### Topicality

#### Interpretation: Restriction is a limitation on activity by statute, regulation, or provision

People’s Law Dictionary 2013. (by Gerald and Kathleen Hill: Gerald has practiced law for more than four decades in San Francisco, has an A.B. from Stanford and Juris Doctor from University of California. dictionary.law.com)

*Restriction*

n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects managed by homeowners' associations or similar organizations, such organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions" intended to enhance the use of common facilities and property which are recorded and incorporated into the title of each owner.

#### Violation: The President of the United States exercises zir authority through the Secretary of Defense—there’s no shift of authority

Wall 11 (Andru E. Wall-- Senior Associate with Alston & Bird LLP; former senior legal advisor for U.S. Special Operations Command Central (2007 to 2009). While this article was cleared for publication as required by my security clearance and nondisclosure agreements, the views expressed herein are my own and do not necessarily reflect the position of the U.S. government or Department of Defense.—, “Demystifying the Title 10 Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action”, Harvard University Law School National Security Journal, 2 December 2011, DA: 30 October 2013, mjb)

2.¶ The Secretary of Defense’s Statu¶ tory Authorities¶ Congress modernized and reorganized the¶ U.S.¶ national security¶ establishment in the National Security Act of 1947.¶ 39¶ The act merged the¶ War and Navy departments into the¶ DoD¶ , and created the National¶ Security Council,¶ CIA¶ , National Securi¶ ty Agency¶ (NSA)¶ , and other¶ agencies.¶ The Act also established a formalized process for national security¶ decision¶ -¶ making and Congressional oversig¶ ht of intelligence activities.¶ The¶ National Security Act of 1947, as amended, is found in Title 50 of the¶ U.S.¶ Code.¶ 40¶ In 1956 and 1962, Congress removed from Title 50 provisions¶ relating to organization and functions of the services and D¶ oD¶ and placed¶ these provisions with amendments in Title 10 of the¶ U.S.¶ Code.¶ 41¶ I¶ n 1986,¶ following the failed Iran hostage rescue¶ mission, Congress legislated a new¶ “joint” structure of command and control through which the President¶ exercises his commander¶ -¶ in¶ -¶ chief responsibilities.¶ 42¶ The President exercises Constitutional authority as Commander in¶ Chief through the Secretary of¶ Defense who is¶ also his “principal assistant . .¶ .¶ in all matters relating to the Department of Defense.”¶ 43¶ Title 10 gives the¶ Secretary of Defense all “authority, direction and control” over D¶ oD¶ ,¶ including all subordinate agencies and commands.¶ 44¶ Title 10 a¶ lso created¶ combatant commands, which include geographic commands (e.g.,¶ U.S.¶ European Command) and¶ U.S.¶ Specia¶ l Operations Command¶ (USSOCOM).¶ Title 10 gives combatant commands statutory authorities¶ and their commanders report directly to the Secretary of¶ Defense.¶ 45¶ For¶ example, Title 10 gives USSOCOM authority over the following activities¶ when conducted by special operations forces: direct action, strategic¶ reconnaissance, unconventional warfare, foreign internal defense, civil¶ affairs, psychological opera¶ tions, counterterrorism, humanitarian assistance,¶ theater search and rescue, and such other activities as may be specified by¶ the President or the Secretary of Defense.¶ 46¶ Title 50 establishes, defines and delineates authorities within the¶ intelligence comm¶ unity, but it also clarifies that the Secretary of Defense¶ controls those members of the¶ U.S.¶ intelligence community, such as the¶ NSA¶ and Defense Intelligence Agency, that are part of¶ DoD¶ .¶ 47¶ The¶ Secretary of Defense’s control and direction of D¶ oD¶ human inte¶ lligence¶ activities can be limited only by the President.¶ 48¶ This provision is reinforced¶ by Title 10, which creates an Undersecretary of Defense for Intelligence to¶ whom the Secretary of Defense may delegate duties and powers “in the area¶ of intelligence.”¶ 49¶ Finally, Executive Order¶ 12,333¶ , which has regulated the¶ U.S.¶ intelligence community for nearly thirty years, directs the Secretary of¶ Defense to “[c]ollect (including through clandestine means), analyze,¶ produce, and disseminate information¶ and intellige¶ nce [as well as] . . .¶ defense and defense¶ -¶ related intelligence and counteri¶ ntelligence . . . .¶ ”¶ 50¶ One source of confusion in the Title 10¶ -¶ Title 50 debate springs from¶ Title 50’s use of the¶ term “national intelligence.”¶ The discussion of¶ “national intelli¶ gence” in Title 50 causes some to opine that “national¶ intelligence” is separate and distinguishable from military intelligence,¶ 51¶ yet¶ other provisions of Title 50 include references to the intelligence needs of¶ combatant commanders, tactical intelligence a¶ ctivities, and the intelligence¶ needs of the military’s operational forces.¶ 52¶ These terms¶ ,¶ read in the context¶ of Title 50¶ ,¶ suggest labels based on the intended primary consumer of the¶ intelligence, or its primary purpose, not an attempt to categorize or label¶ intelligence by type or the agency collecting the intelligence.¶ There is no rigid separation¶ between Title 10 and T¶ itle 50.¶ A more¶ accurate interpretation is simply that Title 10 clarifies roles and¶ responsibilities within¶ DoD¶ , while Title 50 clarifies roles and responsibilities¶ within the intelligence community; both titles explicitly recognize that the¶ Secretary of D¶ efense has statutory roles and authorities und¶ er Title 10 and¶ under Title 50.¶ Executive Order¶ 12,333¶ confirms this reading by directing¶ the Secretary of Defense to collect intelligence for both his department and¶ the intelligence community writ large.¶ U.S¶ .¶ military doctrine further erodes¶ any attempted distinction between tactical, operational¶ ,¶ and strategic¶ intelligence:¶ National assets such as intelligence and communications¶ satellites, previously considered principally in a strategic¶ context, are an i¶ mportant¶ adjunct to tactical operations.¶ Actions can be defined as strategic, operational, or tactical¶ based on their effect or contribution to achieving strategic,¶ operational, or tactical objectives, but many times the¶ accuracy of these labels can only b¶ e determined during¶ historical studies.¶ 53¶ Read in concert with Title 10, Title 50 does not infringe upon the Secretary¶ of Defense’s author¶ ities to collect intelligence.¶ Rather, Title 50 recognizes¶ the authorities assigned to the Secretary of Defense under¶ Title 10 over all¶ DoD¶ intelligence activities, and adds Title 50’s provisions regarding¶ Congressional oversight to intelligence activities conducted primarily by¶ DoD¶ personnel in support of or in furtherance of tasking from the Director¶ of National Intelli¶ gence¶ (DNI)¶ (as opposed to tasking from the Secretary of¶ Defense).¶ Thus, Title 10 and Title 50 are mutually¶ -¶ reinforcing authorities, not¶ mutually¶ -¶ exclusive authorities; these statutory authorities may even be¶ exercised simultaneously by personnel under¶ the command and contro¶ l of¶ the Secretary of Defense.¶ Labeling some intelligence activities “Title 50”¶ activities while labeling similar activities “Title 10” activities creates a¶ disti¶ nction where the law does not.¶ Importantly, the statutes make¶ distinctio¶ ns based on d¶ irection, control¶ ,¶ and funding¶ —¶ not on nomenclature.

#### Vote Neg—our interpretation is key to fair limits, stable neg ground, and topic education grounded in legal precision. T is an a-priori voter for competitive equity, educ

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#### Focusing on drones trades-off with broad critique of the military-industrial complex

Trombly 12 (Dan Trombly, “The Drone War Does Not Take Place”, 16 November 2013, http://slouchingcolumbia.wordpress.com/2012/11/16/the-drone-war-does-not-take-place/, DA: 7 October 2013, mjb)

I’ll try to make this a bit shorter than my usual fare on the subject, but let me be clear about something. As much as I and many others inadvertently use the term, there is no such thing as drone war. There is no nuclear war, no air war, no naval war. There isn’t really even irregular war. There’s just war.¶ There is, of course, drone warfare, just as there is nuclear warfare, aerial warfare, and naval warfare. This is verging on pedantry, but the use of language does matter. The changing conduct and character of war should not be confused with its nature, as Colin Gray strives to remind us in so many of his writings. When we believe that some aspect of warfare changes the nature of war – whether we do so to despair its ethical descent or praise its technological marvels, or to try to objectively discern some new and irreversible reality – we lose sight of a logic that by and large endures in its political and conceptual character.¶ Hence the title (with some, but not too much, apology to Baudrillard). There is no drone war, there is only the employment of drones in the various wars we fight under the misleading and conceptually noxious “War on Terror.” Why does this matter?¶ To imbue a weapons system with the political properties of the policy employing it is fallacious, and to assume its mere presence institutes new political realities relies on a denial of facts and context. This remains the case with drones. The character of wars waged with drones is different – the warfare is different – but the nature of these wars do not change, and very often this argument obscures the wider military operations occurring.¶ Long before the first drone strikes occurred in Somalia, America was very much at war there. Before their availability in that theater, the U.S. had deployed CIA and SOF assets to the region. It supported Ethiopia’s armies and it helped bankroll and coordinate proxy groups, whether they were Somali TFG units, militias, or private contractors. It bombarded select Somali targets with everything from naval guns to AC-130 gunships to conventional strike aircraft. It deployed JSOC teams to capture or kill Somalis. That at some point the U.S. acquired a new platform to conduct these strikes is not particularly relevant to the character of that war and even less to its nature.¶ We sometimes assume drones inaugurate some new type of invincibility or some transcendental transformation of war as an enterprise of risk and mutual violence. We are incorrect to do so. The war in Somalia is certainly not risk free for the people who the U.S. employs or contracts to target these drones. It is not risk free for the militias, mercenaries, or military partners which follow up on the ground. Nor is it risk free for those who support the drones. Just ask Abu Talha al-Sudani, one of the key figures behind the 1998 U.S. Embassy bombings in Kenya and Tanzania, who sent operatives to case Camp Lemonier and launch a commando raid – one which looks, in retrospect, very much like the one that crippled Marine aviation at Camp Bastion recently – that might have killed a great many U.S. personnel on a base then and now critical to American operations in the Horn of Africa and Gulf of Aden.¶ The existence of risk is an inherent product of an enemy whose will to fight we have not yet overcome. The degree of that inherent risk – whether it is negligible or great – is a product of relative military capabilities and war’s multifarious external contexts. Looked at through this lens, it’s not drones that reduce U.S. political and material risk, it’s the basic facts of the conflict. In the right context, most any kind of military technology can significantly mitigate risks. A 19th century ironclad fleet could shell the coast of a troublesome principality with basic impunity. When Dewey said, “You may fire when ready, Gridley,” at Manila Bay, according to most history and much legend he lost only one man – due to heatstroke! – while inflicting grievous casualties on his out-ranged and out-gunned Spanish foes. That some historians have suggested Dewey may have concealed a dozen casualties by fudging them in with desertions, which were in any case were a far greater problem than casualties since the Navy was still in the habit of employing foreign sailors expendable by the political standards of the day is even more telling. Yes, there are always risks and almost always casualties even in the most unfair fights, but just as U.S. policymakers wrote off Asian sailors, they write off the victims of death squads which hunt down the chippers, spotters, and informants in Pakistan or the contractors training Puntland’s anti-piracy forces. And no, not even the American spooks are untouchable, the fallen at Camp Chapman are testament to that.¶ This is hardly unique to drones or today’s covert wars. The CIA’s secret air fleet in Indochina lost men, too, and the Hmong suffered mightily for their aid to the U.S. in the Laotian civil war. The fall of Lima Site 85, by virtue or demerit of policy, resonated little with the American public but deeply marks the intelligence community and those branches of the military engaging in clandestine action. The wars we wage in Pakistan, Yemen, and Somalia are not drone wars any more than our war in Laos was an air war simply because Operation Barrel Roll’s bombers elicit more attention than the much more vulnerable prop-driven spotting aircraft or Vang Pao’s men on the ground.¶ There is a certain hubris in thinking we can limit war by limiting its most infamous weapons systems. The taboo and treaties against chemical weapons perhaps saved men [and womyn] (but not the Chinese at Wuhan, nor the Allied and innocents downwind of the SS John Harvey at Bari) from one of the Great War’s particular horrors, but they did nothing appreciable to check the kind of war the Great War was, or the hypersanguinary consequences of its sequel but a generation later.¶ The Predators and Reapers could have never existed, and very likely the U.S. would still be seeking ways to carry out its war against al Qaeda and its affiliates under the auspices of the AUMF in all of today’s same theaters. More might die from rifles, Tomahawks, Bofors guns or Strike Eagles’ JDAMs than remotely-launched Griffins, and the tempo of strikes would abate. But the same fundamental problems – the opaque decisions to kill, the esoteric legal justifications for doing so, the obtuse objectives these further – would all remain. Were it not for the exaggerated and almost myopic focus on “killer robots,” the U.S. public would likely pay far less attention to the victims, excesses, and contradictions. But blaming drones qua drones for these problems. or fearing their proliferation at home, makes little more sense than blaming helicopters for Vietnam, or fearing airmobile assaults when DC MPD’s MD-500s buzz over my neighborhood.¶ That concern that proliferation of a weapons system equates to proliferation of the outcomes associated with them, without regard to context, is equally misleading. Nobody in America should fear the expansion of the Chinese UAV fleet because, like the U.S. UAV fleet, it is merely going to expand their ability to do what similar aircraft were already doing. Any country with modern air defenses can make mincemeat of drone-only sorties, and for that reason China, which unlike Yemen and Pakistan would not consent to wanton U.S. bombing of its countryside, need not fear drones. For an enormous number of geographical, political, and military reasons, the U.S. ought fear the “drone war” coming home even less. Drones do not grant a country the ability to conduct the kind of wars we conduct against AQAM. The political leverage to build bases and clear airspaces, and the military and intelligence capabilities to mitigate an asymmetric countermeasure operation do. If another country gains that ability to conduct them against a smaller country, even, it is not because they lacked the ability to put weapons on planes, but because of the full tapestry of national power and military capabilities gave them such an ability.¶ It was not asymmetry in basic technical ability that made the U.S. submarine blockade of Japan so much more effective than the Axis’s attempts to do the same against America’s shores, but the total scope of the assets in the field and context of their use. It was not because of precedent or moral equivalence, or lack thereof that the Axis could bomb Britain or lose the ability to do so, but because of the cumulative effect of military capabilities and the judgments guiding them. What might expand the battlefield of a “drone war” is much the same. America’s enemies do not refrain from attacking bases in CONUS or targeting dissidents in the U.S. (not that they have not before), they wait for an opportunity and practical reason to do so, and that has very little to do with drones in particular and even less the nature of the war itself.¶ Fearing that the mere use of a weapons system determines the way in which our enemies will use it without regard to this context is not prophetic wisdom. It is quasi-Spenglerian hyperventilation that attributes the decision to use force to childlike mimesis rather than its fundamentally political purposes. Iran and Russia do not wait on drones to conduct extrajudicial targeted killings, and indeed drones would be of much less use to them in their own political contexts. Focusing on drones and the nature of targeted killings as some sort of inherent link ignores those contexts and ultimately does a disservice to understanding of wars past, present, and future, and by doing so, does little help – and possibly a great deal of harm – to understanding how to move forward.

\*\*\*note: evidence edited for gendered language

#### The affirmative is exemplary of how we have become conditioned to accepting the military-industrial complex—the impact is endless war and violence

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer **every problem.** We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the **terms** promoted support the **conditioning of** its **citizens**. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is **dripping violence**. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. **The cycle of violence** that exists in our society **exists because it is useful to those that control society.** It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a **war consciousness that allows it to prosper.** That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy **could** have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines **what we experience** and **how we live.** As long as we choose to live in "War" in **our minds** then we will continue to get "War" in **our lives**. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### Reject the aff: Embracing a strategy of dissent from militarism key to solve

Ivie 7 (Robert L. Ivie [Professor: University of Indiana, Ph.D., Washington State University, Rhetorical Critique of U.S. public culture; democracy; war propaganda; peace-building communication]], Published 2007 by Kumarian Press, “Dissent from War”, PRINT, note: scanned and run through OCR software, mjb)

Indeed, militarism has become the mindset of American empire—the mindset, Andrew Bacevich argues, that seduces Americans to support a state of warfare. America has adopted the outlook of a security state, of an empire projecting its power worldwide rather than republic defending itself from foreign attack. The American people in an age of empire have become persuaded that their “safety and salvation lies with the sword.” The citizen army has become a professional “imperial army.” America’s “global military supremacy” has become central to its “national identity.” International problems are seen first and foremost as “military problems,” and military means are believed to be the way to reshape the world consistent with American values and the nation’s self-professed utopian ends, which are perceived in turn as “universal truths.” The very aesthetic of war is changing from an image of ugly, wasteful, and degrading brutality to a new, twenty-first century sport. In Bacevich’s blunt and considered assessment, contemporary America has fallen prey to militarism—romanticizing soldiers, fostering nostalgia for military ideals, and adopting military power as the measure of national greatness—to a “degree without precedent in US history.” ¶ The attitude of militarism that is running rampant in America, Bacevich maintains, is unlikely to disappear anytime soon” because, even though it is unprecedented in its current intensity, it has deeps roots in the nation’s past and, consistent with Michael Sherry’s observation, has reshaped American politics, foreign policy, economics, social relations, and general culture over the past half-century so much that it permeates all domains of life. The terrorist attacks of 9/11 gave “added impetus to already exiting tendencies”; America became more itself rather than something different after 9/11, increasingly adopting a militaristic ethos with broad support and too little dissent from mainstream political leaders and the general public. The present-day “infatuation with military power” is a bipartisan project and the handiwork of multiple and disparate groups of opinion leaders. Moreover, it has developed over the last several decades “in full view and with considerable popular approval.” Thus, Bacevich argues, “society at large. . .[cannot] abdicate responsibility for what has come to pass,” and what has come to pass is systemic, broad-based, and deeply ingrained in political culture rather than simply the outcome of a particular presidential election, the fault of an individual president, or the scheming of a single set of presidential advisors. A late turning of public option in the fall elections of 2006 against a stymied occupation of Iraq, we might conclude, reflects impatience with a particular war, not a basic transformation of the war culture. ¶ The image of an imperial army fighting continuous wars of empire does not inspire confidence that an ingrained system of militarism can be changed, habits of war broken, the conscience of a nation restored, or a culture of peace established. Indeed, political theorists Michael Hardt and Antonio Negri maintain that contemporary imperial warfare is perpetual because it functions to sustain the status-quo network of global power relations. War, they argue, is inevitable in a condition of “Empire” and constant as an instrument of rule.” It is the “general matrix for all relations of power and techniques of domination,” a “form of rule” for controlling populations and shaping “all aspects of social life,” Imperial war today regulates life in general and legitimizes itself in the process by propagandizing “the constant presence of an enemy and the threat of disorder.” The “presence of the enemy,” they note, “demonstrates the need for security.” The imagined presence of an enemy is crucial to the system and motive of war. ¶ Making evil enemies present by means of dehumanizing propaganda—propaganda that defies the US as it demonizes the nation’s adversaries—is a destructive ritual of redemption by vicarious sacrifice. It produces the heightened perception of a threat and intensified sense of national insecurity that motivates and excuses a call to arms. Evil, as in the image of an enemy evildoer, is the ultimate symbol of bedlam, babble, and disarray—the Biblical monster of chaos. In a condition of empire and imperial warfare, then, the routine rationalization for resorting to violence is to preserve global order against supposedly evil forces of disorder. This “abuse of evil”—this “discourse of good and evil [that] lacks nuance subtlety, and judicious discrimination”—Richard Bernstein insists is “extremely dangerous in a complex and precarious world” because it stifles thinking instead of promoting us to question and think. For this purpose, war rules. ¶ Yet, resisting the rule of war is possible, according to Hardt and Negri, despite the dominant mindset of militarism in a controlling paradigm of empire that bases politics on coercion and violence. Indeed, resisting war is “the most important task for resistance today.” They content it is reasonable to imagine, under emerging conditions of desire for democracy, peace, and justice, that a multitude of ordinary people might contest militarism through cooperation and communication—what Hardt and Negri call “singularities” acting in common with deference to their differences and without reduction to a “unity”—may well erode the order of Empire to achieve a “peaceful life in common.” The need for peace corresponds with the need for enriched democracy to overcome “the global state of war.” To be sure, “the only democracy that makes sense today is the one that poses peace as its highest value.” ¶ Consistent with Hardt And Negri and for the purpose of working toward a peacebuilding culture, democracy is usefully understood as a practice of collective self-rule constituted by matrices of individuals cooperating and communicating with one another at multiple points of intersection to produce fair and equitable social relations within and against a recalcitrant system of empire, a system of empire that relies on incessant violence and legitimizing images of evildoers to maintain a status-quo relations of global power. Democracy is expressed most directly, acutely, and cogently in collaborative acts of resistance to enemy-making discourses. Surely, as a guiding model for contesting the mindset of militarism, the vision of resisting dehumanizing propaganda by cultivating matrices of democratic dissent makes the prospect of building peace and inhibiting war more plausible over the long haul and less daunting in immediate circumstances. ¶ Understood as constructive democratic resistance, dissent evokes the more judicious and relatively sustainable expectation that acts of peacebuilding can be augmented collectively and habits of war attenuated over time. Dissent cultivates democratic relations and coordinated resistance from the ground up by producing, humanizing acts of identification, that is, acts of communication and coordination that articulate practical points of intersection without effacing the distinguishing identities, cultures, religions, or nationalities of cooperating parties. constructing intersecting points—points to be held in common by those who would oppose the war regime—is a bridging action rather than a fusing process. It is not an attempt to eliminate pluralism, diminish defining differences, or achieve a structured unity in which relative merit is determined for example, by how white or rich or Christian or Western or American a given category of people Is perceived to be. Thus, peacebuilding activism and dissent from war can be imagined as a sustained boundary-spanning project of decentralized and overlapping networks of democratic resistance to the habit of dehumanizing propaganda.

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#### Attempts to alleviate environmental, social, and economic injustices through state action and non-violent modes of resistance privileges hegemonic control. Only by opening ourselves to diverse modes of engagement may, we fight all forms of otherization and exploitation

Harvey, Distinguished Professor of Anthropology and Geography at the Graduate Center of CUNY, 96

(David, *Justice, Nature, and the Geography of Difference,* 341-346)

According to the most common-sense meaning of the word, many of us would accept that the conditions under which men, women, and minorities work in the Hamlet plant are socially unjust. Yet to make such a statement presupposes that there are some universally agreed upon norms as to what we do or ought to mean by the concept of social justice and that no barrier exists, other than the normal ambiguities and fuzziness, to applying the full force of such a powerful principle to circumstances of North Carolina. But ‘universality’ is a word which conjures up doubt and suspicion, downright hostility even, in these ‘postmodern’ times; the belief that universal truths are both discoverable and applicable as guidelines for political-economic action is nowadays often held to be the chief sin of ‘the Enlightenment project’ and of the ‘totalizing’ and ‘homogenizing’ modernism it supposedly generates. The effect of the postmodern critique of universalism has been to render any application of the concept of social justice problematic. And there is an obvious sense in which this questioning of the concept is not only proper but imperative - too many colonial peoples have suffered at the hands of Western imperialism's particular justice; too many African-Americans have suffered at the hands of the white man's justice; too many women from the justice imposed by a patriarchal order; and too many workers from the justice imposed by capitalists, to make the concept anything other than problematic. But does this imply that the concept is useless or that to dub events at Hamlet, North Carolina, as 'unjust' has no more force than some localized and contingent complaint? The difficulty of working with the concept is compounded further by the variety of idealist and philosophical interpretations put upon the term throughout the long history of Western thought on the matter. There are multiple competing theories of social justice and each has its flaws and strengths. Egalitarian views, for example, immediately run into the problem that 'there is nothing more unequal than the equal treatment of unequals' (the modification of doctrines of equality of opportunity in the United States by requirements for affirmative action, for example, have recognized the historical force of that problem). Positive law theories (whatever the law says is just), utilitarian views (the greatest good for the greatest number), social contract and natural right views, together with the various intuitionist, relative deprivation, and other interpretations of justice, all compete for our attention, leaving us with the conundrum: which theory of social justice is the most socially just? The task of deconstruction and of postmodern criticism is to reveal how all discourses about social justice hide power relations. The effect of this post-modern extensions of Engel’s line of reasoning (see the prologue to part IV) is well described by White (1991:115-6). Postmodernists argue: That we are far too ready to attach the word ‘just’ to cognitive, ethical, and political arrangements that are better understood as phenomena of power and oppress, neglect, marginalize, and discipline others. In unmasking such claims about justice, postmodern thinkers imply that their work serves some more valid but unspecified notion of justice. One sees this in Derrida’s declaration that ‘Deconstruction is justice,’ but also in his cautioning that one can neither speak directly about nor experience justice. In answering the sense of responsibility to others, one serves justice but one does so with a sense of the infinite, open-ended character of the task. The effect, however, is to produce ‘a rather simplistic bipolar world: deconstructionists and other postmoderns who struggle for justice, and traditional ethical and political theorists who are the ideologues of unjust orders.” And this in turn produces a serious dilemma for all forms of postmodern argumentation: On the one hand, its epistemological project is to deflate all totalistic, universalistic efforts to theorize about justice and good life; and yet on the other hand, its practical project is to generate effective resistence to the present dangers of totalizing, universalizing rationalization processes in society. In short, the source of much injustice in contemporary society is seen as general and systemic; the response, however, bars itself from normatively confronting problems on a comparable level by employing a theory of justice offering universally valid, substantive principles. Postmodern reflection thus seems to deny itself just the sort of normative armament capable of conducting a successful fight. We can see precisely this difficulty emerging in the circumstances that led up to events in Hamlet, North Carolina. When business organized itself as a class to attack government regulation and the welfare state (with its dominant notions of social rationality and just redistributions) it did so in the name of the unjust and unfair regulation of private property rights and the unfair taxation of the proper fruits of entrepreneurial endeavor in freely functioning markets. Just deserts, it has long been argued by the ideologues of free-market capitalism (from Adam Smith onwards), are best arrived as through competitively organized, price-fixing markets in which enterpreneurs are entitled to hang on to the profit engendered by their endeavors. There is then no need for explicit theoretical, political, or social argument over what is or is not socially just because social justice is whatever is delivered by the market. Each ‘factor’ of production (land, labor, and capital) for example, will receive its margins of return, its just reward, according to its contribution to production. The role of government should be confined to making sure that markets function freely (e.g. by curbing monopoly powers) and that they are “properly organized” which may extend to compensating for clear cases of market failure in the case of unpriced externalties such as environmental pollution and health hazards – see chapter 13. It does not, of course, take that much sophistication to deconstruct this conception of justice as a manifestation of a particular kind of political-economic power (see, for example, Carlson, 1992). Yet there is widespread, perhaps even hegemonic acceptance of such a standpoint as the numerous ‘tax revolts’ in the United States over the last decades have shown. From this standopoint, the incident in North Carolina can be interpreted as an unfortunate accident, perhaps compounded by managerial error, in a basically just system which (a) provides employment where there otherwise would be none at wages determined by the demand and supply conditions prevailing in local labor markets, and (b) fills the shops (contrast the former Soviet Union) with a vast supply of cheap protein which poor people can for the most part afford to buy. In so far as this doctrine of just deserts in the market place is ideologically hegemonic, protest in the North Caroline case would be minimized and confined simply to an enquiry into who it was that locked the doors and who should compensate the victims. In the Imperial Foods case, in a "surprise" plea bargain, the owner, Emmett Roe, took the blame and admitted to 25 counts of involuntary manslaughter in return for dropping all criminal charges against the two managers of the plant, one of whom was his son. Roe, 65 years old, nominally sentenced to 20 years, was expected to be released after three years. "I'm confident," said one of the prosecutors, "that the person who's responsible for that locked door policy is in prison." The defense was equally delighted with the plea agreement, and took great pains to praise the way the elderly owner had "sacrificed himself to save his family" (New York limes, September 15, 1992). The company itself was forced into bankruptcy by a fine of over $800,000 levied by the state leaving the question of compensation for victims in chaos for more than a year. In November 1992, immediately in the wake of Clinton's electoral victory, the insurance companies that had resisted pay-outs on the grounds that conditions were so bad that the bankrupt owner should be solely liable, finally agreed to pay $16.1 million compensation to be divided (after the lawyers had taken their cut) among the 80 or so families bereaved or injured. The tempered and entirely legalistic response to the Hamlet case, and the manner of its handling, can be interpreted as an indication of precisely how dominant the market-led conception of justice is in the United States today. That this is the predominant way in which issues are mediated through market mentality and market justice is suggested by a parallel case in Shanghai. Mai Ziwen, "the Taiwan businessman who ran the Fuzhou textile warehouse in Shanghai in which 61 workers, locked in the building died in a fire," received a "lenient" two-year suspended sentence, ostensibly because he had "showed repentance" and "cooperated in the aftermath of the fire." But it was widely acknowledged that China, seeking to encourage foreign investment (even from Taiwan) under something like free-market conditions of wage labor, was most anxious not to send the wrong signals to foreign investors by any harsh reprisals (Sommer, 1994). The point here is not to cavil at the leniency of treatment to guilty parties (though there are plenty of grounds for concern on this score too), but to marvel at the way in which a condition of systematic violence towards workers is translated into a question of individual culpability and negligence before being thrown into a calculus of extenuating circumstances. The obvious discourse with which to confront this market justice is that of workers' rights deploying the whole rhetoric of class struggle against exploitation, profit making, and worker disempowerment. Neither Marx nor Engels would here eschew all talk of rights and justice. While they clearly recognize that these concepts take on different meanings across space and time and according to persons, the exigencies of class relations inevitably produce, as Marx (1967: 235) argues in the case of the fight between capital and labor over the proper length of the working day, "an antinomy, right against right, both equally bearing the seal of the law of exchanges." Between such equal rights (that of the capitalist and that of the worker) "force decides." What is at stake here, is not the arbitration between competing claims according to some universal principle of justice, but class struggle over the particular conception of justice and rights which shall be applied to a given situation. In the North Carolina case, had the rights of workers to be treated with dignity under conditions of reasonable economic security and safety and with adequate remuneration been properly respected, then the incident almost certainly would not have happened. And if all workers (together with the unemployed) were accorded the same rights and if the exorbitant rates of profit in broiler chicken processing (as well as in other industries) had been curbed, then the importance of the relatively low-price of this source of protein for the poor would have been significantly diminished. The problem, however, is that such working-class rhetoric on rights and justice is as open to criticism and deconstruction as its capitalistic equivalent. Concentration on class alone is seen to hide, marginalize, disempower, repress, and perhaps even oppress all kinds of "others" precisely because it cannot and does not acknowledge explicitly the existence of heterogeneities and differences based on, for example, race, gender, sexuality, age, ability, culture, locality, ethnicity, religion, community, consumer preferences, group affiliation, and the like. Open-ended responsibility to all of these multiple othernesses makes it difficult if not impossible to respond to events in North Carolina with a single institutionalized discourse which might be maximally effective in confronting the rough justice of capitalism's political economy at work in the "Broiler Belt." We here encounter a situation with respect to discourses about social justice which closely matches the political paralysis exhibited in the failure to respond to the North Carolina fire. Politics and discourses both seem to have become so mutually fragmented that response is inhibited. The upshot appears to be a double injustice: not only do men and women, whites and African-America die in a preventable event, but we are simultaneously deprived of any normative principles of justice whatsoever by which to condemn or indict the responsible parties.

#### Non-violent modes of resistance allow the state to simply shift between equally elitist regimes – these strategies merely entrench state power over violenceRed Pheonix 11 (The Red Pheonix – newspaper for the ALP “Pacifism: How to Do The Enemy’s Job For Them” 08/11/11

<http://theredphoenixapl.org/2011/08/11/pacifism-how-to-do-the-enemys-job-for-them/> )

After the uncompromising pacifists have thus succeeded in keeping discontent in acceptable, harmless forms and the people helpless and dependent on the sudden enlightenment after “speaking truth to power” they have to be rewarded. They can have their protest and their media coverage. Nobody really cares, nothing really changes, some liberals can feel like real rebels and most important, the facade of social peace, freedom of speech and democracy is kept up. Successfully the ruling class has prevented the possibility of violent resistance destroying the image of social peace, love and harmony. “Permitting nonviolent protest improves the image of the state. Whether they mean to or not, nonviolent dissidents play the role of a loyal opposition in a performance that dramatizes dissent and creates the illusion that democratic government is not elitist or authoritarian. Pacifists paint the state as benign by giving authority the chance to tolerate a criticism that does not actually threaten its continued operation” (Gelderloos 53). How can another phenomenon the pacifist movement likes to credit to itself, the so-called “non-violent revolutions,” be explained then? The state and the ruling class were challenged, maybe they used the police against protesters but no bloodshed worth speaking of occurred and definitely no civil war erupted. Yet these regimes collapsed and the people triumphed. What do we make of all that Velvet, Orange, Rose and other “Color Revolutions?” It is sad and once again shows the naivety of the non-violent movement that you even have to answer such a question. Are they not self-explanatory? What was the result of all these “revolutions?” Did they really succeed? Did anything really change for the better? Do people in the countries where these “revolutions” occurred now live in pacifist wonderland? “In its long history, this strategy type has not succeeded in causing the class of owners, managers, and enforcers to defect and be disobedient, because their interests are fundamentally opposed to the interests of those who participate in the disobedience. What disobedience strategies have succeeded in doing, time and time again, is forcing out particular government regimes, though these are always replaced by other regimes constituted from among the elite. [...] It is not even proper to say the old regimes are “forced out.” Faced with rising disobedience and the threat of real revolution, they choose to hand over power to new regimes that they trust to honor the basic frameworks of capitalism and state. When they do not have the option of a transfer of power, they take off the gloves and attempt to brutalize and dominate the movement, which cannot defend itself and survive without escalating tactics.” (Gelderloos 100 ).

#### An effective means of violent resistance involves hacking drones – it’s easily accessible to a majority of citizens and hard to trace. This sabotage can then be used to further violent resistance

Morley 13 (Chris- law student at American University’s Washington College of Law “Drones and Unintended Consequences” 03/27/13

<http://nationalsecuritylawbrief.com/2013/03/27/drones-and-unintended-consequences/> )

The introduction of new technology to warfare holds the potential for unforeseen consequences as the law and norms regulating the use of such technologies attempts to catch up. The Obama Administration recently expressed concern over the proliferation of drone technology and called for global rules governing their use. Like the transnational arms trade, bilateral treaties and a few multilateral agreements lacking widespread membership govern the trade of drones. The lack of a comprehensive regime to govern transfers and use of drone technology is problematic for both the law of war and the national security generally. Despite the debate regarding the legality of targeting, the law of war permits targeting of civilians who directly participate in hostilities for the duration of their participation. References to this doctrine are found either explicitly or implicitly in defining the scope of civilian protection in the Geneva Conventions of 1949 and the Additional Protocols One and Two. Direct participation in hostilities usually takes the form of civilians engaging in attacks with conventional weapons or perpetrating terrorist attacks in an area governed under the laws of war. The proliferation of drone technology opens a new avenue for participation in two ways: hacking or fielding drones. Drones, as with any other piece of technology that relies on wireless signals to operate, are vulnerable to hacking attacks, a fact demonstrated by students in the US. With the ability to hack drones, it is possible in the not too distant future that a civilian could pilot a drone into a military camp or a crowded street by fooling its guidance signal and video feed. Assuming interest and demand for drones rises, it is a certainty that drones and the technology to build them will appear on the black market if it has not already. The transnational black market for arms is both virtual and extensive in its offerings. Yet numerous arms deals occur without any online trail. The increase in civilian use of drones, coupled with continual research and development of military models will ensure future black market venders could provide more compact lethal models for terrorists and organized crime. Even if more lethal models are currently unavailable on the black market, civilian models can always be repurposed. The potential for either remotely sabotaging or employing repurposed civilian drone models provides a platform previously unavailable for civilians to attack soldiers or commit terrorist attacks. The use of drones would effectively allow civilians to launch attacks from neighboring countries without ever personally entering a combat zone. Countering these individuals with armed force opens a host of legal problems relating to the sovereignty of States, law of neutrality in armed conflict, and domestic questions of the legality of force against nationals. Efforts to prosecute individuals engaging in the use of drones to launch attacks from other countries would likely be an ineffective deterrence because of the lengthy legal process required for such. It is also possible the countries being asked to extradite such individuals lack the ability to locate and arrest those individuals in a timely manner. Those attempting to hack a drone, depending on their location, could effectively render them useless. Insurgents in Iraq, utilizing a $26 computer program, were able to monitor information feeds from US drones, in effect creating an early warning system to evade them. Al Qaeda has used even published a manual on how to evade drones and released it online, allowing such knowledge to proliferate. Countermeasures could be taken to ensure hacking is more difficult by adding certain features, but it is questionable whether such measures would accompany a legal regime designed to make drones more secure generally. Bilateral agreements, the Wassenaar Arrangement, and the Missile Technology Control Regime (MTCR) collectively govern transnational drone transfers. These voluntary agreements have not stemmed the proliferation of drones as other countries have developed or are developing their own models. Neither the MTCR nor the Wassenaar Arrangement directly address the proliferation of drone technology per se, but address them either as a means of missile delivery or dual use technologies employed by drones. Ironically, the US has sold drone technology, increasing the rate in which this technology proliferates. The proliferation of drone technology cannot be reversed. What is needed is a binding international regime to regulate their use and measures to incorporate cybersecurity practices into security the global positioning satellite technology drones use to navigate. Anything less leaves the law hopelessly behind technology.

#### Therefore, we advocate an ethic of liberating tolerance, working in solidarity with those subjugated by systems of power.

Marcuse,65

(Herbert, Repressive Tolerance, http://www.marcuse.org/herbert/pubs/60spubs/65repressivetolerance.htm)

With respect to historical violence emanating from among ruling classes, no such relation to progress seems to obtain. The long series of dynastic and imperialist wars, the liquidation of Spartacus in Germany in 1919, Fascism and Nazism did not break but rather tightened and streamlined the continuum of suppression. I said emanating 'from among ruling classes': to be sure, there is hardly any organized violence from above that does not mobilize and activate mass support from below; the decisive question is, on behalf of and in the interest of which groups and institutions is such violence released? And the answer is not necessarily ex post: in the historical examples just mentioned, it could be and was anticipated whether the movement would serve the revamping of the old order or the emergence of the new. Liberating tolerance, then, would mean intolerance against movements from the Right and toleration of movements from the Left. As to the scope of this tolerance and intolerance: ... it would extend to the stage of action as well as of discussion and propaganda, of deed as well as of word. The traditional criterion of clear and present danger seems no longer adequate to a stage where the whole society is in the situation of the theater audience when somebody cries: 'fire'. It is a situation in which the total catastrophe could be triggered off any moment, not only by a technical error, but also by a rational miscalculation of risks, or by a rash speech of one of the leaders. In past and different circumstances, the speeches of the Fascist and Nazi leaders were the immediate prologue to the massacre. The distance between the propaganda and the action, between the organization and its release on the people had become too short. But the spreading of the word could have been stopped before it was too late: if democratic tolerance had been withdrawn when the future leaders started their campaign, mankind would have had a chance of avoiding Auschwitz and a World War. The whole post-fascist period is one of clear and present danger. Consequently, true pacification requires the withdrawal of tolerance before the deed, at the stage of communication in word, print, and picture. Such extreme suspension of the right of free speech and free assembly is indeed justified only if the whole of society is in extreme danger. I maintain that our society is in such an emergency situation, and that it has become the normal state of affairs. Different opinions and 'philosophies' can no longer compete peacefully for adherence and persuasion on rational grounds: the 'marketplace of ideas' is organized and delimited by those who determine the national and the individual interest. In this society, for which the ideologists have proclaimed the 'end of ideology', the false consciousness has become the general consciousness--from the government down to its last objects. The small and powerless minorities which struggle against the false consciousness and its beneficiaries must be helped: their continued existence is more important than the preservation of abused rights and liberties which grant constitutional powers to those who oppress these minorities. It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.

#### The ballot functions are an endorsement of liberating tolerance, permeating both the debate community and society at large

Marcuse,65

(Herbert, Repressive Tolerance, http://www.marcuse.org/herbert/pubs/60spubs/65repressivetolerance.htm)

The forces of emancipation cannot be identified with any social class which, by virtue of its material condition, is free from false consciousness. Today, they are hopelessly dispersed throughout the society, and the fighting minorities and isolated groups are often in opposition to their own leadership. In the society at large, the mental space for denial and reflection must first be recreated. Repulsed by the concreteness of the administered society, the effort of emancipation becomes 'abstract'; it is reduced to facilitating the recognition of what is going on, to freeing language from the tyranny of the Orwellian syntax and logic, to developing the concepts that comprehend reality. More than ever, the proposition holds true that progress in freedom demands progress in the consciousness of freedom. Where the mind has been made into a subject-object of politics and policies, intellectual autonomy, the realm of 'pure' thought has become a matter of political education (or rather: counter-education). This means that previously neutral, value-free, formal aspects of learning and teaching now become, on their own grounds and in their own right, political: learning to know the facts, the whole truth, and to comprehend it is radical criticism throughout, intellectual subversion. In a world in which the human faculties and needs are arrested or perverted, autonomous thinking leads into a 'perverted world': contradiction and counter-image of the established world of repression. And this contradiction is not simply stipulated, is not simply the product of confused thinking or fantasy, but is the logical development of the given, the existing world. To the degree to which this development is actually impeded by the sheer weight of a repressive society and the necessity of making a living in. it, repression invades the academic enterprise itself, even prior to all restrictions on academic freedom. The pre-empting of the mind vitiates impartiality and objectivity: unless the student learns to think in the opposite direction, [they] will be inclined to place the facts into the predominant framework of values. Scholarship, i.e., the acquisition and communication of knowledge, prohibits the purification and isolation of facts from the context of the whole truth. An essential part of the latter is recognition of the frightening extent to which history is made and recorded by and for the victors, that is, the extent to which history was the development of oppression. And this oppression is in the facts themselves which it establishes; thus they themselves carry a negative value as part and aspect of their facticity. To treat the great crusades against humanity (like that against the Albigensians) with the same impartiality as the desperate struggles for humanity means neutralizing their opposite historical function, reconciling the executioners with their victims, distorting the record. Such spurious neutrality serves to reproduce acceptance of the dominion of the victors in the consciousness of [humans]. Here, too, in the education of those who are not yet maturely integrated, in the mind of the young, the ground for liberating tolerance is still to be created.