# 1NC

## Offcase

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#### Their “affirmation” of restrictions on targeted killing and criticism of the drone program is bad:

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

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

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Nuclear terrorism is feasible --- high risk of theft and attacks escalate

Vladimir Z. Dvorkin 12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Terrorism studies are epistemologically and methodologically valid --- our authors are self-reflexive

Michael J. Boyle 8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

 Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems.** In fact, **terrorism scholars are** not only well aware of these problems, but also have provided their own searchingcritiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). **Some of those scholars** most associated with the critique of empiricismimplied in ‘Orthodox Terrorism Studies’ **have also engaged in** deeply critical examinations **of the nature of sources, methods, and data in the study of terrorism**. For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke’s** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, **people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals**. At the same time, **advanced technology has designed nuclear explosives of such small size they can be easily transported in a car**, small plane or boat **to the heart of a city**. We demonstrate here that **a single detonation in the 15 kiloton range can produce urban fatalities approaching one million** in some cases, **and casualties** exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, **even a single surface nuclear explosion**, or an air burst in rainy conditions, **in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades** owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, **the economic consequences of even a localized nuclear catastrophe would most likely have severe national and** international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized **attack on the U.S. by a small nuclear state, or terrorists** supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the **estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives** could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

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#### a. Interpretation and violation---the affirmative should defend the desirability of topical government action

#### Most predictable—the agent and verb indicate a debate about hypothetical government action

Jon M Ericson 3, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action through governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Restrictions are prohibitions on action

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Statutory restrictions require legislative action

The Law Dictionary 13 “What is Statutory Restriction?, The Law Dictionary: **Featuring Black’s Law Dictionary Free Online Legal Dictionary 2nd Edition**, http://thelawdictionary.org/statutory-restriction/

What is STATUTORY RESTRICTION?

Limits or controls that have been place[d] on activities by its ruling legislation.

#### Judicial restrictions require a court --- we’ll read evidence if they question this factual statement

#### A general subject isn’t enough—debate requires a specific point of difference in order to promote effective exchange

Steinberg and Freeley 13, \* David, Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League. Director of Debate at U Miami, Former President of CEDA. And \*\* Austin, attorney who focuses on criminal, personal injury and civil rights law, JD, Suffolk University, *Argumentation and Debate***,** *Critical Thinking for Reasoned Decision Making*, 121-4

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 well-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.

#### Openess to everything is openness to nothing---clear limits are necessary to practical contestation

Ruth Lessl Shively 2k, associate professor of political science at Texas A&M, 2000 Political Theory and Partisan Politics p. 181-2

To put this point another way, it turns out that to be open to all things is, in effect, to be open to nothing. While the ambiguists have commendable reasons for wanting to avoid closure—to avoid specifying what is not allowed or celebrated in their political vision—they need to say "no" to some things in order to be open to things in general. They need to say "no" to certain forms of contest, if only to protect contest in general. For if one is to be open to the principles of democracy, for example, one must be dogmatically closed to the principles of fascism. If one would embrace tolerance, one must rigidly reject intolerance. If one would support openness in political speech and action, one must ban the acts of political intimidation, violence or recrimination that squelch that openness. If one would expand deliberation and disruption, one must set up strict legal protections around such activities. And if one would ensure that citizens have reason to engage in political contest—that it has practical meaning and import for them—one **must establish and maintain** the rules and regulations and laws that protect democracy. In short, openness requires certain **clear limits, rules, closure**. And to make matters more complex, these structures of openness cannot simply be put into place and forgotten. They need to be taught to new generations of citizens, to be **retaught and reenforced** among the old, and as the political world changes, to be shored up, rethought, adapted, and applied to new problems and new situations. It will not do, then, to simply assume that these structures are permanently viable and secure without significant work or justification on our part; **nor will it do to talk about resisting or subverting them**. Indeed, they are such valuable and yet vulnerable goods that **they require the most unflagging and firm support that we can give them**. 'Thus far, I have argued that if the ambiguists mean to be subversive about anything, they need to be conservative about some things. They need to be steadfast supporters of the structures of openness and democracy: willing to say "no" to certain forms of contest; willing to set up certain clear limitations about acceptable behavior. To this, finally, I would add that if the ambiguists mean to stretch the boundaries of behavior—if they want to be revolutionary and disruptive in their skepticism and iconoclasm—they need first to be firm believers in something. Which is to say, again, they need to set clear limits about what they will and will not support, what they do and do not believe to be best. As G. K. Chesterton observed, the true revolutionary has always willed something "**definite and limited**." For example, "The Jacobin could tell you not only the system he would rebel against, but (what was more important) the system he would not rebel against..." He "desired the freedoms of democracy." He "wished to have votes and not to have titles . . ." But "because the new rebel is a skeptic"—because he cannot bring himself to will something definite and limited— "he cannot be a revolutionary." For "the fact that he wants to doubt everything really gets in his way when he wants to denounce anything" (Chesterton 1959,41). Thus, the most radical skepticism ends in the most radical conservatism. In other words, a refusal to judge among ideas and activities is, in the end, an endorsement of the status quo. **To embrace everything is to be unable to embrace a particular plan of action, for to embrace a particular plan of action is to reject all others, at least for that moment.** Moreover, as observed in our discussion of openness, to embrace everything is to embrace self-contradiction: to hold to both one's purposes and to that which defeats one's purposes—to tolerance and intolerance, open-mindedness and close-mindedness, democracy and tyranny. In the same manner, then, the ambiguists' refusals to will something "definite and limited**" undermines their revolutionary impulse**s. In their refusal to say what they will not celebrate and what they will not rebel against, they deny themselves (and everyone else in their political world) **a particular plan or ground to work from.** By refusing to deny incivility, they deny themselves a civil public space from which to speak. They cannot say "no" to the terrorist who would silence dissent. They cannot turn their backs on the bullying of the white supremacist. And, as such, in refusing to bar the tactics of the anti-democrat, they refuse to support the tactics of the democrat. In short, then, to be a true ambiguist, there must be some limit to what is ambiguous. To fully support political contest, one must fully support some **uncontested rules and reasons**. To generally reject the silencing or exclusion of others, one must sometimes silence or exclude those who reject civility and democracy.

#### b. Vote neg

#### 1. Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Topical fairness requirements are key to meaningful dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### 2. Deliberative debate models impart skills vital to respond to existential threats

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediated information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

## Oncase

### Civilian Casualties

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

Michael Cohen 13, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels". ¶ I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so. ¶ This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy. ¶ Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates. ¶ There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones. ¶ When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there." ¶ While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage. ¶ Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen. ¶ These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year. ¶ Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".¶ Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.¶ Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Tech advances and tighter rules of engagement are substantially reducing civilian casualties---alternatives to drones are worse

Rosa Brooks 13, Professor of Law, Georgetown University Law Center and Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, “The Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>

\*We do not endorse gendered language

First, critics often assert that US drone strikes are morally wrong because the kill innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument against drone strikes as such. War kills innocent civilians, period. But the best available evidence suggests that US drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. ¶ Much of the time, the use of drones actually permits far greater precision in targeting than most traditional manned aircraft. Today's unmanned aerial vehicles (UAVs) can carry very small bombs that do less widespread damage, and UAVs have 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. 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.¶ That does not mean civilians never get killed in drone strikes. Inevitably, they do, although the covert nature of most US strikes and the contested environment in which they occur makes it impossible to get precise data on civilian deaths. This lack of transparency inevitably fuels rumors and misinformation. However, several credible organizations have sought to track and analyze deaths due to US drone strikes. The British Bureau of Investigative Journalism analyzed examined reports by "government, military and intelligence officials, and by credible media, academic and other sources," for instance, and came up with a range, suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.1 (The numbers for Yemen and Somalia are more difficult to obtain.) The New America Foundation, with which I am affiliated, came up with slightly lower numbers, estimating that US drone strikes killed somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 were civilians. 2¶ Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what we regard as the right point of comparison. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century.3 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.4¶ The most meaningful point of comparison for drones is probably manned aircraft. It's extraordinarily difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.5 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.6 But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only three to nine civilians were killed during 72 U.S. drone strikes in Pakistan in 2011, and the 2012 numbers were also low.7 In part, this is due to technological advances over the last decade, but it's also due to far more stringent rules for when drones can release weapons.¶ Few details are known about the precise targeting procedures followed by either US armed forces or the Central Intelligence Agency with regard to drone strikes. The Obama Administration is reportedly finalizing a targeted killing “playbook,”8 outlining in great detail the procedures and substantive criteria to be applied. I believe an unclassified version of this should be should be made public, as it may help to diminish concerns reckless or negligent targeting decisions. Even in the absence of specific details, however, I believe we can have confidence in the commitment of both military and intelligence personnel to avoiding civilian casualties to the greatest extent possible. The Obama Administration has stated that it regards both the military and the CIA as bound by the law of war when force is used for the purpose of targeted killing. 9 (I will discuss the applicable law of war principles in section IV of this statement). What is more, the military is bound by the Uniform Code of Military Justice. ¶ Concern about civilian casualties is appropriate, and our targeting decisions, however thoughtfully made, are only as good as our intelligence—and only as wise as our overall strategy. Nevertheless, there is no evidence supporting the view that drone strikes cause disproportionate civilian casualties relative to other commonly used means or methods of warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our metric, drone strikes do a better job of discriminating between civilians and combatants than close air support or other tactics that receive less attention.

#### Civilian casualties are way down because of tech improvements

Elinor June Rushforth 12, J.D. candidate, University of Arizona, James E. Rogers College of Law, Class of 2013, Fall 2012, “NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012,” Arizona Journal of International and Comparative Law, 29 Ariz. J. Int'l & Comp. Law 623, p. lexis

Third, proponents of drone use also argue that this technology can "ensure both that the best intelligence is available for planning operations, and that civilian casualties are minimized in carrying out such operations." n183 This is by far the most complex argument (made by both critics and proponents of the program) regarding drone efficacy and collateral damage. Because most civilian casualty reports are based on media and informant reports, the difficulty of defining an allegedly lawful target and a civilian becomes paramount. n184 Officials maintain that the drones' ability to linger above a target for days and observe a "pattern of life," means that the pilot or operator can study their target, identify civilians in the area, and, if necessary, change the plan. n185 According to the New America Foundation, whose study is based on media sources, the civilian casualty estimate since 2004 is approximately twenty percent and in 2012, approximately ten percent. n186 The military and CIA share the opinion that though it is highly improbable that no civilians have been killed, "our coverage has improved so much since the beginning of this program, it really defies logic that now we would start missing all these alleged noncombatant casualties." n187

### Distancing---1NC

#### Distancing created by drones is good---battlefield pressure makes soldiers more likely to commit unethical actions and demonize the enemy---removal from the field of battle causes ethical decisionmaking and restraint

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

But Obama can make an even subtler case for drones. Well-meaning but imperfectly informed critics sometimes claim that the absence of risk to US forces explains the recklessness with which American drone operators kill combatants and noncombatants alike. Mazzetti quotes, in this context, Richard Clarke’s comment on the routinisation of asymmetry in drone warfare: ‘if the Predator gets shot down, the pilot goes home and fucks his wife. It’s OK. There’s no POW issue here.’ That noncombatants are regularly killed by pilots of unmanned aircraft sticking to their routines is widely acknowledged. But does it make sense to argue that such documented overkill results from the absence of risk to the pilots’ own lives and limbs? Obama and his supporters, rightly in my view, dismiss this line of attack as theoretically confused and empirically unproven. For one thing, the stress, panic and fear experienced on combat missions can easily increase rather than decrease the number of mistaken hair-trigger strikes on noncombatants. Reckless endangering of civilians results more often from heat-of-battle fear than from above-the-battle serenity. The drone operator is freed from the pressures of kill or be killed that can easily distort interpretations of what one sees, or thinks one sees, on the battlefield. The faux cockpits from which drones are remotely piloted are unlikely to be commandeered by berserkers.¶ An even more powerful, if still flawed, argument in favour of Obama’s campaign is the way heavy losses in any war can subconsciously put pressure on civilian politicians to inflate irrationally the aims of the conflict in order to align them with the sacrifices being made. War aims are not fixed ex ante but are constantly evolving for the simple reason that war is essentially opportunistic. Initial objectives that prove unrealistic are discarded as new opportunities emerge. Far from inducing greater caution in the use of force, heavy losses of one’s own troops may exacerbate a tendency to demonise the enemy and to hype the goals of the struggle.¶ Formulated more abstractly, the way we fight has a marked impact on when and why we fight. This is true despite what experts in the laws of war tell us about a theoretically watertight separation between jus in bello and jus ad bellum. Fighting in a way that limits the risk to one’s own troops makes it possible to fight limited-aims wars that don’t spiral into all-out wars for national survival. This, I think, is Obama’s best case for drone warfare. Land wars are ‘dumb’ because they almost inevitably involve mission creep as well as postwar responsibilities that US forces are poorly equipped to assume. Drone warfare is smart because, while helping dismantle terrorist organisations and disrupt terrorist plots, it involves less commitment on the American side, and is therefore much less likely to escalate out of control.

### Alternatives---1NC

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

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.

### 1NC

#### Anti-drone activism reinforces a narrative of U.S.-led repression in Pakistan which erases and sanitizes violence done in the FATA by the Pakistani government and the Taliban---uses the people of FATA as pawns in a political game of opposing the U.S. reflexively

Myra MacDonald 12, Reuters journalist based in London, author of "Heights of Madness", a book about the Siachen war between India and Pakistan, 10/3/12, ““Living Under Drones” – the anti-drone campaign can do damage too,” http://blogs.reuters.com/pakistan/2012/10/03/living-under-drones-the-anti-drone-campaign-can-do-damage-too/

In a poignant tale published last month by Chashm, a new website set up to promote alternative discourse in Pakistan, the narrator describes what happened when the Taliban came to the village of Saidano, the site of a popular shrine in Orakzai Agency in the Federally Administered Tribal Areas (FATA). ¶ First the Taliban imposed sharia; they banned all activity at the shrine and intimidated those in the political administration into quitting their jobs. The people organised themselves into a lashkar, or militia, to fight them. “In return, the Taliban pummelled the armed resistance and the people back into submission. Any attempt at resistance led to dissenters’ immediate silencing, including by slaughter.” Having decreed that visiting shrines was un-Islamic, the Taliban said they would demolish it. “With that note, the shrine of Bawal Haq Saheb was reduced to rubble by the Taliban. The people of Saidano were enraged at this heinous act of the Taliban, but no one could say anything…they were all scared.” ¶ Another story on Qissa Khwani, a website about North-West Pakistan, describes the fate of 18-year-old Najib, “a studious, humble, calm and a normal boy”, a student in computer sciences from the Tirah Valley in Khyber Agency, where several militant groups were fighting for control. ¶ “He was forced to fight…as he was the only young boy in his family. It is mandatory for the people living in these militant-controlled areas to hand over one young man to fight… Najib was not trained for war, therefore he was used as a shield to protect the trained militants…and if anyone tried to escape or leave, either his family would be harmed or that person would be slaughtered. Najib’s fate was no different from those who tried to escape, he was cut into pieces and delivered to his family in a sack.” ¶ They are small tales, unlikely to make international headlines; yet these are the stories that give texture to the lives of ordinary people in FATA – people whose views are submerged by the polemics over U.S. drone strikes in Pakistan’s tribal areas. ¶ Much has been written criticising the use of drones, some – like the recently published study by Columbia Law School “The Civilian Impact of Drone Strikes” – raising serious questions about the secrecy of the programme and the risk of it being overused. But just as the United States stands accused of ignoring people on the ground, so too do some of the most vocal of the anti-drone campaigners in ways that can be just as insidious. ¶ This is not just because of the obvious charge of hypocrisy, although that is there too. Many of those who shout the most about casualties from U.S. drone strikes rarely condemn so loudly the many more deaths of civilians as a result of Pakistan army operations in FATA or Taliban violence. Nor are they particularly vocal in challenging Pakistan’s slowness to incorporate FATA into the political mainstream – the region continues to be run according to the colonial-era Frontier Crimes Regulation (FCR), which deprives its people of many of the rights granted to other Pakistani citizens and leaves them vulnerable to collective punishment. Few pay attention to the region’s deliberate marginalisation so that it could be used – since the Soviet invasion of Afghanistan in 1979 – as a deniable staging ground for the Pakistan army’s jihadi proxies – whose ideology spawned the same Taliban who are now terrorising the local population. ¶ But the problems lie not just in hypocrisy, but in something worse; in the way in which much of the anti-drone campaign is used, sometimes deliberately, sometimes unwittingly, to bolster a narrative inside Pakistan which runs counter to the interests of the people of FATA. ¶ According to this narrative, militancy sprang from FATA itself in response to the U.S.-led war in Afghanistan and drone strikes. That in turn leads to the questionable conclusion that making peace deals with the Pakistani Taliban will help the people of FATA (ask yourself whether those quoted above would benefit or lose from peace agreements with the militants.) ¶ Rather militancy was imposed from outside, using FATA as a base. Its origins lie in a decades-old project conceived by the military to rely on non-state actors to counter its bigger neighbour India (a policy the army officially says it has now abandoned). Drone strikes in FATA may or may not be the answer to that; but it will be hard to judge if we don’t get the description right in the first place. ¶ First of all let’s be clear we don’t know, and can’t know, exactly what is going on in FATA. It is hard for outsiders to go there; foreigners visit accompanied by the army; people inside are afraid to speak openly and its journalists say their reporting is hampered by threats from both the military and the militants (for an excellent, report on this, and useful research on a FATA in general, do read this study by Intermedia (pdf) ¶ Data on drone strikes based on media reports do not tell us the number of civilians killed; they tell us what unnamed Pakistani security officials choose to say about casualties, and they have the option of either exaggerating or underestimating the numbers depending on what suits politically. ¶ But what we can do is look at how descriptions of the impact of drones subtly reinforce a narrative which diverts attention away from Pakistan’s own treatment of FATA and onto the United States, all the while ignoring the people who would be best placed to say how peace might be achieved, if only they were allowed to speak freely.

#### Every alternative to drones is worse for oppressed people in Pakistan---retaining a limited role for targeted killings in counter-terrorism is the best choice for reducing anti-civilian violence

Myra MacDonald 12, Reuters journalist based in London, author of "Heights of Madness", a book about the Siachen war between India and Pakistan, 10/3/12, ““Living Under Drones” – the anti-drone campaign can do damage too,” http://blogs.reuters.com/pakistan/2012/10/03/living-under-drones-the-anti-drone-campaign-can-do-damage-too/

So what does this tell us about drones? ¶ First get the history right. Or to quote George Orwell: “Who controls the past controls the future. Who controls the present controls the past.” Pause to consider why militants are present in FATA in the first place (and the United States and Saudi Arabia also played their own role in funding Pakistan’s use of jihadi proxies against the Soviet occupation of Afghanistan) and you come up with a completely different view of the argument that stopping U.S. drone strikes will bring peace to the region. ¶ Second, consider what would be required to help the people of FATA drive out militants. Full political rights, a free press and economic development are all long-term solutions. Some anti-drone campaigners do also push for this. But be very wary of those who don’t, particularly when populist anti-Americanism is used as a means of trying to return FATA to the status quo ante: ie a deliberately marginalised region and useful base for jihadis. ¶ Third, ask serious questions about rejecting the use of force. Peace agreements do not necessarily bring peace to those who live there. As Daud Khattak has noted in a review of past past accords, they often have the effect of reinforcing the authority of the Taliban over the tribal elders. The same will happen with an anti-drones “peace march” planned this weekend by Imran Khan to South Waziristan – the Pakistani Taliban have already arrogated to themselves the right to decide whether to allow it to go ahead without attacking it, suggesting that they, rather than the government, have sovereignty over the area. ¶ And if the use of force is necessary, ask if it is better to rely on drone strikes, which have the technological capacity to cause far fewer casualties than other aerial or artillery bombing. Some people in FATA say drones are a lesser evil compared to army operations and Taliban violence; some even welcome them, though it varies from agency to agency. And for ordinary Pakistani soldiers caught up in the fighting in FATA, drone strikes can also limit the toll of brutal fighting in difficult terrain (the Pakistani Taliban not long ago released a video of them beheading captured soldiers). The more strident in the anti-drone campaign leave no room for such nuance. ¶ Fourth, encourage online projects meant to tell local stories from FATA. I quoted from two. There are others. For without a free press, you are never going to know otherwise what people on the ground think. Studies like that of Stanford/ /NYU, which give an academic imprimatur to a particular narrative, do not help. ¶ And finally, realise – at least in the case of FATA – the polemics over drones have little to do with their impact on civilians. The United States and Pakistan have been effectively fighting a war over Afghanistan with FATA caught in the middle. They both blame the other for failure there – from U.S. incompetence to Pakistani backing for the Afghan Taliban. They both have their ways of attacking the other: Washington, impatient at Pakistan’s failure to clear militants out of FATA, ignores Pakistani sovereignty in its use of drones; Pakistan in turn whips up anti-Americanism through the media and insists on a national pride over FATA which never existed when the region was excluded from the political mainstream.¶ There is no moral high ground here. But many of those who lend their name to the anti-drones campaign would do well to remember they are also fighting in the swamps. And consider how the narrator from Orakzai opened the story. “There was a time when peace and happiness prevailed in Orakzai Agency – a place that wasn’t as popular as it was turned into by the Taliban and the Army’s government.”

# 2NC

## FW

### AT: DSRB

#### Have to learn the language of the oppressors in order to defeat them---that’s the only way to break down whiteness

Elizabeth Philipose 7, Assistant Professor, Women’s Studies, California State University Long Beach, Decolonizing Political Theory, http://www.radicalpedagogy.org/Radical\_Pedagogy/Decolonizing\_Political\_Theory.html

The question arises: how might we teach political theory in ways that are attentive to core concepts and authors while also expanding the relevance of political theory to understanding the larger social and political world from whence it came? Further, how might those who wish to teach political theory ‘against the grain’ make productive interventions with limited opportunities to do so and limited intellectual support from the institutions and departments? One way to approach the problem is to teach the ‘race’ of political theory, that is, to unpack and contextualize theory in ways which make visible the racialized interests present within concepts of the “good life” or “good community”, concepts reflective and productive of “whiteness”. Such an approach highlights the subjectivity of political theory and potentially demonstrates the ways that subjectivity is central to situating political theory in its moral and intellectual context. That is, political theory reflects the embodied subjectivity of the authors and constructs the subjectivities of the Euro-American subject in tandem with the production of racialized and/or colonized subjectivities, all within the European imagination of a hierarchy of humanity. In concert with multicultural approaches that might include authors as critics of Enlightenment ideals or which expand the actors involved in the making of political theory, the approach I suggest considers what we already know (the canon) in relation to things we do not normally consider; that is, the race of political theory. The production of whiteness, ultimately, is inseparable from the production of a notion of humanity and its related concepts of freedom, autonomy, equality, progress, rationality and individuality. This approach offers students ways to critically analyze claims to objectivity and universality, the power of making such claims and overall, recasts political theory and in particular, liberalism, in a context that offers them tools to continuously raise questions of material they might encounter in other venues.

Why teach the canon?

Some might argue that if traditional knowledges are so infused with exclusions and biases and prejudices, perhaps we are better to stop studying “dead white men” and replace themwith more progressivethinkers. At the same time, however, there are sound arguments to support the continued teaching of traditional canons. One reason is that political theory exists as the central core of political thinking in Western traditions. Individual instructors, students or even programs might choose to not engage the field in all of its traditions, yet for the most part, the traditional field remains definitional of what counts as political theory.

Another reason to teach the traditional core of political theory is that students ought to comprehend the ideas that shape their subjectivities and political locations to understand their sense worlds through relevant explanatory language. It is also the case that without comprehending the ideas that shape us in our political locations, we are without the necessary language to challenge and disrupt the continued institutionalization of traditional concepts and ideals. For instance, it can be argued that the production of “whiteness” is inseparable from the production of a notion of humanity and related concepts of democracy, freedom, autonomy, rationality and individuality. Without a foundation in core political theory authors and concepts, it would be quite impossible to understand the ways that racial identity matters. Further, the racialized hierarchies of political theory have ideological and material effects in determining the lines between those who are excluded (from humanity) and those who are included and/or representative of humanity. Thus, the debate is not only academic but resonates throughout political communities that adhere to liberalism’s central concepts. Edward Said argues similar points in relation to Orientalist literature and the production of the Oriental subject:

…there is no avoiding the fact that even if we disregard the Orientalist distinctions between “them” and ”us”, a powerful series of political and ultimately ideological realities inform scholarship today. No one can escape dealing with, if not the East/West division, then the North/South one, the have/have not one, the imperialist/anti-imperialist one, the white/coloured one. We cannot get around them all by pretending they do not exist; on the contrary, contemporary Orientalism teaches us a great deal about the intellectual dishonesty of dissembling on that score, the result of which is to intensify the divisions and make them both vicious and permanent (Said, 1979, pg 327).

Further, when considering the roots of intellectual developments such as feminism or critical race studies,they are located within hegemonic traditions of knowledge, situated both as oppositional to and simultaneously drawing from hegemonic traditions for their points of opposition. Critiques of knowledge that are not familiar with traditional disciplines would be too abstract and removed from the object of criticism. Further, their claims would likely be utopic and fantasy-based, as though prevailing knowledges did not wield power or establish parameters of legitimacy or authorize some to speak and others to be silent. Most oppositional knowledges – feminism, critical race theory, class analysis and others – derive their basic sets of concepts from dominant disciplines and frameworks, including very often the methodological and epistemological frameworks of prevailing knowledge. For these reasons, it is crucial that alternative knowledge or critical analysis are developed from knowing very well what is, to develop new ways of thinking what ought to be. As such, having students understand the concept of humanity as it figures in political theory is one part of the puzzle to understanding the ways that political theory is raced, toward decolonizing the political theory classroom altogether.

#### Pessimism about the state is debilitating and locks in the sq

Jones 99—Professor of Politicsat Cardiff U (Wyn Security, Strategy, and Critical Theory – 1999. ISBN 1-55587-335-9 Columbia International Affairs Online, September 1999)

An even more troubling feature of Adorno and Horkheimer’s analysis is the downplaying of individual responsibility that is implicit in their argument. If Auschwitz is the inevitable outcome of enlightenment, and if instrumental rationality is too powerful to resist, then can we expect an individual Nazi to act in a different fashion? In the hermetic society the individual is a mere cipher, and if this is the case, can any individual really be blamed for his or her behavior? These questions highlight an ethical lacuna at the heart of Dialectic of Enlightenment. Despite the obvious intentions of the authors, their analysis generates a logic that renders them unable to differentiate meaningfully between different actions in the political realm. If “nothing complicitous with this world can have any truth,” then surely everything that exists in the real world must be judged equally untrue or false. But if this is so, how are we to evaluate efforts at securing change in contemporary society? Let us consider the ending of apartheid in South Africa. Although the citizens of that country cannot be adjudged to be free after the overthrow of the apartheid system, surely they are freer. Although the establishment of liberal democracy there offers no panacea, it is a better system than the totalitarian one that it has replaced. But although Adorno and Horkheimer as individuals would almost certainly have rejoiced in the downfall of the apartheid system, as theoreticians they seem to be unable to provide us with any grounds for favoring one particular set of social institutions over another. Here we have a bizarre inversion of the relativism to which contemporary poststructuralist approaches are prone. By arguing that there are no grounds to choose between different accounts of reality, poststructuralists are inevitably forced to accept that all accounts of a given reality are true. They can make no judgment on these claims that is not arbitrary (Norris 1992; Hunter and Wyn Jones 1995). Similarly, by arguing that everything in the world is equally false, Adorno and Horkheimer can make no judgment as to why we might prefer some forms of behavior and some set of practices over others. Here the impasse into which the analysis of Dialectic of Enlightenment leads its authors stands in bold relief. The determinism and reductionism of their argument is ultimately paralyzing. It was, of course, Antonio Gramsci who popularized the injunction that all those intent on changing society should attempt to face the world with a combination of “pessimism of the intellect” and “optimism of the will.” This position has much to commend it given the propensity of radicals to view society with rose–tinted glasses. However, the limitations of this position are nowhere better illustrated than in Dialectic of Enlightenment, in which the pessimism is so thoroughgoing that it becomes absolutely debilitating. Any attempt to challenge the status quo already stands condemned as futile. The logical outcome of this attitude is resignation and passivity. Adorno attempted to make a virtue of the detached attitude that he and Horkheimer adopted toward the political struggles of their own age by claiming: “If one is concerned to achieve what might be possible with human beings, it is extremely difficult to remain friendly towards real people.” However, considering that it is only “real people” who can bring about a better society, Adorno’s “complex form of misanthropy” ultimately leads only to quiescence (Wiggershaus 1994: 268). Thus, despite the clear similarities in the influences and interests of the founding fathers of critical theory and Gramsci, the resignatory passivity of the authors of Dialectic of Enlightenment led them to a position on political practice far more akin to that of Oswald Spengler or Arthur Schopenhauer than to that adopted by the Sardinian Marxist Gramsci, even as he languished in a fascist prison. In view of the traditional Marxist emphasis on the unity of theory and practice, it is hardly surprising that Adorno and Horkheimer’s rejection of any attempt to orient their work toward political activity led to bitter criticism from other radical intellectuals. Perhaps the most famous such condemnation was that of Lukács, who acidly commented that the members of the Frankfurt School had taken up residence in the “Grand Hotel Abyss.” The inhabitants of this institution enjoyed all the comforts of the bourgeois lifestyle while fatalistically surveying the wreckage of life beyond its doors. Whereas Lukács’s own apologias for Stalinism point to the dangers of subordinating theoretical activity to the exigencies of day–to–day practical politics, Adorno and Horkheimer sunder theory and political practice completely, impoverishing the theoretical activity itself. Their stance leads to an aridity and scholasticism ill suited to any social theory that aspires to real–world relevance. Furthermore, the critical theorist’s position on political practice is based on an underestimation of the potential for progressive change that exists even in the most administered societies. It is instructive to contrast the attitude of Adorno and Horkheimer with that of Raymond Williams, who delivers the following broadside against “high culture Marxists” such as the members of the Frankfurt School: When the Marxists say that we live in a dying culture, and that the masses are ignorant, I have to ask them... where on earth they have lived. A dying culture, and ignorant masses, are not what I have known and see. (R. Williams 1989: 8) As I will discuss in Chapter 6, the evidence suggests that Williams is closer to the truth. People acting both individually and collectively, through social movements and state institutions, *can* actually influence the world around them in a progressive direction. Adorno and Horkheimer’s pessimism is unwarranted.

#### DSRB is wrong---we shouldn’t forget the racist past of the state, but fixating on inevitable flaws entrenches hopelessness

Farber 98—law prof, U Minnesota (Daniel, Thomas M. Cooley Law Review – 1998 – 15 T.M. Cooley L. Rev. 361)

And finally, what I fear the most is the response that seemed to be implied by one of the audience questions earlier. If it is true that American society is inherently racist, doesn't that mean that it is essentially hopeless? Now this conclusion does not logically follow from that premise, any more than it logically follows that if certain character traits have a genetic basis then it is hopeless to do anything about them. But nevertheless, we all recognize that when we are talking about individuals and biology, these genetic theories tend to discourage the idea of reform, and tend to reinforce, as a matter of social reality, the view that any bad behavior that we see is just inherent. I think we can expect to see the same kind of thing when we are dealing with the sociological equivalent involving the claim that there is this inherent genetic flaw in American society. You can see this most clearly in Derrick Bell's writings, which are redolent of despair and which, in that respect, curiously resemble Robert Bork's writings, who is similarly convinced that the genetic flaws of American society will prevent it from ever achieving his vision of justice. It is true that we cannot afford to forget our history. It is true that much of that history is unfortunate, if not worse. But it is also true that if we remain totally obsessed with the flaws of the past, fixated on their inevitability, we are unlikely to be able to move past them and move forward. And in particular, it seems to me that if we approach today's problems primarily as an issue in finger-pointing, in blaming somebody or another, or in finding the culprit, then we are not likely to be able to unite our society in a quest toward attacking those serious problems.

### SSD Good

#### Switch side debate is a necessary corrective to imperialism---their mode of ethical absolutism recreates “with us or against us” Bush-style binaries which makes dogmatism more likely

Mitchell et al 7 - Gordon Mitchell, Professor of Communication at the University of Pittsburgh, et al (Eric English, Stephen Llano, Catherine E. Morrison, John Rief & Carly Woods, Graduate students in Communication at the University of Pittsburgh), June 2007, Communication and Critical/Cultural Studies, Vol. 4, No. 2, p. 223-225

Second, while the pedagogical benefits of switch-side debating for participants are compelling,10 some worry that the technique may perversely and unwittingly serve the ends of an aggressively militaristic foreign policy. In the context of the 1954 controversy, Ronald Walter Greene and Darrin Hicks suggest that the articulation of the debate community as a zone of dissent against McCarthyist tendencies developed into a larger and somewhat uncritical affirmation of switch-side debate as a ‘‘technology’’ of liberal participatory democracy. This technology is part and parcel of the post-McCarthy ethical citizen, prepared to discuss issues from multiple viewpoints. The problem for Greene and Hicks is that this notion of citizenship becomes tied to a normative conception of American democracy that justifies imperialism. They write, ‘‘The production and management of this field of governance allows liberalism to trade in cultural technologies in the global cosmopolitan marketplace at the same time as it creates a field of intervention to transform and change the world one subject (regime) at a time.’’11 Here, Greene and Hicks argue that this new conception of liberal governance, which epitomizes the ethical citizen as an individual trained in the switch-side technique, serves as a normative tool for judging other polities and justifying forcible regime change. One need look only to the Bush administration’s framing of war as an instrument of democracy promotion to grasp how the switch-side technique can be appropriated as a justification for violence.

It is our position, however, that rather than acting as a cultural technology expanding American exceptionalism, switch-side debating originates from a civic attitude that serves as a bulwark against fundamentalism of *all* stripes. Several prominent voices reshaping the national dialogue on homeland security have come from the academic debate community and draw on its animating spirit of critical inquiry. For example, Georgetown University law professor Neal Katyal served as lead plaintiff’s counsel in Hamdan, which challenged post-9/11 enemy combat definitions. 12 The foundation for Katyal’s winning argument in Hamdan was laid some four years before, when he collaborated with former intercollegiate debate champion Laurence Tribe on an influential Yale Law Journal addressing a similar topic.13 Tribe won the National Debate Tournament in 1961 while competing as an undergraduate debater for Harvard University. Thirty years later, Katyal represented Dartmouth College at the same tournament and finished third. The imprint of this debate training is evident in Tribe and Katyal’s contemporary public interventions, which are characterized by meticulous research, sound argumentation, and a staunch commitment to democratic principles. Katyal’s reflection on his early days of debating at Loyola High School in Chicago’s North Shore provides a vivid illustration. ‘‘I came in as a shy freshman with dreams of going to medical school. Then Loyola’s debate team opened my eyes to a different world: one of argumentation and policy.’’ As Katyal recounts, ‘‘the most important preparation for my career came from my experiences as a member of Loyola’s debate team.’’14

The success of former debaters like Katyal, Tribe, and others in challenging the dominant dialogue on homeland security points to the efficacy of academic debate as a training ground for future advocates of progressive change. Moreover, a robust understanding of the switch-side technique and the classical liberalism which underpins it would help prevent misappropriation of the technique to bolster suspect homeland security policies. For buried within an inner-city debater’s files is a secret threat to absolutism: the refusal to be classified as ‘‘with us or against us,’’ the embracing of intellectual experimentation in an age of orthodoxy, and reflexivity in the face of fundamentalism. But by now, the irony of our story should be apparent\*the more effectively academic debating practice can be focused toward these ends, the greater the proclivity of McCarthy’s ideological heirs to brand the activity as a ‘‘weapon of mass destruction.’’

#### The alternative to switching sides is worse---it means that the majority of the population who holds messed up beliefs now continue on without self-reflection

Stannard 2006 (Matt, Department of Communication and Journalism, University of Wyoming, Spring 2006 Faculty Senate Speaker Series Speech, April 18, http://theunderview.blogspot.com/2006/04/deliberation-democracy-and-debate.html)

If it is indeed true that debate inevitably produces other-oriented deliberative discourse at the expense of students' confidence in their first-order convictions, this would indeed be a trade-off worth criticizing. In all fairness, Hicks and Greene do not overclaim their critique, and they take care to acknowledge the important ethical and cognitive virtues of deliberative debating. When represented as anything other than a political-ethical concern, however, Hicks and Greene's critique has several problems: First, as my colleague J.P. Lacy recently pointed out, it seems a tremendous causal (or even rhetorical) stretch to go from "debating both sides of an issue creates civic responsibility essential to liberal democracy" to "this civic responsibility upholds the worst forms of American exceptionalism." Second, Hicks and Greene do not make any comparison of the potentially bad power of debate to any alternative. Their implied alternative, however, is a form of forensic speech that privileges personal conviction. The idea that students should be able to preserve their personal convictions at all costs seems far more immediately tyrannical, far more immediately damaging to either liberal or participatory democracy, than the ritualized requirements that students occasionally take the opposite side of what they believe. Third, as I have suggested and will continue to suggest, while a debate project requiring participants to understand and often "speak for" opposing points of view may carry a great deal of liberal baggage, it is at its core a project more ethically deliberative than institutionally liberal. Where Hicks and Greene see debate producing "the liberal citizen-subject," I see debate at least having the potential to produce "the deliberative human being." The fact that some academic debaters are recruited by the CSIS and the CIA does not undermine this thesis. Absent healthy debate programs, these think-tanks and government agencies would still recruit what they saw as the best and brightest students. And absent a debate community that rewards anti-institutional political rhetoric as much as liberal rhetoric, those students would have little-to-no chance of being exposed to truly oppositional ideas. Moreover, if we allow ourselves to believe that it is "culturally imperialist" to help other peoples build institutions of debate and deliberation, we not only ignore living political struggles that occur in every culture, but we fall victim to a dangerous ethnocentrism in holding that "they do not value deliberation like we do." If the argument is that our participation in fostering debate communities abroad greases the wheels of globalization, the correct response, in debate terminology, is that such globalization is non-unique, inevitable, and there is only a risk that collaborating across cultures in public debate and deliberation will foster resistance to domination—just as debate accomplishes wherever it goes. Indeed, Andy Wallace, in a recent article, suggests that Islamic fundamentalism is a byproduct of the colonization of the lifeworld of the Middle East; if this is true, then one solution would be to foster cross-cultural deliberation among people on both sides of the cultural divide willing to question their own preconceptions of the social good. Hicks and Greene might be correct insofar as elites in various cultures can either forbid or reappropriate deliberation, but for those outside of that institutional power, democratic discussion would have a positively subversive effect.

## Case

### CCs---2NC

#### Current checks against civilian casualties are so effective that we divert missiles in the air if there’s a risk they’ll kill civilians

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

In contemporary operations, the government has repeatedly emphasized that their planned target lists are frequently updated and vetted against the most up-to-date intelligence.261 This vetting is likely aimed at ensuring that individuals targeted are still members of an organized armed group.262 Moreover, in targeted killing operations that utilize UAVs, the intelligence supporting the attack will oftentimes come from the same UAV combat platform (Predators or Reapers) that may ultimately serve as the launch vehicle for weapons used in the targeted killing operation.263 Government officials even claim they have diverted missiles off target *after* launching but *before* impact in an effort to avoid harm to collateral persons within the blast radius of a weapon.264¶ To further illustrate the point, prior to the targeting operation that killed al Aulaqi, the government suggested that if Anwar al Aulaqi chose to renounce his membership in al Qaeda he would cease to be on the U.S. target list (likely because he would no longer have the status of a member of an organized armed group and, if he truly renounced his affiliation with al Qaeda, he could not be directly participating in hostilities).265 This statement illustrates the dynamic nature of the positive identification process as practiced by the U.S. military.266 The CIA’s process, extensively reviewed by operational lawyers who are oftentimes forwardly deployed in theaters of conflict and co-located with drone operators, would similarly require positive identification and a reassessment of available intelligence prior to a strike.267 Of course, if al Aulaqi chose to surrender, then he would automatically be rendered hors de combat and could not be targeted—though whether an individual could surrender to an aircraft remains an open question.268¶ Taken together, what this means is that if positive identification of a target fails, and the target is no longer a lawful one, no operation will take place.269 Moreover, when doubt arises as to whether a person is a civilian, there exists a presumption that he is, hence the requirement of positive identification in U.S. operations.270 The military objective requirement of the law of armed conflict as implemented in U.S. practice reflects the fact that the drafters of these standards intended them to be a binding set of rules that could simultaneously guide decision-making in warfare when bright line rules and fixed borderlines between civilian and military objectives may be murky.271 The burden is on military commanders to exercise discretion and caution; however, the standards by which those commanders are judged are reasonableness and honesty in the exercise of those responsibilities.272¶ [Italics in original]

### AT: 2AC Shaw (Drones = Tech Enframing, Lived Experience Key)

#### This card is exclusively quoting or referencing the “Living Under Drones” report by the Stanford and NYU law schools

Shaw, I. (2013). Predator Empire: The Geopoltics of US Drone Warfare. Geopolitics. 00, 1-24, doi:10.1080/14650045.2012.749241

The debate over whether or not drone strikes are a “success” is usually focused on their ability to target and eliminate militants”. This technological enframing fails to consider what everyday life is like for the broader populations that live under the drones.53 Two recent publications are noteworthy in this respect: a 2010 report headed by Christopher Rogers of CIVIC, which interviewed over 160 Pakistani Civilians suffering direct losses from the US strikes, and an extensive 2012 report released by the Stanford International Human Rights and Conflict Resolution Clinic and the Global justice Clinic at the New York University School of Law, which interviewed 130 people, including victims, witnesses, and other experts. Both reports provide first hand testimony by those civilian populations living on the fleshy side of the disposition matrix. Stanford and NYUs report has four main findings. First, civilians are routinely killed, often in so-called “double tap” strikes that kill anyone that tends to the dead and wounded in the wake of an attack. The Bureau of Investigative Journalism claims that at Least 50 civilians and “first responders” had been killed after they rushed to help victims of drone strikes. One interviewee, Hayatullah Ayoub Khan, recounted a particularly harrowing experience.7 A drone missile was fired at a car around 300 metres in front of him while driving. Hayatullah exited his vehicle and slowly approached the wreckage, cautious that he might be a victim of a follow—up strike. He walked close enough to the car to see a flailing arm inside, The injured occupant “yelled that he should leave immediately because another missile would likely strike’. Hayatullah did as instructed, returning to his car just as a second missile struck the survivor. The second finding from Stanford and NYU is that beyond direct physical and monetary damage, the constant hovering of drones has led to a deeply entrenched psychological malaise amongst civilians. Many community members now shy away from social gatherings, including important tribal meetings and funerals, with some parents even electing to keep their children away from school. Third, there is scant evidence that the strikes have made the US “safer. The “evidence” suggests that US strikes have facilitated recruitment to violent non-state armed groups, and motivated further violent attacks” Finally, the CIA’s programme of targeted killings undermines respect for, and adherence to, international law and sets a dangerous precedent.

#### You should completely reject that study---its authors made catastrophic methodological blunders that render its conclusions meaningless---their selection of interview subjects was completely biased and not representative of the large sections of Pakistan that support drone strikes

C. Christine Fair 13, Peace and Security Studies Program, Edmund A. Walsh School of Foreign Service, Georgetown University; Karl Kaltenthaler, professor of political science at the University of Akron; and William J. Miller, assistant professor of public administration at Flagler College, 1/23/13, “You Say Pakistanis All Hate the Drone War? Prove It,” The Atlantic, <http://www.theatlantic.com/international/archive/2013/01/you-say-pakistanis-all-hate-the-drone-war-prove-it/267447/>

Irrespective of what the data say or cannot say, the specter of civilian casualties animate much of the advocacy work against drones. Unfortunately, not all of this research is empirically robust. Recently the law school clinics of Stanford University and New York University published their report (Living Under the Drone) in which they authors attempt to uncover and document the civilian cost of the US drone program in Pakistan’s tribal agency of Waziristan. Parts of the report are to be commended, particularly when the subject stays within the remits of the authors: namely, legal dimensions. When the authors veer into social science research methodology, they make several fundamental and avoidable empirical blunders. Worse yet, the authors evidence no understanding of these important errors and proceed to make claims about the “strategic effects” of the drone program which their minimal, and highly problematic sample of data cannot support. Because this report continues to receive accolades by those who have not assessed its methodology, it is worth reviewing their data collection and handling in some detail here.

First and foremost, this report is the result of advocacy-driven investigation. As the authors acknowledge, “In December 2011, Reprieve, a charity based in the United Kingdom, contacted the Stanford Clinic to ask whether it would be interested in conducting independent investigations into whether, and to what extent drone strikes in Pakistan confirmed to international law and caused harm and/or injury to civilians.” (Stanford-NYU Law Schools, p. i). It is important to note that Reprieve, and its Pakistani partner organization The Foundation for Fundamental Rights (FFR), have been vigorous foes of the drone program and have argued forcefully for its termination. Thus at the inception of this project, the law schools were requested to conduct research on behalf of an organization that is fundamentally opposed to drones. With proper social science methods, the impact of this could have been mitigated. However, the researchers only compounded this problem of conflict of interest by allowing Reprieve and FFR to provide the research team with logistical support in Pakistan. In fact, the FFR “assisted in contacting many of the potential interviewees, particularly those who reside in North Waziristan, and in the difficult work of arranging interviews” (Stanford-NYU Law Schools, p. i).

The report is based upon a meager 130 “interviews with victims and witnesses of drone activity, their family members, current and former Pakistani government officials, representatives from five major Pakistani political parties, subject matter experts, lawyers, medical professionals, development and humanitarian workers, members of civil society, academic, and journalists” (Stanford-NYU Law Schools, P.2). The authors concede that they did no interviews in North Waziristan or any of the other agencies comprising the FATA. Rather, they conducted their interviews during two separate trips to Pakistan in March and May 2012. All of the interviews were conducted in the twin cities of Islamabad and Rawalpindi, Peshawar, and Lahore. The authors claim that they conducted interviews with 69 “experiential victims.” These experiential victims claimed to be “witnesses to drone strikes or surveillance, victims of strikes, or family members of victims from North Waziristan” (Stanford-NYU Law Schools, p. 2). The authors of the report readily concede that the “majority of the experiential victims interviewed were arranged with the assistance of the Foundation for Fundamental Rights, a legal nonprofit based in Islamabad that has become the most prominent legal advocate for drone victims in Pakistan….Some interviews also included a researcher from either Reprieve or the Foundation for Fundamental Rights” (Stanford-NYU Law Schools, p. 3). The sample from which the researchers base their conclusions is at best a convenience sample, riven with dependent-variable selection bias. While the interviewees were not compensated, they were provided with travel arrangements by FFR. While the authors do not conceded this point, the presence of FFR and/or Reprieve likely influenced the information provided since they were provided the logistical support that enabled their travel.

Given that Reprieve and FFR are staunch drone foes, it is doubtful that the organizations would provide an un-biased selection of interview subjects for the study. In complete disregard of any scientific principle of sample selection, the authors of the report made no effort to solicit the views of pro-drone Pakistanis. Despite the persistent belief that such persons do not exist, polling data suggest sizeable minorities do support drone strikes if for no other reason than doing nothing is not an option for those who live under the tyranny of the militants in FATA. In addition, Pakistani newspapers do publish editorials by pro-drone Pakistanis.30 Yet the report does not once consider those who believe that drones are a lesser evil than the militants ensconced in Waziristan and other tribal agencies of FATA.

While the authors were apparently oblivious to this fundamental conflict of interest and likely ensuing bias in their interview data, they nonetheless recognized that the presence of foreigners would compromise the data. After all, they explained that fear of retribution “from all sides—Pakistani military, intelligence services, non-state armed groups—for speaking with outsiders about the issues raised in this report” (Stanford-NYU Law Schools, p. 4). Yet the authors were surprisingly willing to take every utterance by their interviewees at face value despite these challenges that they acknowledge. The authors further claim that that “The research team has made extensive efforts to check information provided by interviewees against that provided in other interviews, known general background information, other reports and investigations, media report, and physical evidence wherever possible. Many of the interviewees provided victims’ identification cards and some shared photographs of victims and strike sites, or medical records documenting their injuries. We also reviewed pieces of missile shrapnel” (Stanford-NYU Law Schools, p. 5). All of this is reassuring except for the fact none of the research team are actually forensic or munitions experts and thus they cannot in fact prove that any of this damage to human life or property was due to drones. Moreover, they do not provide any actual example of independent confirmation of information provided orally by respondents. As the work of Sebastian Abbot attests, such actual independent confirmation is possible although it adds a layer of difficulty and cost to the exercise.

Expecting researchers to prove that persons who were killed actually existed in the first instance or to prove that that injury or death is due to drones may seem like an inappropriate request. Unfortunately, it is not. Pakistani media has reported that individuals and groups have circulated fraudulent photos of persons whom they alleged were injured by drones but were not.31 It is also relatively easy to obtain fake birth and death certificates in Pakistan through bribery.32 Finally, it should be understood that North Waziristan is not only afflicted by drones. Since the flight of the Afghan Taliban and their Al Qaeda associates to Waziristan in late 2001, the residents of this tribal agency and others have been terrorized by these militants and their Pakistani allies who have sought to establish micro-emirates of Sharia through the FATA and nearby areas. Suicide and other attacks at markets, sporting facilities, schools, military and paramilitary outposts have become common place. Pakistani Taliban have killed reporters, politicians, government officials, barbers, purveyors of CD’s as well as anyone that they believe are working with the state or the Americans to hinder their rein of impunity.33 In addition, Pakistan military and paramilitary organizations have also operated in the tribal areas. Oddly, the authors of this report assume that their interlocutors experience post traumatic stress disorder and other disruptions to ordinary life is attributable singularly to drones. The authors make no effort to consider other explanations for such observations much less attempt to disambiguate the potential sources of harm they experienced.

My critique of the research methods employed in this particular study should not be construed as a blanket critique of all efforts of this type. Indeed, it is critical that researchers try to break through the deliberate veil of opacity that the U.S. and Pakistani governments have erected. However, it is also imperative that researchers do so with the most careful application of research methods and with the upmost attention to issues that could compromise the interviews and the data that may emerge.

# 1NR

## WOT DA

### Impact O/V

#### The AFF is MORE inflated rhetoric by calling exec policy a “lexicon of evil”---terrorism is OBJECTIVELY and MATERIALLY worse---even K hacks agree

Derrida 3 - Jacques Derrida, Directeur d’Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris, and Professor of Philosophy, French and Comparative Literature at the University of California, Irvine, 2003, Philosophy in a Time of Terror, p. 98-99

Why is **this threat signaled by the “end of the Cold War**”? Why **is** it **worse than the “Cold War” itself**? Like the formation of Arab Mus­lim terrorist networks equipped and trained during the Cold War, this threat represents the residual consequence of both the Cold War and the passage beyond the Cold War. On the one hand, **because of the** now **uncontrollable proliferation of nuclear capability** it is difficult to measure the degrees and forms of this force, just as it is difficult to de­limit the responsibility for this proliferation, a point we cannot pursue here. On the other hand, and here we touch upon what is worse than the Cold War, **there can now no longer be a balance of terror**, for there is no longer a duel or standoff between two powerful states (U.S.A., -USSR) involved in a game theory in which both states are capable of neutralizing the other’s nuclear power through a reciprocal and organ­ized evaluation of the respective risks. **From now on, the nuclear threat**, the “total” threat, **no longer comes from a state but from anonymous forces that are absolutely unforeseeable and incalculable**. And **since this absolute threat** will have been secreted by the end of the Cold War and the “victory” of the U.S. camp, since it **threatens what is supposed to sustain world order**, the very possibility of a world and of any world- -wide effort [mondialisation] (international law, a world market, a uni­versal language, and so on), **what is** thus **put at risk by this** terrifying autoimmunitary **logic is nothing less than the existence of the world**, of the worldwide itself. There is no longer any limit to this threat that at once looks for its antecedents or its resources in the long history of the Cold War and yet appears infinitely more dangerous, frightening, terri­fying than the Cold War. And there are, in fact, countless signs that this threat is accelerating and confirming the end of this Cold War, hasten­ing the at least apparent reconciliation of two equally frightened ene­mies. **When Bush** and his associates **blame** **“the axis of evil,” we ought both to smile at and denounce the religious connotations**, the childish stratagems, the obscurantist mystifications of **this inflated rhetoric.** **And** yet there is, in fact, and from every quarter, an absolute “evil**” whose threat**, whose shadow, **is spreading. Absolute evil**, absolute threat, **because what is at stake is nothing less than** the mondialisation or the worldwide movement of the world, life on earth and elsewhere**, with­out remainder**.

#### Bioterrorism causes extinction --- no barriers to use and terrorists pursuing now

Nathan **Myhrvold 13**, PhD in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Strategic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV. It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details.¶ Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a ¶ detailed species-elimination plan of this nature was openly ¶ proposed in a scientific journal. ¶ The ostensible purpose of that particular research was ¶ to suggest a way to extirpate the malaria mosquito, but ¶ similar techniques could be directed toward humans.16 ¶ When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily ¶ detectable and could be fought with biotech remedies. If ¶ you challenge them to come up with improvements to the ¶ suggested attack plan, however, they have plenty of ideas.¶ Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race—¶ or at least of killing a sufficient number of people to end ¶ high-tech civilization and set humanity back 1,000 years or ¶ more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically ¶ than nuclear proliferation, modern biological science has ¶ frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing ¶ mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.¶ The 9/11 attacks involved at least four pilots, each of ¶ whom had sufficient education to enroll in flight schools ¶ and complete several years of training. Bin laden had a degree in civil engineering. Mohammed Atta attended a German university, where he earned a master’s degree in urban ¶ planning—not a field he likely chose for its relevance to ¶ terrorism. A future set of terrorists could just as easily be students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. ¶ Hundreds of universities in Europe and Asia have curricula ¶ sufficient to train people in the skills necessary to make a ¶ sophisticated biological weapon, and hundreds more in the ¶ United States accept students from all over the world. ¶ Thus it seems likely that sometime in the near future a small band of terrorists, or even a single misanthropic individual, will overcome our best defenses and do something truly terrible, such as fashion a bioweapon that could kill ¶ millions or even billions of people. Indeed, the creation of such weapons within the next 20 years seems to be a virtual certainty.

**Terror attack turns the entire case---fear would cause public acquiescence to rights-violations and government crackdowns that outweigh the case by an order of magnitude**

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 110-1

Indeed, **while the Bush administration bears the blame** for these hor- rors, **White House officials exploited a shift in public values after 9/11**. When asked by Princeton Survey Research Associates in 1997 whether stopping terrorism required citizens to cede some civil liberties, less than one-t hird of Americans said yes. By the spring of 2002, that had grown to almost three- quarters. **Public support for the government’s right to wire- tap phones and read people’s mail also grew exponentially.** In fact, **polling** in the months after the attack **showed Americans less concerned that the Bush administration was violating civil liberties than that it** wasn’t violating them enough. **What will happen the next time?** It is, of course, impossible to predict the reaction to any particular attack. But **in 2003, the Center for Public Integrity got a draft of** something called **the** Domestic Security Enhance- ment Act, quickly dubbed **Patriot II.** According to the center’s executive director, Charles Lewis, **it expanded government power** five or ten times **as much as its predecessor**. **One provision permitted the government to strip** native-born **Americans of their citizenship, allowing them to be** indefinitely imprisonedwithout legal recourse if they were deemed to have provided any support—even nonviolent support—to groups designated as terrorist. After an outcry, the bill was shelved. But **it offers a hint of what** this administration—or any administration**—might do if the United States were hit again**. ¶ When the CIA recently tried to imagine how the world might look in 2020, it conjured four potential scenarios. One was called the “cycle of fear,” and it drastically inverted the assumption of security that C. Vann Woodward called central to America’s national character. The United States has been attacked again and the government has responded with “large- scale intrusive security measures.” In this dystopian future, two arms dealers, one with jihadist ties, text- message about a potential nuclear deal. One notes that terrorist networks have “turned into mini-s tates.” The other jokes about the global recession sparked by the latest attacks. And he muses about how terrorism has changed American life. “**That new Patriot Act**,” he writes, “**went way beyond anything imagined after 9/11**.” “**The** **fear cycle generated by an increasing spread of WMD and terrorist attacks**,” comments the CIA report, “**once under way, would be** one of **the hardest to break**.” And the more entrenched that fear cycle grows, the less free America will become. **Which is why a new generation of American liberals must make the fight against this new totalitarianism their own.**

### AT: No Link

#### Status quo target vetting is carefully calibrated to avoid every aff impact in balance with CT--- there’s only a risk that restrictions destroy it

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Target vetting is the process by which the government integrates the opinions of subject matter experts from throughout the intelligence community.180 The United States has developed a formal voting process which allows members of agencies from across the government to comment on the validity of the target intelligence and any concerns related to targeting an individual. At a minimum, the vetting considers the following factors: target identification, significance, collateral damage estimates, location issues, impact on the enemy, environmental concerns, and intelligence gain/loss concerns.181 An important part of the analysis also includes assessing the impact of not conducting operations against the target.182 Vetting occurs at multiple points in the kill-list creation process, as targets are progressively refined within particular agencies and at interagency meetings.

A validation step follows the vetting step. It is intended to ensure that all proposed targets meet the objectives and criteria outlined in strategic guidance.183 The term strategic is a reference to national level objectives—the assessment is not just whether the strike will succeed tactically (i.e. will it eliminate the targeted individual) but also whether it advances broader national policy goals.184 Accordingly, at this stage there is also a reassessment of whether the killing will comport with domestic legal authorities such as the AUMF or a particular covert action finding.185 At this stage, participants will also resolve whether the agency that will be tasked with the strike has the authority to do so.186 Individuals participating at this stage analyze the mix of military, political, diplomatic, informational, and economic consequences that flow from killing an individual. Other questions addressed at this stage are whether killing an individual will comply with the law of armed conflict, and rules of engagement (including theater specific rules of engagement). Further bolstering the evidence that these are the key questions that the U.S. government asks is the clearly articulated target validation considerations found in military doctrine (and there is little evidence to suggest they are not considered in current operations). Some of the questions asked are:

• Is attacking the target lawful? What are the law of war and rules of engagement considerations?

• Does the target contribute to the adversary's capability and will to wage war?

• Is the target (still) operational? Is it (still) a viable element of a target system? Where is the target located?

• Will striking the target arouse political or cultural “sensitivities”?

• How will striking the target affect public opinion? (Enemy, friendly, and neutral)?

• What is the relative potential for collateral damage or collateral effects, to include casualties?

• What psychological impact will operations against the target have on the adversary, friendly forces, or multinational partners?

• What would be the impact of not conducting operations against the target?187

As the preceding criteria highlight, many of the concerns that critics say should be weighed in the targeted killing process are considered prior to nominating a target for inclusion on a kill-list.188 For example, bureaucrats in the kill-list development process will weigh whether striking a particular individual will improve world standing and whether the strike is worth it in terms of weakening the adversary's power.189 They will analyze the possibility that a strike will adversely affect diplomatic relations, and they will consider whether there would be an intelligence loss that outweighs the value of the target.190 During this process, the intelligence community may also make an estimate regarding the likely success of achieving objectives (e.g. degraded enemy leadership, diminished capacity to conduct certain types of attacks, etc.) associated with the strike. Importantly, they will also consider the risk of blowback (e.g. creating more terrorists as a result of the killing).191

### AT: No Nuke Terror

**Yes technical capacity --- intel assessments prove and it’s not that hard**

John P. **Holdren 7**, et al \* Former prof at Harvard’s Kennedy School of Government, director of the Science, Technology, and Public Policy Program at the School's Belfer Center for Science and International Affairs, and Director of the Woods Hole Research Center; currently senior advisor to President Barack Obama on science and technology issues. \*\* Anthony Wier, Former Research Associate, Project on Managing the Atom/Science, Technology, and Public Policy Program, Harvard’s Belfer Center for Science and International Affairs. \*\*\*Matthew Bunn, Professor of Practice; Co-Principal Investigator, Project on Managing the Atom, Harvard’s Belfer Center for Science and International Affairs. "Securing The Bomb: 2007” September, Project on Managing the Atom, Belfer Center for Science and International Affairs, Commissioned by the Nuclear Threat Initiative, www.nti.org/securingthebomb

\*\*\*elipses in original

If terrorists could obtain the HEU or plutonium that are the essential ingredients of a nuclear bomb, **making at least a crude nuclear bomb might** well **be within the capabilities of a** sophisticated **group**.17 One study by the now-defunct congressional Office of Technology Assessment summarized the threat: “**A small group** of people, **none of whom have** ever had **access to the classified literature, could** possibly **design and build a crude nuclear** explosive **device**... Only **modest** machine-shop **facilities** that **could be contracted for without arousing suspicion** would be required.”18 **The simplest type** of nuclear bomb for terrorists **to build would be a** so-called “**gun-type” bomb, which involves** little more than **slamming two pieces of HEU together** at high speed. **The bomb that incinerated** the Japanese city of **Hiroshima**, for example, **was a cannon that fired a shell of HEU into rings of HEU.** In most cases, building such a bomb would require some ability to cast and machine uranium, a reasonable knowledge of the nuclear physics involved, and a good understanding of cannons and ballistics. In many cases, an ability to do some chemical processing might also be needed (for example, to dissolve research reactor fuel containing HEU in acid, separate the HEU, and reduce the HEU to metal); but the **chemical processing required is less sophisticated than** some of the **processing criminals routinely do in the illegal drug industry**.20 It is impossible, however, to get a substantial nuclear yield from a gun-type bomb made from plutonium, because the neutrons always being emitted by the plutonium will set off the nuclear chain reaction prematurely, causing the bomb to blow itself apart. Hence, if the terrorists only had plutonium available (or did not have enough HEU for a gun-type bomb, which requires a large amount of material), terrorists who wanted a substantial nuclear yield would have to attempt the more difficult job of making an “implosion-type” device, in which explosives arranged around nuclear material compress it to a much higher density, setting off the nuclear chain reaction. While the terrorists’ likelihood of success in making such a bomb would be lower, the danger cannot by any means be ruled out. Hence, plutonium separated from spent nuclear fuel, like HEU, must be protected from theft and transfer to terrorists.21 Even **before the Afghan war, U.S. intelligence concluded that “fabrication of at least a ‘crude’ nuclear device was within al-Qa’ida’s capabilities**, if it could obtain fissile material.”22 **Documents** later **seized** in Afghanistan **provided** “detailed and **revealing**” **information about the progress of al Qaeda’s nuclear efforts** that had not been available before the war.23 **As al-Muhajir’s statement calling for nuclear experts to join the jihad suggests, al Qaeda has consistently attempted to recruit people with nuclear weapons expertise**. **Former CIA chief Tenet**, in his memoir, recounts his conversation with Pervez Musharraf, in which the Pakistani presi- dent assured Tenet that Pakistani nuclear experts had dismissed the possibility that “men hiding in caves” could build a nuclear bomb. “Mr. President, your experts are wrong,” Tenet says he **replied, recounting the relative ease of making a crude “gun-type” nuclear bomb, and al Qaeda’s efforts to get help from** **Pakistani nuclear scientists associated with Ummah Tameer-i-Nau** (UTN**), a group led by Mahmood, the lead scientist who sat down with bin Laden and Zawahiri to discuss nuclear weapons**.24 The overthrow of the Taliban and the disruption of al Qaeda’s old central com- mand structure reduced the probability that al Qaeda would be able to pull off an operation as large and complex as acquir- ing nuclear bomb material and putting together a nuclear weapon. Unfortunately, however, the **latest intelligence assessments suggest that** a**l** Q**aeda’s central command is reconstituting its ability to direct complex operations**, from the border areas of Pakistan.25 As then- Director of National Intelligence John Negroponte put it in his annual threat assessment in January 2007, al Qaeda’s “**core leadership**… **continue to plot attacks against our Homeland** and other targets **with the objective of inflicting mass casualties**. And they continue to maintain active connections and relationships that radiate outward from their leaders’ secure hideout in Pakistan to affiliates through- out the Middle East, northern Africa, and Europe.” Negroponte specifically warned that while use of conventional explosives continues to be “the most probable” kind of al Qaeda attack, **U.S. intelligence continues to “receive reports** **indicating that al Qaeda and other** terrorist **groups are attempting to acquire chemical, biological, radiological and nuclear weapons or material.**”26 Unfortunately, **the physics of the problem suggests that a terrorist cell of relatively** modest size**, with** no large fixed facilities **that would draw attention, might** well be able to **make a crude nuclear bomb—and the world might never know until it was too late**.27

#### High risk of nuclear terror --- they have the motivation and capability --- default to consensus of experts

Bunn et al. 10/2/13 ("Steps to Prevent Nuclear Terrorism," Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998,<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>)

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

### AT: Rhetoric DA

#### Reps don’t cause war

Reiter 95 DAN REITER is a Professor of Political Science at Emory University and has been an Olin post-doctoral fellow in security studies at Harvard “Exploring the Powder Keg Myth” International Security v20 No2 Autumn 1995 pp 5-34 JSTOR

A criticism of assessing the frequency of preemptive wars by looking only at wars themselves is that this misses the non-events, that is, instances in which preemption would be predicted but did not occur. However, excluding non-events should bias the results in favor of finding that preemptive war is an important path to war, as the inclusion of non-events could only make it seem that the event was less frequent. Therefore, if preemptive wars seem infrequent within the set of wars alone, then this would have to be considered strong evidence in favor of the third, **most skeptical view of preemptive war**, because even when the sample is rigged to make preemptive wars seem frequent (by including only wars), they are still rare events. Below, a few cases in which preemption did not occur are discussed to illustrate factors that constrain preemption.¶ The rarity of preemptive wars offers preliminary support for the third, most skeptical view, that the preemption scenario does not tell us much about how war breaks out. Closer examination of the three cases of preemption, set forth below, casts doubt on the validity of the two preemption hypotheses discussed earlier: that hostile images of the enemy increase the chances of preemption, and that belief in the dominance of the offense increases the chances of preemption. In each case there are motives for war aside from fear of an imminent attack, indicating that such fears may not be sufficient to cause war. In addition, in these cases of war the two conditions hypothesized to stimulate preemption—hostile images of the adversary and belief in the military advantages of striking first—are present to a very high degree. This implies that these are insubstantial causal forces, as they are associated with the outbreak of war only when they are present to a very high degree. This reduces even further the significance of these forces as causes of war. To illustrate this point, consider an analogy: say there is a hypothesis that saccharin causes cancer. Discovering that rats who were fed a lot of saccharin and also received high levels of X-ray exposure, which we know causes cancer, had a higher risk for cancer does not, however, set off alarm bells about the risks of saccharin. Though there might be a relationship between saccharin consumption and cancer, this is not demonstrated by the results of such a test.

### AT: Sanitizes

#### Terror rhetoric does NOT trade off with real world problem focus or shape reality---you should use EMPIRICISM to make objective and accurate claims

Jonathan **Rodwell 5**, PhD from Manchester Met. \* candidate at the time\*, Trendy But Empty: A Response to Richard Jackson, http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm

The larger problem is that **without clear causal links between material**ly identifiable **events and factors any assessment within** **the argument** actually **becomes nonsensical**. Mirroring the early inability to criticise, **if we have no** traditional **causational discussion how can we know what is happening**? For example, **Jackson details how the rhetoric of anti-terrorism** and fear **is obfuscating the real problems**. It is proposed that **the real** world **killers are not terrorism**, **but disease or** illegal drugs or **environmental issues.** The problem is **how do we know this**? It seems we know this because there is evidence that illustrates as much – Jackson himself quoting to Dr David King who argued global warming is a greater that than terrorism. The only problem of course is that discourse analysis has established (as argued by Jackson) that King’s argument would just be self-contained discourse designed to naturalise another arguments for his own reasons. Ultimately it would be no more valid than the argument that excessive consumption of Sugar Puffs is the real global threat. It is worth repeating that I don’t personally believe global terrorism is the world’s primary threat, nor do I believe that Sugar Puffs are a global killer. But without the ability to identify real facts about the world we can simply say anything, or we can say nothing. This is clearly ridiculous and many post-structuralists can see this. Their argument is that there “are **empirical**lymore persuasive **explanations**.”[xi] The phrase ‘empirically persuasive’ is however the final undermining of post-structural discourse analysis. It is a seemingly fairly obvious reintroduction of traditional methodology and causal links. It **implies things** that **can be seen** to be right **regardless of perspective or discourse**. It again goes without saying that logically **in this case if such an** **assessment is possible then undeniable material factors** about the word **are real and are knowable outside of any cultural definition**. **Language** or culture **then does not** wholy **constitute reality**. **How do we know** in the end that **the world not** **threatened by** the onslaught of an oppressive and dangerous **breakfast cereal**? **Because empirical**lypersuasive **evidence tells us** this is the case. **The question must then be asked, is** our understanding of **the world born of evidential assessment, or** born **of discourse** **analysis**? Or perhaps it’s actually born of utilisation of many different possible explanations.