#### Our 1AC begins with a re-telling of the Rehman family’s story, as told by Rania Khalek after she spent time with the family in November

Rania Khalek is an independent journalist living in the Washington, DC “Drone Victims Tell Empty US House Their Story; Is America Listening?” November 1 http://truth-out.org/news/item/19751-drone-strike-victims-tell-their-story-but-is-america-listening

Pakistani school teacher Rafiq ur Rehman traveled over 7,000 miles with his children - 13-year-old Zubair and 9-year-old Nabila - from a small, remote village in North Waziristan to tell lawmakers about the US drone strike that killed his 67-year-old mother, Mamana Bibi. It was a harrowing tale that brought many in the room to tears, including Rep. Alan Grayson (D-Fla.), who was responsible for inviting the family to Capitol Hill for the briefing.

In the end, only five members of the US House of Representatives bothered to attend. Grayson was joined by Reps. Jan Schakowsky (D- Ill.), Rush Holt (D-NJ), John Conyers (D-Mich.) and Rick Nolan (D-Minn.).

Meanwhile, President Obama, according to his October 29 schedule, was meeting with the CEOs of Lockheed Martin and Northrup Grumman, both of which manufacture drones. More importantly, Lockheed Martin manufactures hellfire missiles, the very weapon fired from the drone that killed Mamana Bibi.

Though Obama did not publicly acknowledge the briefing, his actions the next day suggest he was either unmoved or did not tune in.

Just one day after the Rehman family addressed Congress, a US drone strike killed three people and injured at least three more in North Waziristan. The identities of the dead have yet to be confirmed, but Pakistani intelligence officials say they were suspected militants, the same claim made in the aftermath of Mamana Bibi's death.

In Their Own Words

"On October 24, 2012, a CIA drone killed my mother and injured my children," Rehman said, speaking through a translator. And so began the first time members of Congress heard a drone victim tell their story.

"Nobody has ever told me why my mother was targeted that day," he continued. "Some media outlets reported that the attack was on a car, but there is no road alongside my mother's house. Others reported that the attack was on a house. But the missiles hit a nearby field, not a house. All of them reported that three, four, five militants were killed. But only one person was killed that day.

"She was the string that held our family together. Since her death, the string has been broken, and life has not been the same. We feel alone and we feel lost."

Rehman was returning from buying groceries when he learned his mother had been killed. "When I heard this news, all the groceries - the fruits and sweets I had bought - just fell from my hands. It was as if a limb had been cut from my body to hear the news of my mother's death," he told Truthout.

"All my neighbors and relatives were telling me to come immediately to the mosque because they were going to start the prayers. But I said no, I want to go to my house, I want to see my mom's face before they bury her to rest. They were telling me that no, you don't want to see the condition she is in," said Rehman. "Later, I realized that because she was blown to pieces, they collected whatever they could and put it in a box. I wanted to see my mom's face for the last time but they had taken her remains and put it into a box."

It was the day before Eid and Rehman's mother was outside with eight of her grandchildren picking okra. Both Zubair and Nabila said they noticed a drone overhead but, as Zubair explained, "I wasn't worried because we are not militants."

Nabila described to Truthout what happened next. "All of the sudden I heard this 'dum dum' noise, and I saw these two white lights come down and hit right where my grandmother was. Everything had become dark, and it was smelling weird. I was really scared and didn't know what to do so I started to run, and I just kept running and running," she said.

"I felt some pain in my hand. When I looked, it was bleeding. I tried to bandage it and wipe it with my scarf to stop the bleeding but the blood just kept coming out. I had lost a lot of blood. Next thing I know I ended up in a hospital and it was evening time."

Zubair's experience was equally as horrific. "My grandmother was blown up into pieces, and I got injured in my leg," he told Truthout. "At the funeral, everyone was trying to console me, saying, 'We all lost a grandmother.' There was no one else like her. She would always make sure that we would have something to eat, and she would always make our favorite meals or buy our favorite fruits from the market."

Zubair has since undergone multiple surgeries to have shrapnel removed from his leg. Medical costs have piled up, forcing Rehman to borrow money and sell his land to pay for treatment. In the meantime, the US government has yet to provide an explanation for the strike or offer any compensation to the family for their loss, which appears to be a widespread problem. The peace group Codepink recently discovered that over the last four years, not a single dime of the $40 million allocated by Congress for that purpose has gone to Pakistani victims of drone strikes.

Rep. Grayson told Truthout he was unaware of the problem but promised to have his office look into it.

Since the briefing, Rehman says no one from the US government has approached him about compensation, though he stressed, "That's not the reason why I came here. I wasn't looking for any compensation in any way. What I was coming here to do is tell the truth, to share my story. This is about humanity. This is about the truth. This is about justice."

The briefing came one week after the release of several scathing reports by human rights organizations and the UN criticizing the US drone program as a violation of international law. The Obama administration responded to the UN by defending the program as "necessary, legal and just."

Amnesty International, which investigated 45 drone strikes carried out in Pakistan's North Waziristan region between January 2012 and August 2013, accused the United States of "exploiting the lawless and remote nature of the local region to evade accountability for violations of the right to life." Amnesty was particularly concerned about "signature strikes," where drone operators fire on unidentified groups of people based on patterns of behavior that signify militant activity. A signature strike is believed to have killed 18 laborers and injured 22 others in July 2012, according to the report, which also documents several double-taps or follow-up strikes targeting rescuers and mourners. Amnesty concluded that up to 900 civilians have been killed by US drone strikes in Pakistan in "unlawful killings that may constitute . . . war crimes."

Despite the mounting evidence to the contrary, the White House has insisted that the president requires "near-certainty" that civilians will not be harmed before approving a drone strike, adding that there is a "wide gap" between the administration's casualty numbers and those of the nongovernmental organizations. Unfortunately, it is impossible to compare the two because the White House refuses to release its data. That being said, if the president's numbers are significantly lower, it might be related to his definition of the term "militant." Obama tallies "all military-age males in a strike zone as combatants . . . unless there is explicit intelligence posthumously proving them innocent," a counting method that surely lowers the casualty number.

Shahzad Akbar, the Rehman family's attorney who was refused a visa to attend the briefing, told Truthout that Obama administration claims about low civilian casualties are absurd. "Either [Obama] is lying or he is being lied to," he said.

Akbar is a legal fellow with the British human rights group Reprieve and the director of the Pakistan-based Foundation for Fundamental Rights, where he represents over 150 drone strike victims. "I didn't expect this from Obama," he said. "I liked him. I thought that he was the hope of East meets West. He turned out to be the biggest disappointment." Akbar continued, "Obama's first drone strike hit a house filled with civilians, and he was informed of this fact. But what does he do? He escalates the drone strikes."

At the briefing, the lawmakers were asked repeatedly whether certain drone strikes constituted war crimes, as suggested by Amnesty International. All deflected the question except for Grayson, who argued that US drone strikes are not war crimes because the killing of civilians is not "deliberate."

Asked whether signature strikes, which target unidentified persons, might constitute war crimes, Grayson declined to speculate, calling instead for more transparency. "I do think that there is overwhelming evidence that we need a different, more reliable system if we're going to be undertaking operations like this," he told Truthout.

But according to Reprieve attorney Jennifer Gibson, intention is not the only litmus test.

"[Intention] matters to the degree that you are required to be proportionate in your targeting to minimize civilian casualties," Gibson told Truthout. "To the extent that you're being deliberately negligent in minimizing civilian casualties, which is the category that signature strikes would fall into, then yes, in certain instances we very well might be committing war crimes." But there are no agreed-upon parameters for proportionality. Still, Gibson argued, "What I do know is a grandmother and her eight grandchildren is disproportionate."

"Before, I would hear the drones but I didn't think much of it. I would just go about my daily life. I'd want to go to school. There would hardly be a time that I would refuse to go outside," Zubair told Truthout. "But now, after I've seen what's happened to me and my family and that I've had two operations, I'm scared. I don't want to go outside anymore. I don't feel like playing cricket, volleyball and soccer with my friends. I don't even want to go to school. I just fear every time I hear the noise overhead."

Zubair added that there are already too few schools in his community and due to the fear of drone strikes, "students have stopped going to the ones that exist," echoing a report published last year by Stanford and NYU, in which researchers observed that the presence of US drones buzzing over northwest Pakistan 24 hours a day "terrorizes men, women and children, giving rise to anxiety and psychological trauma among civilian communities," who "have to face the constant worry that a deadly strike may be fired at any moment and the knowledge that they are powerless to protect themselves." As a result, "Some parents choose to keep their children home, and children injured or traumatized by strikes have dropped out of school."

"As a teacher, my job is to educate. But how do I teach something like this? How do I explain what I myself do not understand?" asked Rehman, bringing his translator to tears. "How can I in good faith reassure the children that the drone will not come back and kill them, too, if I do not understand why it killed my mother and injured my children?"

"In the end I would just like to ask the American public to treat us as equals. Make sure that your government gives us the same status of a human with basic rights as they do to their own citizens," said Rehman. "This indiscriminate killing has to end, and justice must be delivered to those who have suffered at the hands of the unjust."

Rafiq, Zubair and Nabila stood bravely before the US Empire and demanded peace. Let's hope that America listens.

#### Thus Clara and I demand that the United States federal government should stand trial for its targeted killings.

#### Clara and I may be American citizens living thousands of miles from Yemen, but our demand demonstrates solidarity with victims of drone strikes. Obama and his lawyers continue to justify the targeted killing of hundreds in the name of counterterrorism. Saying nothing in the face of these murders is a passive endorsement of the status quo. We may not be able to stop all executive abuses, but we want them to know that they need to keep our names out of their justification when they do it. Drone victims want to know Americans are listening- they want us to share their stories and demand an end to targeted killing.

Mohammed Al Qawli, whose brother was killed in a drone strike, wrote in December Mohammed Al Qawli is an educational consultant at the Ministry of Education in Sanaa, Yemen and the former director of the Ministry of Education in Khawlan province. His brother, Ali Al Qawli, was killed in a drone strike in January 2013. Dec 5 2013 “The US killed my brother with a drone. I want to know why” http://america.aljazeera.com/opinions/2013/12/grieving-yemena-sinnocentdead.html

I have been waiting for almost a year now for an apology and for meaningful answers as to why my brother had to die, but no one in the U.S. or Yemeni government has ever contacted me or claimed responsibility for their actions. I’d heard that the United States of America was sending support to Yemen, but for a long time I did not know what that meant. Now I can see it firsthand. I have received U.S. gifts and U.S. aid, wrapped in a body bag. These explosive fragments kill Yemenis, destroy their spirits, burn their bodies and only further empower the militants. The U.S. and Yemeni governments killed a young man who strongly opposed terrorism and tried to bring change through education — the very same things they purport to want themselves. I want to know why. Ali al Qawli the schoolteacher has left us, but his tremendous legacy of love, passion and hope remains. I hope that the American people will demand an end to the illegal extrajudicial executions happening in their name. I hope they will stand against the violent actions of their Nobel Peace Prize–winning president and join us in demanding that the U.S. government stop its blind killing of hundreds of innocent people. Most important, I hope they will represent the best ideals of their country’s founding and help end this injustice committed in their name. I may live thousands of miles from the United States, but I hope that when Americans hear about drones, they will share my brother’s story and the stories of countless other civilians who have died in the name of counterterrorism. We must ensure that both courts and governments stop the killing and do not make a farce of the principles they purport to uphold.

#### Lawsuits are a visible platform advocates can use to generate media attention and public conversations. The conversations that result from the aff spillover to broader conversations about constitutional concerns and human rights issues.

Wexler 13 Lesley Wexler Professor of Law and Thomas A. Mengler Faculty Scholar, University of Illinois College of Law “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests” May 8 http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2262412

This chapter suggests the judiciary may play an important role in the debate over the executive branch’s decisions regarding IHL even if it declines to speak to the substance of such cases. First, advocates may use courts as a visible platform in which to make their arguments and spur conversations about alternative, non-judicially mandated transparency and accountability measures. As they did with the trio of detention cases, advocates can leverage underlying constitutional concerns about the treatment of citizens to stimulate interest in the larger IHL issues. Second, litigants may use courts to publicize and pursue Freedom of Information (FOIA) requests and thus enhance transparency. Even if courts decline to grant FOIA requests, the lawsuits can generate media atten-tion about what remains undisclosed. Third, and most robustly, Congress may pass legislation that would facilitate either prospective review of kill lists through a so-called drone court or remove procedural barriers to retrospective damage suits for those unlawfully killed by a drone strike. Even the threat of such a judicial role may influence executive branch behavior.

#### Mobilizing civil society organizations is the most effective way to restrain executive power.

David Cole explains David, Professor, Georgetown University Law Center. Where Liberty Lies: Civil Society and Individual Rights After 9/11 Wayne Law Review, Winter, 57 Wayne L. Rev. 1203, lexis

The force of ordinary electoral politics also cannot account for the shift in U.S. counterterrorism policy. None of the Bush administration's initial initiatives sparked majoritarian opposition. To the contrary, [\*1244] President Bush, who had very low approval ratings shortly before 9/11, shot up in popularity when he declared the "war on terror," and was reelected in 2004, in large measure on his promise to deliver security. n235 Apart from opposition to the war in Iraq, there was little widespread popular pressure on President Bush to rein in his security initiatives. Despite this evidence, Eric Posner and Adrian Vermeule have argued that in the modern era, political checks are all there are when it comes to restraining executive power. n236 They maintain that Congress, the courts, and the law itself cannot effectively constrain the executive, especially in emergencies, but that this need not concern us because the executive is adequately limited by political forces. At first blush, the past decade might appear to vindicate Posner and Vermeule's views, as political forces, broadly speaking, seem to have been at least as effective at checking the President as were Congress or the judiciary. n237 But there is in fact little evidence that electoral politics or majoritarian sentiment played much, if any, role in persuading President Bush to ratchet back his security initiatives. While formal judicial and legislative checks cannot tell the whole story, the alternative account is not "politics" as Posner and Vermeule define and describe it, but a much more complex interplay of civil society, law, politics, and culture: what I have called "civil society constitutionalism." Posner and Vermeule contend that the separation of powers is, for all practical purposes, defunct, as executive power has dramatically expanded relative to the other branches in the modern era. n238 Like many commentators before them, Posner and Vermeule attribute this development to the growth of the administrative state n239 and to the near-constant state of emergency in which modern American government now seems to operate. n240 But where other commentators view these developments as profound challenges to our constitutional order, Posner and Vermeule insist that ordinary political constraints on the executive are sufficient. n241 [\*1245] In my view, Posner and Vermeule simultaneously underestimate the constraining force of law and overestimate the influence of political limits on executive overreaching. Sounding like Critical Legal Studies adherents, they sweepingly claim that law is so indeterminate and manipulable as to constitute only a "façade of lawfulness." n242 But in assessing law's effect, they look almost exclusively to formal indicia--statutes and court decisions. n243 That approach disregards the role that law plays without coming to a head in a judicial decision or legislative act. As the post-9/11 period illustrates, when law is reinforced and defended by civil society institutions, it can have a disciplining function long before cases reach final judgment, and even when no case is ever filed, a reality to which anyone who has worked in the executive branch will attest. n244 Executive officials generally cannot know in advance whether their actions will attract the attention of civil society watchdogs, or lead to court review. They often cannot know whether such oversight--whether by a court, a legislative committee, or a nongovernmental organization--will be strict or deferential. As long as there is some risk of such oversight, the resultant uncertainty itself is likely to have a disciplining effect on the choices they make. There are, in short, plenty of reasons why executive lawyers generally take legal limits seriously. They take an oath and are acculturated to do so. They know that claims of illegality can undermine their objectives. And they cannot predict when a legal claim will be advanced against them. Similarly, in focusing exclusively on statutes and their enforcement by courts, Posner and Vermeule disregard the considerable checking function that Congress's legal oversight role plays through means short of formal statutes, such as by holding hearings, launching investigations, requesting information about doubtful executive practices, or restricting federal expenditures. The effectiveness of these checks, moreover, will often turn on the strength of civil society. If there are significant watchdogs in the nongovernmental sector and/or the media focused on executive actions, ready to bring allegedly illegal conduct to public attention, the law will have substantial deterrent effect, with or without actual court decisions.

#### Tort litigation succeeds where traditional rights fail. Tort strategies provide forums for a unique and critical form of speaking ‘truth’ to biopower through the expression of individual bodily experience. Individuals are enabled to speak their own experience, disrupting dominant narratives of the body.

Anne Bloom writes Anne, Professor of Law, the University of the Pacific/McGeorge School of Law. Southwestern Law Review, 41 Sw. L. Rev. 241

"Speaking "Truth' to Biopower" is a pragmatic strategy for legal activism that incorporates postmodern insights regarding the nature of both "truth" and "power." "Truth" is in quotes to emphasize its contingency - the impossibility of understanding what truth means outside of a particular political and social context. "Biopower" replaces "Power" to highlight the ways in which the body is a key site of contestation in contemporary political struggles. n3 While these insights are postmodern, n4 the strategy I propose is not. Instead of rejecting legal arguments that rely upon foundational beliefs or "truths" (as would be characteristic of a postmodern approach), n5 I argue it is more useful to strategically deploy legal "truths" in [\*242] ways that acknowledge their political and social contingency. In short, "Speaking "Truth' to Biopower" is a strategy that recognizes both the political utility and the limitations of legal arguments that rest on foundational claims. "Speaking "Truth' to Biopower" is also a strategy that champions the political utility of rights. While rights-based tactics have many limitations, n6 I argue that they can be useful when they are employed in ways that take into account the surrounding political and material conditions. Moreover, because tort litigation tends to be more focused on material conditions than other areas of the law, n7 I argue that rights-based strategies may be particularly useful when they are deployed in tort litigation. Thus, "Speaking "Truth' to Biopower" encourages activists to view tort litigation as a potentially important site of political struggle where rights can be strategically asserted to address injustices in material conditions. Because most tort claims typically require some sort of bodily injury for recovery, n8 tort litigation also provides a particularly useful venue in which to confront the postmodern techniques of biopower. Biopower is different from more conventional understandings of power because it does not function as a system of repressive, institutional domination. n9 Instead, biopower operates from multiple points in the social sphere; its aim is the production of seemingly objective bodily "truths," which we use to regulate ourselves. While the state plays a role in these processes, medical elites and other social actors also play important roles in the production of seemingly objective bodily categories and diagnoses. n10 Tort litigation provides a useful venue in which to confront this power for two reasons: (1) medical elites (including pharmaceutical and medical device companies) are frequently defendants in tort litigation; n11 and (2) tort litigation often involves claims that focus on the condition of the body. n12 The remainder of this essay proceeds in three parts. In Part I, I address the problem of rights in the postmodern context. I argue that, while rights-based strategies have many limitations, rights-based narratives continue to [\*243] have political utility for real people negotiating the material conditions of their everyday lives. Part II addresses the problem of biopower and the role of medical elites and corporations in its administration. Part III offers several specific strategies for speaking "truth" to biopower in the current political context. The proposed strategies include the use of rights-based narratives in tort litigation and several related techniques for interrogating claims of objective bodily "truth." I. The Problem of Rights The contemporary disaffection with rights among left-leaning scholars has its roots in Marx. While Marx's views on the utility of legal rights are famously cryptic, n13 most interpreters read Marx as dismissive of rights because they are too abstract and insufficiently grounded in material conditions. n14 This interpretation stems from Marx's more general criticism of the tendency of Western thinkers to use concepts that are not grounded in the reality of material conditions. n15 For Marx, the problem with this approach was that it led to assumptions about human nature that were grossly decontextualized and overly rigid. n16 His solution was to develop the methodology of historical materialism, which abandoned abstract assumptions in favor of attention to real people and the conditions of their lives. n17 Both his methodology of historical materialism and its underlying critique of abstract concepts made Marx particularly suspicious of rights. n18 These views, however, did not prevent Marx from supporting rights-based claims in his own time as an occasionally useful (if somewhat limited) strategic maneuver. n19 Many contemporary critics of rights take a similar approach. n20 The leading critic of rights, for example, argues that rights "in the abstract" have [\*244] no meaning and, as a result, it only makes sense to speak of rights in terms of how they operate in particular social settings. n21 Contemporary legal scholars also detail the limitations of placing too much emphasis on rights-based claims, including the tendency of right-based legal tactics to fragment political movements and to deemphasize or obscure a movement's desire for more fundamental reform. n22 Despite these critiques, however, many Critical Race and Feminist Scholars argue for the continuing utility of rights if only because there appears to be no other useful strategy. n23 My argument here begins at a similar place. Whatever the limitations of rights, I do not believe it is possible to do resistance work today without engaging the language of rights. The language of rights and equality currently structures our thinking so much that it is all but impossible to get outside of these discourses, particularly in legal settings. n24 Even if it were possible, however, I would be more than a little afraid to abandon rights rhetoric all together. While critics are correct to point out how rights-based strategies can be damaging to political movements, n25 strategies without respect for rights also pose problems. n26 As Patricia Williams has noted, the United States' "worst historical moments have not been attributable to rights assertion but to a failure of rights commitment." n27 Certainly, rights-based work can be confining. n28 But, like Williams, n29 I am more afraid of what might happen in the absence of rights. To say that someone has rights is to show respect for her as an individual and acknowledge that she is part of a shared humanity. n30 The conferral of rights makes the person a recognized member of society to whom, at least in theory, some respect and "collective responsibility" is owed.

#### The aff is key to empathy- Exposing ourselves to different modes of understanding is critical to cultivating sympathy for different ways of life

Kathie Jenni explains Kathie, Pf Philosophy at Redlands, Social Theory and Practice, July v27 i3 p437

The claim on behalf of academics' value to the world at large is that **in enhancing the moral reasoning of students, we indirectly contribute to ending injustice and suffering, as well. We ourselves may not minister to the starving or rescue the tortured, lobby Congress, or protest in the street. But in sustaining the life of higher education, we are preparing (as it were) moral armies to go and do those things themselves, or at least to live in ways that may eventually make other kinds of activism less necessary. The intellectual's contribution to global welfare, then, is indirect and yet potentially immense. Empirical work supports this optimistic assessment of higher education's value, noting the role it can play in moral development.** Eamonn Callan, for example, notes the importance of **exposing students to *different modes* of moral understanding and thus cultivating "imaginative sympathy for alien ways of life**."(8) Others observe that liberal arts **education provides a natural setting for "the discomfiture that comes with experiences that do not fit one's earlier conceptions," which seems essential for growth in moral judgment.(9)**