#### There is a growing cacophony of voices bringing attention to the deaths of civilians by drone strikes- from the reports by Human Rights Watch and Amnesty International to the UN special reports. But still, not enough Americans are listening. The Rehman family flew 7,000 miles to tell their story at a Congressional hearing and only 5 members of Congress showed up. We need a mobilized community to restrain future use of drones.

Madea Benjamin, founder of CODEPINK in 2013 Medea Benjamin is cofounder of CODEPINK and the human rights organization Global Exchange. She is the author of Drone Warfare: Killing by Remote Control. “Drone Victims Come Out of the Shadows” Nov 5 http://fpif.org/drone-victims-come-shadows/?utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+FPIF+%28Foreign+Policy+In+Focus+%28All+News%29%29

At each of the over 200 cities I’ve traveled to this past year with my book Drone Warfare: Killing by Remote Control, I ask the audience an easy question: Have they ever seen or heard from drone strike victims in the mainstream U.S. press? Not one hand has ever gone up. This is an obvious indication that the media has failed to do its job of humanizing the civilian casualties that accompany President Obama’s deadly drone program. This has started to change, with new films, reports, and media coverage finally giving the American public a taste of the personal tragedies involved. On October 29, the Rehman family—a father with his two children—came all the way from the Pakistani tribal territory of North Waziristan to the U.S. Capitol to tell the heart-wrenching story of the death of the children’s beloved 67-year-old grandmother. And while the briefing, organized by Congressman Alan Grayson, was only attended by four other congresspeople, it was packed with media. Watching the beautiful 9-year-old Nabila relate how her grandmother was blown to bits while outside picking okra softened the hearts of even the most hardened DC politicos. From the congressmen to the translator to the media, tears flowed. Even the satirical journalist Dana Milbank, who normally pokes fun at everything and everyone in his Washington Post column, covered the family’s tragedy with genuine sympathy. The visit by the Rehman family was timed for the release of the groundbreaking new documentary Unmanned: America’s Drone Wars by Robert Greenwald of Brave New Foundation. The emotion-packed film is filled with victims’ stories, including that of 16-year-old Tariq Aziz, a peace-loving, soccer-playing teenager obliterated three days after attending an anti-drone conference in Islamabad. Lawyers in the film pose the critical question: If Tariq was a threat, why didn’t they capture him at the meeting and give him the right to a fair trial? Another just released documentary is Wounds of Waziristan, a well-crafted, 20-minute piece by Pakistani filmmaker Madiha Tahir that explains how drone attacks rip apart communities and terrorize entire populations. Just as the visit and the films have put real faces on drone victims, a plethora of new reports by prestigious institutions—five in total—have exposed new dimensions of the drone wars. On October 22, Human Rights Watch issued a report on drone strikes in Yemen and Amnesty International issued another on drone strikes in Pakistan. While not calling for an end to all drone strikes, the reports detail cases of civilian casualties and criticize the U.S. government for considering itself above the rule of law and accountability. A third report, License to Kill, released by the Geneva-based group Al Karama, is much more damning of U.S. policy. While Amnesty and Human Rights Watch say drones are lawful under certain circumstances and mainly push for transparency, Al Karama asserts that the U.S. drone war is a clear violation of international law. It calls for an end to extrajudicial executions and targeted killings; complete reparations to victims; and a resolution by the UN Human Rights Council opposing the U.S. practice of extrajudicial executions. Adding to these well-researched reports by non-governmental organizations are two documents commissioned by the United Nations. One is by Christof Heyns, the UN’s special rapporteur on extrajudicial, summary, or arbitrary executions. The other is by Ben Emmerson, the special rapporteur on human rights and counter-terrorism. Heyns warns that while drones may be more targeted than other weapons, they are easier to use and may “lower social barriers against the use of lethal force.” He said that a “drones only” approach risks ignoring peaceful approaches such as individual arrests and trial, negotiations and building alliances. Emmerson said states have the obligation to capture terrorist suspects, when feasible, and should only use force as a last resort. He blasted the U.S. lack of transparency, calling it the single greatest obstacle to an evaluation of the civilian impact of drone strikes. He said states must be transparent about the acquisition and use of drones, the legal basis and criteria for targeting, and their impact. “National security does not justify keeping secret the statistical and methodological data about the use of drones,” he claimed. But perhaps more impactful than the UN reports themselves was the debate they engendered on the floor of the UN General Assembly. On October 26, for the first time ever, representatives from a broad swath of nations waited their turn to denounce the U.S. drone policy. Venezuela called drones “flagrantly illegal” and said they were a form of “collective punishment.” Brazil pushed the UN rapporteurs to take an even stronger stand. China called drones a “blank space in international law” and insisted that nations “respect the principles of UN charters, the sovereignty of states, and the legitimate rights of the citizens of all countries.” The representative of Pakistan tried to put to rest press reports that the Pakistani government secretly approved of the strikes. He stated that drones put all Pakistanis at risk and radicalize more people, and called for “an immediate cessation of drone strikes within the territorial boundaries of Pakistan.” This was the same sentiment expressed by Pakistani Prime Minister Nawaz Sharif in his October 23 meeting with President Obama. The U.S. government is feeling the pressure. It has taken steps to reduce civilian casualties and has reduced the actual number of strikes, but certainly not eliminated them. In fact, there was a drone strike in Somalia on October 28 and another one in Pakistan on October 31 that killed Taliban leader Hakimullah Mahsoud, who was about to engage in peace talks with the Pakistan government. While the reduction in the number of strikes is a partial victory, it cannot erase the hundreds of innocent lives lost over the years. Also, with the global proliferation of drones (thanks to the easing of restrictions on overseas sales and the introduction of domestic drones into U.S. skies by September 2015), their usage will inevitably increase. A mobilized global community is the only force that can serve as a restraining factor. It is also [the] best way to honor the Rehman family and other victims. As 13-year-old Zubair Rehman testified, “I hope that by telling you about my village and death of my grandmother, I can convince you that drones are not the answer. I hope I can return home to tell my community that Americans listened and are trying to help us solve the many problems we face. And maybe, just maybe, America may soon stop the drones.” Responding to this call is the Global Drone Summit November 16-17 in Washington DC, where hundreds of people from around the world will gather to strategize and to organize a global network. They will also announce campaigns to pressure the U.S. government to release the legal memos justifying drone strikes, and create a compensation fund for civilian victims. Check here to register for the summit or watch the livestream.

#### Obama never follows through with statements about drones, and there’s still a lot we don’t know.

Byrd 1/15 Lauren, Salon, “Obama’s staggering drone hypocrisy” http://www.salon.com/2014/01/15/the\_hypocrisy\_of\_drones\_what\_the\_obama\_administration\_says\_vs\_what\_happens\_partner/

In 2013, the discussion about the Obama administration’s use of drones as weapons of war intensified. Americans became more aware of the practice, and President Obama outlined his vision of counterterrorism efforts, and how the use of these unmanned bombers fit into that vision. The upshot is that the administration continues to deploy drone strikes as its main counterterrorism strategy, ignoring both the high rate of civilian casualties associated with these attacks, and the high cost to U.S. taxpayers. Take a look back at some of the statements the Obama administration made about drones in 2013, and you’ll see there’s a disconnect between what is said and what actually happens, as this brief timeline will show. Drone policy and reality are not the same. Increasingly, progressives want to know what they can do to reduce or do away with this weapon of mass destruction in 2014. Winter 2013 What was said: In March, during his confirmation hearings to become CIA director, John Brennan says this about drones: “We only use these authorities and these capabilities as a last resort.” President Obama says the U.S. government would rather capture and interrogate suspected terrorists than use targeted killings, but he echoes the Bush administration claim that it is not possible to use capture methods in the tribal areas of Pakistan. He says this is because the Pakistan government’s legal authority does not extend to federally administered tribal areas (FATAs). What was done: Recently, drones strikes have occurred outside of Pakistan’s tribal areas. They continue in Somalia, and in Yemen, where 15 civilians attending a wedding were reportedly killed by a drone strike in December. Spring What was said: In May, during his speech on counterterrorism at the National Defense University at Fort McNair, President Obama first defended drone strikes as legal, and said we are still at war with Al Qaeda and its affiliates. He also said our use of drones was “heavily constrained” and only in the case where a “terrorist poses a continuing and immediate threat to the American people.” He predicted that by the end of 2014 there would be a “reduced need for unmanned strikes.” Finally, he said he was releasing the framework behind the administration’s use of drone strikes to provide greater transparency on the issue. What was done: Obama had said the Presidential Policy Guidance would provide clear guidelines, oversight and accountability of the drone program. The PPG was only two-and-a-half pages long and does not outline legal reasoning, how strikes are coordinated with broader foreign policy objectives or the scope of legitimate targets. Summer What was said: When asked when the U.S. would end drone strikes, Secretary of State John Kerry stated in an interview with Pakistan TV: “I think the president has a very real timeline and we hope it’s going to be very, very soon.” What was done: Almost immediately the State Department refuted Kerry’s statement, saying there is “no exact timeline” for ending drone strikes. Things We Still Don’t Know About Drones The Obama administration has not followed through on its promise to provide greater transparency about the drone program. Most of the legal rationale and procedures behind the drone program still have not been explained to the American public. Most importantly, there is no end date for the drone program, as the State Department admitted above. Here’s a list of things the American public still doesn’t know about drone strikes: The U.S. government’s count of civilian deaths Who can be targeted Which strikes are conducted by the U.S. The legal processes behind who the Obama administration decides to target The rationale/reasoning process in who or where they decide to strike The upshot is that drone policy continues without any transparency or accountability. It became clear last year that while our government continues to cloak this policy in mystery, innocent people are dying, as Pakistani Rafiq ur Rehman testified before Congress. His family members are just a few of the innocent victims.

### Plan

#### The United States Congress should create a statutory cause of action for damages for those unlawfully injured by targeted killing operations or their heirs that waives the United States’ sovereign immunity and state secrets privileges and confers exclusive jurisdiction over such suits upon the U.S. District Court for the District of Columbia.

## Solvency

#### The plan overcomes judicial deference and the government’s ability to assert state secret privileges.

Vladeck 14 Stephen Professor of Law and Associate Dean for Scholarship, American University Washington College of Law. “Targeted Killing and Judicial Review” http://www.lawfareblog.com/wp-content/uploads/2014/02/Vladeck-Response-Piece.pdf

As noted above,70 such review is best provided after the fact, rather than ex ante, in a similar manner as the wrongful death actions recognized by virtually every jurisdiction.71 After-the-fact review avoids the serious logistical, prudential, and potentially constitutional concerns that ex ante review would raise because it does not stop the government from acting at its own discretion, and it allows for more comprehensive consideration of the issues “removed from the pressures of the moment and with the benefit of the dispassionate distance on which judicial review must rely.”72 Such review should be predicated on an express cause of action created by Congress. In designing such a remedy, Congress can borrow from the model created by FISA, which has provided since its inception that “[a]n aggrieved person, other than [one who is properly subject to surveillance under FISA], who has been subjected to an electronic surveillance . . . shall have a cause of action against any person who committed such violation.”73 An express cause of action would clarify Congress’s intent that such suits should be allowed to go forward, and it would also support arguments against otherwise available common law privileges and immunities. Further to that end, because review would be after the fact, such an action should be for damages, and, unlike FISA, should therefore contain an express waiver of the United States’ sovereign immunity to ensure that money damages will actually be available in such cases74—not so much to make the victim’s heirs whole, but to provide a meaningful deterrent for future government officers. Thus, although many will disagree with this particular aspect of my proposal, I suspect that such a cause of action could serve its purpose even if it only provided for nominal damages, insofar as such nominal damages still establish forward-looking principles of liability.75 Although no special jurisdictional provisions should be necessary (e.g., FISA does not require civil suits under FISA to be brought before the FISC),76 Congress could confer exclusive jurisdiction over such suits upon the U.S. District Court for the District of Columbia.77 This jurisdictional exclusivity would ensure that such cases were brought before federal judges with substantial and sustained experience handling high-profile (and often highly sensitive) national security cases. Borrowing from the model of the Federal Tort Claims Act (“FTCA”),78 as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 (“Westfall Act”), 79 Congress can immunize potential officer-defendants by substituting the United States as the defendant on any claims arising under this cause of action in which the officer-defendant was acting within the scope of his employment.80 As is the case under the Westfall Act, such a move would also necessarily moot application of official immunity doctrines because it would confer absolute immunity upon the officer-defendants,81 and the United States may not invoke official immunity as a party. As under the Westfall Act, substitution would reinforce the idea that the goal is not to punish individual officers, but to establish the liability of the federal government writ large. As under the FTCA, Congress could bar jury trials in such cases, requiring instead that all factual and legal determinations be made by the presiding judge.82 Again, such a move would help to ensure that these suits could be heard expeditiously and with due regard for the government’s secrecy concerns. On that note, with regard to secrecy, Congress could look to both FISA83 and the provisions of the 1996 immigration laws establishing the Alien Terrorist Removal Court (“ATRC”)84 as models for how to allow for judicial proceedings that are both adversarial and largely secret. In this respect, both FISA and the ATRC contemplate litigation between the government and security-cleared counsel without regard to the state secrets privilege, which Congress could otherwise abrogate.85

#### 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.

#### Courts become rallying points to debate specific applications of broader issues.

Cole 11 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

Learned Hand's assertion that as long as "liberty lies in the hearts of men and women . . . it needs no constitution, no law, no court to save it," simultaneously captures an essential truth and overstates its case. n330 It is true that without a culture that values constitutional rights, formal legal protections are likely to be largely unavailing. But it is not quite true that when such a culture exists, "it needs no constitution, no law, no court to save it." The Constitution and the courts play a critical role in inculcating, reinforcing, and implementing the culture of the rule of law. They remind us of the values we hold in highest esteem. Court cases can serve as focal points for debating the application of these enduring constitutional values to current conditions. And courts can and often do enforce constitutional rights where the political branches would not.

#### Lawyers will use the media to spread the stories of the victims.

Margulies 9 Peter, Professor of Law, Roger Williams University School of Law “The Detainees' Dilemma: The Virtues and Vices of Advocacy Strategies in the War on Terror” Buffalo Law Review 57 Buffalo L. Rev. 347 April, lexis

[\*368] 3. Media Relations and Stories of Innocence and Abuse. Lawyers for detainees have also made extensive use of the media, including stories in papers and books about the innocence of particular detainees and the abuse they suffered, n67 and systemic studies about procedural problems at Guantanamo. n68 Stories of innocence have long been a central element in advocacy for individuals and groups detained by the state, including Sacco and Vanzetti, n69 convicted atom spies Ethel and Julius Rosenberg during the McCarthy era, n70 and the tens of thousands of Japanese-Americans detained during World War II. n71 In some detainee cases after September 11, advocates have recounted horrendous tales of abuse. n72 In other cases, lawyers have advanced claims of innocence on their client's behalf. These claims take two forms. One is a generic claim that virtually all detainees at Guantanamo are students, journalists, or relief workers scooped up by bounty hunters. n73 I call this generic claim the misadventure narrative. n74 Other innocence claims are more specific, telling stories that sometimes leave puzzling gaps n75 and sometimes offer clear and consistent details. n76 [\*369] 4. Advocacy on the Identity of the Legal Profession. Another brand of crossover advocacy has addressed the role of the legal profession itself n77 in championing the rule of law after September 11. Government restrictions in previous moments of American history, including World War I and the Cold War, inspired approval or equivocation from the organized bar. n78 After September 11, the organized bar initially stayed on the sidelines, and death penalty lawyers like Clive Stafford Smith and Joseph Margulies--accustomed to working with clients with nothing to lose--took the lead, along with the Center for Constitutional Rights (CCR), which had long specialized in "political litigation" involving foreign policy. However, the past six years have seen increasing involvement by the ABA and by mainstream law firms, particularly in representing detainees who have been through CSRTs at Guantanamo and are seeking habeas relief in the federal courts. n79 CCR is now in significant part a mainstream organization, not a fringe one. Its resources have increased substantially, as has its staff. In contrast, legal advice associated with the Bush administration has moved to the fringe, as the organized bar critiqued positions that argued for unilateral presidential power and the propriety of [\*370] coercive interrogation. n80 The Yale Project's lawsuit against John Yoo n81 is in some ways less about seeking relief for a client than it is advocacy directed at establishing that Yoo exceeded the role constraints that bind American lawyers. n82

#### Storytelling is critical to reverse the othering of drone victims and make them more than just a statistic.

Figueroa 13 Alyssa Figueroa is an associate editor at AlterNet “10 Ways You Can Join the Fight Against Drone Warfare” October 28 http://www.alternet.org/activism/10-ways-you-can-join-fight-against-drone-warfare

8. Bring drone victims alive through stories. Too often a drone victim’s life, and death, become just a number, a statistic in our fight against drone use. But it’s vital to humanize these victims and bring them to life. In attempt to reverse the “othering” of victims overseas, you can organize a storytelling session in your community. Each person signs up to research and learn about one drone victim’s life and death, and then plan a time to come together and share their stories.

#### The poorly informed public continues to prop up Obama’s drone policy. Current government justifications enable it to discount alternate media narratives and cast a fog over public debate about drones.

Naiman 13 Robert Naiman is Policy Director at Just Foreign Policy. Mr. Naiman edits the Just Foreign Policy daily news summary and writes on U.S. foreign policy at Huffington Post. Naiman has worked as a policy analyst and researcher at the Center for Economic and Policy Research and Public Citizen's Global Trade Watch. He has masters degrees in economics and mathematics from the University of Illinois and has studied and worked in the Middle East. “WikiLeaks and the Drone Strike Transparency Bill” http://www.huffingtonpost.com/robert-naiman/wikileaks-and-the-drone-s\_b\_4282595.html

The Senate Intelligence Committee recently took an important step by passing an intelligence authorization which would require for the first time -- if it became law -- that the administration publicly report on civilian casualties from U.S. drone strikes. Sarah Knuckey, Director of the Project on Extrajudicial Executions at New York University School of Law and a Special Advisor to the UN Special Rapporteur on extrajudicial executions, calls this provision "an important step toward improving transparency," and notes that "Various U.N. officials, foreign governments, a broad range of civil society, and many others, including former U.S. Department of State Legal Advisor Harold Koh ... have called for the publication of such basic information." This provision could be offered as an amendment in the Senate to the National Defense Authorization Act. It could be offered in the House as an amendment on the intelligence authorization, or as a freestanding bill. But it's not likely to become law unless there's some public agitation for it (you can participate in the public agitation here.) Forcing the administration to publish information is crucial, because in the court of poorly informed public opinion, the administration has gotten away with two key claims that the record of independent reporting strongly indicates are not true: 1) U.S. drone strikes are "narrowly targeted" on "top-level terrorist leaders," and 2) civilian casualties have been "extremely rare." Poll data shows that majority public support of the drone strike policy is significantly based on belief in these two false claims; if the public knew that either of these claims were not true, public support for the policy would fall below 50%. By keeping key information secret, the administration has been able to avoid having its two key claims in defense of the policy refuted in media that reach the broad public. You might think that if a key reason that it's been difficult to do anything politically in the U.S. about the drone strike policy has been the apparent public support for the policy among people who do not know that the strikes have not been "narrowly targeted" on "top-level terrorist leaders" and who do not know that civilian casualties have not been extremely rare, then if there were a proposed transparency reform that could force the administration to disclose information that would likely contribute greatly to knowledge among the general public that these two key claims are not true, it should be a no-brainer that critics of the policy should vigorously support this reform. Sadly, it is not, apparently, a no-brainer, because there are people who claim that transparency reforms are meaningless. And while it is tempting to try to ignore such people, they have a disproportionate impact to their numbers because most people don't have the life experience that would enable them to easily judge between the competing claims "transparency reforms are important" and "transparency reforms are meaningless." Our starting point is that many Americans, compared to Europeans, are politically disengaged, alienated from political engagement most of the time. So when you put out a call for people to engage Congress, you have a group of people who get it right away and take action, and a another group of people who think, "Engage Congress? Not that again," and treat it as a huge personal sacrifice to engage Congress, like you asked them to volunteer for a root canal. These people are looking for any excuse to not take action. So if someone pops up and says, "transparency reforms are meaningless," these people have an excuse not to take action. "Oh, this proposed reform is controversial, not everyone agrees, so I don't have to do anything." To people who want to claim that transparency reforms are meaningless, I want to say this: tell it to WikiLeaks. What was the fundamental strategic idea of WikiLeaks? What was the fundamental insight that Julian Assange deeply grasped that caused him to initiate this project, at great personal risk to himself and his close collaborators? It was that governments are hiding key information that the public has the right to know, that allowing governments to continue to hide this information fundamentally undermines democratic accountability, and that forcing this information into public debate fundamentally enables democratic accountability. Case in point: Just Foreign Policy issued a crowd-sourced reward for WikiLeaks to publish the secret negotiating text of the Trans Pacific Partnership agreement, which, among many other concerns, critics like the AARP have charged threatens the ability of the U.S. government to make medicines safe and affordable under the Affordable Care Act. This week, WikiLeaks delivered, publishing the negotiating text of the "intellectual property" chapter of the TPP, the most controversial part of the agreement, including the negotiating positions of different countries. (If you made a pledge to the reward, you can fulfill your pledge here. ) Publishing this information generated a lot of press. (Google "WikiLeaks and TPP.") It also allowed critics of the agreement, like Public Citizen, Doctors Without Borders, and the Electronic Frontier Foundation to respond directly to the TPP text in making their criticisms. Predictably, some journalists wrote what they often write about such disclosures: that there was nothing really shocking for insiders who were closely following the issue. And, in a narrow sense, that's not untrue. But it missed the point. In general, disclosing "secret" government policies mostly isn't about educating journalists and other insiders who are closely following the issues. It's about educating the broad public, which never saw this information clearly presented in major media. In a democracy, it's hard to keep the basics of important public policies secret from well-informed people who are following closely. Official secrecy is mainly about keeping them from the broad public, because official secrecy allows the government to keep the broad public in a fog of competing claims that can't be directly verified and are therefore never resolved in major media. Critics charge that X, but the government denies it. Who knows for sure? The New York Times recently had an editorial in favor of the TPP. Critics complained, saying: 1) either you're endorsing an agreement that you've never seen or 2) you have seen the agreement, and instead of doing journalism, you're collaborating in keeping the public in the dark. No, we haven't seen the agreement, the Times responded. We're just endorsing the idea of an agreement. Never mind what the actual agreement is. That's the kind of "public debate" you can have when the policy is secret - whether you like the official story about the policy, rather than the actual policy. (Now that part of the TPP text has been leaked, the Times is quiet.) This is the same problem we face with the drone strike policy: people like the official story about the drone strike policy, in which drones are a magic super-weapon that only kills terrorist leaders and not civilians, not the actual policy, about which they have no idea. When Edward Snowden leaked information about the NSA's blanket surveillance on Americans, many insiders said, "Yeah, we thought the NSA was doing that, we couldn't prove it, but no-one who follows the NSA was surprised." But the broad public had no clue, because it had never been clearly reported where most people could see it, because critics' claims couldn't be directly verified. When Snowden blew the whistle, the broad public found ou t, and that's why it's plausible that Congress will now force a change in policy. And that shows that transparency matters. Where we are now with the drone strike policy is where we were with the NSA before Snowden's revelations: insiders know what's going on, but the broad public doesn't. An illustration: earlier this week, I and others engaged in some "street lobbying" of Jeh Johnson, President Obama's nominee to head the Department of Homeland Security. When he was previously in government, Johnson was the Pentagon's top lawyer, and thus participated in constructing the administration's purported legal justifications for the drone strike policy (which still have not been fully disclosed to Congress and the public.) Now, as head of DHS, he's not going to play that role directly. But he's still going to have significant influence, because he'll be in the meeting of the national security department heads, because he's well-connected, and because, by his own account, he cares deeply about the rule of law and working to ensure that the drone strike policy transparently complies with the rule of law. I was lobbying Johnson to support the drone strike transparency bill, so that the administration would have to disclose information about civilian casualties. He said he would look into the bill and consider it. During the discussion, one of my colleagues challenged Johnson about a particular drone strike. Johnson gave the standard administration defense, about people who are planning to attack the United States. I interrupted him: "That's a small percentage of the people being killed by drone strikes." "That's true," Johnson said. That's true. When I called him on it, Johnson immediately conceded that the story that the drone strike policy is all about narrowly targeting people who are trying to attack the United States is basically not true. It's true that the U.S. has tried to target some people who have attacked or tried to attack the United States. But that's a small percentage of the people who have been killed. And so, in the main, that's not what the drone strike policy is about; in particular, the claim that drone strikes have been "narrowly targeted" on "top-level terrorist leaders" is not true. ("I believe it very likely that one of my enemies is standing in that crowd of 50 people, therefore I am going to blow up the crowd" does not constitute "narrow targeting.") Why would Johnson concede to me that a central administration claim in defense of its drone strike policy is basically not true? Because he wasn't giving an interview to a mainstream journalist. He was just talking to some guy on a street corner who wasn't recording what he was saying, a person who had little presumed ability to reach the broad American public, a person who could, at worst, tell some mainstream journalist what Johnson said, which Johnson could then promptly deny. He could say he was misquoted or misunderstood, and life would go on. And so we're left with the usual fog. Critics say X, U.S. officials deny it. Who really knows what the truth is? Johnson was having an insider conversation, conceding that which all insiders know, but which the broad public does not know: the drone strike policy is not narrowly targeted on people who are trying to attack the United States.

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

Cole 11 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.

### “Targeted” Killing

#### Status quo discussions of the impact of drones focus on the body count but gloss over the experiences of the living. A drone attack has a massive psychological effect on those it leaves behind, beyond just physical injury and death.

Bhojani 1/28 H. H. Bhojani spent a few days with Rafiq ur-Rehman and his family when they were in New York for the testimony to Congress about the death of their grandmother by drone strike in Pakistan. “The terrible human price of Obama’s drone war” http://www.salon.com/2014/01/28/the\_terrible\_human\_price\_of\_obamas\_drone\_war\_partner/

The terrible human price of Obama’s drone war Nabila’s drawings are like any other nine-year-old’s. A house rests besides a winding path, a winding path on which wander two stick figures. Tall trees, rising against the back drop of majestic hills. Clouds sprinkled over a clear sky. Nabila’s drawings are like any other nine-year-old’s. With one disturbing exception. Hovering over the house, amidst the clouds, above the people, are two drone aircraft. Perhaps this is the scene she saw moments before the drone strike, a mental photograph captured with crayons. Nabila lives in the village of Tapi, in the northwest of Pakistan, an area perpetually under drones. With the strokes of her crayons, she lets her reality spill out onto paper. Drones started appearing in Nabila’s drawings after she saw her Dadi (grandmother) blown to pieces by a hellfire missile in 2012, a strike that left her, her 12-year-old brother Zubair and 7 other children injured. Beyond the harrowing tragedy of death and injury, living under drones leaves deep psychological wounds. An Arbitrary Threat A night spent in agony. “I spent my Eid in the hospital,” Zubair tells me about the day he was injured in the drone strike, running his finger down the faded shrapnel scar above his knee. The physical scar may have faded but the mental scars are etched much deeper. Nabila lifts up her sleeve to show me where she got hurt. She then grabs my camera and bounces off the walls, snapping photos. I’m in a New York hotel room with Nabila, Zubair and their father Rafiq. Pizza boxes litter the room; the TV drones on, indistinct and irrelevant. The day before, a crisp October 29th, 2013, they had testified at a Congressional hearing, recounting the events of last year. The family is exhausted from the countless, constant interviews with the media; from the cab rides zigzagging through New York City (“New York is like Peshawar, while DC is like Islamabad,” Zubair remarks while we’re on our way to yet another interview); from reciting the same story over and over again. The family is featured in filmmaker Robert Greenwald’s documentary Unmanned: America’s Drone Wars. Greenwald and the fantastic teams at Brave New Foundation and Reprieve toiled tirelessly for months to bring them in front of American lawmakers. ADVERTISEMENT October 24th, 2012, the day Nabila’s Dadi Mamina Bibi was killed, was much like the day in her drawings. A blue canopy stretching out as far as the eye could see. Drones lingering overhead. Nabila and her Zubair working with Dadi in the field next to their home. The drones hovered lower than usual that day, casting a particularly loud thrum over the village. Zubair had grown much too used to their incessant buzzing. He ignored them; no reason to be worried. After all, Zubair isn’t a terrorist. He was more preoccupied with the Muslim holiday of Eid which was the next day–a “magical time filled with joy.” Although English was his favorite class, he was eager to get out of school to get home. After wolfing down his roti(bread), he appeared before God for the afternoon prayer. Dadi had promised him that celebrations would start as soon as he finished his chores. As Zubair cut grass, he saw two beams of light hit Dadi. A scream pierced through the shroud of smoke that had descended onto the field, blotting out the sun. His thigh burned. Although, it happened over a year ago, Zubair and Nabila cannot assume that the threat is over since they have not been told why their home was targeted in the first place. In his congressional testimony their father Rafiq asked, “Congressman Grayson, 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? 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?” Discussions around drones often revolve around discrepancies in the number of those killed, often glossing over the experiences of those still living. Mamina Bibi’s grandchildren live in perpetual fear of the drones that lurk overhead. “They whiz around in a circle, sometimes two, sometimes four,” Rafiq says, making a circling gesture with his right index figure. Dr. Mian Iftikhar, who has been practicing in the northwest of Pakistan for 26 years, told me that he has received many cases of “anxiety disorder –generalized anxiety disorder when the anxiety symptoms are persistent, and phobic anxiety disorders— [when the patient has a] phobia of going to public places, schools, institutions, markets, which attract suicide bombings, terrorism or drone strikes.” “Anxiety disorder is always associated with threat or risk,” he explains. The arbitrary nature of drone strikes is exactly what makes them so scary. Like terrorism, drones generate disproportionate fear because they can happen anytime. “I’m afraid to go outside. I don’t even see my friends anymore,” Nabila says. Living Under Drones, a report outlining the terrorizing effects of Obama’s drone assaults, is the result of nine months of intensive research. The report is “based on over 130 detailed 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, academics, and journalists.” People living under drones can’t have survival strategies- they don’t know when or where or who a drone can strike. Bhojani 1/28 H. H. Bhojani spent a few days with Rafiq ur-Rehman and his family when they were in New York for the testimony to Congress about the death of their grandmother by drone strike in Pakistan. “The terrible human price of Obama’s drone war” http://www.salon.com/2014/01/28/the\_terrible\_human\_price\_of\_obamas\_drone\_war\_partner/ Before he joined the faculty at Stanford Law School, Stephen Sonnenberg, the co-author of the Living Under Drones report, had worked in many conflict zones. “In most war zones, civilians will be able to tell you how to protect yourself, ‘if you don’t go out here, if you don’t do this.’ There are strategies for survival,” he tells me. Sonnenberg’s experiences in the north west of Pakistan were different. “One of the things that struck me personally in talking to drone victims was that they didn’t have any survival strategies. They didn’t know how to behave themselves. [It was remarkable] the way people perceived that this all-seeing eye could strike you from nowhere.” People don’t have “survival strategies” because the drone program is shrouded under a cloak of secrecy. The US government does not disclose how they classify a militant or a civilian, or what constitutes behaviour warranting a drone strike. A report in the New York Times from May, 2012 reveals that the American government counts all military-age males in a strike zone as “militants.” Hence the Pentagon’s low count of collateral deaths. In four years Zubair can be counted as a militant. Furthermore, the Obama administration executes “signature strikes,” based on a “pattern of life” analysis in which suspicious behaviour is sufficient to warrant an attack. What exactly constitutes suspicious behaviour is not entirely clear. Previously, drone strikes have crashed weddings, schools, funerals, rescuers, and Jirga gatherings (town hall meetings). “While the number of drone strikes have drastically reduced since they first started, the policy hasn’t become any clearer,” Sonnenberg says. This is especially true for the civilians in remote, tribal areas who have even more limited access to information than the rest of us do. January 23rd marked the 5th anniversary of Obama’s war on drones. “The program is not over. It’s changing, and the changes are not in a way that is transparent,” says Sonnenberg.

#### Even if casualties are declining, we need to remain vigilant- when we see casualties as statistics or just a side effect of war, we lose restraint and our moral bearing to the world.

Sullivan 13 Andrew Sullivan he won a Harkness Fellowship to Harvard’s Kennedy School of Government, and earned a Masters degree in Public Administration, he was the editor of The New Republic, currently founding editor at The Dish “The Damage Done By Drones, Ctd “ Oct 23 http://dish.andrewsullivan.com/2013/10/23/the-damage-done-by-drones-ctd/

I agree. Unintended collateral civilian casualties are not war crimes, and never have been. But the moral equation shifts, it seems to me, when the belligerent stops truly seeing these casualties as morally deeply troubling. This is particularly true when it comes to the anti-septic feel of drone warfare, where human beings can be seen simply as distant statistics. There comes a point at which indifference to civilian casualties veers toward a war crime. That was my problem with the Israelis’ pulverization of Gaza in 2009. They did not seem particularly agonized by it at all, despite the huge imbalance of fatalities on each side of that conflict. With that kind of technological power, restraint is even more essential if we are not to lose our soul. The way in which the Obama administration began to scale down drone warfare in the growing evidence of such casualties suggests to me a mindset attempting to avoid the worst aspects of such a war – not surrendering to it. But it’s a blurry line, and we need to remain extremely vigilant about it for moral and strategic reasons. Multiple civilian deaths do not, after all, help the case against al Qaeda in Pakistan.

#### Dependence on drones perpetuates a binary way of thinking where we don’t consider other options. This has locked us into an endless war.

Bacevich 12 Andrew Bacevich, professor of history and international relations at Boston University, Interview wil Bill Moyers, March 23 http://billmoyers.com/wp-content/themes/billmoyers/transcript-print.php?post=5190

Again, one would refer to Afghan history here, that this is simply not a place that accommodates foreign invaders who think they know how to run the place better than the local population. But what I would want to emphasize, I think, is that by last year, I think Obama himself had given up on the notion that counterinsurgency provided a basis for U.S. strategy and had, indeed, begun to implement Plan C. And Plan C is targeted assassination. Plan C is relying on drones, unmanned aerial vehicles with missiles, and also commandos, special operation forces, in order to conduct military operations, in essence on a global basis, identifying those who could pose a threat to us. And without regard to congressional authority, without regard to considerations of national sovereignty, to go kill the people we think need to be killed. Plan C is already being implemented. BILL MOYERS: Most people seem to accept it as an alternative to failure in Afghanistan, and as a way of keeping American soldiers out of harm's way. ANDREW BACEVICH: Well, and also they accept it because of course, it doesn't cost us anything. We are not, the people are not engaged in any serious way. The people are not asked to sacrifice. The people are asked only to applaud when we are told after the fact that an attack has succeeded. For example, the raid into Pakistan that killed Osama bin Laden. And I would applaud, and do applaud, the raid that killed Osama bin Laden. But I also have this question to ask. And that is, what is the political objective of a strategy of targeted assassination? How many people do we think we're going to kill? How long are we going to kill people in Yemen or in Somalia or in Pakistan before we get to some point where we can say, “Yes, now our political purposes have been achieved, and therefore the war can end, that Plan C will have run its course?” And my fear is that we'll never, we'll never run out of targets. And that describes where we are. BILL MOYERS: That's Option C, right? ANDREW BACEVICH: Option C is where we are. And I think that the reason-- but the reason Option-- we should critically scrutinize Option C is that permanent, open-ended war cannot be good for the country. Permanent, open-ended war, in essence, is an abdication of strategic thought. Are we so unimaginative, are we so wedded to the reliance on military means, that we cannot conceive of any way to reconcile our differences with groups, nations, in the Islamic world, and therefore bring this conflict to an end? And there may be some people who would answer, “No, there is no way.” Well, I-- woe betide our nation, if indeed there is no alternative but endless war. BILL MOYERS: But being a realist, as you are, I'm confident that you think as I do that somewhere, even as we speak, there are terrorists plotting how they can inflict harm on the United States. ANDREW BACEVICH: Let me emphasize. There is some value, there is some utility in Plan C. That there are people out there who are plotting. Whose minds cannot be changed. And we do need to identify them and do whatever is necessary to ensure that they cannot harm us. But, those groups, those individuals exist within a milieu, a political context, a culture. And it seems to me that the strategic imperative is to understand that milieu, to understand the grievances that ultimately gave rise to this animosity expressing itself in terrorist activity. And as a realist, and somebody who's not given to optimism, it seems to me that there are indications that we can engage or have some hope in positive change.

#### Smarter publics are necessary to check government overreaching by exposing the illusions that keep certain institutions in power.

Williams 8 Daniel R, Associate Professor of Law, Northeastern University School of Law.Penn State Law Review, Summer, 113 Penn St. L. Rev. 55

The classic Frankfurt School diagnosis of American culture is grim and pessimistic. Jurgen Habermas rebels against the pessimism that pervades Dialectic of the Enlightenment, but he does not repudiate the essential diagnosis found there, though he surely seeks to deepen it with what he regards as a more nuanced investigation into the true roots of Enlightenment rationality. 157 For our purposes, to this observation of humanity's destructive fetish with means-ends rationality, we may add Habermas's emphasis on the public sphere as an optimistic source of rationality. 158 In the idealized vision that Habermas presents, the public sphere consists of voluntary associations dedicated to promoting unconstrained rational interchange among free and equal participants of good will. 159 It is in the public sphere, if truly healthy (free from the [\*93] distortions of domination), that the common good can be gleaned. 160 It is in the public sphere that government overreaching can be checked and averted. 161 On this view, world public opinion, cultivated within vibrant public spheres that somehow escape the distortions of governmental and corporate propaganda, may function, in this post-Cold War era that has bled into the Age of Terror, as the only potential countervailing force to the dominant super-power, the United States. What a vibrant public sphere provides are tools to resist naturalistic illusions undergirding social institutions and practices that preserve and promote spheres of inequality and regimes of domination, but that seem to be socially necessary. The idea here is well-rehearsed in the literature of critical theory: that which is socially constructed is made to appear fixed and natural; that which serves narrow interests of power and privilege is made to appear to serve everyone. 162 A culture beholden to means-ends thinking is a culture that has lost its capacity for critical theorizing, and such a culture is, as a result, at the mercy of its illusions. A vibrant public sphere that successfully exposes illusions, which conceal unhealthy conditions for society, is crucial to social change, for the exposing of such illusions is exactly what loosens the screws that keep unworthy social institutions intact. 163 A vibrant public sphere is the environment for rendering institutions malleable and open to change, which is why thinkers from Kant to Habermas regard "the public sphere as the definitive institution of democracy." 164

#### When we see solutions only in terms of war it becomes to easy for the military industrial complex to perpetuate cycles of 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.

### Impact Framing

#### You should actively privilege probability in your decision calculus

#### The likelihood of a scenario should be the combination of the warrants debaters make, the probability their authors assign to a given scenario, and the defense from the other team.

#### Probability of the impact shouldn’t be evaluated in isolation- statistical analysis tells us that to calculate the final probability of a scenario, the individual probabilities of each internal link should be multiplied together. Each internal link makes the scenario less and less likely.

#### Any number of unlikely scenarios is conceivable, but that does not mean they enter the realm of probable. The probability of the disad or any other risk of attack will never be zero, but evaluating these scenarios becomes the equivalent of locking ourselves in our living room for fear of being struck by lightning.

Gartzke 13 Erik Gartzke is Associate Professor of Political Science at the University of California, San Diego, and Professor of Government at the University of Essex. “The Myth of Cyberwar Bringing War in Cyberspace Back Down to Earth” International Security, Vol. 38, No. 2 (Fall 2013)

Yet, it is far from clear that the internet is transformational in military terms, let alone revolutionary. Lacking information about whether developments are radical or merely incremental, it may make sense to adopt a few guidelines that will help to determine whether there is cause for panic. A reasonable level of caution is usually provided by our own common sense. Most readers will lock their doors at night, for example, and refrain from handling large sums of cash in a dark alley. Imagining what others could do to injure each of us, however, can quickly descend into paranoia. It is not reasonable to believe that someone is intent on mischief simply because it is possible for them to inºict harm. Even in the safest of societies, individuals, groups, and entire communities are subject to an enormous variety of potential hazards. Much could be done to impinge on each of us, even though few of these possibilities are ever exercised, or experienced, with any regularity. The physical world hosts a multitude of venues for extremely unlikely accident or disease. A small number of people prefer to remain indoors rather than risk being struck by lightning or struck down by botchulism. Still, individuals with these concerns may merit more attention from psychiatric professionals than from military planners. Being vulnerable will be novel to no one living in our modern, highly integrated world. Indeed, the capacity to hurt is so ubiquitous in densely populated portions of the globe that blood would coat the streets if it were not true that relatively little relationship exists between the capacity to attack and the actual prospect that one will be invaded, assaulted, or otherwise done in.37 Just about anything is possible. Someone may have put poison in your Corn ºakes at breakfast. Terrorists may have singled you out for vengeance, or you might just become one of the unlucky few who are in the wrong place at the wrong time. When a commuter steps outside to start her car or to catch the bus, it is impossible to be certain that no truck will jump the curb and that every asteroid will remain in its usual orbit. And yet, despite endless potential for injury or death, few of us have chosen to harden our living rooms against cruise missile attack or immersed ourselves in real-time plots from NASA charting the trajectories of space detritus. In dealing with known unknowns, we became comfortable with not being protected. California homeowners typically do not carry earthquake insurance, for example, even though “the big one” is an eventuality. We do so because security is expensive; being indemni ªed against unlikely events may literally not be worth the effort. One could buy that bulletproof vest listed on Ebay, but then how often would it prove fashionable at the ofªce or in the classroom? The probabilities of esoteric catastrophe are by their nature minute. Unlikely events are unlikely, and so most of us go about our business, paying little attention to the potential menace from the skies or, for that matter, from one another. Governments face similar realities. Many threats are conceivable, but relatively few actually materialize. A holistic approach to security involves assessing risks, and then allocating ªnite resources to address tractable threats, making the largest improvements in protection or, conversely, the greatest increases in inºuence.38 Every dollar spent on national defense must be taken from objectives such as improving education, building or repairing infrastructure, or paying down the debt. Only extremely afºuent (or paranoid) populations pay the price of pursuing protection from the most exotic hazards. More to the point, protection is inevitably incomplete, and comes with its own consequences, including other forms of insecurity. The risk of attack is never zero, given that a potent defense or deterrent endangers the security

of others.

#### We should actively transition away from the card=truth currency model of debate- debaters find any number of unreasonable and improbable scenarios and assert that since they read a card that impact is 100% likely. Debates should more heavily privilege a burden of proof, not a burden of rejoinder.

#### Debate’s current race to hyperbole reduces our ability to discuss and compare actual impacts that aren’t hyperbole. As a critic you must be more skeptical of “risk of a link” logic and more willing to dismiss ridiculously improbable scenarios.

Odekirk 10 Scott, debate coach 8/6/10, Impact Hyperbole: A Dilemma of Contemporary Debate Practice, http://puttingthekindebate.com/2010/08/26/impact-hyperbole-a-dilemma-of-contemporary-debate-practice/

It seems as though debate is stuck in a loop of nuclear wars and no value to life. We have a difficult time of conceiving of a terminal impact that doesn’t end in some ultimate destruction. Without terminal impacts such as nuclear war or the root of all claims, we have a tough time comparing and weighing impacts. Our arguments for spill over connect even the most improbable of scenarios. Take for example our Africa war arguments. Given that Africa, as a continent, largely lack nuclear capabilities the chances of a conflict escalating in this area of the world are slim at best, but still debate returns to evidence written by The Rabid Tiger Project. In fact if you google “http://www.rabidtigers.com/rtn/newsletterv2n9.html”, you will find the great majority of the hits are debate links. This particular scenario is largely a debate creation and the scholarly world around it seems to have largely dismissed this single article as lacking credibility. Even in a debate context, this particular evidence is difficult to take seriously with a big debate on the line. Beyond the most terrible of impact evidence though, a world of equally terrifying scenario’s exist. According to the debate community, we face nuclear war because of any of the following: economic collapse in any number of countries across the globe, a lack of US leadership, use of US hard power (pre-emption, imperialist expansion, etc), India-Pakistan conflict, Middle East escalation, Iran nuclearization, capitalism, the lack of capitalism, patriarchy, racism, nuclear terrorism, US response to a terrorist attack, Taiwan independence, Chinese collapse, Russian aggression, Russian collapse, or accidental launch of nuclear weapons. That’s a short list and I am certain it doesn’t contain all the ways a nuclear war could break out as described in debate scenarios. If one listened closely to the debate community, a sense of inevitable doom would most certainly replace any belief in a long life. As much as it would seem I am poking fun at the policy debate community, kritik debaters caught in the same loop. External impacts to our criticisms are often extinction claims. A great number of K’s end in root of all claims or no value to life claims. In a very similar pattern, our kritiky impacts reflect the same sense of terminal destruction we find in the policy community we often subject to kritik. Possibly living under the sword of Damocles has had more impact on our psyche than Americans give it credit. Possibly living in the information age has resulted in the ability to read any old nut as great impact evidence without the effective critical thinking skills to discern who or what qualifies as credible. Possibly debate as a community lacks a language by which to communicate the dangers of racism, sexism, homophobia, economic justice, poor foreign relations, or terrorism. Is this tumble into impact hyperbole a problem? Well, it definitely does not reflect the sort of care a scholar takes in his/her work. It lacks the humility of limited claims backed only with probable warrants. Although there are some scenarios which could escalate into extinction or which do explain important pre-conditions for violence or meaningful living, these scenarios are much more limited than the debate community gives credence. In theory, the repetition of these hyperboles naturalize them or, at least, make them appear natural/normal. Our community convinces itself the impacts we discuss are credible threats. We are a population believing in an exaggerated reality – a hyper real if you will. Before we give ourselves the credit of knowing that our impacts are exaggerated, let us consider those of us who move on to work in think tanks or write law reviews who assess the threats of nuclear wars to the United States. In fact, this honor, think tank writer, is given out at the NDT every year. Perhaps a better question is, what is the value of our current impact debate? We don’t really help avoid nuclear wars or prevent violence by making every possible interaction into a discussion of the potential for either. If all of these scenarios result in gruesome ending for life on Earth, then the issues become very muddled. The result may be a sort of nihilism which in its conclusion is more Darwinian than Nietzsche. If we decide there is a impact hyperbole problem, what then is the alternative? Of course, the literature is our guide to a sensible form of impact debate, but we wouldn’t be in this predicament without literature. No debater asserts these impacts; they read cards. Cards = Truth Currency. A solution is a better internal link debate. How do the scenarios unfold? To examine the internals means examining all the many different ways the world would intervene in order to prevent the terminal impact from occurring. Debate judges can only work with what debaters give them, but we too must be willing to tell a team their impacts are overblown when this argument is part of the debate. Giving a debate ballot to the team who finds a 1% risk of extinction is a silly judging paradigm at best. At worst, it reflects a lack of critical thinking on the part of a debate critic. I am most definitely not saying critics should intervene and make impact arguments that are not in the debate, but giving more weight to impact defense is an important start to reign in our impact hyperbole.