# 1NC

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#### 1) Interpretation Resolved” expresses intent to implement the plan.

American Heritage Dictionary, 2000, [www.dictionary.com/cgi-bin/dict.pl?term=resolved](http://www.dictionary.com/cgi-bin/dict.pl?term=resolved)

To find a solution to; solve … To bring to a usually successful conclusion.

#### **2) “Should” denotes an expectation of enacting a plan**

American Heritage Dictionary 2000

[www.dictionary.com](http://www.dictionary.com)

3 Used to express probability or expectation.

#### 3) Restrictions impose limits on action- regulations merely manage practices associated

Schackleford 17 J. is a justice of the Supreme Court of Florida. “Atlantic Coast Line Railroad Company, a corporation, et al., Plaintiff in Error, v. The State of Florida, Defendant in Error,” 73 Fla. 609; 74 So. 595; 1917 Fla., Lexis

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

#### 4) The war power authority of the president is activated by Congressional authorization- that’s key to set a limit on what the term means

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Congressional war powers include the prerogatives to “declare War;” ¶ “grant Letters of Marque and Reprisal,” which were operations that fell ¶ short of “war”; “make Rules for the Government and Regulation of the ¶ land and naval Forces;” “to provide for organizing, arming, and ¶ disciplining, the Militia;” “make Rules concerning Captures on Land and ¶ Water;” “raise and support Armies;” and “provide and maintain a ¶ Navy.”¶ 46¶ Alternatively, the President is endowed with one war power, ¶ that of “Commander in Chief of the Army and Navy.”¶ 47¶ Numerical ¶ comparison indicates that the intended dominant branch in war powers ¶ decisions is Congress. The Commander in Chief authority is a core preclusive power that ¶ designates the President as the head of the military command chain once ¶ Congress activates the power.¶ 48¶ Moreover, peripheral Commander in ¶ Chief powers are bridled by both statutory and treaty restrictions.¶ 49¶ The ¶ media lore of using “Commander in Chief” coterminous with “President” ¶ might occasionally be a misnomer outside of war, perhaps abetting ¶ presidential expansionism when combined with commentators employing ¶ terms such as “inherent authority.” Clearly, if Congress has not activated ¶ war powers, the President still possesses inherent authority to react ¶ expeditiously and unilaterally to defend the nation when confronted with ¶ imminent peril.¶ 50¶ However, the Framers drew a precise distinction when ¶ they specifically empowered the President “to repel and not to commence ¶ war.”¶ 51¶ Alexander Hamilton explained that latitude was required “because ¶ it is impossible to foresee or to define the extent and variety of national ¶ exigencies, and the correspondent extent and variety of the means which ¶ may be necessary to satisfy them.”¶ 52

#### Targeted killing refers only to personality strikes

Rushforth 2012 [Elinor June Rushforth Fall, 2012¶ Arizona Journal of International and Comparative Law¶ 29 Ariz. J. Int'l & Comp. Law 623¶ “NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012”]

Often treated as interchangeable terms, the definitions of "assassination" and "targeted killing" will continue to shape the discussion of targeted killing in modern conflict. "Targeted killing" refers to personality strikes on identifiable terrorist leaders. 42 Academics, jurists, international figures, and military officials alike have struggled to create a meaningful distinction between the two without appearing to have a political agenda. With this in mind, defining "assassination" remains perhaps one of the most controversial aspects of the assassination/targeted killing debate. The United States and the international community have had trouble defining this term because doing so inevitably requires assumptions and judgment calls that would make any official uncomfortable. "Political assassination," "head-of-state," "de facto head-of-state," "lawful killing": all are terms that have plagued those who have sought to give the term assassination a definition that is both meaningfully specific, yet broad enough to cover enough situations. 43 In this section, the traditional definition of assassination (stated below) will guide the discussion.

#### Precision DA- Bush policy confirms they should be considered distinct

Zenko 2013 [Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Wash- ington, DC, at the Brookings Institution, Congressional Research Ser- vice, and State Department’s Office of Policy Planning January 2013 Council on Foreign Relations Special Report no. 65 “Reforming U.S. Drone Strike Policies”]

Whereas previously President George W. Bush had only permitted the targeted killing of specific individuals, in 2008 he authorized the prac- tice of so-called signature drone strikes against suspected al-Qaeda and Taliban fighters in Pakistan. Also termed “crowd killing” or terrorist attack disruption strikes by CIA officials, signature strikes target anon- ymous suspected militants “that bear the characteristics of Qaeda or Taliban leaders on the run.”31 President Obama extended and expanded this practice into Yemen, which “in effect counts all military-age males in a strike zone as combatants . . . unless there is explicit intelligence posthumously proving them innocent.”32 Human rights advocates, international legal experts, and current and former U.S. officials dis- pute whether this post hoc methodology meets the principle of distinc- tion for the use of lethal force.

#### Limits DA- lots of other missions that drones are used for- their interp allows anything a drone does to become targeted killing- opens the door to affs about combat drones like the ones on aircraft carriers- shifts the debate away from the core terrorism issue of warfighting

#### Vote neg

#### Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into competing truth claims, which destroys the decision-making benefits of the activity (need to retag)

Steinberg and Freeley ‘13

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, *Argumentation and Debate*

*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four,” because there is simply no controversy about this state­ment. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions of issues, there is no debate. Controversy invites decisive choice between competing positions. Debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants live in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terri­ble job! They' are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do some­thing about this” or, worse, “It’s too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies, The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved; That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean *Iliad* the written word is more effec­tive than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote weII-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advo­cates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Competition mediated through fair play is a dialogical process that encourages argumentative testing and mutual recognition of personal aspirations

Rawls 58 – a leading figure in moral and political philosophy (John, Justice as Fairness, Philosophical Review, April, JSTOR)

Similarly, the acceptance of the duty of fair play by participants in a common practice is a reflection in each person of the recognition of the aspirations and interests of the others to be realized by their joint activity. Failing a special explanation, their acceptance of it is a necessary part of the criterion for their recognizing one another as persons with similar interests and capacities, as the conception of their relations in the general position supposes them to be. Otherwise they would show no recognition of one another as persons with similar capacities and interests, and indeed, in some cases perhaps hypothetical, they would not recognize one another as persons at all, but as complicated objects involved in a complicated activity. To recognize another as a person one must respond to him and act towards him in certain ways; and these ways are intimately connected with the various prima facie duties. Acknowledging these duties in some degree, and so having the elements of morality, is not a matter of choice, or of intuiting moral qualities, or a matter of the expression of feelings or attitudes (the three interpretations between which philosophical opinion frequently oscillates); it is simply the possession of one of the forms of conduct in which the recognition of others as persons is manifested. These remarks are unhappily obscure. Their main purpose here, however, is to forestall, together with the remarks in Section 4, the misinterpretation that, on the view presented, the acceptance of justice and the acknowledgment of the duty of fair play depends in every day life solely on there being a de facto balance of forces between the parties. It would indeed be foolish to underestimate the importance of such a balance in securing justice; but it is not the only basis thereof. The recognition of one another as persons with similar interests and capacities engaged in a common practice must, failing a special explanation, show itself in the acceptance of the principles of justice and the acknowledgment of the duty of fair play.

#### Simualted national security law debates inculcate agency and decision-making skills—that enables activism and avoids cooption

Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11/13, National Security Law Pedagogy and the Role of Simulations, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

### 1NC

#### **Local changes are doomed for achieving global change, this prevents anti-capitalist action.**

Adam Katz, English Instructor at Onodaga Community College. 2000. Postmodernism and the Politics of “Culture.” Pg. 146-147

Habermas’s understanding of undistorted communication is situated within the same problematic as the postmodernism of Lyotard in a much more fundamental sense than would be indicated by the apparent opposi­tion between them. Both locate emancipatory knowledges and politics in the liberation of language from technocratic imperatives. And the political consequences are the same as well. In both cases, **local transformations** (the deconstruction and reconstruction of distorted modes of communica­tion) **that create more democratic** or rational **sites of intersubjectivity are all that is seen as possible**, “with the goal,” as Brantlinger says, “of at least local emancipations from the structure of economic, political **and** cultural domination” (1990, 191—192, emphasis added). The addition of “at least” to the kinds of changes sought **suggests a broader, potentially global role for critique**, such as showing “how lines of force in society can be transformed into authentic modes of participatory decision making” (19711. **However, the transition from one mode of transformation to an­other**—what should be **the fundamental task** of cultural studies—**is left unconceptualized and is implicitly understood as a kind of additive or cu­mulative spread of local democratic sites until society** as a whole **is trans­formed. What this overlooks**, of course, **is the way in which, as long as global economic and political structures remain unchanged and unchal­lenged, local emancipations can only be redistributions**—redistributions **that actually support existing social relations by merely shifting the greater burdens onto others** who are **less capable of achieving** their own local **emancipation**. This implicit alliance between the defenders of modernity and their postmodern critics (at least on the fundamental ques­tion) also suggests that we need to look for the roots and consequences of this alliance in the contradictions of the formation of the cultural studies public intellectual.

#### The focus on the primacy of discourse ruptures this. Post-structuralist criticism makes lack of objectivity natural – but there are objective truths, like the oppression of workers globally – and you prevent real, radical change from occurring in addition to reifying capitalism.

Zavarzadeh 94, Mas'ud Department of English, Syracuse University, editor of Transformation: Marxist Boundary Work in Theory, Economics, Politics and Culture—a biquarterly published by the not-for-profit Maisonneuve Press, College Literature Vol 21 Issue 3, “The Stupidity That Consumption is Just as Productive as Production: In the Shopping Mall of the Post-Al Left” http://www.jstor.org/stable/25112139)

The unsurpassable objectivity which is not open to rhetorical interpretation and constitutes the decided foundation of critique is the "outside" that Marx calls the "Working Day" (Capital 1: 340-416). ([France] willfully misrecognizes my notion of objectivity by confusing my discussion of identity politics and objectivity.) The working day is not what it seems: its reality, like the reality of all capitalist practices, is an alienated reality--there is a contradiction between its appearance and its essence. It "appears" as if the worker, during the working day, receives wages that are equal compensation for his labor. This mystification originates in the fact that the capitalist pays not for "labor" but for "labor power": when labor power is put to use it produces more than it is paid for. The "working day" is the site of the unfolding of this fundamental contradiction: it is a divided day, divided into "necessary labor"--the part in which the worker produces value equivalent to his wages--and the "other," the part of "surplus labor"--a part in which the worker works for free and produces "surplus value." The second part of the working day is the source of profit and accumulation of capital. "Surplus labor" is the OBJECTIVE FACT of capitalist relations of production: without "surplus labor" there will be no profit, and without profit there will be no accumulation of capital, and without accumulation of capital there will be no capitalism. The goal of bourgeois economics is to conceal this part of the working day, and it should therefore be no surprise that, as a protector of ruling class interests in the academy, [Hill], with a studied casualness, places "surplus value" in the adjacency of "radical bible-studies" and quietly turns it into a rather boring matter of interest perhaps only to the dogmatic. To be more concise: "surplus labor" is that objective, unsurpassable "outside" that cannot be made part of the economies of the "inside" without capitalism itself being transformed into socialism. Revolutionary critique is grounded in this truth--objectivity--since all social institutions and practices of capitalism are founded upon the objectivity of surplus labor. The role of a revolutionary pedagogy of critique is to produce class consciousness so as to assist in organizing people into a new vanguard party that aims at abolishing this FACT of the capitalist system and transforming capitalism into a communist society. As I have argued in my "Postality" [Transformation 1], (post)structuralist theory, through the concept of "representation," makes all such facts an effect of interpretation and turns them into "undecidable" processes. The boom in ludic theory and Rhetoric Studies in the bourgeois academy is caused by the service it renders the ruling class: it makes the OBJECTIVE reality of the extraction of surplus labor a subjective one--not a decided fact but a matter of "interpretation." In doing so, it "deconstructs" (see the writings of such bourgeois readers as Gayatri Spivak, Cornel West, and Donna Haraway) the labor theory of value, displaces production with consumption, and resituates the citizen from the revolutionary cell to the ludic shopping mall of [France]. Now that I have indicated the objective grounds of "critique," I want to go back to the erasure of critique by dialogue in the post-al left and examine the reasons why these nine texts locate my critique-al writings and pedagogy in the space of violence, Stalinism, and demagoguery. Violence, in the post-al left, is a refusal to "talk." "To whom is Zavarzadeh speaking?" asks [ Williams], who regards my practices to he demagogical, and [ Bernard-Donals] finds as a mark of violence in my texts that "The interlocutor really is absent" from them. What is obscured in this representation of the non-dialogical is, of course, the violence of the dialogical. I leave aside here the violence with which these advocates of non-violent conversations attack me in their texts, and cartoon. My concern is with the practices by which the post-al left, through dialogue, naturalizes (and eroticizes) the violence that keeps capitalist democracy in power. What is violent? Subjecting people to the daily terrorism of layoffs in order to maintain high rates of profit for the owners of the means of production or redirecting this violence (which gives annual bonuses, in addition to multi-million-dollar salaries, benefits, and stock options, to the CEOs of the very corporations that are laying off thousands of workers) against the ruling class in order to end class societies? What is violent? Keeping millions of people in poverty, hunger, starvation, and homelessness, and deprived of basic health care, at a time when the forces of production have reached a level that can, in fact, provide for the needs of all people, or trying to overthrow this system? What is violent? Placing in office, under the alibi of "free elections," postfascists (Italy) and allies of the ruling class (Major, Clinton, Kohl, Yeltsin) or struggling to end this farce? What is violent? Reinforcing these practices by "talking" about them in a "reasonable" fashion (that is, within the rules of the game established by the ruling class for limited reform from "within") or marking the violence of conversation and its complicity with the status quo, thereby breaking the frame that represents "dialogue" as participation, when in fact it is merely a formal strategy for legitimating the established order? Any society in which the labor of many is the source of wealth for the few--all class societies--is a society of violence, and no amount of "talking" is going to change that objective fact. "Dialogue" and "conversation" are aimed at arriv-ing at a consensus by which this violence is made more tolerable, justifiable, and naturalized.

#### **This turns the case and guarantees extinction**

Brown, 05 (Charles, Professor of Economics and Research Scientist at the University of Michigan, 05/13/2005, http://archives.econ.utah.edu/archives/pen-l/2005w15/msg00062.htm)

The capitalist class owns the factories, the banks, and transportation-the means of production and distribution. Workers sell their ability to work in order to acquire the necessities of life. Capitalists buy the workers' labor, but only pay them back a portion of the wealth they create. Because the capitalists own the means of production, they are able to keep the surplus wealth created by workers above and beyond the cost of paying worker's wages and other costs of production. This surplus is called "profit" and consists of unpaid labor that the capitalists appropriate and use to achieve ever-greater profits. These profits are turned into capital which capitalists use to further exploit the producers of all wealth-the working class. Capitalists are compelled by competition to seek to maximize profits. The capitalist class as a whole can do that only by extracting a greater surplus from the unpaid labor of workers by increasing exploitation. Under capitalism, economic development happens only if it is profitable to the individual capitalists, not for any social need or good. The profit drive is inherent in capitalism, and underlies or exacerbates all major social ills of our times. With the rapid advance of technology and productivity, new forms of capitalist ownership have developed to maximize profit. The working people of our country confront serious, chronic problems because of capitalism. These chronic problems become part of the objective conditions that confront each new generation of working people. The threat of nuclear war, which can destroy all humanity, grows with the spread of nuclear weapons, space-based weaponry, and a military doctrine that justifies their use in preemptive wars and wars without end. Ever since the end of World War II, the U.S. has been constantly involved in aggressive military actions big and small. These wars have cost millions of lives and casualties, huge material losses, as well as trillions of U.S. taxpayer dollars. Threats to the environment continue to spiral, threatening all life on our planet. M

illions of workers are unemployed or insecure in their jobs, even during economic upswings and periods of "recovery" from recessions. Most workers experience long years of stagnant real wages, while health and education costs soar. Many workers are forced to work second and third jobs to make ends meet. Most workers now average four different occupations during their lifetime, being involuntarily moved from job to job and career to career. Often, retirement-age workers are forced to continue working just to provide health care for themselves. With capitalist globalization, jobs move as capitalists export factories and even entire industries to other countries. Millions of people continuously live below the poverty level; many suffer homelessness and hunger. Public and private programs to alleviate poverty and hunger do not reach everyone, and are inadequate even for those they do reach. Racism remains the most potent weapon to divide working people. Institutionalized racism provides billions in extra profits for the capitalists every year due to the unequal pay racially oppressed workers receive for work of comparable value. All workers receive lower wages when racism succeeds in dividing and disorganizing them. In every aspect of economic and social life, African Americans, Latinos, Native Americans, Asian a nd Pacific Islanders, Arabs and Middle Eastern peoples, and other nationally and racially oppressed people experience conditions inferior to that of whites. Racist violence and the poison of racist ideas victimize all people of color no matter which economic class they belong to. The attempts to suppress and undercount the vote of the African American and other racially oppressed people are part of racism in the electoral process. Racism permeates the police, judicial and prison systems, perpetuating unequal sentencing, racial profiling, discriminatory enforcement, and police brutality. The democratic, civil and human rights of all working people are continually under attack. These attacks range from increasingly difficult procedures for union recognition and attempts to prevent full union participation in elections, to the absence of the right to strike for many public workers. They range from undercounting minority communities in the census to making it difficult for working people to run for office because of the domination of corporate campaign funding and the high cost of advertising. These attacks also include growing censorship and domination of the media by the ultra-right; growing restrictions and surveillance of activist social movements and the Left; open denial of basic rights to immigrants; and, violations of the Geneva Conventions up to and including torture for prisoners. These abuses all serve to maintain the grip of the capitalists on government power. They use this power to ensure the economic and political dominance of their class. Women still face a considerable differential in wages for work of equal or comparable value. They also confront barriers to promotion, physical and sexual abuse, continuing unequal workload in home and family life, and male supremacist ideology perpetuating unequal and often unsafe conditions. The constant attacks on social welfare programs severely impact single women, single mothers, nationally and racially oppressed women, and all working class women. The reproductive rights of all women are continually under attack ideologically and politically. Violence against women in the home and in society at large remains a shameful fact of life in the U.S.

#### **Reject the aff to validate and adopt the method of historical materialism that is the 1NC.**

#### **Class first--one must understand the existing social totality before one can act on it—grounding the sites of political contestation or knowledge outside of labor and surplus value merely serve to humanize capital and prevent a transition to a society beyond oppression**

Tumino (Prof. English @ Pitt) 01

Stephen, “What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critiqu

Any **effective political theory will have to** do at least two things: it will have to **offer an integrated understanding of social practices and, based on such** an interrelated **knowledge, offer** a guideline for **praxis**. My main argument here is that among all contesting social theories now, **only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity**. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that **to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality**. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This **systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions** and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All **modes** of Marxism **now explain social inequalities primarily on the basis of these secondary contradictions and in doing so**—and this is my main argument—**legitimate capitalism**.

Why? **Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society**, based on cultural equality but economic inequality, **has always been the not-so-hidden agenda of the bourgeois** left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . **For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable**, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). **Such an understanding** of social inequality **is based on the fundamental understanding that the source of wealth is human knowledge and not** human **labor.** That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. **Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth.** In this paper I argue that **any emancipatory theory has to be founded on recognition** of the priority of Marx's labor theory of value **and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory**.

### Case

#### Moral evaluation of drones requires considering the most likely alternatives that would replace them---they’re all worse for casualties and violence

#### The 1AC should have to defend that the alternative methods to conducting war are better than squo drone warfare - their rejection of increased precision tech results in more civilian casualties and turns the case

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

EFFECTIVENESS IS ONE THING, MORALITY ANOTHER. The leading objection to drone warfare today **is that it supposedly involves** large, or "**excessive**," numbers of **civilian casualties**, **and** that the claims of **precision and discrimination are greatly overblown**. **These are partly factual questions full of unknowns and many contested issues**. The Obama administration did not help itself by offering estimates of civilian collateral damage early on that ranged absurdly from zero to the low two digits. This both squandered credibility with the media and, worse, set a bar of perfection -- zero civilian collateral damage -- that no weapon system could ever meet, while distracting people entirely from the crucial question of what standard civilian harms should be set against.¶ **The most useful estimates of civilian casualties** from targeted killing with drones **come from the New America Foundation** (NAF) **and the Foundation for Defense of Democracies**, which each keep running counts of strikes, locations, and estimates of total killed and civilian casualties. **They don't pretend to know what they don't know, and rely on open sources and media accounts**. **There is no independent journalistic access to Waziristan** to help corroborate accounts that might be wrong or skewed by Taliban sources, Pakistani media, Pakistani and Western advocacy groups, or the U.S. or Pakistani governments. Pakistan's military sometimes takes credit for drone strikes against its enemies and sometimes blames drone strikes for its own air raids against villages. A third source of estimates, UK-based The Bureau of Investigative Journalism (TBIJ), comes up with higher numbers.¶ TBIJ (whose numbers are considered much too high by many knowledgeable American observers) came up with a range, notes Georgetown law professor and former Obama DOD official Rosa Brooks. The 344 known drone strikes in Pakistan between 2004 and 2012 killed, according to TBIJ, between "2,562 and 3,325 people, of whom between 474 and 881 were civilians." The NAF, she continues, came up with slightly lower figures, somewhere "between 1,873 and 3,171 people killed overall in Pakistan, of whom between 282 and 459 were civilians." (Media have frequently cited the total killed as though it were the civilians killed.) Is this a lot of civilians killed? Even accepting for argument's sake TBIJ's numbers, Brooks concludes, if you work out the "civilian deaths per drone strike ratio for the last eight years…on average, each drone strike seems to have killed between 0.8 and 2.5 civilians." **In practical terms**, adds McNeal, this suggests **'less than three civilians killed per strike, and that's using the highest numbers" of any credible estimating organization**.\*¶ **Whether any of this is "disproportionate**" or "excessive" **as a matter of the laws of war cannot be answered** simply **by comparing total deaths to civilian deaths**, **or civilian deaths per drone strike**, however. **Although commentators often leap to a conclusion in this way**, **one cannot answer the legal question of proportionality without an assessment of the military benefits anticipated**. Moreover, part of the disputes over numbers involves not just unverifiable facts on the ground, but differences in legal views defining who is a civilian and who is a lawful target. The U.S. government's definition of those terms, following its longstanding views of the law of targeting in war, almost certainly differs from those of TBIJ or other liberal nongovernmental groups, particularly in Europe. Additionally, **much of drone warfare today targets groups who are deemed, under the laws of war, to be part of hostile forces**. **Targeted killing aimed at individuated high-value targets is a much smaller part of drone warfare than it once was**. The targeting of groups, however, while lawful under long-standing U.S. interpretations of the laws of war, might result in casualties often counted by others as civilians.¶ Yet **irrespective of what numbers one accepts** as the best estimate of harms of drone warfare, or the legal proportionality of the drone strikes, the moral question is simply, What's the alternative? One way to answer this is to start from the proposition that **if you believe the use of force in these circumstances is lawful and ethical**, then all things being equal as an ethical matter, **the method of force used should be the one that spares the most civilians while achieving its lawful aims**. If that is the comparison of moral alternatives, there is simply no serious way to dispute that drone warfare is the best method available. It is more discriminating and more precise than other available means of air warfare, including manned aircraft -- as France and Britain, lacking their own drones and forced to rely on far less precise manned jet strikes, found over Libya and Mali -- and Tomahawk cruise missiles.¶ **A second observation is to look across the history of precision weapons** in the past several decades. I started my career as a human-rights campaigner, kicking off the campaign to ban landmines for leading organizations. Around 1990, I had many conversations with military planners, asking them to develop more accurate and discriminating weapons -- ones with smaller kinetic force and greater ability to put the force where sought. Although every civilian death is a tragedy, and drone warfare is very far from being the perfect tool the Obama administration sometimes suggests, **for someone who has watched weapons development over a quarter century,** the drone represents a steady advance in precision that has cut zeroes off collateral-damage figures.¶ Those who see only the snapshot of civilian harm today are angered by civilian deaths. But **barring an outbreak of world peace**, **it is** foolish and immoral not to encourage the development and use of more sparing and exact weapons. One has only to **look at the campaigns of the Pakistani army to see the alternatives in action**. **The Pakistani military** for many years **has been in a running war with its own Taliban and has regularly attacked villages** in the tribal areas **with heavy and imprecise airstrikes**. A few years ago, it thought it had reached an accommodation with an advancing Taliban, but when the enemy decided it wanted not just the Swat Valley but Islamabad, the Pakistani government decided it had no choice but to drive it back. And it did, with a punishing campaign of airstrikes and rolling artillery barrages that leveled whole villages, left hundreds of thousands without homes, and killed hundreds.¶ **But** **critics do not typically evaluate drones against the standards of the artillery barrage of manned airstrikes,** **because their assumption**, explicit or implicit, is that there is no call to use force at all. And of course, **if the assumption is that you don't need or should not use force**, **then any civilian death by drones is excessive**. **That cannot be blamed on drone warfare**, its ethics or effectiveness, **but on a** much bigger **question of whether one ought to use force in counterterrorism at all**.

#### The likely alternative to targeted killings would be invasions or un-targeted killings, both of which involve far more state violence

Alan M. Dershowitz 12, the Felix Frankfurter professor of law at Harvard Law School, 11/15/12, “The Rule of Proportionality,” http://www.nytimes.com/roomfordebate/2012/11/14/how-can-targeted-killings-be-justified/in-targeted-killings-the-rule-of-proportionality-should-be-the-guiding-principle

**If a combatant is appropriately subject to military attack**, as the military leader of Hamas certainly was, **then targeted assassination may be the preferred legal and moral course**. **It is** certainly better than a broad military attack **that might** endanger large numbers of noncombatants. **Targeted assassinations** are intended to **limit collateral damage by focusing specifically on the combatant**. Every reasonable effort should be made to avoid collateral damage. Sometimes it is impossible to eliminate completely all risk to noncombatants. In such cases, the military value of the target must be weighed against the likelihood and degree of collateral damage. The rule of proportionality should be the guiding principle.¶ It is sometimes argued that targeted assassination should never be permitted because it is a form of “extrajudicial killing.” This view is absurd: all military deaths are extrajudicial (as is killing in self-defense and shooting a fleeing felon). If a judicial element is to be added to targeted assassinations, it could take the form of a warrant requirement. Under such a requirement, the military or the executive would be obligated to seek a judicial warrant setting out the basis for why the target is an appropriate one, and why the risk of collateral damage is warranted. When time permits, such a warrant could be sought prior to the military action, but when immediate action is required by exigent circumstances, the warrant could be obtained after the fact. This is far from a perfect solution, but it introduces a more neutral decision maker into the balancing process. ¶ **The alternatives to targeted killing are either to allow terrorists free rein in targeting civilians or to** engage in undertargeted military actions **that are** likely to cause more casualties. **Targeted assassination will often be the** least bad alternative in an inevitable choice of evils.

#### They have no uniqueness---by removing the human element, war is no longer lionized and made heroic---this shift restrains violence by making harm done to our enemies presumptively unjustifiable and therefore only acceptable in truly exceptional circumstances

Kiel Brennan-Marquez 13, Visiting Human Rights Fellow at Yale Law School, 5/24/13, “A Progressive Defense of Drones,” http://www.salon.com/2013/05/24/a\_progressive\_defense\_of\_drones/

In Thursday’s speech before the National Defense University, President Obama reflected on the concerns about “morality and accountability” raised by drone strikes. Emphasizing the importance of “clear guidelines” and intelligence gathering to properly “constrain” the use of drones, the president also maintained a firm stance on their necessity: **Even though drone strikes sometimes result in civilian casualties,** in many circumstances **they remain the** most effective option for realizing specific military objectives.¶ As a liberal, I’m against drones essentially by reflex. At least, I used to be. Recently, I’ve begun to reconsider that view; and I’m no longer sure where I come down on the morality of drone strikes. Disturbing as I find state-sponsored violence, **when drones do the killing instead of soldiers**, it seems apparent that **we have an** easier time recognizing the violence as horrific. War, in its traditional form, distorts our moral reasoning. Drones do not**.** And as much it grates against my broader political commitments to say so, **this is plainly a benefit of drone warfare**, other shortcomings notwithstanding.¶ Many **detractors have pointed out that drone strikes**, because they put none of our soldiers in harm’s way, **are “less costly**.” Without our own lives on the line, the theory goes, leaders will feel little compunction — not even the minimal compunction of political exposure — about condemning other human beings to death, especially when those other human beings live many thousands of miles away. To me, this critique seems undeniably right: the numbness that results from using machines rather than soldiers to carry out our dirty work is obviously a moral shortcoming of drone warfare. Simply put, when violence is employed more easily, it will also be employed more often. Hence the nightmarish image of an 18-year-old drone operator basically playing video games from the detached safety of a Nevada bunker.¶ **But there is another moral dimension to drone warfare**, **running in the opposite direction, which** I fear **has been lost in the haze of** (rightful) **outcry**. **For the same reason** that drone warfare stands to make violence easier to deploy — **none of our lives are on the line** — **it also** makes violence harder to rationalize. **The pain and death of drone strikes**, **unlike** the pain and death of **traditional missions**, **can draw** no **comfort from narratives of heroism**. **Destruction wrought by machines is neither noble nor grand**. **It’s asinine, and unfailingly repugnant**. **This means** that **drone strikes must be justified on their own terms**, without recourse to war’s long-standing mystification. **In a world where we apotheosize soldiers**, **and rope off their actions from everyday opprobrium**, **it’s important to consider whether** **the banal violence of machines might be preferable to the lionized violence of men**.¶ A year ago, Tom Engelhardt published a memorable essay in the Nation on the vileness of drone warfare. Taking a healthily incredulous view of the Obama administration’s assurance that it would use its lurid toy for exclusively virtuous ends, Engelhardt concluded with a flourish of outrage: “What [our leaders] can’t see in the haze of exceptional self-congratulation is this: they are transforming the promise of America into a promise of death. And death, visited from the skies, isn’t precise. It isn’t glorious. It isn’t judicious. It certainly isn’t a shining vision. It’s hell.” Magnificently put: The only trouble is that these same critiques would apply just as forcefully, if not more so, to traditional warfare. War isn’t precise. It isn’t glorious. It isn’t judicious. It isn’t a shining vision. It’s hell. ¶ **The difference between traditional warfare and drone strikes is that the latter can be clearly identified as hellacious**. Not just by poets and philosophers – but by everyone, everywhere, in the immediacy of its horror. **When innocent people end up dead as the result of a drone strike, we easily recognize that outcome as morally lamentable**. **Undaunted by the symbolic distortion of the battlefield**, **we confront drones with the skepticism — and**, as the case may be, the **outrage** — **that accompanies** moral clarity. The burden of proof inverts. **Unlike traditional warfare, when the loss of life on the other side is** presumptively acceptable, and it only becomes unacceptable if circumstances render it so, **in the case of drone strikes, the loss of lives on the other side is** presumptively unacceptable, **and it only becomes acceptable if a persuasive rationale can be offered**. **Such rationales are not impossible** to formulate, **but it faces a steep upward grade**. It’s an argument of last resort, defensive rather than triumphant.

#### Targeted killing upholds value to life and is used against terrorists who have given up their innocence – preventing the deaths of other innocent victims justifies striking and isn’t murder

Steven Clark 12, J.D. Candidate, Indiana University School of Law, Served in the Foreign Service Institute's Stability Operations Division supporting Afghanistan, Pakistan and Iraq training programs, Summer 2012, “Targeted Killings: Justified Acts of War or Too Much Power for One Government?,” Global Security Studies, Vol. 3, No. 3, <http://globalsecuritystudies.com/Clark%20Targeted.pdf>

There are two basic models for dealings with threats. The first is the war model, and the second uses the non-war model. The non-war model envisions criminal law, police forces, and others of the like dealing with threats of terrorist violence. As previously mentioned, when using targeted killings that option is not available and one is forced to use the war model. In the war model, “soldiers of all sides are permitted to kill any soldier of the adversary, unless the latter surrenders or in limited exceptional circumstances.”48 This is based on the “Orthodox View” of moral theorists. According to the Jeff McMahan of Rutgers University:¶ …the Orthodox View among moral theorists is that, while it is normally or even always wrong intentionally to attack or kill the innocent, people may, because of what they do, render themselves relevantly noninnocent, thereby losing their moral immunity to intentional attack and instead becoming liable, or morally vulnerable, to attack. To be innocent, on this view, is to be harmless; correspondingly, one ceases to be innocent if one poses an imminent threat of harm to, or is engaged in harming, another person.49¶ Therefore, if terrorists present themselves as imminent threats, they lose their right to innocence during a time of war and can therefore be killed within the law of war. ¶ However, for the Orthodox View to apply one must be able to use the war model and, therefore, one must be at war. It has already been established in this research that the United States is at war with al-Qaeda because of the seriousness of the threat posed and practicability of using law-enforcement to combat them. The scale of the threat posed by al-Qaeda is not overstated. They have killed thousands of people and injured many more. There is an easily identifiable difference between thugs that aim to kill in the dozens (significant itself) and an organization that aims to kill in the thousands. Because of difference in scale and their remote locations, conventional domestic law-enforcement is not equipped to deal with such a threat. For these reasons, the United States’ actions against al-Qaeda and other terrorist organizations is war.¶ Some question whether the analogy of war applies to the targeted killing of terrorists. Michael Gross, Chair of the Department of International Relations at The University of Haifa, Israel claims that:¶ Soldiers fight anonymously, as agents for the political communities they defend, and without any ‘personal’ grievances against their adversary. This is part of the veil that soldiers must wear to override the normal human aversion to murder. But naming names lifts the veil, pushing self-defence perilously close to premeditated murder and beyond the pale of permissible warfare. 50 ¶ What he is claiming is that the difference between what happens in war and through targeted killings is the naming of the target. According to him, no longer is the battle soldier simply fighting soldiers, but now people are being named, which is somehow different than conventional war. He claims that naming your target is akin to murder.¶ Though Gross claims that this is somewhat different than conventional warfare, he is wrong. In many circumstances in warfare soldiers specifically select their targets, and sometimes name them. For example, according to the United States Army’s Sniper Training manual, snipers are trained to take out specific targets first.51 Their key targets are other snipers, dog tracking teams, scouts, officers, noncommissioned officers, and so on. To find these targets, soldiers must specifically look for certain traits or markings. The soldiers in this case are not just simply indiscriminately killing other soldiers. Instead, this is a form of naming their targets.¶ The naming argument fails on another level as well. Contrary to Gross’s assumption, going after specific individuals during past wars has occurred. During World War II, the United States shot down the plane carrying Yamamoto Isoroku. Isoroku was one of Japan’s best naval officers and had originally conceived the idea for a surprise attack on the United States at Pearl Harbor. When intelligence was gathered on Isoroku’s flight plan, the Americans shot down the admiral’s plane and killed him.52 Similarly, during the Persian Gulf War with Iraq, the United States “launched 260 missions against sites where they thought [Saddam Hussein] might be hiding.”53 Though he was not killed, these attempts show that targeting specific individuals is not exclusively a post September 11th concept and has been used during conventional wars. ¶ Gross’s claim that the practice of targeted killing is “morally abhorrent”54 is quite hypocritical. His acceptance of killing during conventional war, yet not this type of killing because of the naming aspect is puzzling at best. If a state is attacked by a terrorist and decides to invade a third party state where that terrorist finds a safe haven, this is an acceptable practice. Yet, if the same country strategically eliminates only the threat through the use of technology without invading the entire country, this is a questionable practice. The U.S. invasion of Afghanistan has shown over the last decade that with conventional war comes a multitude of other problems. It is a safe assumption that during times of conventional war there will be collateral damage. Naming targets attempts to lessen that collateral damage and minimize the indiscriminate killing that is often associated with war. By doing this, countries are actually bringing more dignity to human life because they are attempting to attack only the specific threats. This minimizes collateral damage and loss of life. For Gross to insinuate that indiscriminate killing is morally allowable in war, yet going after specific threats is reprehensible is a false and absurd claim.¶ The claim that targeted killings are similar to premeditated murder is also preposterous. What Gross is trying to do is paint a picture of a malevolent country killing people without regard for humanity and acting out of vengeance. However, this is a completely false picture. In an interview with the US television show 60 Minutes, former head of the Mossad (the Israeli intelligence agency) Meir Dagan gave a very candid glimpse into how he felt about missions where targeted killings were used. He said, “There is no pleasure in killing. There is no joy in killing people.”55 He also said, “I never, ever, killed nobody, or [Israeli intelligence] were engaged in killing somebody, who was unarmed.”56 This is drastically different than a premeditated murder that is used for revenge. Instead, this shows a country involved in selfdefense, which uses all necessary military tools. Because of these reasons, Gross’s claims fall short on many levels.

#### Turn: Bleiker’s small action approach will fail and be overcome by patterns of micro-domination. Don’t be fooled-the affirmative attempt at refusal makes you feel like you are doing the right thing but will leave unchallenged the true source of domination. (green)

Brian Martin, 2001Book Review, published in social alternatives vol 20 no 1 jan 2001 <http://www.uow.edu.au/arts/sts/bmartin/pubs/01BRsa.html>

The book raises as many questions as it answers. While both large-scale and subtle forms of resistance to domination are discussed, their interactions require more analysis. Bleiker argues that a slow transformation of values, fostered by small changes in language and behaviour, can lay the basis for major events such as the collapse of East Germany, but he does not discuss how major public forms of nonviolent action may foster a transformation of values.The concept of a slow transformation of values through forms of micro-resistance sounds great, but what about a contrary slow transformation of values through processes of micro-domination? Advertisements, mass media news values and technological environments such as roads and buildings can all shape people's consciousness. There are struggles at the micro as well as the macro level. Use of new linguistic forms in poetry can be a form of resistance to domination, but advertisers also use challenges to linguistic forms for very different goals.Bleiker uses a refusal to buy non-reusable milk containers as an example of a form of tactical resistance that escapes the usual picture where there is a definite adversary. However, this form of consumer refusal also may be interpreted as a means for feeling that one is doing the right thing while leaving unchallenged the dominant forces promoting excess resource use, an argument long made by critical environmentalists. This example, while minor in itself, reveals some limitations to the 'small action' approach to social change

#### Drones and targeted killings create a beneficial shift in our cultural view of war---by removing the human element, war is no longer lionized and made heroic---this shift restrains violence by making harm done to our enemies presumptively unjustifiable and therefore only acceptable in truly exceptional circumstances

Kiel Brennan-Marquez 13, Visiting Human Rights Fellow at Yale Law School, 5/24/13, “A Progressive Defense of Drones,” http://www.salon.com/2013/05/24/a\_progressive\_defense\_of\_drones/

In Thursday’s speech before the National Defense University, President Obama reflected on the concerns about “morality and accountability” raised by drone strikes. Emphasizing the importance of “clear guidelines” and intelligence gathering to properly “constrain” the use of drones, the president also maintained a firm stance on their necessity: Even though drone strikes sometimes result in civilian casualties, in many circumstances they remain the most effective option for realizing specific military objectives.¶ As a liberal, I’m against drones essentially by reflex. At least, I used to be. Recently, I’ve begun to reconsider that view; and I’m no longer sure where I come down on the morality of drone strikes. Disturbing as I find state-sponsored violence, when drones do the killing instead of soldiers, it seems apparent that we have an easier time recognizing the violence as horrific. War, in its traditional form, distorts our moral reasoning. Drones do not. And as much it grates against my broader political commitments to say so, this is plainly a benefit of drone warfare, other shortcomings notwithstanding.¶ Many detractors have pointed out that drone strikes, because they put none of our soldiers in harm’s way, are “less costly.” Without our own lives on the line, the theory goes, leaders will feel little compunction — not even the minimal compunction of political exposure — about condemning other human beings to death, especially when those other human beings live many thousands of miles away. To me, this critique seems undeniably right: the numbness that results from using machines rather than soldiers to carry out our dirty work is obviously a moral shortcoming of drone warfare. Simply put, when violence is employed more easily, it will also be employed more often. Hence the nightmarish image of an 18-year-old drone operator basically playing video games from the detached safety of a Nevada bunker.¶ But there is another moral dimension to drone warfare, running in the opposite direction, which I fear has been lost in the haze of (rightful) outcry. For the same reason that drone warfare stands to make violence easier to deploy — none of our lives are on the line — it also makes violence harder to rationalize. The pain and death of drone strikes, unlike the pain and death of traditional missions, can draw no comfort from narratives of heroism. Destruction wrought by machines is neither noble nor grand. It’s asinine, and unfailingly repugnant. This means that drone strikes must be justified on their own terms, without recourse to war’s long-standing mystification. In a world where we apotheosize soldiers, and rope off their actions from everyday opprobrium, it’s important to consider whether the banal violence of machines might be preferable to the lionized violence of men.¶ A year ago, Tom Engelhardt published a memorable essay in the Nation on the vileness of drone warfare. Taking a healthily incredulous view of the Obama administration’s assurance that it would use its lurid toy for exclusively virtuous ends, Engelhardt concluded with a flourish of outrage: “What [our leaders] can’t see in the haze of exceptional self-congratulation is this: they are transforming the promise of America into a promise of death. And death, visited from the skies, isn’t precise. It isn’t glorious. It isn’t judicious. It certainly isn’t a shining vision. It’s hell.” Magnificently put: The only trouble is that these same critiques would apply just as forcefully, if not more so, to traditional warfare. War isn’t precise. It isn’t glorious. It isn’t judicious. It isn’t a shining vision. It’s hell. ¶ The difference between traditional warfare and drone strikes is that the latter can be clearly *identified* as hellacious. Not just by poets and philosophers – but by everyone, everywhere, in the immediacy of its horror. When innocent people end up dead as the result of a drone strike, we easily recognize that outcome as morally lamentable. Undaunted by the symbolic distortion of the battlefield, we confront drones with the skepticism — and, as the case may be, the outrage — that accompanies moral clarity. The burden of proof inverts. Unlike traditional warfare, when the loss of life on the other side is presumptively acceptable, and it only becomes unacceptable if circumstances render it so, in the case of drone strikes, the loss of lives on the other side is presumptively unacceptable, and it only becomes acceptable if a persuasive rationale can be offered. Such rationales are not impossible to formulate, but it faces a steep upward grade. It’s an argument of last resort, defensive rather than triumphant.

#### Precision solves collateral killings

Brooks 2012 [Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department “What's Not Wrong With Drones?” September 5, 2012 Foreign Policy http://www.foreignpolicy.com/articles/2012/09/05/whats\_not\_wrong\_with\_drones?page=0,3]

But to paraphrase the NRA, "Drones don't kill people, people kill people." At any rate, drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. Drones actually permit far greater precision in targeting. Today's unmanned aerial vehicles (UAVs) can carry small bombs that do less widespread damage, and there's no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more "time on target" than any manned aircraft.¶ Drones can engage in "persistent surveillance.­" That means they don't just swoop in, fire missiles and swoop out: they may spend hours, days, or even months monitoring a potential target. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems.

# 2NC

## 2NC Overview

#### **Globalization is making war more dangerous and changing the way it is fought – simplistic statistics don’t assume the changing nature of war and new transnational threats – turns root cause args**

Echevarria 03 – (Mar. 2003, Lieutenant Colonel Antulio J. Echevarria, PhD in History, Princeton University, Director of Research for the U.S. Army War College, 23 year long military career, published extensively in scholarly and professional journals on topics related to military history and theory and strategic thinking, graduate of the U.S. Military Academy, the U.S. Army Command and General Staff College, and the U.S. Army War College, “GLOBALIZATION AND THE NATURE OF WAR,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pdffiles/pub215.pdf

Despite its apparent positive impact on the spread of democracy and free-market economies, globalization might produce a more dangerous and unpredictable world, especially if the cultural backlash it has generated thus far g a t h e r s m o r e m o m e n t u m . T h i s w o r l d m i g h t b e characterized by shifting power relationships, ad hoc security arrangements, and an ever-widening gap between the r i ches t and poores t nat ions . 8 A number o f new democracies—lacking strong traditions for maintaining checks and balances—might, for example, collapse after only transitory successes. Transnational threats, such as international crime syndicates, terrorist networks, and drug cartels, could continue to grow in strength and influence, thriving among autocratic, weak, or so-called failed states. And, ethnic rivalries, nationalism, religiousbased antagonisms, and competition for scarce resources, including water, could go unresolved. Thus, serious crises wo u l d u n d o u b t e d l y a r i s e , e s p e c i a l l y a s t h e wo r l d ’ s population continues to grow. On the other hand, globalization could give rise to a more stable world in which national interests merge into the general aim of promoting peace, stability, and economic prosperity. 9 In this world, the rule of law and the existence of pluralistic political systems would continue to spread; and the number of free-market economies would expand, distributing economic prosperity still further. Even if this “Utopia” should materialize, a number of crises—some of which will undoubtedly require military intervention—will most likely have had to occur beforehand, since most autocratic regimes will probably not surrender power without a fight. Moreover, as the 1999 Kosovo crisis 2demonstrated, even relatively small states armed primarily with conventional weapons can pose significant security challenges to a superpower and its strategic partners. 10 The world need not devolve into a “clash of civilizations” or a “coming anarchy,” therefore, in order for military power to continue to play a significant role in the future. 11 In any case, globalization will surely continue and may even accelerate if data concerning the rate of technological change are any indication. 12 As numerous studies and strategic papers have pointed out, globalization is already changing how wars are being fought in the 21st century, making them more dangerous than in any previous era. 13 At a minimum, the greater mobility of people, things, and ideas will mean increased mobility for nonstate actors, weapons of mass destruction, and radical fundamentalism of all types. In fact, the U.S. Department of State currently reports that more than 60 active terrorist groups exist (with some 100,000 members); and over one-third of them have the capacity for global reach. 14 Furthermore, today’s terrorists have proven very adapt ive, learning f rom previous generations, and changing their tactics in response to new anti-terrorist measures. 15 Globalization clearly offers them some extraordinary capabilities to communicate and coordinate their efforts. Global i zat ion al so fac i l i tates the prol i ferat ion of des tabi l i z ing capabi l i t ies , such as weapons of mas s destruction or mass effect. Eleven countries currently have nuclear weapons programs; thirteen more are actively seeking them. 16 More than 25 countries now possess ballistic missiles, and over 75,000 cruise missiles are in existence, with the number expected to rise to between 80,000 and 90,000 by 2010. 17 Also, at least 17 countries— including the so-called “Axis of Evil”—currently have active chemical and biological weapons programs, and the number i s r i s ing. 1 8 As the As s i s tant Sec retary of State for Non-proliferation recently explained, despite the provisions 3of the Nuclear Non-proliferation Treaty and the Chemical and Biological Weapons conventions, proliferation of c h emi c a l , b i o l o g i c a l , r a d i o l o g i c a l , n u c l e a r a n d h i g h explosive/high yield weapons continues worldwide: “There is an intense sort of cooperation that goes on among countries that are trying to acquire such weapons.” 19 For example, China and North Korea have long contributed to the proliferation of chemical and biological weapons, both for strategic leverage against the United States and for economic advantages. 20 Thus, globalization assists some powerful motives that run counter to nonproliferation efforts. Biological weapons, especially, pose a serious threat not only to human populations, but also to agriculture and livestock. Unfortunately, U.S. crops lack genetic diversity, rendering them vulnerable to disease. Furthermore, the nation’s centralized feeding and marketing practices make livestock extremely vulnerable to a biological attack. If such an attack were to occur, a devastating ripple effect would surely spread throughout the global economy since the United States produces 30-50 percent of the world’s foodstuffs. 21 Globalization has also introduced a new form of warfare: cyber-war. More than 30 countries—including Russia, China, and several so-called rogue states—have developed or are developing the capability to launch strategic-level cyber attacks. 22 The interconnectedness of many nations’ infrastructures means that a successful cyber attack against a single sector in one country could result in adverse effects in other sectors within the same country, or those of its neighbors. Indeed, intended (and unintended) adverse effects could well travel globally. 23 If globalization is making war more dangerous and adding new dimensions to it (such as cyber space), is it in some way changing the nature of war? What exactly is the nature of war? These questions are of more than a purely 4academic interest, since the nature of a thing tends to define how it can and cannot be used.

## A2 Perm

#### Cooption - Trade off -- Aff understates importance of capital and focuses attention on meaningless struggles that prop up the status quo – Trade off -- Aff understates importance of capital and focuses attention on meaningless struggles that prop up the status quo

Smith ‘94

(Sharon, columnist for Socialist Worker and author of Women’s Liberation and Socialism, Mistaken Identity: or Can Identity Politics Liberate the Oppressed, <http://pubs.socialistreviewindex.org.uk/isj62/smith.htm>)

Following this logic, the struggles against exploitation and oppression do not correspond. **Within the politics of identity notions of radicalism and class politics** more often than not **are mutually exclusive**. **In practice this has meant replacing class politics with a politics of cross class alliances**, **and a strategy based upon 'direct action' tactics** – attention getting actions carried out by the enlightened few, the aim being to shock and disturb the ignorant masses. In the US the very names of some organizations reflect this aim – Queer Nation, the Lesbian Avengers, YELL, and Random Pissed Off Women. Some of these groups, along with more conventionally named organizations, such as the Women's Action Coalition (WAC), use a variety of direct action tactics. Often these actions resemble guerilla theatre more than anything else. Queer Nation, for example, has been known for its lesbian and gay 'kiss-ins', while WAC members sometimes remove their shirts as a way of getting attention. Sometimes **these actions can seem quite radical –** even a bit over the top. For example, as one of its first activities New York WAC protested at the opening of the new Guggenheim museum because of its 'racism, sexism, classism, ageism, Eurocentrism, nepotism, elitism, phallocentrism, and homophobia'.2 **But beneath a bold veneer the program is often standard liberalism.** Thus **at a Chicago WAC meeting** in the autumn of 1992 **members vowed defiantly to fight for 'patriarchal demolition', yet most adopted** tacit **support for** the Democratic presidential candidate, **Bill Clinton.** **Within these milieux it is currently in vogue to dismiss any attempt to draw a causal connection between economics and politics**, or between class society and oppression, as mechanical economic determinism, or 'reductionism'. And although undoubtedly many, if not most, of those active around identity politics are unaware of its theoretical underpinnings, it **is heavily influenced by the particular offshoot of postmodernism3 calling itself 'post-Marxism', for which the explicit rejection of the centrality of class is something of an obsession**

#### Autonomy – aff’s focus on individualism obscures the commonality of workers movements making coalition –building impossible. The impact to this outweighs the aff.

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**In the context of oppression the demand for 'autonomy' entails a deep sense of pessimism about the possibility of the working class movement fighting for the interests of all workers**, and for all who suffer oppression in society. In the framework o**f identity politics**, it **involves a pessimism about the possibility for building solidarity** even **amongst the oppressed**. Yet, as experience has shown**, elevating the notion of autonomy to a principle, as identity politics does, makes it** virtually **impossible to build the kind of movement which can end oppression**. **Class provides the only unifying basis for fighting against oppression. Only a movement organized on the basis of genuine solidarity between all who are** exploited and **oppressed by capitalism**, under the leadership of the working clas**s, holds the potential to wipe out oppression in all its forms**. The Marxist view is that **the working class cannot hope to win a socialist society unless the working class movement is united** on the basis of ending all forms of oppression and exploitation. Thus it is in workers' objective interests to fight oppression in all its forms.

#### Reformism – Their attempt to circumscribe political change within the realm of the “possible” confines the perm to the status quo and is incorporated into the smooth functioning of capitalism

Slavoj Zizek, Senior Researcher at the University of Ljubljana, Repeating Lenin <http://www.marxists.org/reference/subject/philosophy/works/ot/zizek1.htm> 1999

Today, we already can discern the signs of a kind of general unease — recall the series of events usually listed under the name of “Seattle.” The 10 years honeymoon of the triumphant global capitalism is over, the long-overdue “seven years itch” is here — witness the panicky reactions of the big media, which — from the Time magazine to CNN — all of a sudden started to warn about the Marxists manipulating the crowd of the “honest” protesters. **The problem is now the strictly Leninist one** — how to ACTUALIZE the media’s accusations: **how to invent the organizational structure which will confer on this unrest the FORM of the universal political demand**. **Otherwise, the momentum will be lost, and what will remain is the marginal disturbance, perhaps organized as a new Greenpeace, with certain efficiency, but also strictly limited goals**, marketing strategy, etc. **In other words, the key “Leninist” lesson today is: politics without the organizational FORM of the** [party](http://www.marxists.org/glossary/terms/p/o.htm#political-party) **is politics without politics, so the answer to those who want just the** (quite adequately named) **“**[New SOCIAL Movements](http://www.marxists.org/glossary/terms/s/o.htm#social-movement)” is the same as the answer of the Jacobins to the Girondin compromisers: **“You want revolution without a revolution!” Today’s blockade is that there are two ways open for the socio-political engagement: either play the game of the system, engage in the “long march through the institutions,” or get active in new social movements, from feminism through ecology to anti-racism. And, again, the limit of these movements is that they are not POLITICAL in the sense of the Universal Singular: they are “one issue movements” which lack the dimension of the universality, i.e. they do not relate to the social TOTALITY.** Here, Lenin’s reproach to liberals is crucial: they only EXPLOIT the working classes’ discontent to strengthen their position vis-a-vis the conservatives, instead of identifying with it to the end.[52](http://www.marxists.org/reference/subject/philosophy/works/ot/zizek1.htm#52) Is this also not the case with today’s Left liberals? **They like to evoke racism, ecology, workers’ grievances, etc., to score points** over the conservatives **WITHOUT ENDANGERING THE SYSTEM**. Recall how, in Seattle, Bill Clinton himself deftly referred to the protesters on the streets outside, reminding the gathered leaders inside the guarded palaces that they should listen to the message of the demonstrators (the message which, of course, Clinton interpreted, depriving it of its subversive sting attributed to the dangerous extremists introducing chaos and violence into the majority of peaceful protesters). It’s the same with all New Social Movements, up to the Zapatistas in Chiapas: **the systemic politics is always ready to “listen to their demands,” depriving them of their proper political sting. The system is by definition ecumenical, open, tolerant, ready to “listen” to all — even if one insist on one’s demands, they are deprived of their universal political sting by the very form of negotiation.** The true Third Way we have to look for is this third way between the institutionalized parliamentary politics and the new social movements. The ultimate answer to the reproach that the radical Left proposals are utopian should thus be that, **today, the true utopia is the belief that the present liberal-democratic capitalist consensus could go on indefinitely, without radical changes.** We are thus back at the old ‘68 motto “Soyons realistes, demandons l'impossible!": **in order to be truly a “realist,” one must consider breaking out of the constraints of what appears “possible”** (or, as we usually out it, “feasible”)

## Case

### 2NC War Heroism

#### Moral evaluation of drones requires considering the most likely alternatives that would replace them---they’re all worse for casualties and violence

#### Non-inherant

#### Drones eliminate nationalistic attachments from conflict inherent to troops---that clarifies the morality of war policy decreases the probability of adventurist conflict

Kiel Brennan-Marquez 13, Visiting Human Rights Fellow at Yale Law School, 5/24/13, “A Progressive Defense of Drones,” http://www.salon.com/2013/05/24/a\_progressive\_defense\_of\_drones/

Before exploring what practical light this observation can shed on drone strikes, **it’s worth pausing to ask why moral judgment comes under strain during wartime**. **The answer is simple: we prize our own lives over enemy lives**. This state of affairs is not necessarily justifiable on moral grounds. In fact, **it seems** plainly **unjustified on moral grounds. But it’s also a social fact**. A helpful analogy can be drawn to familial relations. Moral philosophers have encountered notorious difficulty in trying to rationalize the treatment of family members differently than the treatment of strangers. In both settings — family and war — the basic problem is the same. Justice makes no claim on love. **Membership in a particular polity**, no less than membership in a particular family, **is a feature of the world to which we are attached** – **a condition inherited rather than chosen, which, despite its randomness**, cannot be overcome by wordplay or will. **Confronted with a question like, “Why should their soldiers die before ours?” an objective vantage point — the abstract stance of morality — is simply unavailable**. ¶ **The dynamic of attachment at play in traditional warfare has persisted since time immemorial,** and it is unlikely to relent soon. Nor am I trying to criticize it. Moral judgment is harsh, taut and withering; with good reason do we shield things we love from its gaze. At the same time, **the difficulty involved in making sense of violence wrought by our troops** also **illuminates something important about the interpretation of wartime acts**: The task of justifying an act of violence before the fact is distinct

from the task of interpreting an act of violence after **the fact**. For example, **in the face of a mission that made strategic sense but ended up yielding massive casualties, it would strike us as perfectly reasonable** for an observer **to say: “I was in favor of this mission, but now that I see the results, I am horrified**.” The first thought — “I was in favor of this mission” — goes to whether, ex ante, the predicates of legitimate force existed. The second thought — “but now that I see the results, I am horrified” — goes to whether, ex post, the externalities can be rationalized. ¶ **And even more familiar is the inverse** style of claim, **in response to a mission that seemed heinous or imprudent but, for reasons outside of the observer’s control, was pursued: “Much as I opposed the mission to begin with**, **once our troops were on the ground, I believe they did what they had to do**.” This commonplace formulation speaks to the way the battlefield consternates moral judgment. **It’s one thing to advocate against the deployment of troops – but once the troops are deployed, a switch flips**. Because soldiers make the ultimate sacrifice, their actions are not subject to typical moral analysis. What goes on “over there” stands beyond the comprehension — and beyond the everyday reproach — of civilians. This is not to say that soldiers act with moral impunity. Of course they do not. But **the moral constraints of the battlefield are of an attenuated kind,** **very far off, and shrouded in mystique**. ¶ **In this respect,** drones represent a welcome shift of paradigm**: they** stand to clarify the moral stakes of state-sponsored violence by eliminating the dynamic of attachment that has traditionally accompanied it. By itself, of course, this proposition does not entail that drone strikes are preferable to traditional troop deployments. What it does entail, however, is that the benefits of moral clarity should be weighed, in practice, against the drawbacks of less circumspect decision-making. **As much as drones are liable to desensitize leaders, making violence easier to employ,** the outrage they produce is also likely to have a chilling effect in the other direction. Which way will this calculus ultimately run? We exercise an important threshold of control over this question. **Whether the anesthetic effect of machine-induced violence will outstrip the sense of outrage that violence-by-machines provoke**, or vice versa, **is not a static political fact to which we must be resigned** – it’s a hard issue for us to deliberate with care. One thing, however, is certain. Moral clarity in the face of drone strikes, as compared to troop deployments, is only politically worthwhile — indeed, only possible — insofar as members of the public are kept informed about when drone strikes are happening, and what damage they cause. Transparency is a precondition of outrage – and of accountability.

### 2NC Alternatives

#### We have evidence---the U.S. will put more boots on the ground where it can no longer use drones

Adrian Johnson 13, Director of Publications, Royal United Services Institute, 5/3/13, “Mr Emmerson Takes on Washington,” http://www.rusi.org/publications/newsbrief/ref:A5183D24D108B9/#.UizUn9L\_l8E

It could well be the case that **drones are the best of a bad bunch of options**. **When the Pakistan Army moved into the Swat Valley** in 2009 **to clear out the Taliban, it took tens of thousands of troops and a high civilian toll** – **over 2,000 perished** in two months of fighting, **with 2 million displaced**. **Drone strikes**, despite the very real innocent casualties that have been inflicted, **are** **rather more discriminating than many of the alternatives**. **Neither is drone warfare as ‘costless’ to the protagonist** **or as revolutionary as many reckon**. **Drones might** **not be creating new instances of force** **so much as** **substituting for other forms** – in other words, **for many strikes**, **manned alternatives may have been used anyway**. It is telling that the US chose a high-risk, special-forces hit on Osama bin Laden, which like drone strikes also raised complicated legal questions about sovereignty and kill versus capture. Nevertheless, Micah Zenko is right to point out that **drone strikes have**, in effect, **become an aerial form of counter-insurgency in Pakistan**. **This may be a novelty of unmanned capabilities**.

# 1NR

### 2NC Limits Good

#### Limits outweigh –

#### A. Most logical—the significance of one-of-many issues is minimal. Constraints inherently increase meaning.

#### B. It’s a precursor—education is inevitable, unfocused education isn’t productive. Limits determine the direction and productivity of learning.

#### Small schools- Huge topic with constantly developing literature magnifies resource disparities- Big programs can have a new aff every other round- No topic generics sufficient to restore balance

#### Key to fairness- essential to ensure that debates at the end of the year have meaningful clash over the mechanism

#### Literally doubles the educational benefit

**Arrington 2009** (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic

#### Turns their offense—limits are vital to creativity and innovation

David Intrator (President of The Creative Organization) October 21, 2010 “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

### 2NC Precision DA

#### Signature strikes are not targeted killing- keeping the concepts distinct is necessary

Anderson 2011 [Kenneth Anderson Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law August 29th, 2011 “Distinguishing High Value Targeted Killing and “Signature” Attacks on Taliban Fighters” http://opiniojuris.org/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/]

Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency (I discuss this in the opening sections of this draft chapter on SSRN.)

#### Precision Impacts Outweigh

Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago, June 21, 2002. “Say It Ain't So,” THE CHRONICLE, http://chronicle.com/article/Say-It-Ain-t-So/46137

Well, actually everyone knows what's going on. The art of speaking and writing precisely and with attention to grammatical form is more and more a lost one. Just listen to National Public Radio for 15 minutes or read a section of The New York Times and you will be able to start your own collection of howlers, from the (now ubiquitous) confusion of "disinterested" and "uninterested" (which sometimes takes the form of a parallel confusion of "disinvite" and "uninvite," the latter not an English verb form); to the disastrous and often comical substitution of "enervate" for "energize"; to the attribution of reticence to persons who are merely reluctant; to participles with no subjects or too many; to errors of pomposity ("between you and I," dubbed by a former colleague the "Cornell nominative"); to pronouns without referents or as many referents as there are nouns in the previous five sentences; to singular subjects with plural verbs (and the reverse); to dependent clauses attached to nothing; to mismatched tenses attached to the same action; to logical redundancies like, "The reason is because ..." ( I'm afraid I've been guilty of that one myself); not to mention inelegant repetitions and errors of diction made by persons who seem to be writing a language they first encountered yesterday. What has brought us to this sorry pass? Basically, two things. First the belief, devoutly held and endlessly rehearsed, that the purpose of writing is self-expression. The convenience of this belief, for those who profess it, is that they need never accept correction; for if it is their precious little selves they are expressing, the language of expression is answerable only to the internal judgment of those same selves, and any challenge from the outside can be met simply by saying, (as students often do) "I know what I mean," or, more precisely, "I know what I mean." Students who say and believe this will never confront an important truth: Language has its own structure (not unchanging, to be sure, but fixed enough at any one moment to serve as both a constraint and a resource). If you do not submit yourself to the conventional meanings of words and to the grammatical forms that specify the relationships between the objects words refer to, the prose you produce will say something -- language, not you or I, means -- but it will not say what you wanted to say. That's only because your readers will not be inside your head where they might ask the self-seeking expression what it had in mind, but will instead be on the outside processing the formal patterns of your written language and reaching the conclusions dictated and generated by those patterns.