scanning segregates “legitimate mobilities” from “illegitimate mobilities”.122 The CIA’s signature strikes extend and rework this form of algorithmic calculation to target threatening patterns of life. And this is realised by a topological power that folds the spaces of the affiliate into the surveillance machinery of the Homeland. The Predator Empire thus marks the continuation of biopolitics by other means – namely an aerial ghost war that is central to US national security. These targeted killings represent the crystallisation of what could be called America’s “one percent war”123: **a war that only affects around one percent of the US population:** those profiting in the military-industrial complex and those pilots sitting in cubicles staring at “Death TV”. The other 99 percent remain alienated from a nebulous and permanent war waged by robots in the borderlands of the planet. This has the effect of creating two geographic and imaginary distances: between drone pilots and their targets, and between the Predator Empire and the public. And with so much of the violence performed by the CIA’s paramilitary wing, an official silence drowns out any murmurings that surface in an otherwise subdued Congress. So too does the replacement of human troops with robotic warriors reduce the threshold of going to war. Beginning on 23 April 2011, American drones began six months of strikes against Qaddafi’s faltering regime in Libya. Crucially they were not authorised by the so-called congressional “War Powers Resolution” designed to curb executive power. Peter Singer124 writes that “choosing to make the operation unmanned proved critical to initiating it without Congressional authorization”, adding, “Like it or not, the new standard we’ve established . . . is that presidents need to seek approval only for operations that send people into harm’s way – not for those that involve waging war by other means”.125 Looking forward, the consequences of this dronification of state violence are only coming into focus, although I think three outcomes are almost certain. First of all, consider “drone creep”: the use of drones in everyday settings by the police and other civilian agencies. One of the biggest trends in recent years has been the adoption of drone technology for law enforcement, particularly within the US where Predator drones are used by Customs and Downloaded by [Virginia Commonwealth University Libraries] at 16:12 26 June 2013 18 Ian G. R. Shaw Border Patrol along the borders with Mexico and Canada. And at the end of 2011, US police in North Dakota made their first arrest with the aid of a Predator drone. This type of police surveillance is set to increase after the recent passage of the Federal Aviation Administration Reauthorization Act in 2012. The FAA estimates that there could be some 30,000 drones in US skies by 2020.126 This expansion feeds into a wider drone “arms race” across the globe. In 2012 the Government Accountability Office revealed that over seventy-five countries have now acquired some form of drone, with the US and Israel remaining the global export leaders. Perhaps the emergence of drone-on-drone warfare is just around the corner; after all, there is no shortage of political will, nor is there a shortage of non-state actors that will redefine the rules of the game. Second, in the hunt for affiliates in FATA, the CIA’s drone strikes continue to alienate the larger Pakistani population.127 Tom Engelhardt describes drones as “blowback weapons” with Nick Turse adding: “Over the last decade, a more-is-better mentality has led to increased numbers of drones, drone bases, drone pilots, and drone victims, but not much else. Drones may be effective in terms of generating body counts, but they appear to be even more successful in generating animosity and creating enemies”.128 Even if al-Qa’ida and its affiliates have indeed “metastasized” across Africa, moving from the tribal areas of Pakistan to new fronts in Somalia, Yemen, and the Sahel, this geographic shift must be seen as the inevitable outcome of an expanding Predator Empire. Bruce Riedel, a former CIA analyst and Obama counterterrorism adviser was blunt in his diagnosis of targeted killings: “The problem with the drone is it’s like your lawn mower. You’ve got to mow the lawn all the time. The minute you stop mowing, the grass is going to grow back”.129 But perhaps this is the very point: blowback sustains a permanent war. Third, the Predator Empire will continue to violate national sovereignty on a number of fronts, as the technology challenges the very sanctity of territory.130 Indeed, it is difficult to keep track of an expanding battlespace which spreads horizontally across Africa, and vertically into Earth’s upper atmospheres. Furthermore, the drone war appears to be in direct contravention of international humanitarian law on numerous fronts. US strikes in Pakistan, Yemen, Somalia, and Libya have all taken place in the shadow of law, and set a dangerous precedent that will no doubt be emulated across the globe by a range of state and non-state actors.131 Indeed, the legal violations of the Predator Empire are mirrored in its territorial violations; both are locked together in a legal-lethal space.132 Perhaps the significance held by ground bases, such as Camp Lemonnier, will begin to erode as aircraft carriers enjoy a renewed importance as the Predator Empire migrates along the Pacific Ocean towards China.133 Drones are under development by the US Navy that can take off and land autonomously from a carrier. This, combined with increasing developments in “swarm” technology, as well as an Downloaded by [Virginia Commonwealth University Libraries] at 16:12 26 June 2013 Predator Empire: Geopolitics of US Drone Warfare 19 escalation of Special Operations forces, sets the stage for a world in which a highly mobile force, answerable only to the executive branch, can drop down from the sky at a minute’s notice – sometimes with a kick at the door, other times with a Hellfire. While the Predator Empire may be assembled with dozens rather than hundreds of flight orbits, it is essential that the wholesale psychological damage that is being wrought upon thousands of people is never eclipsed by a technological enframing that so often shields the unbearable humanity of it all. Targeted killings are quickly becoming a “post-political” background issue and a noise that few listen to. This is why the civilian voices from Pakistan and elsewhere need to be heard, since they signify the fundamental “worldly” damage caused by drone strikes, well beyond the “surgical” metaphors that circulate in official state narratives. Indeed, Washington’s permanent war is not even an ethical issue for most of the public: It is simply “common sense” to solve complex problems with Predators. An intervention is therefore needed to reposition what counts as human security away from this entrenched logic of “death-as-success.”

#### Drone discourse and executive targeting decisions perpetuate unending race based exclusion – the 1ac is an act of recognizing geographic privilege – failure to challenge such privilege ensures drone violence will exist in perpetuity

Greenwald, 13 [“The racism that fuels the 'war on terror', A new Gallup poll finds a majority of Americans oppose the drone-executions of US citizens on foreign soil. Then why do they support the Awlaki killing?” Glen, <http://www.theguardian.com/commentisfree/2013/mar/25/racism-war-on-terror-awlaki>]

A new Gallup poll released Monday morning has a surprising finding: a majority of Americans - while supporting air strikes in foreign countries against foreign nationals suspected of Terrorism - oppose such air strikes when used to target US citizens who are suspected Terrorists, whether at home or on foreign soil: gallup awlaki The reason this is surprising is that when the US actually killed a US citizen on foreign soil on the grounds that he was a suspected Terrorist - Anwar al-Awlaki - large majorities approved. One poll at the time reported that "a large proportion of Americans believe the US Government made the correct decision in killing a US born Islamist militant in a drone strike last month" - specifically, that "69 per cent of respondents think the action taken by the US Government to kill Anwar al-Awlaki was justified" (that included 77% Republicans and 73% Democrats approving). Another poll at the time reported that Obama's approval ratings on national security increased eight points in the wake of the Awlaki killing. Meanwhile, Obama aides ran to Politico to boast that Awlaki's corpse would be a significant asset in Obama's re-election bid, leading to this Politico headline: politico awlaki **What can explain this obvious discrepancy?** How can it be that a policy which a majority of Americans oppose (killing Americans on foreign soil on the grounds of suspected Terrorism) was so popular and politically beneficial for Obama when it was actually done to Awlaki? I'm not speaking here about those who support the US Government's right to kill US citizens on foreign soil without a trial: people who believe that and support the Awlaki execution are at least being consistent. I'm focusing here on how it can be that a majority of Americans say they oppose having Americans so targeted on foreign soil yet still support the Awlaki killing. There are several possible factors explaining this discrepancy. It is probably easier to oppose such killings when considered in the abstract than it is when asked specifically about a person like Awlaki who had been subjected to such an intense government and media demonization campaign. It's also possible that intervening events between these polls - particularly the Rand Paul filibuster - created unprecedented media debate about the dangers of Obama's claimed assassination powers and caused people to re-think their wisdom (that was the ground cited by the ACLU's Laura Murphy when she praised Paul's protest: "As a result of Sen. Paul's historic filibuster, civil liberties got two wins: . . . Americans learned about the breathtakingly broad claims of executive authority undergirding the Obama administration's vast killing program"). But it seems clear there is a **much more odious factor driving** some of **this**. Many Americans can (a) say that they oppose the targeted killings of Americans on foreign soil while simultaneously (b) supporting the killing of Anwar al-Awlaki in Yemen because, for them, the term "Americans" doesn't include people like Anwar al-Awlaki. "Americans" means their aunts and uncles, their nice neighbors down the street, and anyone else who looks like them, who looks and seems "American". They don't think those people - Americans - should be killed without charges by the US government if they travel on vacation to Paris or go to study for a semester in London. But the concept of "Americans" most definitely does not include people with foreign and Muslim-ish names like "Anwar al-Awlaki" who wear the white robes of a Muslim imam and spend time in a place like Yemen. Legally - which is the only way that matters for this question - the New-Mexico-born Awlaki was every bit as much of an American citizen as the nice couple down the street. His citizenship was never legally revoked. He never formally renounced it. He was never charged with, let alone convicted of, any crime that could lead to the revocation of citizenship. No court ever considered revoking his citizenship, let alone did so. From a legal and constitutional perspective, there was not a single person "more American" than he. That's because those gradations of citizenship do not exist. One is either an American citizen or one is not. There is no such thing as "more American" or "less American", nor can one's citizenship be revoked by presidential decree. This does not exist. But the effort to depict Muslims as something other than "real Americans" has long been a centerpiece of the US political climate in the era of the War on Terror. When it was first revealed in 2005 that the Bush administration was spying on the communications of Americans without the warrants required by the criminal law, a Bush White House spokesman sought to assure everyone that this wasn't targeting Real Americans, but only those Bad Ones that should be surveilled (meaning Muslims the Bush administration decided, without due process, were guilty): "This is a limited program. This is not about monitoring phone calls designed to arrange Little League practice or what to bring to a potluck dinner. These are designed to monitor calls from very bad people to very bad people who have a history of blowing up commuter trains, weddings and churches." Identically, when the Israelis attacked the Mavi Marmara flotilla in 2010 and killed 9 people including the US-born teenager Furkan Dogan, some conservatives insisted that he was not a Real American because his parents were Turkish and he grew up in Turkey ("it is silly to call him an 'American of Turkish descent'. He, like the other members of his family, was a Turk"). The stark contrast in reactions between the sustained fury of the Turkish government over the killing of their citizens by the Israelis versus the support for those killings given by the US government was accounted for in part by the blind US support for whatever Israel does (including killing Americans), but also by the belief that Dogan wasn't really an American, not the Real Kind you get upset about when a foreign army kills them. This decade-long Othering of Muslims - a process necessary to sustain public support for their continuous killing, imprisonment, and various forms of rights abridgments - has taken its toll. I'm most certainly not suggesting that anyone who supports Awlaki's killing is driven by racism or anti-Muslim bigotry. I am suggesting that the belief that Muslims are somehow less American, or even less human, is widespread, and is a substantial factor in explaining the discrepancy I began by identifying. Does anyone doubt that if Obama's bombs were killing nice white British teeangers or smiling blond Swiss infants - rather than unnamed Yemenis, Pakistanis, Afghans and Somalis - that the reaction to this sustained killing would be drastically different? Does anyone doubt that if his overhead buzzing drones were terrorizing Western European nations rather than predominantly Muslim ones, the horror of them would be much easier to grasp? Does it really take any debate to know that if the 16-year-old American suspiciously killed by the US government two weeks after killing his father had been Jimmy Martin in Sweden rather than Abdulrahman al-Awlaki in Yemen, the media interest and public outcry would be far more substantial, and Robert Gibbs would have been widely scorned if he had offered this vile blame-the-victim justification for killing Jimmy rather than Abdulrahman? It is indisputably true that - just as conservatives argued that Furkan Dogan was not a Real American - large numbers of Americans believe the same about the Denver-born teenager named Abdulrahman. This ugly mindset is not the only factor that leads the US public to support more than a decade of US killing and rights abridgments aimed primarily at Muslims, including their fellow citizens, but it is certainly a significant one. Amazingly, some Democratic partisans, in order to belittle these injustices**, like to claim that only those who enjoy the luxury of racial and socioeconomic privilege would care so much about these issues.** That claim is supremely ironic. It reverses reality. **That type of privilege is not what leads one to care about and work against these injustices.** To the contrary, it's exactly that privilege that causes one to dismiss concerns over these injustices and mock and scorn those who work against them. The people who insist that these abuses are insignificant and get too much attention are not the ones affected by them, because they're not Muslim, and thus do not care. The perception that the state violence, rights abridgments and expansions of government power ushered in by the War on Terror affect only Muslims long ago stopped being true. But ensuring that people continue to believe that is the key reason why it has been permitted to continue for so long.

#### Obama is a global George Zimmerman, rationalizing the senseless murder of innocent people – voting AFF is the most ethically prudent choice

West, 13 [Cornel, professor at Union Theological Seminary and author of numerous books, Cornel West: Obama’s Response to Trayvon Martin Case Belies Failure to Challenge "New Jim Crow", <http://www.democracynow.org/2013/7/22/cornel_west_obamas_response_to_trayvon>]

CORNEL WEST: Well, the first thing, I think we have to acknowledge that President Obama has very little moral authority at this point, because we know **anybody who tries to rationalize the killing of innocent peoples,** a criminal—George Zimmerman is a criminal—but President Obama is a global George Zimmerman, because he tries to rationalize the killing of innocent children, 221 so far, in the name of self-defense, so that there’s actually parallels here. AMY GOODMAN: Where? CORNEL WEST: In Pakistan, Somalia, Yemen. So when he comes to talk about the killing of an innocent person, you say, "Well, wait a minute. What kind of moral authority are you bringing? You’ve got $2 million bounty on Sister Assata Shakur. She’s innocent, but you are pressing that intentionally. Will you press for the justice of Trayvon Martin in the same way you press for the prosecution of Brother Bradley Manning and Brother Edward Snowden?" So you begin to see the hypocrisy. Then he tells stories about racial profiling. They’re moving, sentimental stories, what Brother Kendall Thomas called racial moralism, very sentimental. But then, Ray Kelly, major candidate for Department of Homeland Security, he’s the poster child of racial profiling. You know, Brother Carl Dix and many of us went to jail under Ray Kelly. Why? Because he racially profiled millions of young black and brown brothers. So, on the one hand, you get these stories, sentimental— AMY GOODMAN: Ray Kelly, the former police chief of New York City. CORNEL WEST: That’s right. And yet, you get the bringing into his circle— AMY GOODMAN: The current one, yeah. CORNEL WEST: And, in fact, he even says Ray Kelly expresses his values, Ray Kelly is a magnificent police commissioner. How are you going to say that when the brother is reinforcing stop and frisk? So the contradictions become so overwhelming here. AMY GOODMAN: But President Obama, speaking about his own life experience, going from saying, "Trayvon Martin could have been my child," to "Trayvon Martin could have been me"? CORNEL WEST: Well, no, that’s beautiful. That’s an identification. The question is: Will that identification hide and conceal the fact there’s a criminal justice system in place that has nearly destroyed two generations of very precious, poor black and brown brothers? He hasn’t said a mumbling word until now. Five years in office and can’t say a word about the new Jim Crow. And at the same time, I think we have to recognize that he has been able to hide and conceal that criminalizing of the black poor as what I call the re-niggerizing of the black professional class. You’ve got these black leaders on the Obama plantation, won’t say a criminal word about the master in the big house, will only try to tame the field folk so that they’re not critical of the master in the big house. That’s why I think even Brother Sharpton is going to be in trouble. Why? Because he has unleashed—and I agree with him—the rage. And the rage is always on the road to self-determination. But the rage is going to hit up against a stone wall. Why? Because Obama and Holder, will they come through at the federal level for Trayvon Martin? We hope so. Don’t hold your breath. And when they don’t, they’re going to have to somehow contain that rage. And in containing that rage, there’s going to be many people who say, "No, we see, this president is not serious about the criminalizing of poor people." We’ve got a black leadership that is deferential to Obama, that is subservient to Obama, and that’s what niggerizing is. You keep folks so scared. You keep folks so intimidated. You can give them money, access, but they’re still scared. And as long as you’re scared, you’re on the plantation. AMY GOODMAN: Let’s talk about that issue of the civil rights charges. CORNEL WEST: Yes. AMY GOODMAN: During his remarks on Friday in the White House press room, President Obama addressed the calls for the Justice Department to file civil rights charges against George Zimmerman. PRESIDENT BARACK OBAMA: I know that Eric Holder is reviewing what happened down there, but I think it’s important for people to have some clear expectations here. Traditionally, these are issues of state and local government, the criminal code. And law enforcement is traditionally done at the state and local levels, not at the federal levels. AMY GOODMAN: That’s President Obama. CORNEL WEST: And that’s not true. AMY GOODMAN: Professor Cornel West? CORNEL WEST: That was him saying, "Keep your expectations low. Sharpton, don’t get them too fired up. Keep the rage contained." We know, when it comes to the history of the vicious legacy of white supremacy in America, if the federal government did not move, we would still be locked into state’s rights. And state’s rights is always a code word for controlling, subjugating black folk. That’s the history of the black struggle, you see. So what he was saying was: Don’t expect federal action. Well, Sharpton is going to be in trouble. Marc Morial, two brothers, they’re going to be in trouble. AMY GOODMAN: Urban League. CORNEL WEST: The Urban League, absolutely. Ben Jealous—God bless the brother—he’s going to be in trouble. He’s getting folk riled up to hit up against this stone wall. The next thing, they’ll be talking about, "Well, maybe we ought to shift to gun control." No, we’re talking about legacy of the white supremacy. We’re talking about a criminal justice system that is criminal when it comes to mistreating poor people across the board, black and brown especially. And let us tell the truth and get off this Obama plantation and say, "You know what? We’re dealing with criminality in high places, criminality in these low places, and let’s expose the hypocrisy, expose the mendacity, and be true to the legacy of Martin." You know there’s going to be a march in August, right? And the irony is—the sad irony is— AMY GOODMAN: This is the march of the—honoring the 50th anniversary— CORNEL WEST: The 50th anniversary. AMY GOODMAN: —of the "I Have a Dream" speech. CORNEL WEST: And you know what the irony is, Sister Amy? **Brother Martin would not be invited to the very march in his name, because he would talk about drones.** He’d talk about Wall Street criminality. He would talk about working class being pushed to the margins as profits went up for corporate executives in their compensation. He would talk about the legacies of white supremacy**. Do you think anybody at that march will talk about drones and the drone president?** Will you think anybody at that march will talk about the connection to Wall Street? They are all on the plantation. AMY GOODMAN: Are you invited? CORNEL WEST: Well, can you imagine? Good God, no. I mean, I pray for him, because I’m for liberal reform. But liberal reform is too narrow, is too truncated. And, of course, the two-party system is dying, and therefore it doesn’t have the capacity to speak to these kinds of issues. So, no, not at all. AMY GOODMAN: So you’re saying that President Obama should not only say, "I could have been Trayvon Martin," but "I could have been, for example, Abdulrahman al-Awlaki," the 16-year-old son— CORNEL WEST: Yes. AMY GOODMAN: —of Anwar al-Awlaki, who was killed in a drone strike. CORNEL WEST: Or the name of those 221 others, precious children, who are—who were as precious as the white brothers and sisters in Newtown that he cried tears for. Those in Indian reservations, those in Chinatown, Koreatown, those in brown barrios, each child is precious. That is a moral absolute, it seems to me we ought to embrace. And if that’s true, then we’ve got monstrous mendacity, hyper hypocrisy and pervasive criminality in high places. That’s why Brother Snowden and Brother Manning are the John Browns of our day, and the Glenn Greenwalds and the Chris Hedges and Glen Fords and Bruce Dixons and Margaret Kimberleys and Nellie Baileys are the William Lloyd Garrisons of our day, when we talk about the national security state. AMY GOODMAN: Clearly, the power of the personal representation is what grabbed people on Friday. CORNEL WEST: Absolutely. AMY GOODMAN: You also had Attorney General Eric Holder doing the same thing— CORNEL WEST: The same thing. AMY GOODMAN: —when he was speaking at the NAACP convention on Tuesday. Holder drew parallels between his own experience as an African-American male and those of Trayvon Martin, when he recalled times in his life when he was racially profiled. ATTORNEY GENERAL ERIC HOLDER: The news of Trayvon Martin’s death last year and the discussions that have taken place since then reminded me of my father’s words so many years ago. And they brought me back to a number of experiences that I had as a young man—when I was pulled over twice and my car searched on the New Jersey Turnpike, when I’m sure I wasn’t speeding, or when I was stopped by a police officer while simply running to catch a movie at night in Georgetown in Washington, D.C. I was, at the time of that last incident, a federal prosecutor. Trayvon’s death last spring caused me to sit down to have a conversation with my own 15-year-old son, like my dad did with me. This was a father-son tradition I hoped would not need to be handed down. But as a father who loves his son and who is more knowing in the ways of the world, I had to do this to protect my boy. I am his father, and it is my responsibility, not to burden him with the baggage of eras long gone, but to make him aware of the world that he must still confront. This—this is a sad reality in a nation that is changing for the better in so many ways. AMY GOODMAN: That’s U.S. Attorney General Eric Holder. They’re the ones, in the Justice Department, who are deciding whether or not to bring civil rights violations, criminal charges against George Zimmerman, who was acquitted in the Trayvon Martin killing. Professor Cornel West? CORNEL WEST: And, no, there’s no doubt that the vicious legacy of white supremacy affects the black upper classes, it affects the black middle classes. But those kinds of stories hide and conceal just how ugly and intensely vicious it is for black poor, brown poor. And so you end up with, if that’s the case, why hasn’t the new Jim Crow been a priority in the Obama administration? Why has not the new Jim Crow been a priority for Eric Holder? If what they’re saying is something they feel deeply, if what they’re saying is that they’re—themselves and their children have the same status as Brother Jamal and Sister Latisha and Brother Ray Ray and Sister Jarell, then why has that not been a center part of what they do to ensure there’s fairness and justice? Well, the reason is political. Well, we don’t want to identify with black folk, because a black president can’t get too close to black folk, because Fox News, with their reactionary self in oft—in so many instances, will attack them, and that becomes the point of reference? No. If they’re going to be part of the legacy of Martin King, Fannie Lou Hamer and Ella Baker and the others, then the truth and justice stuff that you pursue, you don’t care who is coming at you. But, no, this black liberal class has proven itself to be too morally bankrupt, too hypocritical, and indifferent to criminality—Wall Street criminality, no serious talk about enforcement of torturers and wiretappers under the Bush administration. Why? Because they don’t want the subsequent administration to take them to jail. Any reference to the hunger strike of our brothers out in California and other places, dealing with torture? Sustained solitary confinement is a form of torture. And we won’t even talk about Guantánamo. Force-feeding, torture in its core—didn’t our dear brother Yasiin Bey point that out, the former Mos Def? God bless that brother. Jay Z got something to learn from Mos Def. Both of them lyrical geniuses, but Jay Z got a whole lot to learn from Mos Def. AMY GOODMAN: Explain that. Yasiin Bey actually underwent— CORNEL WEST: That’s right. AMY GOODMAN: —force-feeding— CORNEL WEST: Yes, he did. AMY GOODMAN: —to see how it felt, and broke down and started screaming "Stop! Stop!" in the middle of it, and it was a videotape that went viral. CORNEL WEST: And it happens twice a day for those precious brothers in Guantánamo Bay. And, of course, that’s under Bush. People say, "That’s under Bush." OK, Bush was the capture-and-torture president. Now we’ve got the targeted killing president, the drone president. That’s not progress. That’s not part of the legacy of Martin King. That’s not part of the legacy of especially somebody like a Dorothy Day and others who I think ought to be at the center of what we’re all about, you see. AMY GOODMAN: Let me turn to another clip. Near the end of his speech on Friday, President Obama said the nation should be doing a better job helping young African-American men feel that they are a fuller part of society. I want to play that clip in a moment, but how would you do this? CORNEL WEST: Well, when I heard that, I said to myself, "Lord, he came to the York City and said Michael Bloomberg was a terrific mayor." Well, this is the same mayor who, again, nearly four-and-a-half million folk have been stopped and frisked. What’s terrific about that, if you’re concerned about black boys being part of society? No, no, I would say we’re going to have to talk seriously about massive employment programs; high-quality public education, not the privatizing of education; dealing with gentrification and the land grab that’s been taking place, ensuring that young black boys—and I want to include all poor boys, but I’ll begin on the chocolate side of town, there’s no doubt about that—that ought to have access a sense of self-respect and self-determination, not just through education and jobs, but through the unleashing of their imagination, more arts programs in the educational system. They’ve been eliminated, you see. Those are the kind of things, hardly ever talked about. But, oh, we can only talk about transpartnerships in terms of global training for capital and multinational corporations and big banks. That’s been the priority, the Wall Street-friendly and the corporate-friendly policies that I think are deeply upsetting for somebody like myself vis-à-vis the Obama administration. AMY GOODMAN: This is what President Obama said Friday. PRESIDENT BARACK OBAMA: We need to spend some time in thinking about how do we bolster and reinforce our African-American boys. And this is something that Michelle and I talk a lot about. There are a lot of kids out there who need help, who are getting a lot of negative reinforcement. And is there more that we can do to give them a sense that their country cares about them and values them and is willing to invest in them? You know, I’m not naïve about the prospects of some grand, new federal program. I’m not sure that that’s what we’re talking about here. But I do recognize that, as president, I’ve got some convening power, and there are a lot of good programs that are being done across the country on this front. And for us to be able to gather together business leaders and local elected officials and clergy and celebrities and athletes, and figure out how are we doing a better job helping young African-American men feel that they’re a full part of this society and that they’ve got pathways and avenues to succeed, I think that would be a pretty good outcome from what was obviously a tragic situation. And we’re going to spend some time working on that. AMY GOODMAN: Cornel West? CORNEL WEST: Yeah, you see, if you’re concerned about poor black brothers, then you make it a priority. It’s the first time he spoke publicly about this in five years, so it’s clear it’s not a priority. When he went down to Morehouse, it was more scolding: "No excuses." Went to NAACP before, "Quit whining." No, we’re wailing, we’re not whining. So, to say to the country, "Well, we need to talk about caring," well, you’ve got to be able to enact that, you see. And for those of us who spend a lot of time in prisons, those of us at Boys Clubs, all the magnificent work that various churches and civic institutions do in the black community—and it cuts across race, of course; you’ve got a lot of white brothers and sisters and brown and others who are there, as well—the question is: Since when has it been a priority in this administration at all? So that that language begins to ring very, very hollow. Because he’s right: We’ve got to love, we’ve got to care for our poor brothers and sisters, and especially our black and brown brothers and sisters, because they’re lost, they’re confused, they’re desperate, they’re unemployed, they’re too uneducated, and they turn on each other, because when you criminalize poor people and criminalize poor black people, we turn on each other. There’s no doubt about that. Can you imagine if the creativity and intelligence that goes into turning on each other is turned on the system—not any individual, but the system itself, the unfair system—and tries to undercut the criminality of our criminal justice system to make it fair and to make it just? AMY GOODMAN: You mentioned stop and frisk under Ray Kelly, who is being considered for head of Department of Homeland Security, and under Mayor Bloomberg— CORNEL WEST: That’s right. AMY GOODMAN: —700,000 stops and frisks in New York City. It’s now on trial, in court, vastly, overwhelming, of young African-American mainly young men, some young women—the vast majority do not get arrested, but they— CORNEL WEST: That’s right. AMY GOODMAN: —have these endless encounters with the authorities. CORNEL WEST: Absolutely. And I just never forget Brother Carl Dix and others, right when we were on—we had a week-long trial and had a guilty verdict. But during that week— AMY GOODMAN: When you were protesting and you got arrested. CORNEL WEST: After we protested and went to jail and then went to court and was—had a guilty verdict, right? That week, the president came to New York and said, "Edward Koch was one of the great mayors in the last 50 years," and then said, "Michael Bloomberg was a terrific mayor." Now, this is the same person saying we’ve got to care for black boys, and black boys are being intimidated, harassed, humiliated, 1,800 a day. It’s just not a matter of pretty words, Mr. President. You’ve got to follow through in action. You see, you can’t use the words to hide and conceal your mendacity, hypocrisy and the support of criminality—or enactment of criminality when it comes to drones, you see. And the sad thing is, Sister Amy, is that we just don’t have enough free people, let alone free black people. Black people, we settled for so little, so we get a little symbolic gesture, we get a little identification, and like on MSNBC, which is part of the Obama plantation, they start breakdancing again: "Oh, isn’t it so wonderful? He’s really one of us. We can now wave the flag again. We can now support our mindless Americanism," in the language of my dear brother Maulana Karenga, intellectual that he is. No. We ought to be over against injustice, no matter what, across the board, and be vigilant about it. I don’t care what color the president or the governor or the mayor is. AMY GOODMAN: Let’s talk about Stand Your Ground for a minute. You know, Stevie Wonder now says he won’t play in any state that has Stand Your Ground. CORNEL WEST: Yeah, that’s a beautiful thing, a beautiful thing. AMY GOODMAN: President Obama addressed the issue of the Stand Your Ground law in Florida, the law allowing people fearing for their lives to use deadly force without retreating from a confrontation. PRESIDENT BARACK OBAMA: I know that there’s been commentary about the fact that the Stand Your Ground laws in Florida were not used as a defense in the case. On the other hand, if we’re sending a message as a society in our communities that someone who is armed potentially has the right to use those firearms, even if there’s a way for them to exit from a situation, is that really going to be contributing to the kind of peace and security and order that we’d like to see? And for those who resist that idea that we should think about something like these Stand Your Ground laws, I’d just ask people to consider, if Trayvon Martin was of age and armed, could he have stood his ground on that sidewalk? And do we actually think that he would have been justified in shooting Mr. Zimmerman, who had followed him in a car, because he felt threatened? And if the answer to that question is at least ambiguous, then it seems to me that we might want to examine those kinds of laws. AMY GOODMAN: That’s President Obama speaking on Friday. Cornel West? CORNEL WEST: Well, I certainly agree with him that we ought to fight Stand Your Ground laws, but we’ve got to keep in mind Stand Your Ground laws are part of the legacy of the slave patrol, which is to say it’s primarily white brothers and sisters armed to keep black people under control. And I come from Sacramento, California. I remember when the Black Panther Party walked into the Capitol with their guns. Now, you noticed at that moment, all of a sudden people were very much for gun control, even the right wing. Why? Because the Panthers were saying, "Well, let’s just arm all the black folk to make sure they stand their ground." Oh, Lord. That’s such a challenge. Now, see, you know, as a Christian and trying to be part of the legacy of Martin, you see, I don’t want people armed across the board. I do believe in self-defense, just like I believe in self-respect and self-determination, but I don’t want people armed. So it’s very clear there’s a class and a racial bias in these laws, and therefore we ought to fight these laws. There’s no doubt about it. But we have to be very honest and candid about the hypocrisy operating when we talk about these things. AMY GOODMAN: It was rather chilling to hear both Robert Zimmerman, George Zimmerman’s brother, and also Mark O’Mara, the attorney for George Zimmerman, talking about how—the fact that George Zimmerman is supposed to get his gun back, that he needs it more than ever, because he’s targeted, because he’s afraid. What is more frightening than a frightened George Zimmerman with a gun? CORNEL WEST: No, it’s true. But it’s—I mean, when you let criminals off, they feel—they feel as if their criminality has been affirmed, and therefore they want to be able to continue to act as if they—the business is as usual, back to business as usual. AMY GOODMAN: Cornel, as we wrap up this segment, I’d like you you to stay for the next segment about— CORNEL WEST: Sure, sure. AMY GOODMAN: —Howard Zinn’s books in Indiana. If you were invited to speak at the 50th anniversary celebration of the "I Have a Dream" speech, the March on Washington—August 28th, 1963, is when it happened, 50 years ago—what would you say? Give us a few minutes. CORNEL WEST: I would say we must never tame Martin Luther King Jr. or Fannie Lou Hamer or Ella Baker or Stokely Carmichael. They were unbossed. They were unbought. That Martin was talking about a beloved community, which meant that it subverts any plantation—Bush’s plantation, Clinton’s plantation, Obama’s plantation—and the social forces behind those plantations, which have to do with Wall Street, have to do with multinational corporations. And we’re going to focus on poor people. We’re going to focus on working people across the board. **We’re going to talk about the connection between drones, which is a form of—a form of crimes against humanity outside the national** borders. We’re going to talk about Wall Street criminality. We’re going to talk about how we ensure that our gay and lesbian brothers and sisters have their dignity affirmed. We’re going to talk about the children. Martin Luther King Jr. was a free black man. He was a Jesus-loving free black man. Will the connection between drones, new Jim Crow, prison-industrial complex, attacks on the working class, escalating profits at the top, be talked about and brought together during that march? I don’t hold my breath. But Brother Martin’s spirit would want somebody to push it. And that’s part of his connection to Malcolm X. That’s part of his connection to so many of the great freedom fighters that go all the way back to the first slave who stepped on these decrepit shores.

#### Nearly 4,000 people have been killed – the impact is inescapable structural violence – vote AFF to embrace the 1ac’s investigation

Zeese and Flowers, 13 [Kevin and Margaret, Truth Out, “Anti-Drone Movement Grows: Ethics, Legality and Effectiveness of Drone Killings Doubted”, <http://www.truth-out.org/news/item/15959-anti-drone-movement-grows-ethics-legality-and-effectiveness-of-drone-killings-doubted>]

We are in the midst of a month of actions against drones. Nearly **4,000 people have been killed** in some 420 "targeted killing" operations since the first US drone strike was conducted under the Bush administration in October 2001. There is now a growing movement of people speaking out and **standing up** to protest the use of drones by the United States in Africa, the Middle East and Asia, as well as at home in the United States. Human rights groups are questioning their legality; clergy are questioning their ethics and activists are protesting their use. More are questioning whether the use of drones is actually decreasing or increasing terrorism. On our weekly program, Clearing the FOG, we spoke with two guests who are working to build the movement against drones. Noor Mir, a citizen of Pakistan and graduate of Vassar who works on drones with the anti-war organization Codepink in Washington, DC, described how people in Pakistan no longer go to funerals or weddings; children refuse to go to school and people avoid events where they will be in groups because of the fear of drone attacks. Judy Bello of the Upstate Coalition to Ground the Drones and End the Wars points out that drones are used mostly in countries that we are not at war with, raising many legal and strategic questions. Violence Begets Violence: There Is Another Way In light of recent very public violent episodes, from the Boston Marathon bombing to the Sandy Hook Elementary School shooting, Americans now have a greater sense of what it must be like for people living in countries where the US attacks people with drones on a constant basis. Could you imagine experiencing mass killings involving innocent civilians every day? It is particularly alarming that US drones have **murdered nearly 200 children**. Growing up in a war zone with constant fear of attack at any time and being forced to flee your home and community to live in a refugee camp or some other foreign place has dramatic psychological impacts. Civilians living in war zones suffer economically and experience shortages of basic necessities such as food, water and medicines. They also suffer from the threat or experience of being raped or beaten, losing a loved one and forced labor. Mental illness, including depression and post-traumatic stress disorder (or PTSD) are high in areas of conflict. Women, children, the elderly and the disabled are the most vulnerable. The use of drones has dramatically increased the geographic reach of war zones to countries with which the United States is not formally at war. How many young people around the world are growing up in fear because of US military policy that monitors them with the constant buzzing of drones overhead? In some remote places, all that the population knows about the United States is our drones. The two bombs at the Boston Marathon killed three and injured nearly 200 people. On the same day in Iraq, torn apart by US war and occupation, across Baghdad, Kirkut, Tikrit and several other Iraqi cities, 55 were killed and more than 250 were injured. On April 17, two days after the marathon bomb, US drones attacked a vehicle in Yemen's Dhamar Province, killing five people, one of them identified as a local al-Qaeda leader in the Arabian Peninsula. We received an email from a Yemeni who was from the village where the attack occurred. He says: "Last night while I was enjoying a farewell dinner with a dear American Friend in Sana'a, the United States of America droned my village. There, my fellow village people joke that 'God himself doesn't reach their area' due to how deprived and miserable a place the area is ... It is the capital of misery and poverty and needed anything but a drone ... The same hand that taught me English and changed my life one day, droned my village last night. Horribly, unbelievable." Attacks such as this create situations in which violence begets violence. Each Tuesday, President Obama meets national security advisers, reviews potential targets and approves drone killings. Then the US radicalizes whole populations in order to check a name off its kill list. Therefore, the first question we must deeply consider about US drone policy and military policy is, Does widespread use of drones make us less secure? Is there a better way? A coalition of faith leaders wrote President Obama on April 16: "The use of these lethal weapons within the borders of other sovereign nations, at times without their permission, shrouded in secrecy and without clear legal authority, raises serious moral and ethical questions about the principles and the implications of this practice for US foreign relations and the prospects for a more peaceful world." The faith leaders point out that it would be more effective to use policies that do not "boost recruitment for extremist organizations," but instead go to the root causes of violence "by creating conditions that defuse the hostility, including strategies to prevent violent conflict and to promote restorative justice practices, and effective economic development programs." The email from the villager from Yemen makes this same point: "It is a heart damaging and soul distorting action to see the greatest nation on Earth practicing its power on a powerless peaceful people while two police officers at the maximum were enough to go capture the target." Would it not have been better for US security if the government acted within the rule of law? And, if, instead of spending so much on the military, we spent money to end poverty and illiteracy? These are questions we must seriously consider, especially as research shows a backlash against the United States as a consequence of constant drone killings. The Legality of the US Drone Program There are increasing questions about the legality of the US drone program, and more people raising them. The hearings on the confirmation of CIA director John Brennan stirred debate on this issue both inside and outside of government, and the filibuster by Senator Rand Paul (R-Kentucky) brought a national spotlight to the issue. Take the drone attack in Yemen we described above. The United States is not in an armed conflict with Yemen and has not declared war with Yemen. A group of ten human and civil rights organizations wrote to President Obama about the drone program on April 11, 2013. Their statement reads: "Outside of an armed conflict, where international human rights law applies, the United States can only target an individual if he poses an imminent threat to life and lethal force is the last resort." They cite a 2010 report, "Study on Targeted Killings," which examines the legal issues raised by the use of drones. Even if the United States is in an armed conflict, there are limitations under international humanitarian law, whereby the United States can only directly target members of the armed forces of an enemy, military objectives or civilians directly participating in hostilities. Further, international law requires that, "In case of doubt whether a person is a civilian, that person shall be considered to be a civilian." One Army manual reflects this, but the drone program does not. In fact, civilian casualties are more common than killings of high-value targets. Stop Drones reports that "the CIA claims that of the nearly 2,500 Pakistanis killed in the drone attacks, 35 were 'high value targets' - that is, people it actually intended to kill. The rest it claims were mostly 'suspected militants.'" The human and civil rights groups point out that the administration has justified the drone killings by stating "it is in an armed conflict with Al Qaeda and 'associated forces,' which it defines as organized armed groups that have 'entered the fight alongside al Qaeda' and are 'co-belligerent[s] with al Qaeda in hostilities against the United States or its coalition partners.'" But, the administration does not clearly define the characteristics of such organizations, and therefore, the rights groups point out, "this results in an aggressive and indefinitely expansive scope of targeting authority." While President **Obama** promised greater transparency about the drone program in his recent State of the Union, he **has not lived up to that promise.** The Department of Justice (DOJ) has written a memorandum that justifies the drone killings and claims they are legal. This is reminiscent of the George W. Bush administration DOJ drafting memos to justify torture. The Obama DOJ has only released a summary of the drone memo. One of the main purposes of the letter from the ten human and civil rights groups was to urge that the secret DOJ legal opinion be made public in order to ensure adequate Congressional oversight and to prevent drone warfare from continuing to be waged outside of the rule of law. Unless things change, there will not be appropriate supervision and accountability for the use of drones. Just this month, the Obama administration refused to send a witness to a hearing of the Senate Judiciary Committee Subcommittee on the Constitution scheduled for April 23 on the legality of the drone program. The subcommittee even postponed the hearing in an effort to get the administration to send a witness. The subcommittee seeks to create a "transparent legal framework for the use of drones." Concern with the legality of the targeted killing program was heightened when McClatchy News Service reviewed top-secret intelligence reports that showed the Obama administration was misleading the public when it came to who was targeted by the program. President Obama and administration officials had claimed the program was being used only against known senior leaders of al-Qaeda and allied groups involved in the September 11, 2011, attacks plotting imminent attacks on Americans. President Obama said on CNN, "It has to be a threat that is serious and not speculative. It has to be a situation in which we can't capture the individual before they move forward on some sort of operational plot against the United States." The review of intelligence documents shows drone attacks did not "adhere to those standards," McClatchy quotes drone expert Micah Zenko of the Council on Foreign Relations saying: "McClatchy's findings indicate that the administration is 'misleading the public about the scope of who can legitimately be targeted.'" Glenn Greenwald, after reviewing the McClatchy report, highlights that the Obama administration and "not even the CIA, let alone ordinary citizens, has any idea of the identity of many of the people they are targeting for death." Of course, this is true because, as Greenwald writes: "Obama (like Bush before him) approved the use of so-called 'signature strikes,'" where the identity of the target is not known but they are targeted for death anyway "based on a 'pattern of life' analysis - intelligence on their behavior suggesting that an individual is a militant.'" Mir described the broad way in which targets of drone attacks are chosen. It is based on a so-called "disposition matrix," which means that patterns of movement are used to determine if a person is a suspect. In addition, all males over the age of 16 who live in a combat zone are considered to be enemy combatants. Mir states that it is often by chance that a young male's home is in an area considered to be a combat zone. Fortunately, international bodies are beginning to question this rationale. In January, prominent British human rights lawyer Ben Emmerson, a special investigator for the United Nations Human Rights Council, announced that the UN will be investigating the legality of the drone programs of the United States, the United Kingdom and Israel. He will lead a ten-member panel, which includes two US lawyers, whose immediate focus will be on 25 selected drone strikes that have been conducted in recent years in Afghanistan, Pakistan, Yemen, Somalia and the Palestinian territories. He noted that drone programs have the potential to grow rapidly because 50 nation-states have technology that can be easily converted into an active drone arsenal. Emmerson said we cannot "drift blindly toward the precipice without any agreement between states as to the circumstances in which drone strike targeted killings are lawful, and on the safeguards necessary to protect civilians." After meeting with a wide array of people in Pakistan from within and outside of government, the UN investigators released a statement. They found: The government emphasized its consistently stated position that drone strikes on its territory are counterproductive, contrary to international law, a violation of Pakistan's sovereignty and territorial integrity, and that they should cease immediately. Pakistan is committed to an effective counterterrorism strategy that combines law enforcement with dialogue and development in an effort to tackle not only the manifestations of terrorism, but also its root causes in the region. Reports of continuing tacit consent by Pakistan to the use of drones on its territory by any other state are false, and a thorough search of government records revealed no indication of such consent having been given. There were 330 drone strikes since 2004, and drone strikes routinely inflicted civilian casualties; groups of adult males carrying out ordinary daily tasks were frequently the victims of such strikes. The drone strikes are counterproductive because they gave rise to a desire, particularly among young men, to seek revenge for the drone strikes, thus radicalizing a new generation. All of this makes the legality of the drone program more and more questionable and the need for further investigation critical. If the goal of the drone program is to reduce terrorism, it appears that the exact opposite is occurring. With each drone strike, more people are made to hate the United States and are willing to take action because the United States is acting in violation of the rule of law.

#### That disrupts dominant narratives – the 1ac helps to crystallize student activism and prevent drone violence from being rendered invisible – invisibility causes categorically worse violence

Dorage, 13 [“Understanding the Pro-Drone Discourse By: Kristin Dorage April 13, 2013”, http://www.unrestmag.com/understanding-the-pro-drone-discourse/]

Michel Foucault’s ideas as conveyed here by Stuart Hall indicate that discourse produces our knowledge of objects. If we accept this premise as true, it would be wise for students of conflict analysis and resolution to pay close attention to the development of new objects in conflict settings. Unmanned aerial vehicles (also known as UAVs or drones) are a prime example of such objects. Over the past ten years, lethal drones have changed the nature of warfare by allowing the United States’ “war on terror” to become increasingly clandestine and asymmetrical. Since the U.S. government has not provided basic information about its covert drone program – such as where drones are used, how targets are selected, and how many people have been killed – the discourses both championing and opposing drones are often backed by flimsy evidence. Yet **these discourses are powerful** nonetheless. How we talk about drones affects our understanding of them. Discourses that promote drone warfare are particularly dangerous **because they encourage killing** in spite of their lack of substance. Given that the subject of drone warfare is new, anti-drone advocates still have an opportunity to shape the public’s perception of drones. To begin, we must examine the pro-drone discourse with a critical lens and draw attention to its dangerous implications. Former White House Counter-Terrorism Advisor and recently appointed Director of the CIA, John Brennan, gave a speech last year to discuss the administration’s use of lethal drones. In his speech, which constituted the first formal acknowledgement of the drone program by the White House, Brennan stated: As we have seen, deploying large armies abroad won’t always be our best offense. Countries typically don’t want foreign soldiers in their cities and towns. In fact, large, intrusive military deployments risk playing into al-Qaida’s strategy of trying to draw us into long, costly wars that drain us financially, inflame anti-American resentment and inspire the next generation of terrorists. In comparison, there is the precision of targeted strikes. [2] Knowing that the American public is tired of war after the extended invasions in Iraq and Afghanistan, Brennan tries to persuade the audience that using lethal drones is not war. Brennan also sets up a false binary between targeted drone strikes and putting troops on the ground in an attempt to make drones the only option for combating terrorism. Pro-drone discourses are often set in false binaries, which prevent creative thinking about other ways to address terrorism. Brennan equates “large military deployments” with long, expensive wars that play into the enemy’s plan and lead to more terrorists attacks. His phrasing implies that drone strikes would have the opposite effect – that using targeted strikes would not produce anti-American sentiment, nor would their usage play into al-Qaida’s strategy. Brennan appears to acknowledge the desire of other countries to keep their citizens safe, recognizing that they do not want foreign troops in their cities and towns. However, in April last year (one month prior to Brennan’s speech), the Pakistani Parliament voted to end all endorsement of the CIA’s drone operations. [3] Surveys conducted by the Pew Research Center in 20 countries around the world show that the majority of them disapprove of the U.S. using drones to target extremists overseas. This stands in stark contrast to the majority of Americans (56%) who support targeted drone strikes. [4] The Bureau of Investigative Journalism (BIJ), an independent organization which has been conducting an in-depth investigation into the covert drone war, reports there have been nine drone strikes and between 36-71 casualties in Pakistan this year alone. [5] Brennan’s speech demonstrates three elements that I believe are grounding points for the pro-drone discourse. They include: keeping U.S. troops and citizens’ safe, conducting precise and efficient warfare, and maintaining fiscal responsibility on the part of the military. Pro-drone advocates claim that drones ensure U.S. troops’ safety while allowing them to pursue the goal of combat. Stephen A. Cheney, CEO of the American Security Project, states, “any time you can use a drone instead of using a Marine, I think it’s a good thing”. [6] His statement seems logical enough: if we are at war, we want our troops to be safe; if we send drones into battle instead of American soldiers, then more American lives will be saved. However, there is an unstated distinction here between short-term and long-term safety. While lethal drones ensure that U.S. troops are not put directly in harm’s way, the destruction caused by drones is unlikely to be ignored. We can most certainly expect that a targeted operation of this nature will instigate a severe backlash against the U.S. at some point in the future. A study conducted by a former member of President Obama’s counterterrorism group, Michael Boyle, states that the use of drones is “encouraging a new arms race that will empower current and future rivals and lay the foundations for an international system that is increasingly violent”. [7] In Yemen, a series of interviews with witnesses of drone attacks suggest that drones have contributed to a rise in anti-American sentiment and may encourage recruitment to al-Qaida. A former counter-terrorism official at the U.S. State Department concurs: “Drone policy at its current tempo does put the U.S. at the very top of the bad-guys list”. [8] According to John Brennan, drone strikes “conform to the principle of proportionality”. [9] In other words, the gains made by the military exceed the damage done by drones. He emphasizes that targeted strikes are directed towards individuals that pose a significant threat. That includes leaders of al-Qaida and other associated groups, individuals planning on carrying out attacks on “U.S. persons and interests”, and individuals that provide support for these attacks. [10] Brennan says the purpose of targeting these individuals “is to disrupt his plans and his plots before they come to fruition”. [11] The language he employs attempts to reassure his audience. By reciting the principles of war the narrative conveys to us that drone strikes are directed only towards those that are about to cause imminent harm. Yet, how do we know if this is true? And what gives us reason to think that this is an effective strategy? Given that the government has not released information about the process of choosing targets, it is impossible to know. In addition, the long-term strategy or timeline for drone strikes is never mentioned. At what point do we say that all terrorist threats are gone and we can stop using lethal drones? Historically speaking, eliminating the upper echelons of an organization has not always resulted in the group’s termination. The CIA killed thousands of Vietcong leaders during the Vietnam War and the organization survived it. The spread of al-Qaeda operatives to Mali, even the attacks on the U.S. Consulate in Benghazi, Libya, could be seen as evidence that the U.S.’ counterterrorism policy is not working. [12] Discourses suggesting that drones keep us safe are situated in a short-term perspective. Policies that align with this discourse have not considered what retributive violence might happen as a result of the drone program and are very dangerous indeed. There is another aspect of the safety discourse that is deceiving. The U.S. Justice Department’s 16-page white paper, which was leaked earlier this year by NBC, attempts to make a case for the legality of the U.S. government’s targeted killings. In this paper it states that even U.S. citizens can by killed by drones without charges, a hearing, a trial, or any evidence, as long as an “informed, high-level official of the U.S. government” determines the person is an imminent threat. [13] The paper does not say whether the official needs to be completely sure or just have a sneaking suspicion that the target is an imminent threat. In fact, the paper’s definition of imminence is so broad that it negates the word entirely. According to this document all that is required for the government to conduct a targeted strike on a U.S. citizen is the say-so from a senior official and a window of opportunity. What is particularly worrisome is the lack of judicial checks and balances within the drone program, and the overwhelming power that is being consolidated in the executive branch of government. Other aspects of the “war on terror” have procedural safeguards; for example, if the government wishes to set a wiretap, it must request a warrant under the Foreign Intelligence Surveillance Act. And while the Constitution allows unilateral executive action in “exigent circumstances”, these actions must always be followed by ex post judicial review. On the issue of drones, the courts are entirely left out of the process. As journalist David Cole writes, it seems that the government “wants the power to kill Americans unilaterally—and in secret”. [14] As far as we know, three Americans have been killed to date by American-operated drones. This includes Anwar al-Awlaki, a high-level recruiter for al-Qaida and propagandist who was raised in America and killed in Yemen, and Awlaki’s 16-year-old American son, Abdulrahman al-Awlaki, who was killed by a drone in Yemen two weeks later. [15] The U.S. administration has said that Anwar al-Awlaki and individuals like him are dangerous enough to warrant being killed instead of captured and given due process. There have been only unofficial responses given by the U.S. government regarding Abdulrahman’s death, including an anonymous official who told the media that his death was a mistake. The discourse that drones keep us safe does not hold up to the fact that our government has unilaterally killed an innocent American teenager, and refuses to give information about his death. Since the government is intent on creating its own rules with the drone program– and not communicating these rules to the public – it removes any trust we might have in its judgment. [16] Slavoj Zizek’s work can also provide insight into the safety discourse. In his book, Violence, he discusses three modes of violence: subjective, objective, and symbolic. [17] He argues that subjective, or overt, violence is the most visible of the three, and often sheds light on objective, or systemic, violence. If we were to apply this theory to the covert drone program, we can see how the violence enacted by drones takes on different forms for different audiences. The violence inflicted by drones is subjective for those on the receiving end, but symbolic to those who view it from a distance (through the news, for example). For the individuals inflicting the violence (the drone operators), it is less direct because it is “hidden” by the monitors and screens through which the violence is enacted. A study conducted by the U.S. Air Force found that almost half of all drone operators experienced high levels of stress in the workplace, but this stress was tied to working “long and erratic work hours”. [18] The drone operators did not show increased amounts of stress from watching hours of up-close video footage of killing and destruction inflicted by drones. Instead, the operators felt “a sense of accomplishment in protecting troops on the ground”. [19] We can further expand on this idea by historicizing drones in the context of trends in warfare. Noel Sharkey explains in his chapter “Killing Made Easy: From Joysticks to Politics” that the evolution of the military has led to greater physical space between combatants, along with technology that “enable[s] killing from ever-increasing distances”. [20] While increasing the distance between combatants caters to our innate desire to keep ourselves safe, the extreme distance in drone warfare also produces alienation and desensitization; it encourages drone operators to become comfortable with brutality and killing. Sharkey’s research along with the research done on drone operators suggests that what we are seeing is the transition of subjective violence to objective violence; in other words, the violence caused by drones is becoming normalized and if it continues it shall soon be rendered ‘invisible’. The safety elements in the pro-drone discourse are also tied to Karl Marx’s theories about individuals as subjects and objects.[21] Marx states that the division between subjects and objects is created and perpetuated in a capitalist economy, in which violence is inflicted on individuals as objects. This is evident in the CIA’s “signature strikes”, in which drones are used to kill people whose names are not known, but who are in the vicinity of other “militants” and either demonstrate suspicious behavior, or have characteristics that warrant their immediate death. [22] **By treating individuals as objects, instead of as subjects of equal worth, drones not only aim to kill individuals, but also to promote the objectification of human beings.** As Marx said, “The performance of work is at the same time its objectification”. [23] Once a group of people is objectified, they no longer require safety or protection. The subjective and objective aspects of drone warfare intend to make others appear “less than”. Therefore the discourse of safety has the function of treating some Americans (those not targeted by drones) as subjects, while reducing those within the drone’s purview to mere objects. Bradley J. Strawser, a former Air Force officer and an assistant professor at the Naval Postgraduate School, conducted a study of the drone program and concluded that “using [drones] to go after terrorists not only was ethically permissible but also might be ethically obligatory, because of their advantages in identifying targets and striking with precision”. [24] The idea presented here is common in many pro-drone discourses – that drones represent the most ethical form of warfare because they are precise. The discourse acts as if drones can pluck out the ‘bad guy’ from the masses, and eliminate him or her with no consequences. This idea is suspect for several reasons. First, even when drones are on target, the blast that emanates from Hellfire missiles generally has a radius of 15 to 20 meters. [25] That distance does not include the shrapnel projected after the blast. A report on drones issued by Stanford and New York University further explains why it is difficult for UAVs to be precise: One factor that reduces targeting precision is ‘latency,’ the delay between movement on the ground and the arrival of the video image via satellite to the drone pilot. As the New York Times reported in July 2012, “Last year senior operatives with Al Qaeda in the Arabian Peninsula told a Yemeni reporter that if they hear an American drone overhead, they move around as much as possible.” [26] This quote is particularly insightful because it shows the ways in which drone targets still can outsmart such “precise” technology. In addition, it gives a sense of what it must be like for innocent civilians living in the drone’s purview. Pro-drone discourses rarely expound on the lives of those on the other side. To return again to John Brennan’s speech from last year, we can see other examples of the precision narrative at play. Brennan explained that “compared against other options, a pilot operating the aircraft remotely, with the benefit of technology and with the safety of distance, might actually have a clearer picture of the target and its surroundings, including the presence of innocent civilians”. [27] The way in which Brennan orders the elements in this story has the effect of painting an image of a pilot who, with the help of drones, is a protector of the innocent. Brennan goes on to say “it’s this surgical precision – the ability with laser-like focus to eliminate the cancerous tumor called an al-Qaida terrorist, while limiting damage to the tissue around it”. [28] Instead of portraying a terrorist for what he or she actually is – a human being that has the ability to make choices – the comparison to a tumor dehumanizes the person and depicts him or her as a thing that kills. The act of conducting drone warfare, on the other hand, is compared to surgery – a highly respected and exacting profession. The chances for error in surgery are perceived as being slim, which is what the narrative would like us to think about drone warfare. It is these themes of precision and accuracy that construct a narrative which makes drone warfare seem like a flawless procedure instead of an act of violence based on nebulous protocol. The challenge here for both the pro-drone and anti-drone arguments is that there is no way to know for sure how accurate drones are because the data available is incomplete. Evidence collected from non-governmental organizations suggest the number of civilian casualties is likely higher than the administration admits, but it is difficult to determine whose number is correct. In Michael Boyle’s study he explains that the White House classifies all military-age men that are killed or injured in a strike as militants unless proved otherwise. Boyle states, “the result of the ‘guilt by association’ approach has been a gradual loosening of the standards by which the U.S. selects targets for drone strikes.” [29] The Pakistani government recently stated that 400 Pakistani civilians had been killed as a result of drone attacks. [30] The final theme in the pro-drone discourse is that drones are more cost effective than deploying troops on the ground. Soldiers cost the Pentagon $4 million over their lifetime, whereas a drone is about 10% of that cost and can be discarded once it becomes dysfunctional. As defense budgets shrink, the economic rationale to automate military functions will inevitably grow. [31] Thus, there is incentive for the U.S. to use drones more frequently and for corporations to manufacture smaller, cheaper, and more deadly drones. The global race to develop these machines has started and already produced lethal drones the size of bugs. [32] The affordability argument sparks a sinister question, which is: What happens when war becomes cheap? While many drone advocates claim that the U.S. would never engage in war or conduct targeted killings without serious consideration, it is feasible to think that the cheapening of war will lead to more war overall. As it currently stands, the process of deploying lethal drones is far easier than capturing suspected terrorists. It is not far-fetched to think that the administration has been using drones for more than a just a “last resort” given the large numbers of individuals killed by targeted strikes (currently predicted to be about 4,000 individuals). When the U.S. used to conscript soldiers, convincing the American public to go to war required much justification and careful consideration. [33] Today, the White House sends drones without seeking approval or feeling the need to justify its actions to anyone. The pro-drone discourse often presents lethal drones as the quick, effective, cost-efficient and safe alternative to long and costly warfare. It is evident that while these discursive themes are compelling at first, they are a façade. **Anti-drone activists must work to change the nature of the public discourse.** They must emphasize that drones are not accurate and do not make us safe. They must maintain that having a more affordable form of warfare is alarmingly dangerous. Unless we can effectively make the claim that drones reduce disincentives for killing, we can expect our world to become increasingly insecure in the future.

#### Thus Maria and I believe that the United States Federal Government should statutorily prohibit presidential targeted killing authority.

#### Anti-drone advocacy is in its infancy --- the 1ac’s embrace of legal strategy and open dialogue can topple drones

Zeese and Flowers, 13 [Kevin and Margaret, Truth Out, “Anti-Drone Movement Grows: Ethics, Legality and Effectiveness of Drone Killings Doubted”, <http://www.truth-out.org/news/item/15959-anti-drone-movement-grows-ethics-legality-and-effectiveness-of-drone-killings-doubted>]

Advocates against drones are still in the early phases of building the resistance movement. At this stage, education is essential, so advocates have produced a counter-drone organizing manual and have provided easy access to materials about drones and the basic facts about them. Medea Benjamin, a co-founder of Codepink, wrote a book on drones, Drone Warfare: Killing by Remote Control, now in its second edition. She tells us that the movement against drones is about to grow even bigger because of the new national network against drones and because of a new international coalition that arose at the World Social Forum in Tunisia, which Benjamin and Col. Wright attended. Benjamin reports: Out of a workshop on Drones at the World Social Forum in Tunisia in March 2013 came a call to form an international organization to counter the proliferation of lethal and spy drones, called International Drones Watch. There were representatives from 15 countries at the initial gathering and we are now in the process of expanding the network. The purpose of this coalition is to share knowledge and actions concerning the misuse of drones for killing and spying. The issues we are concerned about include extrajudicial killings, civilian casualties, violations of international law, the lack of transparency and accountability, the ways drones make war "easy" and push aside nonviolent alternatives, and the skyrocketing amounts of money invested by governments in the purchase of drones at the expense of much needed social programs. Americans' Changing Views on Drones Older research showed majority support by Americans for the use of drones, even high supermajority support, but new data reveals that there is a noticeable shift in public opinion. It is becoming evident that some of the polls that find support for drones are not based on the facts. When people realize that drone usage involves deaths of civilians, a majority of Americans express concern, according to a February 2013 Pew poll. A YouGov poll conducted this March found only 33 percent approved a president being allowed to target US citizens in the United States, and 47 percent said the president should never be able to target US citizens. A bare majority, 53 percent, approved the use of drones to kill high-level terrorist suspect overseas, but a plurality opposed the use of drones even on high-level targets overseas if it might kill civilians. With the movement against drones growing and the truth about the Obama administration's drone program becoming known, a backlash against drones will develop further. When more Americans realize that drones mostly kill civilians, target primarily low-level suspects where there is no imminent threat and will make Americans less safe because they create more hatred for the United States around the world, then many will conclude that the drone program has been a mistake. **Getting the facts out to the people will continue to reverse public opinion.** At the same time that a movement is developing against drones, the military-industrial complex is making drones pre-eminent in US air warfare. The number of drones has increased more than forty-fold from 2002 to 2010, and spending on drones has increased from $284 million in fiscal year 2000 to $3.3 billion in the 2010 fiscal year. There are a total of 7,494 drones in the US military inventory, according to a January 2012 report by the Congressional Research Service, compared to 10,767 manned aircraft. US taxpayers will have invested about $11.8 billion in Reaper drones over the life of its program, which began in 2001 and will extend for at least several more years. The 2012 Department of Defense budget sets aside $1.069 billion for Reapers. The Air Force is believed to have about 60 Reapers, with plans to build a total of about 330. The cutting-edge future drone programs include drones that are nuclear-fueled and will be able to be in the air for months and drones that do not require anyone to operate them. Drones will be shown a face and the drone robot will be sent to kill or monitor the person. Science-fiction robotic warfare is upon us, unless people stand up and say no. April marks the announcement of the Stop the Killer Robots campaign, which is a global effort to oppose the next generation of killing machines: autonomous weapons. Once again, as it has been for centuries, this is a battle between profits and people, entrenched corporate interests seeking profit versus real solutions to the problems the country faces. It is time to seriously question whether the drone program is about stopping terrorism or whether it is primarily driven by defense contractors who see drones as the new moneymaking venture. Are drones simply the latest tool for expanding American empire? If the US government is truly interested in decreasing terrorism, the dollars spent on drones would be better spent on projects that decrease poverty and build positive relationships with communities around the world. **It is up to us to raise these questions and insist upon honest answers. We suggest** a moratorium on the drone program until it has been adequately studied and the results have been shared and debated publicly.

#### Clear Congressional statements bring the issue out into the light of day and outline effective principles

McKelvey 11 (Benjamin, JD Candidate, Senior Editorial Board – Vanderbilt Journal of Transnational Law, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, November, 44 VAND. J. TRANSNAT'L L. 1353, )

VI.THE RESPONSIBLE WAY FORWARD: CONGRESS SHOULD EITHER PROHIBIT THE TARGETED KILLING OF AMERICANS OR ESTABLISH OVERSIGHT The targeted killing of Americans, as demonstrated by the Aulaqi case, presents complex questions of constitutional law that are not easily answered or resolved.199 This is more than an academic debate; the stakes are high, as targeted killing in its current form provides the Executive Branch with a power over American lives that is chillingly broad in scope.200 It is concerning that the President’s grounds for claiming this extraordinary authority are tenuous and subject to compelling challenges.201 Furthermore, the absence of basic due process protection in Aulaqi appears unconstitutional after Hamdi. 202 But the Aulaqi case shows that the constitutional objections to targeted killing cannot be resolved in federal court.203 For these reasons, Congress should intervene by passing legislation with the goal of establishing clear principles that safeguard fundamental due process liberties from potential executive overreach. A. Option One: Congress Could Pass Legislation to Establish Screening and Oversight of Targeted Killing As the Aulaqi case demonstrates, any resolution to the problem of targeted killing would require a delicate balance between due process protections and executive power.204 In order to accomplish this delicate balance, Congress can pass legislation modeled on the Foreign Intelligence Surveillance Act (FISA) that establishes a federal court with jurisdiction over targeted killing orders, similar to the wiretapping court established by FISA.205 There are several advantages to a legislative solution. First, FISA provides a working model for the judicial oversight of real-time intelligence and national security decisions that have the potential to violate civil liberties.206 FISA also effectively balances the legitimate but competing claims at issue in Aulaqi: the sensitive nature of classified intelligence and national security decisions versus the civil liberties protections of the Constitution.207 A legislative solution can provide judicial enforcement of due processwhile also respecting the seriousness and sensitivity of executive counterterrorism duties.208 In this way, congress can alleviate fears over the abuse of targeted killing without interfering with executive duties and authority. Perhaps most importantly, a legislative solution would provide the branches of government and the American public with a clear articulation of the law of targeted killing.209 The court in Aulaqi began its opinion by explaining that the existence of a targeted killing program is no more than media speculation, as the government has neither confirmed nor denied the existence of the program.210 Congress can acknowledge targeted killing in the light of day while ensuring that it is only used against Americans out of absolute necessity.211 Independent oversight would promote the use of all peaceful measures before lethal force is pursued.212

#### It’s a trump card to executive rationalizations

Sunstein 6 (Cass R., Karl N. Llewellyn Distinguished Service Professor in the Law School and Department of Political Science – University of Chicago, “Clear Statement Principles and National Security: Hamdan and Beyond,” Public Law and Legal Theory Working Paper No. 134, University of Chicago Law School, July, <http://www.law.uchicago.edu/files/files/134.pdf>)

2. Avoidances. Whatever the nature of the clear statement principle, it runs into a competing argument, grounded in the President’s own claims of constitutional authority. Suppose that the President has a legitimate argument that a limitation on his discretion would violate the Commander-in-Chief clause. If so, then there are two applicable clear statement principles, not merely one. Perhaps ambiguous statutes should be construed favorably to the President, so as to avoid the constitutional issue that would otherwise arise; perhaps Congress should be asked to speak clearly if it seeks to intrude on what might well be the constitutional prerogatives of the Commander-in-Chief. And indeed, Ex Parte Quirin seems to be animated by a clear statement principle in the President’s favor—with the apparent thought that the commission procedure there at issue raised no serious question of individual rights. We can certainly imagine cases in which the individual rights claim has no constitutional backing, whereas the President’s claim is plausible; this was apparently the view of Justice Thomas in Hamdan. If competing clear statements are in play, there are two possibilities. Perhaps the competing principles are offsetting; if so, neither is helpful, and the decision must be resolved on some other ground. More plausibly, the individual rights claim deserves a kind of interpretive priority and thus defeats the President’s claim so long as the statutory provision is ambiguous. In support of this view, consider the fact that the due process clause has priority over the exercise of executive power under the Commander-in-Chief clause, or for that matter the exercise of congressional power under the Commerce Clause. Under the founding document, individual rights operate as a trump on government authority; a similar idea justifies the interpretive primacy of clear statement principles on behalf of such rights.

#### Credible threat of legal backlash stifles even defensible drone use

Goldsmith, 12 [Jack Goldsmith, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, March 2012, Power and Constraint, P. 199-201]

For the GTMO Bar and its cousin NGOs and activists, however, the al-Aulaqi lawsuit, like other lawsuits on different issues, was merely an early battle in a long war over the legitimacy of U.S. targeting practices—a war that will take place not just in the United States, but in other countries as well. When the CCR failed to achieve what it viewed as adequate accountability for Bush administration officials in the United States in connection with interrogation and detention practices, it started pursuing, and continues to pursue, lawsuits and prosecutions against U.S. officials in Spain, Germany, and other European countries. "You look for every niche you can when you can take on the issues that you think are important," said Michael Ratner, explaining the CCR's strategy for pursuing lawsuits in Europe. Clive Stafford Smith, a former CCR attorney who was instrumental in its early GTMO victories and who now leads the British advocacy organization Reprieve, is using this strategy in the targeted killing context. "There are endless ways in which the courts in Britain, the courts in America, the international Pakistani courts can get involved" in scrutinizing U.S. targeting killing practices, he argues. "It's going to be the next 'Guantanamo Bay' issue."' Working in a global network of NGO activists, Stafford Smith has begun a process in Pakistan to seek the arrest of former CIA lawyer John Rizzo in connection with drone strikes in Pakistan, and he is planning more lawsuits in the United States and elsewhere against drone operators." "The crucial court here is the court of public opinion," he said, explaining why the lawsuits are important even if he loses. His efforts are backed by a growing web of proclamations in the United Nations, foreign capitals, the press, and the academy that U.S. drone practices are unlawful. What American University law professor Ken Anderson has described as the "international legal-media-academic-NGO-international organization-global opinion complex" is hard at work to stigmatize drones and those who support and operate them." This strategy is having an impact. The slew of lawsuits in the United States and threatened prosecutions in Europe against Bush administration officials imposes reputational, emotional, and financial costs on them that help to promote the human rights groups' ideological goals, **even if courts never actually rule** against the officials. By design, these suits also give pause to current officials who are considering controversial actions for fear that the same thing might later happen to them. This effect is starting to be felt with drones. Several Obama administration officials have told me that they worry targeted killings will be seen in the future (as Stafford Smith predicts) as their administration's GTMO. The attempted judicial action against Rizzo, the earlier lawsuits against top CIA officials in Pakistan and elsewhere, and the louder and louder proclamations of illegality around the world all of which have gained momentum after al-Aulaqi's killing—are also having an impact. These actions are rallying cries for protest and political pushback in the countries where the drone strikes take place. And they lead CIA operators to worry about legal exposure before becoming involved in the Agency's drone program." We don't know yet whether these forces have affected actual targeting practices and related tactics. But they induce the officials involved to take more caution. And it is only a matter of time, if it has not happened already, before they lead the U.S. government to forgo lawful targeted killing actions otherwise deemed to be in the interest of U.S. national security.

#### Specific recommendations key to avert endless drone warfare

Voeten, 12 [“How to Improve the Drones Debate” Erik Voeten on November 15, 2012 · 6 comments in International Relations,International Security, <http://themonkeycage.org/2012/11/15/how-to-improve-the-drones-debate/>]

Instead of raising yet more questions, **help propose answers.** Most news articles about drones cover some new development, claim to raise new ethical questions, and mention superficially the need for greater transparency and/or accountability. Specific recommendations for change are rare or rarely helpful (this recent editorial calls for strikes to be subject to congressional review, but they already are). There may be an opportunity for political scientists to contribute by formulating and floating ideas about safeguards that address pressing ethical concerns. For example, it is common to hear calls for the introduction of oversight to drone campaigns. Political scientists generally have a good sense of which proposed institutional arrangements might provide successful oversight because we are trained to consider issues like incentive compatibility. Further, we’re likely to have knowledge of oversight institutions at work in other countries that might be emulated. My own proposal is based on adaptation of the UK’s system of independent review for terrorism legislation. I think it addresses the single most important ethical issue regarding drone strikes: we have no way of knowing whether or not the U.S. government is acting in accordance with the requirements of necessity, discrimination, and proportionality. Inconsistent studies of post-strike damage have not settled the issue, and we can’t simply take the Obama administration at its word. Instead, the government needs something beyond existing congressional review to demonstrate credibly to audiences at home and abroad that too many civilians are not dying compared to the threat posed by targets and to show that there is appropriate cause for deeming individuals targetable. This oversight, which can ideally provide some indication when strikes begin to violate the requirement of proportionality, may be the key to preventing “endless war”: it might help us know when, if not already, campaigns have taken out so many targets that further killing cannot be justified. Clinton Watts and Frank Cilluffo propose another tangible solution that has a chance of being acceptable both to government and human rights advocates. Their idea is based on the modification of an existing American institution, the Foreign Intelligence Surveillance Act (FISA) court; it is covered in this post. If you are aware of other proposals, please link them in the comments, and feel free to post your own ideas.

#### Ignorance of strategic and tactical ends merely entrenches the status quo and denies other more progressive strategies

Smith 2012 (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)

Aside from Derrick Bell, because racial and gender justice legal advocates are so invested in the morality of the law, there has not been sustained strategising on what other possible frameworks may be used. Bell provides some possibilities, but does not specifically engage alternative strategies in a sustained fashion. Thus, it may be helpful to look for new possibilities in an unexpected place, the work of anti-trust legal scholar Christopher Leslie. Again, the work of Leslie may seem quite remote from scholars and activists organizing against the logics of settler colonialism. But it may be the fact that Leslie is not directly engaging in social justice work that allows him to disinvest in the morality of the law in a manner which is often difficult for those who are directly engaged in social justice work to do. This disinvestment, I contend is critical for those who wish to dismantle settler colonialism to rethink their legal strategies. In ‘Trust, Distrust, and Anti-Trust’, Christopher Leslie explains that while the economic impact of cartels is incalculable, cartels are also unstable.18 Because cartel members cannot develop formal relationships with each other, they must develop partnerships based on informal trust mechanisms in order to overcome the famous ‘prisoners’ dilemma’. The prisoner’s dilemma, as described by Leslie, is one in which two prisoners are arrested and questioned separately with no opportunity for communication between them. There is enough evidence to convict both of minor crimes for a one year sentence but not enough for a more substantive sentence. The police offer both prisoners the following deal: if you confess and implicate your partner, and your partner does not confess, you will be set free and your partner will receive a ten-year sentence. If you confess, and he does as well, then you will both receive a five-year sentence. In this scenario, it becomes the rational choice for both to confess because if the first person does not confess and the second person does, the first person will receive a ten-year sentence. Ironically, however, while both will confess, it would have been in both of their interests not to confess. Similarly, Leslie argues, cartels face the prisoners’ dilemma. If all cartel members agree to fix a price, and abide by this price fixing, then all will benefit. However, individual cartel members are faced with the dilemma of whether or not they should join the cartel and then cheat by lowering prices. They fear that if they do not cheat, someone else will and drive them out of business. At the same time, by cheating, they disrupt the cartel that would have enabled them to all profit with higher prices. In addition, they face a second dilemma when faced with anti-trust legislation. Should they confess in exchange for immunity or take the chance that no one else will confess and implicate them? Cartel members can develop mechanisms to circumvent pressures. Such mechanisms include the development of personal relationships, frequent communication, goodwill gestures, etc. In the absence of trust, cartels may employ trust substitutes such as informal contracts and monitoring mechanisms. When these trust and trust substitute mechanisms break down, the cartel members will start to cheat, thus causing the cartel to disintegrate. Thus, Leslie proposes, anti-trust legislation should focus on laws that will strategically disrupt trust mechanisms. Unlike racial or gender justice advocates who focus on making moral statements through the law, Leslie proposes using the law for strategic ends, **even if the law makes a morally suspect statement.** For instance, in his article, ‘Anti-Trust Amnesty, Game Theory, and Cartel Stability’, Leslie critiques the federal Anti-Trust’s 1993 Corporate Lenience Policy that provided greater incentives for cartel partners to report on cartel activity. This policy provided ‘automatic’ amnesty for the first cartel member to confess, and decreasing leniency for subsequent confessors in the order to which they confessed. Leslie notes that this amnesty led to an increase of amnesty applications.19 However, Leslie notes that the effectiveness of this reform is hindered by the fact that the ringleader of the cartel is not eligible for amnesty. This policy seems morally sound. Why would we want the ringleader, the person who most profited from the cartel, to be eligible for amnesty? The problem, however, with attempting to make a moral statement through the law is that it is counter-productive if the goal is to actually break up cartels. If the ringleader is never eligible for amnesty, the ringleader becomes inherently trustworthy because he has no incentive to ever report on his partners. Through his inherent trustworthiness, the cartel can build its trust mechanisms. Thus, argues Leslie, the most effective way to destroy cartels is to render all members untrustworthy by granting all the possibility of immunity. While Leslie’s analysis is directed towards policy, it also suggests an alternative framework for pursuing social justice through the law, to employ it for its strategic effects rather than through the moral statements it purports to make. It is ironic that an anti-trust scholar such as Leslie displays less ‘trust’ in the law than do many anti-racist/anti-colonial activists and scholars who work through legal reform.20 It also indicates that it is possible to engage legal reform more strategically if one no longer trusts it. As Beth Richie notes, the anti-violence movement’s primary strategy for addressing gender violence was to articulate it as a crime.21 because it is presumed that the best way to address a social ill is to call it a ‘crime’, this strategy is then deemed the correct moral strategy. When this strategy backfires and does not end violence, and in many cases increases violence against women, it becomes difficult to argue against this strategy because it has been articulated in moral terms. If, however, we were to focus on legal reforms chosen for their strategic effects, it would be easier to change the strategy should our calculus of its strategic effects suggest so. **We would** also **be less complacent about the** legal **reforms we advocate** as has happened with most of the laws that have been passed on gender violence. Advocates presume that because they helped pass a ‘moral’ law, then their job is done. If, however, the criteria for legal reforms are their strategic effects, we would then be continually monitoring the operation of these laws to see if they were having the desired effects. For instance, since the primary reason women do not leave battering relationships is because they do not have another home to go, what if our legal strategies shifted from criminalising domestic violence to advocating affordable housing? While the shift from criminalisation may seem immoral, women are often removed from public housing under one strike laws in which they lose access to public housing if a ‘crime’ (including domestic violence) happens in their residence, whether or not they are the perpetrator. If our goal was actually to keep women safe, we might need to creatively rethink what legal reforms would actually increase safety.

#### Dominant narrative of drone strikes points to their “surgical precision” as a justification for the mass slaughter of innocents – drones promote rather than prevent terrorism, the alternative solves all their offense

Cavallaro 12 (This report is the result of nine months of research by the International Human Rights and Conflict Resolution Clinic of Stanford Law School (Stanford Clinic) and the Global Justice Clinic at New York University School of Law (NYU Clinic). Professor James Cavallaro and Clinical Lecturer Stephan Sonnenberg led the Stanford Clinic team; Professor Sarah Knuckey led the NYU Clinic team. Adelina Acuña, Mohammad M. Ali, Anjali Deshmukh, Jennifer Gibson, Jennifer Ingram, Dimitri Phillips, Wendy Salkin, and Omar Shakir were the student research team at Stanford; Christopher Holland was the student researcher from NYU,

“Living Under Drones: Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan,” September 12, http://livingunderdrones.org/wp-content/uploads/2012/09/Stanford\_NYU\_LIVING\_UNDER\_DRONES.pdf)

In the United States, the dominant narrative about the use of drones in Pakistan is of a surgically precise and effective tool that makes the US safer by enabling “targeted killing” of terrorists, with minimal downsides or collateral impacts. 1 This narrative is false. Following nine months of intensive research—including two investigations in Pakistan, more than 130 interviews with victims, witnesses, and experts, and review of thousands of pages of documentation and media reporting—this report presents evidence of the damaging and counterproductive effects of current US drone strike policies. Based on extensive interviews with Pakistanis living in the regions directly affected, as well as humanitarian and medical workers, this report provides new and firsthand testimony about the negative impacts US policies are having on the civilians living under drones. Real threats to US security and to Pakistani civilians exist in the Pakistani border areas now targeted by drones. It is crucial that the US be able to protect itself from terrorist threats, and that the great harm caused by terrorists to Pakistani civilians be addressed. However, in light of significant evidence of harmful impacts to Pakistani civilians and to US interests, current policies to address terrorism through targeted killings and drone strikes must be carefully re-evaluated. It is essential that public debate about US policies take the negative effects of current policies into account.