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#### Pariah weapons regulation backfires- normalizes militarism and leads to worse forms of violence

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[Neil, PhD from University of Kent at Canterbury, University of Bradford Associate Dean for Research for the School of Social and International Studies, "Humanitarian Arms Control and Processes of Securitization: Moving Weapons along the Security Continuum," Contemporary Security Policy, Vol 32, Issue 1, 2011, tandfonline, accessed 9-5-13, mss]

In this account of contemporary HAC, powerful actors who aim to uphold the status quo principally have a role as agents of resistance to control agendas, not as actors in the production of control regimes. This certainly reﬂects important aspects of contemporary campaigns to regulate pariah weapons but, as I suggest below, it offers a rather incomplete account. Moreover, if such accounts did indeed provide a complete understanding of the dynamics underpinning these control agendas it would certainly represent a novel development, not least because the long history of pariah weapons regulation illustrates the way that weapons taboos frequently reﬂect the interests of the powerful. For example, one factor in the virtual eradication of the gun in 17th and 18th century Japan was that it represented a threat to the warrior class when in the hands of the lower classes.48 The same was true of the rather less successful attempt of the Second Lateran Council to ban the crossbow – a ban partly motivated by the fact that crossbows could pierce the armour of the knight – and a ban that was notably not extended to use against non-Christians.49Similarly, whilst the restrictions on the slave, arms, and liquor trade to Africa embodied in the 1890 Brussels Act were certainly grounded in an ethical discourse, the restrictions imposed on the trade in ﬁrearms were primarily rooted in concerns about the impact of the trade on colonial order. As one British colonial ofﬁcial noted at the time, the restrictions on the small arms trade to Africa reﬂected imperial concern to ‘avoid the development and paciﬁcation of this great continent ... [being] carried out in the face of an enormous population, the majority of whom will probably be armed with ﬁrst-class breechloading riﬂes’.50 The history of pariah weapons regulation would therefore appear to demonstrate a persistent link between the material and political interests of states and / or powerful elites and the emergence of pariah weapons regulation. To be sure, the material and political interests of the same, or other, powerful actors also provide countervailing pressures – the immediate interests of nobles in winnings wars with crossbows mostly won out over their broader class interests,51 whilst colonial competition to secure arms proﬁts and local allies mitigated the impact of the various restrictions on the ﬁrearms trade in the late 19th century.52 But the point is that whilst the genesis of earlier attempts at pariah regulation may, in part, be explained by reference to particular securitizing moments of intervention, the impact of such interventions can only be understood by locating them in particular political economies of power. What is surprising therefore about accounts of post-Cold War humanitarian arms control is that this long history has largely failed to prompt consideration of the way in which contemporary regulation might also reﬂect the interests of powerful states and other actors, albeit in ways that are subject to similar countervailing pressures – an issue that will be taken up below. Pariah Weapons, Heroic Weapons, and Legitimized Military Technology A further recurring theme in the history of pariah regulation is the way in which restrictions on pariah weapons are often related in some way to the construction of a broad arena of legitimized military technology. A particularly extreme example of this is the way in which pariah weapons are sometimes constructed as the antithesis of the ‘heroic weapon’ – a weapon deemed to embody positive values such as honour and / or which is deemed central to national defence. Thus, the series of relatively successful Acts implemented in England between 1508 and 1542 banning crossbows were largely rooted in a concern to preserve the use of the heroic longbow, deemed central to a long line of English military successes.53 The Japanese ban on the gun was similarly connected to the romanticization of the heroic samurai sword as the visible form of one’s honour, as associated with grace of movement in battle and even its status as a work of art.54 In effect both the crossbow in 16th century England and the gun in 17th and 18th century Japan became the ‘other’ which deﬁned legitimized military technologies and militarism. Redford makes much the same point about English attitudes to the submarine, which was constructed as an ‘other’ partly because of the British romanticization of the battleship (‘the upper class or aristocracy of warships’)55 as central to British security and linked to British notions of valour and honour in the conduct of war. This highlights the ways in which the security meaning associated with particular sets of weapons technology are not just a function of the framings speciﬁc to that technology but are also relational, with the representation of one weapon playing an important role in constituting the meaning of another (albeit in sometimes unexpected ways), and vice versa. Not surprisingly perhaps, similar themes also help explain the contemporary taboos constructed around particular sets of military technology such as cluster munitions. Cluster Munitions What is particularly striking about the campaign against cluster munitions is not its success in banning an inhumane weapon but the fact that this success was achieved at a moment in history when, in absolute terms at least, cluster munitions use had fallen from the peak years of use during the Vietnam era (see Table 2). In the latter period cluster bombs such as the CBU-24 represented a ‘major increase in battleﬁeld lethality’ yet its development and deployment was ‘accomplished with no public debate and relatively little subsequent protest’.56 Indeed, for the American military, ‘CBUs were categorised as a standard weapon, to be taken off the shelf – “conventional ironmongery”.57 This is not to suggest that American use of cluster munitions in this period went unremarked. There were certainly some critics at the time who argued that such weapons were inhumane.58 There were also attempts, sponsored by the International Committee of the Red Cross (ICRC) and Sweden in particular, to promote restrictions on cluster munitions in negotiations in the 1970s on the Additional Protocols to the 1949 Geneva Conventions.59 The point is however, that these efforts never achieved traction either with diplomats or with a wider public in the way that the issue would 30 years later. The labels attached to cluster munitions and also landmines only changed dramatically as the move into the post-Cold War era occurred when they moved from being treated as unproblematic elements in global military arsenals to a form of ‘technology non grata’ – weaponry deemed immoral, inhumane, and indiscriminate. Crucially, such a successful process of stigmatization was only made feasible in the context of a post-Cold War widening of the security label to incorporate the notion of human security as a referent object; by the turn to casting security interventions in humanitarian terms; and the representation of modern weaponry as humane because of its perceived capacity to better discriminate between civilians and combatants. The widening and deepening of the security label created the permissive environment necessary for activists to reframe cluster munitions (and APMs) as threats to the human. At the same time, the discussion of intervention in humanitarian terms60 and of precision weapons as instruments of humane warfare61 created a legitimized discursive space into which campaigners could insert a re-representation of landmines and cluster munitions technology as inhumane. Indeed, such a re-representation only exerted a powerful appeal because it was consonant with both the predominant framing of security threats in a postCold War world and a new divide between good and odious military technology. This is not to suggest that such developments reﬂected some teleology in which security and arms control practice progressively evolved to be more humane. As Krause and Latham have noted, for example, whilst the post-Cold War era concern with the impact of ‘inhumane weapons’ represents a notable shift compared with the Cold War arms control agenda, it does have similarities with the late 19th century when a Western discourse of civilized warfare was also prominent. One corollary of this – then as now – was a concern to specify what constituted an ‘inhumane weapon’62 manifest, for example, in the negotiations in the Hague conferences over problem technologies such as the dum dum bullet. As Michael Howard has suggested though, whilst initiatives such as the Hague conferences achieved notable successes, they also reﬂected the fact that liberal internationalists had ‘abandoned their original objects of preventing war and building peace in favour of making war more humane for those actually ﬁghting it’.63 The prohibitions on cluster munitions and also APMs can be understood as similarly ambiguous developments. On the one hand, the legitimizing discourse of Western militaries and arms ﬁrms was turned against them in order to generate powerful taboos against particular categories of weapons – even in the face of opposition from these militaries. The language of state security was coopted to promote human security, to preserve life, and prevent threats to its existence. On the other hand, the same prohibitions can ultimately be understood less as progressive initiatives imposed on foot-dragging states by the bottom-up power of global civil society and more as performative acts that simultaneously function to codify aspects of a new set of criteria for judging international respectability in a post-Cold War era, to reinforce the security framings of the era and to legitimize those categories of weapons successfully constructed as precise, discriminate, and thus humane. Indeed, to the extent that states such as the United States have been able to circumscribe their commitments on landmines etc. they have been able to beneﬁt from the broader legitimizing effects of speciﬁc weapons taboos without being unduly constrained by the speciﬁc regulatory requirements they have given rise to. Moreover, as already noted, the presence of pariah weapons regulation is not necessarily a sign of a more general shift to the tighter regulation of the arms trade – quite the reverse in some cases. Thus, any evaluation of the overall impact of such regulation on global and local security also has to take into account the broader system of arms regulation in which it is located, and the relationship that exists between pariah regulation and this broader system.

#### Sanitization of US policy leads to endless violence and imperialism – turns case

Bacevich, 5 -- Boston University international relations professor

[A. J., retired career officer in the United States Army, former director of Boston University's Center for International Relations (from 1998 to 2005), The New American Militarism: How Americans Are Seduced by War, 2005 accessed 9-4-13, mss]

Today as never before in their history Americans are enthralled with military power. The global military supremacy that the United States presently enjoys--and is bent on perpetuating-has become central to our national identity. More than America's matchless material abundance or even the effusions of its pop culture, the nation's arsenal of high-tech weaponry and the soldiers who employ that arsenal have come to signify who we are and what we stand for. When it comes to war, Americans have persuaded themselves that the United States possesses a peculiar genius. Writing in the spring of 2003, the journalist Gregg Easterbrook observed that "the extent of American military superiority has become almost impossible to overstate." During Operation Iraqi Freedom, U.S. forces had shown beyond the shadow of a doubt that they were "the strongest the world has ever known, . . . stronger than the Wehrmacht in r94o, stronger than the legions at the height of Roman power." Other nations trailed "so far behind they have no chance of catching up. ""˜ The commentator Max Boot scoffed at comparisons with the German army of World War II, hitherto "the gold standard of operational excellence." In Iraq, American military performance had been such as to make "fabled generals such as Erwin Rommel and Heinz Guderian seem positively incompetent by comparison." Easterbrook and Booz concurred on the central point: on the modern battlefield Americans had located an arena of human endeavor in which their flair for organizing and deploying technology offered an apparently decisive edge. As a consequence, the United States had (as many Americans have come to believe) become masters of all things military. Further, American political leaders have demonstrated their intention of tapping that mastery to reshape the world in accordance with American interests and American values. That the two are so closely intertwined as to be indistinguishable is, of course, a proposition to which the vast majority of Americans subscribe. Uniquely among the great powers in all of world history, ours (we insist) is an inherently values-based approach to policy. Furthermore, we have it on good authority that the ideals we espouse represent universal truths, valid for all times. American statesmen past and present have regularly affirmed that judgment. In doing so, they validate it and render it all but impervious to doubt. Whatever momentary setbacks the United States might encounter, whether a generation ago in Vietnam or more recently in Iraq, this certainty that American values are destined to prevail imbues U.S. policy with a distinctive grandeur. The preferred language of American statecraft is bold, ambitious, and confident. Reflecting such convictions, policymakers in Washington nurse (and the majority of citizens tacitly endorse) ever more grandiose expectations for how armed might can facilitate the inevitable triumph of those values. In that regard, George W. Bush's vow that the United States will "rid the world of evil" both echoes and amplifies the large claims of his predecessors going at least as far back as Woodrow Wilson. Coming from Bush the war- rior-president, the promise to make an end to evil is a promise to destroy, to demolish, and to obliterate it. One result of this belief that the fulfillment of America's historic mission begins with America's destruction of the old order has been to revive a phenomenon that C. Wright Mills in the early days of the Cold War described as a "military metaphysics"-a tendency to see international problems as military problems and to discount the likelihood of finding a solution except through military means. To state the matter bluntly, Americans in our own time have fallen prey to militarism, manifesting itself in a romanticized view of soldiers, a tendency to see military power as the truest measure of national greatness, and outsized expectations regarding the efficacy of force. To a degree without precedent in U.S. history, Americans have come to define the nation's strength and well-being in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideals? Already in the 19905 America's marriage of a militaristic cast of mind with utopian ends had established itself as the distinguishing element of contemporary U.S. policy. The Bush administrations response to the hor- rors of 9/11 served to reaffirm that marriage, as it committed the United States to waging an open-ended war on a global scale. Events since, notably the alarms, excursions, and full-fledged campaigns comprising the Global War on Terror, have fortified and perhaps even sanctified this marriage. Regrettably, those events, in particular the successive invasions of Afghanistan and Iraq, advertised as important milestones along the road to ultimate victory have further dulled the average Americans ability to grasp the significance of this union, which does not serve our interests and may yet prove our undoing. The New American Militarism examines the origins and implications of this union and proposes its annulment. Although by no means the first book to undertake such an examination, The New American Militarism does so from a distinctive perspective. The bellicose character of U.S. policy after 9/11, culminating with the American-led invasion of Iraq in March 2003, has, in fact, evoked charges of militarism from across the political spectrum. Prominent among the accounts advancing that charge are books such as The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic, by Chalmers Johnson; Hegemony or Survival: Americas Quest for Global Dominance, by Noam Chomsky; Masters of War; Militarism and Blowback in the Era of American Empire, edited by Carl Boggs; Rogue Nation: American Unilateralism and the Failure of Good Intentions, by Clyde Prestowitz; and Incoherent Empire, by Michael Mann, with its concluding chapter called "The New Militarism." Each of these books appeared in 2003 or 2004. Each was not only writ- ten in the aftermath of 9/11 but responded specifically to the policies of the Bush administration, above all to its determined efforts to promote and justify a war to overthrow Saddam Hussein. As the titles alone suggest and the contents amply demonstrate, they are for the most part angry books. They indict more than explain, and what- ever explanations they offer tend to be ad hominem. The authors of these books unite in heaping abuse on the head of George W Bush, said to combine in a single individual intractable provincialism, religious zealotry, and the reckless temperament of a gunslinger. Or if not Bush himself, they fin- ger his lieutenants, the cabal of warmongers, led by Vice President Dick Cheney and senior Defense Department officials, who whispered persua- sively in the president's ear and used him to do their bidding. Thus, accord- ing to Chalmers Johnson, ever since the Persian Gulf War of 1990-1991, Cheney and other key figures from that war had "Wanted to go back and finish what they started." Having lobbied unsuccessfully throughout the Clinton era "for aggression against Iraq and the remaking of the Middle East," they had returned to power on Bush's coattails. After they had "bided their time for nine months," they had seized upon the crisis of 9/1 1 "to put their theories and plans into action," pressing Bush to make Saddam Hussein number one on his hit list." By implication, militarism becomes something of a conspiracy foisted on a malleable president and an unsuspecting people by a handful of wild-eyed ideologues. By further implication, the remedy for American militarism is self-evi- dent: "Throw the new militarists out of office," as Michael Mann urges, and a more balanced attitude toward military power will presumably reassert itself? As a contribution to the ongoing debate about U.S. policy, The New American Militarism rejects such notions as simplistic. It refuses to lay the responsibility for American militarism at the feet of a particular president or a particular set of advisers and argues that no particular presidential election holds the promise of radically changing it. Charging George W. Bush with responsibility for the militaristic tendencies of present-day U.S. for- eign policy makes as much sense as holding Herbert Hoover culpable for the Great Depression: Whatever its psychic satisfactions, it is an exercise in scapegoating that lets too many others off the hook and allows society at large to abdicate responsibility for what has come to pass. The point is not to deprive George W. Bush or his advisers of whatever credit or blame they may deserve for conjuring up the several large-scale campaigns and myriad lesser military actions comprising their war on ter- ror. They have certainly taken up the mantle of this militarism with a verve not seen in years. Rather it is to suggest that well before September 11, 2001 , and before the younger Bush's ascent to the presidency a militaristic predisposition was already in place both in official circles and among Americans more generally. In this regard, 9/11 deserves to be seen as an event that gave added impetus to already existing tendencies rather than as a turning point. For his part, President Bush himself ought to be seen as a player reciting his lines rather than as a playwright drafting an entirely new script. In short, the argument offered here asserts that present-day American militarism has deep roots in the American past. It represents a bipartisan project. As a result, it is unlikely to disappear anytime soon, a point obscured by the myopia and personal animus tainting most accounts of how we have arrived at this point. The New American Militarism was conceived not only as a corrective to what has become the conventional critique of U.S. policies since 9/11 but as a challenge to the orthodox historical context employed to justify those policies. In this regard, although by no means comparable in scope and in richness of detail, it continues the story begun in Michael Sherry's masterful 1995 hook, In the Shadow of War an interpretive history of the United States in our times. In a narrative that begins with the Great Depression and spans six decades, Sherry reveals a pervasive American sense of anxiety and vulnerability. In an age during which War, actual as well as metaphorical, was a constant, either as ongoing reality or frightening prospect, national security became the axis around which the American enterprise turned. As a consequence, a relentless process of militarization "reshaped every realm of American life-politics and foreign policy, economics and technology, culture and social relations-making America a profoundly different nation." Yet Sherry concludes his account on a hopeful note. Surveying conditions midway through the post-Cold War era's first decade, he suggests in a chapter entitled "A Farewell to Militarization?" that America's preoccupation with War and military matters might at long last be waning. In the mid- 1995, a return to something resembling pre-1930s military normalcy, involving at least a partial liquidation of the national security state, appeared to be at hand. Events since In the Shadow of War appear to have swept away these expectations. The New American Militarism tries to explain why and by extension offers a different interpretation of America's immediate past. The upshot of that interpretation is that far from bidding farewell to militariza- tion, the United States has nestled more deeply into its embrace. f ~ Briefly told, the story that follows goes like this. The new American militarism made its appearance in reaction to the I96os and especially to Vietnam. It evolved over a period of decades, rather than being sponta- neously induced by a particular event such as the terrorist attack of Septem- ber 11, 2001. Nor, as mentioned above, is present-day American militarism the product of a conspiracy hatched by a small group of fanatics when the American people were distracted or otherwise engaged. Rather, it devel- oped in full view and with considerable popular approval. The new American militarism is the handiwork of several disparate groups that shared little in common apart from being intent on undoing the purportedly nefarious effects of the I96OS. Military officers intent on reha- bilitating their profession; intellectuals fearing that the loss of confidence at home was paving the way for the triumph of totalitarianism abroad; reli- gious leaders dismayed by the collapse of traditional moral standards; strategists wrestling with the implications of a humiliating defeat that had undermined their credibility; politicians on the make; purveyors of pop cul- turc looking to make a buck: as early as 1980, each saw military power as the apparent answer to any number of problems. The process giving rise to the new American militarism was not a neat one. Where collaboration made sense, the forces of reaction found the means to cooperate. But on many occasions-for example, on questions relating to women or to grand strategy-nominally "pro-military" groups worked at cross purposes. Confronting the thicket of unexpected developments that marked the decades after Vietnam, each tended to chart its own course. In many respects, the forces of reaction failed to achieve the specific objectives that first roused them to act. To the extent that the 19603 upended long-standing conventions relating to race, gender, and sexuality, efforts to mount a cultural counterrevolution failed miserably. Where the forces of reaction did achieve a modicum of success, moreover, their achievements often proved empty or gave rise to unintended and unwelcome conse- quences. Thus, as we shall see, military professionals did regain something approximating the standing that they had enjoyed in American society prior to Vietnam. But their efforts to reassert the autonomy of that profession backfired and left the military in the present century bereft of meaningful influence on basic questions relating to the uses of U.S. military power. Yet the reaction against the 1960s did give rise to one important by-prod: uct, namely, the militaristic tendencies that have of late come into full flower. In short, the story that follows consists of several narrative threads. No single thread can account for our current outsized ambitions and infatua- tion with military power. Together, however, they created conditions per- mitting a peculiarly American variant of militarism to emerge. As an antidote, the story concludes by offering specific remedies aimed at restor- ing a sense of realism and a sense of proportion to U.S. policy. It proposes thereby to bring American purposes and American methods-especially with regard to the role of military power-into closer harmony with the nation's founding ideals. The marriage of military metaphysics with eschatological ambition is a misbegotten one, contrary to the long-term interests of either the American people or the world beyond our borders. It invites endless war and the ever-deepening militarization of U.S. policy. As it subordinates concern for the common good to the paramount value of military effectiveness, it promises not to perfect but to distort American ideals. As it concentrates ever more authority in the hands of a few more concerned with order abroad rather than with justice at home, it will accelerate the hollowing out of American democracy. As it alienates peoples and nations around the world, it will leave the United States increasingly isolated. If history is any guide, it will end in bankruptcy, moral as well as economic, and in abject failure. "Of all the enemies of public liberty," wrote James Madison in 1795, "war is perhaps the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies. From these proceed debts and taxes. And armies, debts and taxes are the known instruments for bringing the many under the domination of the few .... No nation could preserve its freedom in the midst of continual Warfare." The purpose of this book is to invite Americans to consider the continued relevance of Madison's warning to our own time and circumstances.

#### The Alternative is to reject the 1AC and imagine Whatever Being--Any point of rejection of the sovereign state creates a non-state world made up of whatever life – that involves imagining a political body that is outside the sphere of sovereignty in that it defies traditional attempts to maintain a social identity

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(Anne, “Bio-Sovereignty and the Emergence of Humanity,” Theory & Event, Volume 7, Issue 2, Project Muse)

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier Coming Community, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. / "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). / This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. / Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-such, for belonging itself." (0.1-1.2). / Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of homo sacer, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153). / We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

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#### Restriction on authority must limit presidential discretion

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>)

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### They don’t – president still gets to decide, the plan’s an after-the-fact correction – judicial review doesn’t remove authority

**GILBERT 98** Lieutenant Colonel USAF Academy; MSBA, Boston University; J.D., McGeorge School of Law; LL.M., Harvard Law School [Michael H. Gilbert, The Military and the Federal Judiciary: an Unexplored Part of the Civil-Military Relations Triangle, USAFA Journal of Legal Studies, 8 USAFA J. Leg. Stud. 197]

Conclusion

The judiciary can perform the critical function of judicial review of cases involving the military without unconstitutionally impinging upon the authority of Congress and the President. In matters of policy [\*224] concerning the conduct or preparation of war, courts can cautiously examine the facts to determine the propriety of their review. The greater the nexus to national security and to the conduct of purely military affairs, the greater the hesitancy courts should exercise in their review. In today's military, which is increasingly used for actions other than military operations, the concern with harming good order and discipline is less material. By interpreting the framers' intent to grant virtually exclusive, plenary control of the military to the Congress, which regulates and maintains the armed forces, and to the President, who is the Commander-in-Chief of the armed forces, the Supreme Court removes the judiciary from the issue of civil-military relations. Entrusting the other two branches of the government to lawfully care for the military results in strengthening the authority of civilian control by two branches of Government but only at the cost of removing civilian control which should be exercised by the courts.

**Voting issue –**

**1) Ground – all DAs and CPs like ESR, flexibility, and politics compete based off restrictions on the presidential decision-making process – skews the topic in favor of the aff.**

**2) Limits – the plan amounts to deterrence of prez powers, not statutory limitations – that’s opens a floodgate of affs that just dissuade presidential expansion of power**

**McKelvey 11** - Executive Development Editor on the Editorial Board of the Vanderbilt Journal of Transnational Law  [Benjamin McKelvey (JD Candidate @ Vanderbilt University), “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, November, 2011, 44 Vand. J. Transnat'l L. 1353

FISA as an Applicable Model - FISA is an existing legislative model that is applicable both in substance and structure.213 FISA was passed to resolve concerns over civil liberties in the context of executive counterintelligence.214 It is therefore a legislative response to a set of issues analogous to the constitutional problems of targeted killing.215 FISA also provides a structural model that could help solve the targeted killing¶ dilemma.216 The FISA court is an example of a congressionally created federal court with special jurisdiction over a sensitive national security issue.217 Most importantly, FISA works. Over the years, the FISA court has proven itself capable of handling a large volume of warrant requests in a way that provides judicial screening without diminishing executive authority.218 Contrary to the DOJ’s claims in Aulaqi , the FISA court proves that independent judicial oversight is institutionally capable of managing real-time executive decisions that affect national security.219

### 1NC CP

#### The Counsel to the President of the United States should request to the Office of Legal Counsel for legal counsel and coordination on the President’s war powers authority. The Office of Legal Counsel should advise the President that he should restrict the President's war powers authority in targeted killing operations by removing immunity from judicial review and by establishing a cause of action allowing civil suits brought against the United States by those unlawfully injured, their heirs, or their estates.

#### CP is competitive and solves the case ---- Coordination with OLC can ensure executive action

BORRELLI et al 2000 - Professor of Government Chair of the Government and International Relations Department, Connecticut College (Maryanne Borrelli, Karen Hult, Nancy Kassop, “The White House Counsel’s Office”, http://whitehousetransitionproject.org/files/counsel/Counsel-OD.PDF)

The White House Counsel’s Office is at the hub of all presidential activity. Its mandate is to be watchful for and attentive to legal issues that may arise in policy and political contexts in which the president plays a role. To fulfill this responsibility, it monitors and coordinates the presidency’s interactions with other players in and out of government. Often called “the president’s lawyer,” the Counsel’s Office serves, more accurately, as the “presidency’s lawyer,” with tasks that extend well beyond exclusively legal ones. These have developed over time, depending on the needs of different presidents, on the relationship between a president and a Counsel, and on contemporary political conditions. The Office carries out many routine tasks, such as vetting all presidential appointments and advising on the application of ethics regulations to White House staff and executive branch officials, but it also operates as a “command center” when crises or scandals erupt. Thus, the more sharply polarized political atmosphere in recent years has led to greater responsibility and demands, as well as heightened political pressure and visibility, on the traditionally low-profile Counsel’s Office. The high-stakes quality of its work has led to a common sentiment among Counsels and their staff that there is “zero tolerance” for error in this office.

In sum, the Counsel’s Office might be characterized as a monitor, a coordinator, a negotiator, a recommender, and a translator: it monitors ethics matters, it coordinates the president’s message and agenda with other executive branch units, it negotiates with a whole host of actors on the president’s behalf (not the least of which is Congress), it recommends myriad actions to the president, and it translates or interprets the law (whether it is the Constitution, federal rules and regulations, treaties or legislation) for all executive branch officials. Past Counsels have lamented that there is no job description for this office, while the opening quote from Peter Wallison makes clear that even if there was, it would be all-consuming and all-inclusive of everything that goes in and out of the president’s office.

In simple terms, the Counsel’s Office performs five basic categories of functions: (1) advising on the exercise of presidential powers and defending the president’s constitutional prerogatives; (2) overseeing presidential nominations and appointments to the executive and judicial branches; (3) advising on presidential actions relating to the legislative process; (4) educating White House staffers about ethics rules and records management and monitoring adherence; and (5) handling department, agency and White House staff contacts with the Department of Justice (see Functions section). In undertaking these responsibilities, the Counsel’s Office interacts regularly with, among others, the president, the Chief of Staff, the White House Office of Personnel, the Press Secretary, the White House Office of Legislative Affairs, the Attorney General, the Office of Management and Budget (on the legislative process), the General Counsels of the departments and agencies, and most especially, the Office of Legal Counsel in the Department of Justice (see Relationships section). In addition to the Counsel, the Office usually consists of one or two Deputy Counsels, a varying number of Associate and Assistant Counsels, a Special Counsel when scandals arise, a Senior Counsel in some administrations, and support staff. Tasks are apportioned to these positions in various ways, depending on the Counsel’s choices, though most Counsels expect all Office members to share the ongoing vetting for presidential appointments (see Organization and Operations section).

Certain responsibilities within the Office are central at the very start of an administration (e.g., vetting for initial nominations and shepherding the appointment process through the Senate), while others have a cyclical nature to them (e.g., the annual budget, the State of the Union message), and still others follow an electoral cycle (e.g., determining whether presidential travel and other activities are partisan/electoral/campaign or governmental ones) (see Organization and Operations). There is, of course, the always unpredictable (but almost inevitable) flurry of scandals and crises, in which all eyes turn to the Counsel’s Office for guidance and answers. Watergate, Iran-contra, Whitewater, the Clinton impeachment, and the FBI files and White House Travel Office matters were all managed from the Counsel’s Office, in settings that usually separated scandal management from the routine work of the Office, so as to permit ongoing operations to continue with minimal distraction. Among the more regular tasks that occur throughout an administration are such jobs as directing the judicial nomination process, reviewing legislative proposals (the president’s, those from departments and agencies, and bills Congress has passed that need the Counsel’s recommendation for presidential signature or veto), editing and clearing presidential statements and speeches, writing executive orders, and determining the application of executive privilege (see both Relationships and Organization and Operations sections).

Perhaps, the most challenging task for the Counsel is being the one who has the duty to tell the president “no,” especially when it comes to defending the constitutional powers and prerogatives of the presidency. Lloyd Cutler, Counsel for both Presidents Carter and Clinton, noted that, in return for being “on the cutting edge of problems,” the Counsel needs to be someone who has his own established reputation…someone who is willing to stand up t o the President, to say, “No, Mr. President, you shouldn’t do that for these reasons.” There is a great tendency among all presidential staffs to be very sycophantic, very sycophantic. It’s almost impossible to avoid, “This man is the President of the United States and you want to stay in his good graces,” even when he is about to do something dumb; you don’t tell him that. You find some way to put it in a very diplomatic manner. (Cutler interview, pp. 3-4)

LAW, POLITICS AND POLICY

A helpful way to understand the Counsel’s Office is to see it as sitting at the intersection of law, politics and policy. Consequently, it confronts the difficult and delicate task of trying to reconcile all three of these without sacrificing too much of any one. It is the distinctive challenge of the Counsel’s Office to advise the president to take actions that are both legally sound and politically astute. A 1994 article in Legal Times warned of the pitfalls: Because a sound legal decision can be a political disaster, the presidential counsel constantly sacrifices legal ground for political advantage. (Bendavid, 1994, p. 13) For example, A.B. Culvahouse recalled his experience upon arriving at the White House as counsel and having to implement President Reagan’s earlier decision to turn over his personal diaries to investigators during the Iran-contra scandal.

Ronald Reagan’s decision to turn over his diary - that sits at the core of the presidency. …You’re setting up precedents and ceding a little power. But politically, President Reagan wanted to get it behind him. (Bendavid, 1994, p. 13)

Nonetheless, Culvahouse added, the Counsel is “the last and in some cases the only protector of the President’s constitutional privileges. Almost everyone else is willing to give those away in part inch by inch and bit by bit in order to win the issue of the day, to achieve compromise on today’s thorny issue. So a lot of what I did was stand in the way of that process...” (Culvahouse interview, p. 28)

Because of this blend of legal, political and policy elements, the most essential function a Counsel can perform for a president is to act as an “early warning system” for potential legal trouble spots before **(**and, ultimately, after) they erupt. For this role, a Counsel must keep his or her “antennae” constantly attuned. Being at the right meetings at the right time and knowing which people have information and/or the necessary technical knowledge and expertise in specific policy or legal areas are the keys to insuring the best service in this part of the position. C. Boyden Gray, Counsel for President Bush, commented: “As Culvahouse said -- I used to say that the meetings I was invited to, I shouldn’t go to. …It’s the meetings I wasn’t invited to that I’d go to.” (Gray interview, p. 26) Lloyd Cutler noted that

….the White House Counsel will learn by going to the staff meetings, et cetera, that something is about to be done that has buried within it a legal issue which the people who are advocating it either haven’t recognized or push under the rug. He says, “Wait a minute. We’ve got to check this out,” and goes to the Office of Legal Counsel and alerts them and gets their opinion. But for the existence of the White House Counsel, the Office of Legal Counsel would never have learned about the problem until it was too late. (Cutler interview, p. 4)

One other crucial part of the job where the legal overlaps with the policy and the political -- and which can spell disaster for Counsels who disregard this -- is knowing when to go to the Office of Legal Counsel for guidance on prevailing legal interpretations and opinions on the scope of presidential authority. It is then up to the White House Counsel to sift through these legal opinions, and to bring into play the operative policy and political considerations in order to offer the president his or her best recommendation on a course of presidential action. Lloyd Cutler described how this process works:

They [OLC staffers] are where the President has to go or the President’s counsel has to go to get an opinion on whether something may properly be done or not. For example, if you wish to invoke an executive privilege not to produce documents or something, the routine now is you go to the Office of Legal Counsel and you get their opinion that there is a valid basis for asserting executive privilege in this case. ...You’re able to say [to the judge who is going to examine these documents] the Office of Legal Counsel says we have a valid basis historically for asserting executive privilege here. (Cutler interview, p. 4)

C. Boyden Gray underscored the critical importance of OLC’s relationship to the Counsel’s Office: They [OLC] were the memory…We paid attention to what they did. [Vincent] Foster never conferred with them. When they [the Clinton Counsel’s Office] filed briefs on executive privilege, they had the criminal division, the civil division and some other division signing on the brief; OLC wasn’t on the brief… In some ways they [OLC] told us not to do things but that was helpful. They said no to us… I can give you a million examples. They would have said to Vince Foster, “Don’t go in and argue without thinking about it.” They would have prevented the whole healthcare debacle [referring to the Clinton Counsel’s Office’s position that Hillary Rodham Clinton was a government official for FACA purposes] …[T]he ripple effect of that one decision is hard to exaggerate: it’s hard to calculate. (Gray interview, pp. 18-19)

### 1NC DA

#### Immigration reform will pass now – tons of momentum and the GOP is getting on board but capital is key to a compromise

Hawkings 1/15/14 (David, Roll Call, Hawkings Here, "This Year's Legislative Acid Test: Immigration Rewrite")

And if the 2014 legislative effort comes up empty, it will reaffirm not only the president’s significantly shrunken legislative sway, but also the GOP’s interest in cultivating its most conservative fringes at the expense of all else.¶ Framed in those stark terms, it should be tough to predict that impasse is the likely outcome. That’s why advocates of a big bill, not only in the Hispanic community but also in the business world, are stoking every inkling of momentum.¶ All the attention remains, of course, on the House Republican leadership. It’s been there now for seven months, [since 68 senators voted for a measure](http://blogs.rollcall.com/wgdb/immigration-overhaul-passes-senate/) combining a staggering border security beef-up with creation of a 13-year pathway to citizenship for the 11.5 million immigrants in the United States illegally.¶ The GOP leaders all want to put this issue behind them as quickly as practical — to get their party on the right side of demographic history before the nation’s fastest-growing ethnic group altogether abandons Republicans for a generation. (Mitt Romney took 27 percent of the Hispanic presidential vote last time, so there is still room for further decline.)¶ Word is that Speaker John A. Boehner, his three top leadership deputies and Judiciary Chairman Robert W. Goodlatte of Virginia will unveil a set of [vaguely worded policy goals](http://blogs.rollcall.com/218/boehner-says-gop-immigration-principles-to-be-released-soon/) for any bill during the next fortnight. The goal is two-fold: To signal, in advance of Obama’s State of the Union address, that their team is still interested in getting a bill, and to gauge how many in their own caucus are willing to at least keep an open mind on the matter.¶ The timing will then put the onus on the president to somehow respond in his speech. Obama and his aides are sending unmistakable signs that this year’s address will propose dead-on-arrival legislation designed to appeal to his party’s populist base during the campaign season while [he advances his agenda](http://www.rollcall.com/news/white_house_looks_past_congress_for_its_agenda-229990-1.html) almost entirely through regulations and public advocacy.¶ But “the pen, the phone and the podium,” to use the White House’s phrase, are not sufficient to change immigration policy. A jumpstart to that effort would come from Obama telling Congress on Jan. 28 how he is ready to compromise.¶ Ultimately, any deal would turn on the citizenship issue. Only if it gets resolved will there be any drive to solve disagreements about border security, the treatment of guest workers and increasing the number of visas for the highly skilled — or to decide if all immigration matters should be rolled into one bill or handled piecemeal.¶ Obama would need to back away from his desire to make a course toward citizenship as generous as the Senate’s, and then convince plenty of House Democrats to do the same in the name of partially solving a problem that would otherwise fester for years to come. House GOP leaders would need to persuade a few dozen of their own (a majority of the majority appearing out of the question) to abandon the position that any such pathway amounts to “amnesty” or “special treatment.”¶ And then at least 60 senators would need to acquiesce in whatever compromise was passed by the House.¶ The boundaries of this middle ground are getting clear to see. They are very close to what some House GOP leaders are talking about. And, according to a report this week from the National Foundation for American Policy, the result means about half the total number of current illegal residents would eventually get on a path to citizenship.¶ Goodlatte is now open to giving illegal immigrants provisional legal status, then permitting those with longstanding employment or with children or spouses who are citizens to seek a “green card” through existing channels. A green card means permanent legal residency and comes with its own timetable for becoming a citizen, usually within five years.¶ The nonpartisan research group’s study estimates 3.5 million to 5 million people could benefit from this approach, as would another 800,000 to 1.5 million if the law is changed to provide green cards to younger undocumented immigrants who arrived as children — the group now known as Dreamers.

#### Capital is key to a deal -

Albuquerque Journal 1/12/14 (Jim Kuhnhenn, The Associated Press, "Obama, Congress Face Crucial Immigration Push")

His agenda tattered by last year’s confrontations and missteps, President Barack Obama begins 2014 clinging to the hope of winning a lasting legislative achievement: an overhaul of immigration laws.¶ It will require a deft and careful use of his powers, combining a public campaign in the face of protests over his administration’s record number of deportations with quiet, behind-the-scenes outreach to Congress, something seen by lawmakers and immigration advocates as a major White House weakness.¶ In recent weeks, both Obama and House Speaker John Boehner, R-Ohio, have sent signals that raised expectations among overhaul supporters that 2014 could still yield the first comprehensive change in immigration laws in nearly three decades. If successful, it would fulfill an Obama promise many Latinos say is overdue.

#### The GOP Will spin the plan as soft on terror – that’ll cause congressional backlash

Voorhees 5/23/13 (Josh, Editor of Slatest Magazine, Former Greenwire and Politico Reporter, "Slatest PM: GOP Senator Says Obama's Speech Will "Be Viewed by the Terrorists As a Victory")

No Love From the Right: [Washington Post](http://www.washingtonpost.com/politics/obama-outlines-new-rules-for-drones/2013/05/23/1b5918e6-c3cb-11e2-914f-a7aba60512a7_story.html?hpid=z1): "Obama’s speech drew a quick response from Republicans, who have accused the president of downplaying the threat of terrorism. 'The president’s speech today will be viewed by terrorists as a victory,' said Sen. Saxby Chambliss (Ga.), the ranking Republican on the Senate Intelligence Committee. 'Rather than continuing successful counterterrorism activities, we are changing course with no clear operational benefit.' Chambliss was also critical of Obama’s plans to try to close Guantanamo, signaling the obstacles that the president will face in Congress."

#### High skilled workers key to biotech

**Mowad 7.** [Michelle, Doctor, “Cap on Visas for Skilled Foreign Workers Stifling Biotech, Tech”, San Diego Business Journal, 4-23, <http://www.allbusiness.com/legal/immigration-law-passports-visas-employment/10582800-1.html>]

The local biotechnology and technology industries, highly dependent on very highly skilled workers, are waiting to see if their foreign job applicants have been awarded work visas. U.S. immigration officials received twice the maximum number of applications for H-1B visas given to foreign individuals holding advanced degrees on the first day of the application process. The U.S. Citizenship and Immigration Services opened the application process on April 2 for granting visas for the new fiscal year that starts Oct. 1. Because the "cap" was exceeded the first day, the USCIS will hold a lottery to select from the applicants who applied on the first and second days. There are enormous economic and health benefits to opening up employment to international candidates, said Kristie Ford with Biocom, a life sciences industry association representing 530-plus member companies in Southern California. "Biotech is an industry that is going to continue to boom, and we need a work force that fits the industry needs," she said. Domestic businesses use the H-1B program so they can hire foreign workers In occupations that require theoretical or technical expertise in specialized fields, such as accounting, architecture, education, engineering, law, mathematics, medicine and health, physics, social sciences and theology. Kevin Carroll, executive director of the San Diego chapter of the American Electronics Association, said technology businesses have a history of welcoming the best and brightest workers. He said there is a need to raise the cap. "We need more (H-1B visas) and we need them now," said Carroll, whose AeA chapter consists of 150 technology-based member businesses. He said that demand for technology employers is extremely high. The unemployment rate for engineers is significantly low at 2 percent, according to Carroll. "This has an impact on the ability of San Diego to stay competitive," he said. Carroll added that a limited number of work visas forces companies to go to extraordinary lengths for recruiting. Each year, the USCIS processes 65,000 H-1B visas. This year, the agency received 124,000 applications in the first two days. In addition, the USCIS will issue an additional 20,000 H-1B visas to foreigners who hold advanced degrees from U.S. universities. USCIS received 13,000 applications for this type of visa within the first two days of the processing period. Individuals who applied for the work visa earlier this month will now have to wait up to four weeks after April 12 before they know if they have been approved or need to leave the country. The wait and importance of H-1B visas to San Diego is at the forefront of many minds. Attorneys from the San Diego office of Duane Morris LLP will host a seminar on the current trends in employment, benefits and immigration law on April 26. Topics to be covered include H-1B visas and the caps being met so early. Lisa Spiegel, an immigration and nationality attorney with Duane Morris, said two years ago applications reached the cap amount in August. Last year, the applications reached the cap amount in May and this year on the first day. "It is a sign of the economy growing," she said. "Companies need more high-tech workers." She said highly skilled jobs in the computer and biotechnology industries are driving the need for a higher cap number. "Companies need employees with a certain level of education and skill set, and they can't find enough in the U.S. so they are willing to hire top talent from around the world, but the problem is that they can't get them into the U.S.," she said. She added that domestic companies often resort to opening foreign satellite offices because it is so difficult to bring professionals here. "The U.S. is losing out on attracting foreign workers and top talent to come here, we are losing their taxes, we are losing the company's tax base and we are losing the ability to make the U.S. a place where the top talent wants to come for graduate school," she said. And if foreigners can't be certain they can obtain a work visa after graduation from a U.S. university, they may be reluctant to attend school here, she said. "These are not people coming in illegally, these are people coming in and contributing to our country," she said. The economy of California will suffer as a result of this cap, said Spiegel. "Companies are losing workers and losing the ability to remain competitive because they cannot get enough people to staff their projects," she said. The San Diego office of Mintz Levin Cohn Ferris Glovsky and Popeo PC hosted an immigration strategies conference April 19 at Estancia La Jolla Hotel & Spa. William L. Coffman, an attorney with Mintz Levin's Boston office, was a speaker at the event. Coffman reviewed alternative visa options for foreigners who may not be awarded an H-1B visa. Biocom offers several programs aimed to attract a local and national work force. The association created a Life Sciences Success program to facilitate student internships, teacher externships and a summer life sciences boot camp to connect students and teachers with leading companies in San Diego's life sciences community. Last year, 34 students attended boot camp, 44 participated in summer internships and 18 educators carried out externships. "Bottom line is that life sciences companies need a skilled work force," said Ford, associate director of Workforce Development for Biocom. "Biocom is trying to help it two ways - we are trying to grow our homegrown work force, but then we also support raising the H-1B visa cap as well." While many companies are not optimistic applicants will receive these coveted H-1B visas, talk of immigration reform has permeated the market. For now, industry associates including Biocom and local businesses are attempting to garner support for reform to make life easier for biotechnology and technology.

#### Lack of adaptation tech causes extinction

**Trewavas 00** [Anthony, Institute of Cell and Molecular Biology – University of Edinburgh, “GM Is the Best Option We Have”, AgBioWorld, 6-5, <http://www.agbioworld.org/biotech-info/articles/biotech-art/best_option.html>]

But these are foreign examples; global warming is the problem that requires the UK to develop GM technology. 1998 was the warmest year in the last one thousand years. Many think global warming will simply lead to a wetter climate and be benign. I do not. Excess rainfall in northern seas has been predicted to halt the Gulf Stream. In this situation, average UK temperatures would fall by 5 degrees centigrade and give us Moscow-like winters. There are already worrying signs of salinity changes in the deep oceans. Agriculture would be seriously damaged and necessitate the rapid development of new crop varieties to secure our food supply. We would not have much warning. Recent detailed analyses of arctic ice cores has shown that the climate can switch between stable states in fractions of a decade. Even if the climate is only wetter and warmer new crop pests and rampant disease will be the consequence. GM technology can enable new crops to be constructed in months and to be in the fields within a few years. This is the unique benefit GM offers. The UK populace needs to much more positive about GM or we may pay a very heavy price. In 535A.D. a volcano near the present Krakatoa exploded with the force of 200 million Hiroshima A bombs. The dense cloud of dust so reduced the intensity of the sun that for at least two years thereafter, summer turned to winter and crops here and elsewhere in the Northern hemisphere failed completely. The population survived by hunting a rapidly vanishing population of edible animals. The after-effects continued for a decade and human history was changed irreversibly. But the planet recovered. Such examples of benign nature's wisdom, in full flood as it were, dwarf and make miniscule the tiny modifications we make upon our environment. There are apparently 100 such volcanoes round the world that could at any time unleash forces as great. And even smaller volcanic explosions change our climate and can easily threaten the security of our food supply. Our hold on this planet is tenuous. In the present day an equivalent 535A.D. explosion would destroy much of our civilisation. **Only those with agricultural technology sufficiently advanced would have a chance at survival**. Colliding asteroids are another problem that requires us to be forward-looking accepting that technological advance may be the only buffer between us and annihilation.

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### 1NC solvency

Analytics based on cx

#### Civilian trials are rigged- the State gets the results it wants

Silverglate 10-6-13 [Harvey Silverglate, a Boston criminal defense and civil liberties lawyer, is the author, most recently, of "Three Felonies a Day: How the Feds Target the Innocent" (Encounter Books, updated second edition 2011), “How Prosecutors Rig Trials by Freezing Assets,” <http://online.wsj.com/article/SB10001424127887324110404578630561814823892.html>]

On Oct. 16, the Supreme Court will hear oral arguments on a claim brought by husband and wife Brian and Kerri Kaley. The Kaleys are asking the high court to answer a serious and hotly contested question in the federal criminal justice system: Does the Constitution allow federal prosecutors to seize or freeze a defendant's assets before the prosecution has shown at a pretrial hearing that those assets were illegally obtained?¶ Such asset freezes often prevent a defendant from hiring the trial counsel of his choice to mount a vigorous defense, thus increasing the likelihood of the government extracting a guilty plea or verdict. Because asset forfeiture almost automatically follows conviction, a pretrial freeze ultimately enables the Justice Department to grab the frozen assets for use by executive-branch law enforcement agencies. It is a neat, vicious circle. What crimes are the Kaleys charged with? Kerri Kaley was a sales representative for a subsidiary of Johnson & Johnson JNJ +1.90% . Beginning in 2005, the fedsin Florida investigated her, her husband Brian, and other sales reps for reselling medical devices given to them by hospitals. The hospitals had previously bought and stocked the devices but no longer needed or wanted the overstock since the company was offering new products. Knowing that the J&J subsidiary had already been paid for the now-obsolete products and was focused instead on selling new models, the sales reps resold the old devices and kept the proceeds.¶ The feds had various theories for why this "gray market" activity was a crime, even though prosecutors could not agree on who owned the overstocked devices and, by extension, who were the supposed victims of the Kaleys' alleged thefts. The J&J subsidiary never claimed to be a victim.¶ The Kaleys were confident that they would prevail at trial if they could retain their preferred lawyers. A third defendant did go to trial with her counsel of choice and was acquitted. But the Justice Department made it impossible for the Kaleys to pay their chosen lawyers for trial.¶ The government insisted that as long as the Kaleys' assets—including bank accounts and their home—could be traced to the sale of the medical devices, all of those assets could be frozen. The Kaleys were not allowed to go a step further and show that their activities were in no way criminal, since this would be determined by a trial. But the Kaleys insisted that if the government wanted to freeze their funds, the court had to hold a pretrial hearing on the question of the legality of how the funds were earned.¶ The Kaleys complained that the asset freeze effectively deprived them of their Sixth Amendment right to the counsel of their choice—the couple couldn't afford to hire the defense that they wanted. Prosecutors and the trial judge responded that the Kaleys could proceed with a public defender. This wouldn't have been an encouraging prospect for them, for while public counsel is often quite skilled, such legal aid wouldn't meet the requirements the Kaleys believed they needed for this complex defense. Choice of counsel in a free society, one would think, lies with the defendant, not with the prosecutor or the judge. (The Kaleys' chosen trial lawyers have agreed to stick with the case during the pretrial tussling over the asset-freeze question, but trying the case before a jury would be much more expensive and would require the frozen funds.)¶ Federal asset-forfeiture statutes like the one the Kaleys are fighting are actually a relatively recent invention. Before 1970, when Congress adopted the first provisions seeking to strip organized-crime figures of ill-gotten racketeering gains, there were no such laws (with the exception of the Civil War-era Confiscation Acts providing for the forfeiture of property of Confederate soldiers).¶ Since 1970, however, such federal statutes have expanded to cover a breathtaking number of crimes, from the sale of fraudulent passports and contraband cigarettes right up to murder and drug trafficking. An authoritative treatise, the 4th edition of the encyclopedia "Federal Practice & Procedure," asserts that federal forfeiture is now available "for almost every crime." In January, the New York Times quoted Manhattan U.S. Attorney Preet Bharara as saying that asset forfeiture is "an important part of the culture" and "an example of the government being efficient and bringing home the bacon." In 2012 alone, federal prosecutors seized more than $4 billion in assets. The Justice Department is allowed by law to put that bacon to use however prosecutors wish—to pay informants, provide snazzy cars to cooperating witnesses, whatever.¶ The Kaleys are hardly alone. The recently completed prosecution of Conrad Black indicates starkly how such seizures can torpedo a defendant's chance of getting a fair trial. In his 2007 high-profile case, Mr. Black, a former newspaper publisher indicted for alleged fraud and related crimes in the sale of Hollinger International, endured a federal freeze of his major unencumbered asset, the cash proceeds from the sale of his New York City apartment. That freeze prevented him from being able to retain the legal counsel upon whom he had relied before the asset freeze.¶ Mr. Black ultimately was convicted on two counts, winning on all the others in a shifting array of counts that numbered more than a dozen. Last year, having served his 42-month prison sentence, he filed a petition in federal court seeking to vacate his convictions on the ground that the government's asset-forfeiture tactics had deprived him of his counsel of choice. That effort foundered when the judge concluded that Mr. Black's trial counsel—not his counsel of choice, it must be noted, but rather the counsel he could afford after the asset freeze—had failed to properly raise and hence preserve the issue for later appellate review.¶ The Supreme Court has now threatened to upset the game that is so lucrative for the government and disabling for defendants. On March 18, the court agreed to consider the Kaleys' claim that the asset freeze without a hearing on the merits of the underlying criminal charge violated their constitutional rights. At oral argument in mid-October, the broader question will be whether, after four decades of federal asset seizures, the high court will put a freeze on the Justice Department.

### 1NC Terror

#### AQAP dead- drones

Hienz, 8-29 – Defense Media Network counterterrorism reporter

[Justin, owner of Cogent Writing, LLC, a strategic content company, and he is the executive editor for Security Debrief, a blog on homeland and national security, "Is Al Qaeda in Yemen Becoming More Dangerous? Short answer: nope," Defense Media Network, 8-29-13, www.defensemedianetwork.com/stories/is-al-qaeda-in-yemen-becoming-more-dangerous/, accessed 9-18-13, mss]

Is Al Qaeda in Yemen Becoming More Dangerous? Short answer: nope The U.S. Embassy in Yemen is now offering limited public services. It is the final U.S. embassy to reopen following an intercepted message between high-ranking al Qaeda leaders that indicated a major attack was in the works. Today, that threat appears to be somehow mitigated, given the embassy reopening, but over the last chaotic two or so weeks, public attention has returned to al Qaeda in the Arabian Peninsula (AQAP), which had dropped below much of the world’s radar for its inactivity and relative silence. While AQAP remains one of the more dangerous al Qaeda affiliates, it is important to put this recent threat in perspective. There are many intelligence and military elements in play that leave AQAP – rather than the United States – in a perilous position. AL QAEDA’S OMINOUS MESSAGE The message that sparked the wave of embassy closings was between Ayman al Zawahiri, the head of core al Qaeda thought to be hiding in Pakistan, and AQAP leader Nasir al Wuhayshi, who Zawahiri recently named as al Qaeda’s global second in command. While most details of the message have not been released, it has been reported that Zawahiri told Wuhayshi to “do something,” launching attacks in unidentified locations. This message came on the heels of intelligence indicating a possible major attack in Yemen, as well as July prison breaks in Iraq, Libya and Pakistan, which have been generally attributed to al Qaeda elements. The message also coincided with the end of Ramadan, the Islamic holy month of fasting, making it an auspicious time for al Qaeda extremists to martyr themselves. Thus, when U.S. intelligence intercepted the message sent through al Qaeda’s encrypted instant messaging program (called “Asrar al-Dardashah” or “Secrets of the Chat”), there was a sense that something big was coming. The U.S. embassy closings were an attempt to buy time – to remove potential targets while U.S. intelligence gathered more information and worked to capture or otherwise eliminate those plotting the attacks. Given last year’s attack on a U.S. diplomatic post in Benghazi, Libya, which killed U.S. Ambassador Chris Stevens, it seems reasonable to conclude that the Obama Administration was especially concerned with avoiding a similar attack – for the safety and security of America’s diplomatic corps, as well as, perhaps for the political ramifications another successful attack would cause. A senior official in the Yemeni Interior Ministry said: “I think the American administration took such extreme precautionary measures to avert any possibility of a repetition of the Libyan scenario, for which it came under fierce Republican criticism. It appears it’s still haunted by that incident.” He added: “AQAP is definitely weaker than it was in 2011…If the Americans think it’s more dangerous, then they might see what we can’t, or are more knowledgeable than we are about the Yemeni security situation, which can’t be true.” BACKS AGAINST THE WALL To be sure, Zawahiri and Wuhayshi are not chatting away on their smartphones or carrying on in-depth conversations while perched in front of a keyboard. Rather, they are likely passing messages to couriers who in turn share them with other couriers. Rita Katz, director of SITE Intelligence Group, told the Washington Post: “I am sure they are delivering messages, through the message boards or by sending emails that are encrypted. But there is no way in my mind that Zawahiri or Wahishi have access to the Internet, and I think Wahishi, at this stage of his life, is even afraid of going outside.” Afraid to go outside because U.S. drones, run by the CIA, are constantly seeking targets in Yemen. Since the message was intercepted, U.S. drone strikes have increased dramatically. The official line from Washington is that Predator UAV strikes have killed 22 people in Yemen since the start of the year, but some estimates suggest drone strikes killed 37 people in Yemen during the first two weeks in August. Overall, air and drone strikes have taken out between 632 and 1,231 people in Yemen since December 2009. Meanwhile, with the recent disclosures about the vast use of the NSA’s digital intelligence gathering operations – and the apparent ability of U.S. intelligence to read messages on al Qaeda’s not-so-secret-after-all forums – if Zawahiri or Wuhayshi use the Internet or phone, they run a real risk of drawing a Predator’s missile to their exact location. This does not preclude AQAP or another al Qaeda affiliate from coordinating and launching an attack, but it certainly frustrates the process. After the Arab Spring and the ouster of former Yemeni President Ali Abdullah Saleh, AQAP militants seized control of two towns in Abyan Province, east of Aden. The group also increased recruitment efforts. These gains, however, were short lived. A recent push by the Yemeni military (with the help of U.S. drones) has managed to take back control, and of late, AQAP has achieved little else. On August 4, dozens of al Qaeda militants disguised in army uniforms assembled in a grandiose attempt to take control of the al-Dabbah oil export terminal in Hadramout, the Balhaf liquid natural gas (LNG) export terminal and the city of Mukalla. One of the plot’s goals was to kill or capture foreign workers at the facilities. The army completely disrupted the attack. On August 11, militants killed four Yemeni soldiers who were sleeping at a checkpoint leading to the Balhaf LNG facility, likely in retribution for the failed attack a week earlier. The checkpoint was one of several leading to the facility, which is heavily guarded. There was little chance a small group of militants could have infiltrated or disrupted the facility itself. They fled after killing the guards. On August 14, about 70 militants (linked with al Qaeda) swarmed into Hawtah, a city in the south, attempting to take control of the city’s western neighborhoods. The militants were met with military tanks, which surrounded the neighborhood where the militants had taken cover and put an end to the attack. On August 21, militants (described by Saba, Yemen’s state news agency, as “terrorist elements”) shot and killed Col. Ali Hadi, the Aden intelligence chief, also killing his son in the attack. The assassination may have some short-term impact on counterterrorism work in Yemen, but intelligence gathering in the country’s south will undoubtedly continue unabated. These kinds of hit-and-run attacks are the last option of a group with limited capabilities. Though lacking any victories on which to champion their dwindling cause, AQAP leaders took to the Internet. Wuhayshi said in a video (ostensibly directed at al Qaeda followers though also created as a piece of propaganda) that his group was poised to break followers out of prison. He said: “The imprisonment will not last and the chains will be broken…Your brothers are about to bring down the walls and thrones of evil … and victory is within reach.” Sure it is. Had the Sept. 11, 2012 attack in Benghazi not occurred, would the unprecedented embassy closings have taken place? What is more, if the embassies had not been closed, would there have been a resurgent concern for AQAP’s ability to launch attacks? That rhetoric rings hollow in the aftermath of a series of total operational failures. Soon after Wuhayshi’s video, American al Qaeda member Adam Gadahn released his own video, calling for attacks on U.S. diplomats. He also championed the group that attacked the Libyan embassy, killing Ambassador Stevens. In both cases, AQAP is capitalizing on the international attention received through the embassy closings, but their videos do not mean they have the capacity to achieve their goals. NOT YOUR FATHER’S AL QAEDA Putting the puzzle pieces together, there are a few conclusions that can be drawn about AQAP. First, the intercepted message with Zawahiri was likely not an empty threat. The series of attempted attacks in Yemen, particularly on August 4, must have been planned in advance, and Zawahiri’s message could have been the go-ahead to proceed. Whether the plans included an attack on a U.S. embassy remains unclear. Second, following the series of failures and increased drone attacks, AQAP again found itself against the ropes with nothing gained and not many options to continue efforts on a large scale. As result, it released two videos in an attempt to herald its goals while masking its inability to achieve them. Gadahn’s message calling for like-minded terrorists to attack U.S. diplomats is dangerous as a piece of propaganda, but it hardly equates to any real capacity on AQAP’s part. Third, it would seem the embassy closings were to some degree motivated by a fear of another Benghazi attack. An order from Zawahiri is certainly threatening, but the question remains: Had the Sept. 11, 2012 attack in Benghazi not occurred, would the unprecedented embassy closings have taken place? What is more, if the embassies had not been closed, would there have been a resurgent concern for AQAP’s ability to launch attacks? Closing embassies and the resulting media coverage gave AQAP the spotlight it desperately wants. Certainly they remain a dangerous organization, but it is important to keep them in perspective. Even as Yemen militants plot terror, it is AQAP that should be afraid.

**Drone strikes in Yemen don’t drive AQAP recruiting---even hardline Islamists agree**

Christopher Swift 12, fellow at the University of Virginia's Center for National Security Law, 7/1/12, “The Drone Blowback Fallacy,” http://www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy

Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, not sufficient. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic.

From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen's rural population. It gives idle teenagers cars, khat, and rifles -- the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, "Al Qaeda attracts those who can't afford to turn away."

Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda's burgeoning numbers. "The driving issue is development," an Islamist parliamentarian from Hadramout province said. "Some districts are so poor that joining al Qaeda represents the best of several bad options." (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. "Those who fight do so because of the injustice in this country," he explained. "A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption."

**Imminence standard are fine**

Benjamin Wittes, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/13, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

A great deal of confusion and anxiety about the targeting of American citizens has flowed from the inelegant discussion in the White Paper of the word “imminent.” Neither the White Paper nor Holder’s speech makes clear what precise legal question the concept of imminence is addressing in its analysis. It is a bit of a mystery, in fact, whether the administration is using it to address resort-to-force matters under international law, domestic separation-of-powers questions, issues of the constitutional rights of the targets, as a possible defense against criminal prohibitions on killing Americans, or perhaps as a prudential invocation of the standards of international human rights law. What is clear is that the administration, for whatever reason, has limited itself in targeting Americans overseas to circumstances of an imminent threat. And its specific characterization of imminence has produced a barrage of criticism. The criticism, in my view, is unwarranted and rests on a misreading of the White Paper. Although it is true that the administration is using the term in a manner slightly relaxed from its common-sense meaning, many **commentators** and media figures **are dramatically overstating the degree of relaxation**. A word of explanation on this point is in order.

The term “imminent threat,” as the administration uses it, is something of a term of art—one that does not equate precisely to the common understanding of the word.Attorney General Holder has openly emphasized—consistent with the U.S. view of imminence in other national-security law circumstances—that this use does not mean imminence in some immediate temporal sense. It does not mean, for example, the last chance to act before disaster strikes. Rather, this definition of imminence incorporates a more flexible notion of an open window in time to address a threat which, left unaddressed, has independent momentum toward an unacceptable outcome. The Constitution, Holder explained,

does not require the president to delay action until some theoretical end-stage of planning—when the precise time, place, and manner of an attack become clear. Such a requirement would create an unacceptably high risk that our efforts would fail and that Americans would be killed.

Whether the capture of a U.S. citizen terrorist is feasible is a fact-specific, and potentially time-sensitive, question. It may depend on, among other things, whether capture can be accomplished in the window of time available to prevent an attack and without undue risk to civilians or to U.S. personnel. Given the nature of how terrorists act and where they tend to hide, it may not always be feasible to capture a United States citizen terrorist who presents an imminent threat of violent attack. In that case, our government has the clear authority to defend the United States with lethal force.

The White Paper’s wording on the subject of imminence is unfortunately imprecise, but it should not be over-read as authorizing—as one journalist put it—the killing of top Al Qaeda leaders “even if there is no intelligence indicating they are engaged in an active plot to attack the U.S.” In reality, the White Paper says something much more modest: that a finding of imminence does not require “clear evidence” that “a specific attack” will take place in the “immediate future.” It goes on to say that for those senior Al Qaeda leaders who are “continually planning attacks,” one has to consider the window of opportunity available in which to act against them and the probability that another window may not open before an attack comes to fruition. The result is that a finding of imminence for such a senior-level Al Qaeda operational leader can be based on a determination that such a figure is “personally and continually” planning attacks—not on a determination that any one planned attack is necessarily nearing ripeness.

The confusion arises largely out of a single, poorly-worded and easily misunderstood passage on page 8 of the White Paper:

a high-level official could conclude, for example, that an individual poses an “imminent threat” of violent attack against the United States where he is an operational leader of Al Qa’ida or an associated force and is personally continually involved in planning terrorist attacks against the United States. Moreover, where the al-Qa’ida member in question has recently been involved in activities posing an imminent threat of violent attack against the United States, and there is no evidence suggesting that he has renounced or abandoned such activities, that member’s involvement in al-Qa’ida’s continuing terrorist campaign against the United States would support the conclusion that the member poses an imminent threat.

The temptation is to read this passage broadly, as stating that targeting may be predicated on nothing more than an unrenounced history of plotting attacks—and without regard for the target’s present-day activities. In my view, however, such a reading places the White Paper at odds both with other public administration statements and with the history of U.S. interpretation of “imminence” in the international law context. The better way to understand the passage is that the first sentence of the paragraph states the general rule: that an Al Qaeda operational leader may be considered an imminent threat if he is “personally continually” planning attacks against the United States. The second sentence states the view that when evaluating whether a potential target is personally and continually planning such attacks, his recent activity is important to that evaluation, and a recent history of plotting major attacks will tend to support the inference that a person is currently plotting as well—at least to the extent it is not contradicted by some sort of renunciation of violence.

Read this way, the passage strikes me as both correct and unsurprising. If one is trying to assess whether Anwar Al Aulaqi is personally and continually planning major attacks against the U.S., after all, surely it is not irrelevant that he had only recently coaxed Umar Farouk Abdulmutallab onto a plane with a bomb, emailed with would-be terrorists in Britain about how to carry out attacks on aviation, and corresponded with Nidal Hassan in the run-up to the latter’s shooting at Fort Hood. To the contrary, surely this pattern of behavior supports an inference—at least to some extent—that this is a person who is continually plotting attacks of this nature. And surely it is also relevant that the possible target has not merely failed to renounce participation in such attacks but is also continuing to release videos calling for them.

Whether a pattern of this sort would adequately and on its own support a finding that an individual is continually involved in plotting major attacks would likely depend on how recent the pattern was, and how extensive. But there is nothing especially remarkable about the government’s position that for senior operational figures, recent past leadership conduct of an operational nature can serve as probative evidence of a figure’s current role.

While the precise contours of the administration’s thinking on the subject will remain unclear as long as it refuses to release the underlying legal memoranda, there is good reason to believe that this narrower reading of the White Paper’s “imminence” language—and not the more expansive readings—accurately reflects the administration’s thinking.

Unless and until the broader readings of the White Paper’s imminence language are confirmed to reflect administration thinking, **there is no reason to believe that the government has adopted a concept of imminence so expansive as to widen the narrow conception of the category** the administration has declared the lawful authority to target. Nor is there any evidence to suggest that the government is, in fact, targeting Americans based on nothing more than a distant pattern of past acts.

**Zero risk of Israeli strike on Iran -**this impact is a huge joke – any evidence to the contrary is based on Israel fearmongering in order to increase pressure on the US

**Rubin, ‘12** – professor at the Interdisciplinary Center in Herzliya, Israel, the Director of the Global Research and International Affairs (GLORIA) Center, and a Senior Fellow at the International Policy Institute for Counterterrorism (Barry, “[Israel Isn’t Going to Attack Iran and Neither Will the United States](http://pjmedia.com/barryrubin/2012/01/26/israel-is-not-about-to-attack-iran-and-neither-is-the-united-states-get-used-to-it/).” http://pjmedia.com/barryrubin/2012/01/26/israel-is-not-about-to-attack-iran-and-neither-is-the-united-states-get-used-to-it/)

The radio superhero The Shadow had the power to “cloud men’s minds.” But nothing clouds men’s minds like anything that has to do with Jews or Israel. This year’s variation on that theme is the idea that Israel is about to attack Iran. Such a claim repeatedly appears in the media. Some have criticized Israel for attacking Iran and turning the Middle East into a cauldron of turmoil (not as if the region needs any help in that department) despite the fact that it hasn’t even happened. On the surface, of course, there is apparent evidence for such a thesis. Israel has talked about attacking Iran and one can make a case for such an operation. Yet any serious consideration of this scenario — based on actual research and real analysis rather than what the uninformed assemble in their own heads or Israeli leaders sending a message to create a situation where an attack isn’t necessary — is this: It isn’t going to happen. Indeed, the main leak from the Israeli government, by an ex-intelligence official who hates Prime Minister Benjamin Netanyahu, has been that the Israeli government already decided not to attack Iran. He says that he worries this might change in the future but there’s no hint that this has happened or will happen. Defense Minister Ehud Barak has publicly denied plans for an imminent attack as have other senior government officials. Of course, one might joke that the fact that Israeli leaders talk about attacking Iran is the biggest proof that they aren’t about to do it. But Israel, like other countries, should be subject to rational analysis. Articles written by others are being spun as saying Israel is going to attack when that’s not what they are saying. I stand by my analysis and before December 31 we will see who was right. I’m not at all worried about stating very clearly that Israel is not going to go to war with Iran. So why are Israelis talking about a potential attack on Iran’s nuclear facilities? Because that’s a good way – indeed, the only way Israel has — to pressure Western countries to work harder on the issue, to increase sanctions and diplomatic efforts. If one believes that somehow pushing Tehran into slowing down or stopping its nuclear weapons drive is the only alternative to war, that greatly concentrates policymakers’ minds. Personally, I don’t participate — consciously or as an instrument — in disinformation campaigns, even if they are for a good cause. Regarding [Ronen Bergman’s article in the New York Times](http://www.nytimes.com/2012/01/29/magazine/will-israel-attack-iran.html?pagewanted=all), I think the answer is simple: Israeli leaders are not announcing that they are about to attack Iran. They are sending a message that the United States and Europe should act more decisively so that Israel does not feel the need to attack Iran in the future. That is a debate that can be held but it does not deal with a different issue: Is Israel about to attack Iran? The answer is “no.”

#### No Middle East war- leaders weak

Cook ‘7 (Steven, CFR senior fellow for Mid East Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, Why the Iraq war won't engulf the Mideast, <http://www.iht.com/bin/print.php?id=6383265>, June 28, 2007)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### No Indo-Pak War

Wright ‘13 (Thomas Wright is a fellow at the Brookings Institution in the Managing Global Order project. Previously, he was executive director of studies at the Chicago Council on Global Affairs, a lecturer at the Harris School of Public Policy at the University of Chicago, and senior researcher for the Princeton Project on National Security, "Don’t Expect Worsening of India, Pakistan Ties," <http://blogs.wsj.com/indiarealtime/2013/01/16/dont-expect-worsening-of-india-pakistan-ties/>, January 16, 2013)

There’s no end for now to the hostile rhetoric between India and Pakistan. But that doesn’t necessarily presage anything more drastic. Pakistan claims another of its soldiers died Tuesday night in firing across the Line of Control in Kashmir, the divided Himalayan region claimed by both nations. Indian army chief, Gen. Bikram Singh, on Wednesday, said Pakistan had opened fire and India retaliated. “If any of their people have died, it would have been in retaliation to their firing,” Gen. Singh said. ”When they fire, we also fire.” It was the latest in tit-for-tat recriminations over deaths in Kashmir that began last week. Pakistan claimed one of its soldiers died on Jan. 6. Two days later, India said Pakistani forces killed two of its soldiers and mutilated the bodies. Tuesday night, Indian Prime Minister Manmohan Singh said the mutilations meant it could not be “business as usual” between the countries. That has worried some that peace talks, which have been in train for two years, could be about to break down. Mr. Singh’s comments built on a drumbeat of anger from India. Gen. Singh, Monday called the mutilations “unpardonable” and said India withheld the right to retaliate to Pakistan aggression when and where it chooses. Pakistan Foreign Minister Hina Rabbani Khar, who is in the U.S., Tuesday termed the Indian army chief’s comments as “very hostile.” There are some other worrying signs. India said Tuesday it was delaying the start of a visa-on-arrival program meant to make it easier for some Indians and Pakistanis to visit each other’s countries. The visa program, like talks on opening up bilateral trade, is supposed to pave the way toward broader peace talks that would encompass thornier issues, like how to solve the Kashmir problem. Also Tuesday, nine Pakistani hockey players who had come to participate in a tournament in India were sent home due to fears of protests and violence against them. Still, there’s little benefit for either side to escalate what is now still sporadic firing over the Line of Control, the de facto border in Kashmir. Pakistan is embroiled in its own political meltdown sparked by the Supreme Court’s decision Tuesday to order the arrest of Prime Minister Raja Pervez Ashraf on allegations of corruption. Tens of thousands of protesters Tuesday took to the streets in Islamabad, and remain there today, demanding immediate elections and a greater role for the army and Supreme Court in politics. Pakistan’s military continues to play an important political role, dominating defense and foreign policy. But it has so far shown little sign of mounting a full-blown coup despite persistent rumors of military intervention. Pakistan’s government must hold national elections by May, meaning the next few months are likely to be choppy ones in Pakistan politics. In such an environment, the military is unlikely to want to dial up tensions with India. On the Indian side, despite Mr. Singh’s unusually strident tone Tuesday, there also will be pause before taking matters to the next level. Mr. Singh has put immense personal political capital into trying to improve ties with Pakistan since he came to power in 2004. Last year, he hosted Pakistan President Asif Ali Zardari in New Delhi and promised a return visit. Such a trip is clearly off the table for now. But India still has put too much into peace talks to throw away the progress made so far on visas, trade and other issues. Even Gen. Singh, India’s army chief, Monday said he did not believe the latest flare-up would lead to a broader escalation in violence and an official end to a 2003 ceasefire agreement in Kashmir. The clashes so far, he noted, have been limited to specific areas of the Line of Control.

### 1NC Norms

#### Prolif is inevitable- no one models US restraint

**Etzioni ‘13** [Amitai, professor of international relations at George Washington University, “The Great Drone Debate,” March-April, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>]

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage. Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

#### Drone prolif doesn’t escalate or cause terrorism

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Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.¶ Non-state actors, on the other hand, have even more reasons to steer clear of drones:¶ – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue.¶ – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose.¶ – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face.¶ – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts.¶ In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### Drone prolif is slow and the impact is small

**Zenko ’13** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, online]

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out¶ distant drone strikes that would be harmful to U.S. national interests.¶ However, those candidates able to obtain this technology will most¶ likely be states with the financial resources to purchase or the industrial¶ base to manufacture tactical short-range armed drones with limited¶ firepower that lack the precision of U.S. laser-guided munitions; the¶ intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder¶ adversaries who currently face attacks or the threat of attacks¶ by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia¶ into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into¶ Yemen. When compared to distant U.S. drone strikes, these contingencies¶ do not require system-wide infrastructure and host-state support.¶ Given the costs to conduct manned-aircraft strikes with minimal threat¶ to pilots, it is questionable whether states will undertake the significant¶ investment required for armed drones in the near term.

## 2NC

### 2NC/1NR Overview

Kritik outweighs and turs the case –

#### First, structural violence – the aff sanitizes imperial violence by legitimizing the façade of “rule of law.” It creates the conditions for intervention because those countries are “devoid of rule of law” – that allows “ever deepening militarization” according to Bacevich. There’s also a value to life impact – that’s an a priori issue – this logic allows the government to view certain bodies as disposable - creates priming that psychologically structures escalation

Scheper-Hughes and Bourgois ‘4(Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn) (Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematic- ally and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonal- ization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency” (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide are born, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human - a prerequisite to genocide and one that is carefully honed during the unremark- able peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. Collective denial and misrecognition are prerequisites for mass violence and genocide. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. They harbor the early “warning signs” (Charney 1991), the “priming” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) that push social consensus toward devaluing certain forms of human life and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

#### Second, the aff causes serial policy failure – the sovereign determines the law so the law cannot limit the sovereign …

#### Third, the executive will redefine the law to violate and ignore the plan

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### Fourth, representations of war as an event bypass ethics--only viewing war in the everyday can foster an ethical approach to subverting all systems of oppression

Cuomo 96 (CHRIS J. is assistant professor of philosophy and women's studies at the University of Cincinnati. She teachescourses in ethics, feminist philosophy, social and political philosophy, environmental ethics, and lesbian and gay studies, fall [“War is not just an event: reflections on the significance of everyday violence,” Hypatia, v11.n4, pp30(16)]

Peach rightly identifies the pessimism, sexism, essentialism, and universalism at work in just-war theorists' conceptions of human nature. Nonetheless, she fails to see that just-war theorists employ ossified concepts of both "human nature" and "war." **Any interrogation of the relationships between war and "human nature,"** or more benignly,understandings and enactments of what it means to be diverse human agents in various contexts**, will be terribly limited insofar as they consider wars to be isolated events. Questions concerning the relationships between war and "human nature" become far more complex if we reject a conception of war** **that focuses only on events,** and abandon any pretense of arriving at universalist conceptions of human or female "nature." Feminist **ethical questions about war are not reducible to wondering how to avoid large-scale military conflict despite human tendencies toward violence. Instead, the central questions concern the omnipresence of militarism, the possibilities of making its presence visible, and the potential for resistance to its physical and hegemonic force**. Like **"solutions"** to the preponderance of violence perpetrated by men against women **that fail to analyze and articulate relationships between everyday violence and institutionalized or invisible systems of patriarchal, racist, and economic oppression, analyses that characterize eruptions of military violence as isolated, persistent events, are practically and theoretically insufficient.**

#### Fifth, if we win the thesis of the kritik they have no offense – The system is destroying itself now, making the only appropriate question whether to reform it or let it die—all the system is capable of is the inflicting of death and doing nothing

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1065

In a later work, Agamben generalizes this logic and transforms it into a basic ethical imperative of his work: ‘[There] is often nothing reprehensible about the individual behavior in itself, and it can, indeed, express a liberatory intent. What is disgraceful – both politically and morally – are the apparatuses which have diverted it from their possible use. We must always wrest from the apparatuses – from all apparatuses – the possibility of use that they have captured.’32 As we shall discuss in the following section, this is to be achieved by a subtraction of ourselves from these apparatuses, which leaves them in a jammed, inoperative state. What is crucial at this point is that the apparatuses of nihilism themselves prepare their demise by emptying out all positive content of the forms-of-life they govern and increasingly running on ‘empty’, capable only of (inflict- ing) Death or (doing) Nothing.¶ On the other hand, this degradation of the apparatuses illuminates the ‘inoperosity’ (worklessness) of the human condition, whose originary status Agamben has affirmed from his earliest works onwards.33 By rendering void all historical forms-of-life, nihi- lism brings to light the absence of work that characterizes human existence, which, as irreducibly potential, logically presupposes the lack of any destiny, vocation, or task that it must be subjected to: ‘Politics is that which corresponds to the essential inoperability of humankind, to the radical being-without-work of human communities. There is pol- itics because human beings are argos-beings that cannot be defined by any proper oper- ation, that is, beings of pure potentiality that no identity or vocation can possibly exhaust.’34¶ Having been concealed for centuries by religion or ideology, this originary inoperos- ity is fully unveiled in the contemporary crisis, in which it is manifest in the inoperative character of the biopolitical apparatuses themselves, which succeed only in capturing the sheer existence of their subjects without being capable of transforming it into a positive form-of-life:¶ [T]oday, it is clear for anyone who is not in absolutely bad faith that there are no longer historical tasks that can be taken on by, or even simply assigned to, men. It was evident start- ing with the end of the First World War that the European nation-states were no longer capa- ble of taking on historical tasks and that peoples themselves were bound to disappear.35¶ Agamben’s metaphor for this condition is bankruptcy: ‘One of the few things that can be¶ declared with certainty is that all the peoples of Europe (and, perhaps, all the peoples of the Earth) have gone bankrupt’.36 Thus, the destructive nihilistic drive of the biopolitical machine and the capitalist spectacle has itself done all the work of emptying out positive forms-of-life, identities and vocations, leaving humanity in the state of destitution that Agamben famously terms ‘bare life’. Yet, this bare life, whose essence is entirely con- tained in its existence, is precisely what conditions the emergence of the subject of the coming politics: ‘this biopolitical body that is bare life must itself be transformed into the site for the constitution and installation of a form-of-life that is wholly exhausted in bare life and a bios that is only its own zoe.’37¶ The ‘happy’ form-of-life, a ‘life that cannot be segregated from its form’, is nothing but bare life that has reappropriated itself as its own form and for this reason is no longer separated between the (degraded) bios of the apparatuses and the (endangered) zoe that functions as their foundation.38 Thus, what the nihilistic self-destruction of the appara- tuses of biopolitics leaves as its residue turns out to be the entire content of a new form-of-life. Bare life, which is, as we recall, ‘nothing reprehensible’ aside from its con- finement within the apparatuses, is reappropriated as a ‘whatever singularity’, a being that is only its manner of being, its own ‘thus’.39 It is the dwelling of humanity in this irreducibly potential ‘whatever being’ that makes possible the emergence of a generic non-exclusive community without presuppositions, in which Agamben finds the possi- bility of a happy life.¶ [If] instead of continuing to search for a proper identity in the already improper and sense- less form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being-thus not an identity and individual property but a singularity without identity, a common and absolutely exposed singularity, then they would for the first time enter into a community without presuppositions and without subjects.40¶ Thus, rather than seek to reform the apparatuses, we should simply leave them to their self-destruction and only try to reclaim the bare life that they feed on. This is to be achieved by the practice of subtraction that we address in the following section.

#### Counter-interpretation – The judge is an education administer – the aff must defend their assembly and presentation of the 1AC – the ballot should endorse a decision making model for the most effective approach to war policy

### 2NC – Framework

#### 1. Framing is key to effective war policy –– Plan-focus mystifies how their evidence is biased by the perspective and interests of their authors – Can’t sever the knowledge production of the 1AC – it kills advocacy building and holistic education – the way they choose to assemble and frame the 1AC compromises the political action of the plan

#### 2. It’s predictable – the 1AC chooses their method and representations – proves aff side bias

#### 3. Fiat is not real – the k is an academic discussion of the underpinnings of the affirmative – by definition comes before the outcomes of the aff because winning that their epistomolgy is wrong means the aff should have never happened – this is specifically true of war powers debates

Pugliese, 13 -- Macquarie University Cultural Studies professor

[Joseph, Macquarie University MMCCS (Media, Music, Communication and Cultural Studies) research director, State Violence and the Execution of Law: Biopolitcal Caesurae of Torture, Black Sites, Drones, 3-15-13, ebook accessed via EBL on 8-30-13, mss]

A constitutively incomplete scholarship: redactions, foreclosures, fragments

The work that unfolds in the chapters that follow is inscribed by a constitutively incomplete scholarship. This incompleteness is not due to the standard limitations imposed by time, word length and the other practical exigencies that impact on the process of scholarly research. Rather, this incompleteness is constitutive in quite another way. It is an incompleteness determined by the power of the state to impose fundamental omissions of information through the redaction of key documents, through the legal silencing of its agents and through the literal obliteration of evidence. These are all techniques of foreclosure that establish the impossibility of disclosure. In rhetorical terms, the redactions that score the legal texts that I examine operate as aposiopetic ﬁgures; ﬁgures that, in keeping with Greek etymology of the term, demand the keeping of silence. In their liquidation of linguistic meaning, they establish voids of signiﬁcation. Through the process of institutionalized censorship, they order into silence the voices of those subjects who might proceed to name the violence they perpetrated, while also nullifying the voices of the tortured. As rectilinear bars of blackness, the redactions that score the state’s declassiﬁed texts occlude the victims of state violence even as they neatly geometrize the disorder of torn flesh and violated bodies. The slabs of redaction encrypt the disappeared victims of torture in their textual black coffins. As such, they graphically exemplify the obliterative violence of law. These aposiopetic tracts are the textual and symbolic equivalent of the physical violence that is exercised by the state in order to silence its captives. Perhaps the most graphic incarnation of this transpired at Guantanamo, where a detainee, after an interrogation session, ‘began to yell (in Arabic): “Resist, Resist with all your might.”’102 The Interrogation Control Element Chief for Joint Task Force 170# GTMO ordered the detainee to be silenced with duct tape. In their Summarized Witness Statement, an unnamed agent recounts what they witnessed: "˜When I arrived at the interrogation room. I observed six or seven soldiers (or persons I believed were soldiers) laughing and pointing at something inside the room. When I looked inside I noticed a detainee with his entire head covered in duct tape . . . When I asked how he planned to take the tape off without hurting the detainee (the detainee had a beard and longer hair) [redacted] just laughed" The reduction of the detainee to a figure of bondage - short-shackled to the floor and manacled - is not adequate in confirming his status as captive. His face and voice, evidence of his human status, must be physically redacted. The taping of his entire head transmutes him into a faceless papier-machê mannequin. Even the most minimal sign of resistance, such as the exercise of the voice, IIILISI be subju- gated. The corporal economies of torture oscillate between the exercise of violence in order to extort confessions from broken bodies finally rendered docile and the exercise of violence to silence those insurgent bodies that refuse the order to be silent. The duct taping of the head of the detainee emblematizes the deployment of two violent modalities of torture: instrumental and gratuitous. Instrumental violence is produced by the direct application of tools and technologies - such as cables, pliers. electrodes and so on ~ onto the body of the victim in order to inflict pain. In this case the duct taping of the detainee's entire head directly produces a terrifying sense of asphyxiation. Gratuitous violence is a type of supplementary violence that results indirectly, after the fact of the application of instrumental violence. In this instance, the instrumentalized application of duct tape was principally driven by the desire to silence and subjugate the detainee. The ripping off of the duct tape and the tearing of his hair and beard will generate a violence that is wanton, augmenting the pain of having one's facial apertures sealed up. The end result is to confirm the detainee's status as subjugated object of violence. The US government’s power to withhold or destroy information runs the full gamut of censorial practices -- from the ludicrous to the indefensible. The CIA, for example, has exercised an impressive commitment to linguistic probity by insisting on the redaction of such disturbing terms as ‘rot,’ ‘shithole’ and ‘urinal’ from the testimony of one its former interrogators.104 It has also overseen the wholesale destruction of 92 videos that document the torture practices inflicted on their victims; torture practices that allegedly ‘went even beyond those approved by the expansive Yoo and Bybee Torture Memos.’105 These censorial practices have fundamentally determined the very material conditions of possibility of my research. They have produced a complex textual field inscribed by gaps, silences and the contingent fragments of knowledge that have managed to enter the public domain despite the censorial power of the state. And I refer here to the extraordinary work of individuals - such as Bradley Manning, who is himself now a victim of the state`s punitive regime of cruel and degrading punishment - or organizations, such as WikiLeaks, that have defied the censorial power of the state in order to make public texts that document the full extent of the state's violent practices and that compel its witnesses to call it to account. The work of these whistle- blowers and activists evidences the fact that the state is not an impervious monolith of repressive power but that, on the contrary, much as it strives to be unilateral in its actions and monologic in its enunciations, the state cannot completely master its heterogeneous agents or silence its heteroglossic voices. In the chapters that follow, I draw heavily on the texts that document the operations of the state in executing and exceeding its laws. I also, however, take the time to reflect critically on the materiality of the absences that mark my field of study by focusing specifically on the redactions that score a number of the key state documents to which I refer. These redactions, as I argue in Chapter 5, visibly signify both the sovereign power of the state and its insecurity. I read these redactions as techniques designed to manage, control and, where necessary, to obliterate knowledge altogether. In effect, these redactions function to constitute the opposite of epistemology: they generate official systems of unknowing, anti-epistemologies that consign the reading subject to ignorance and unknowledge. Faced with these lacunae, I attempt to unsettle the anti-epistemological practices of redaction by reading the very processes of redaction as symbolic instantiations of state violence: they reproduce, textually, their own figural black sites that effectively occlude the names of the agents responsible for the torture practices, even as they also become the black holes to which are dispatched the victims of such practices. Against the grain, then, I read these black sites of redaction as the textual and symbolic equivalent to the material black site prisons run by the state. The anti-epistemological violence of these sites of redaction works in tandem with the ontological violence that the state visits upon its embodied subjects.

### Drones – A2 Perm do both

#### The perm is either intrinsic or severance – that’s a voting issue for fairness and education because they can shift their advocacy in an attempt to subsume our offense – also justifies aff conditionality – turns advocacy skills and makes the perm a no risk option for the aff

#### 2.) Epistemology and methodology first – they need to justify the basis of their 1AC to win the permutation

#### 3.) Evaluate our links as disads to the perm –

#### a) specifically, the regulation of drones is what allows us to say that we have done enough to limit the conventional power of war while normalizing other forms of violence – perm cant solve – that’s Cooper.

#### b) The affirmative practice and discourse towards the middle east is a performance of racial power , even through a reduction pressure, their approach legitimizses colonialism and ensures constant intervention

Valbjørn ‘4 [Morten Valbjørn, PhD in the Department of Political Science at Aarhus, Middle East and Palestine: Global Politics and Regional Conflict, “Culture Blind and Culture Blinded: Images of Middle Eastern Conflicts in International Relations,” p. 63-4, 2004]

From this perspective, it is irrelevant to discuss whether the Middle East should be regarded as a region like all the others, as it is the case in the IR mainstream, or as a region like no other, as the essentialists would claim. Rather, regions should be seen as social constructions that are produced through specific discursive practices just like the international system and its various actors. Instead of discussing what the Middle East is, the relational conception of culture regards the Middle East as an imaginary region, where, first and foremost, it is important to focus on how the Middle East has been constructed through discursive practices and how this has extensive consequences on its international relations. This focus characterizes Edward Said's Orientalism (1995), one of the principal works dealing with the Middle East in applying a relational conception of culture. Despite his principle recognition of the mere existence of societies with a location southeast of the Mediterranean, Said almost completely refrains from dealing with what characterizes these societies (1995: 5). Instead, he focuses on how European and American contexts have described and imagined the Middle East and how a particular "orientalist" way of thinking has functioned as a filter through which the Middle East is constructed as a unique oriental cultural entity. Even though the orientalist representations of the Middle East should have less to do with the Middle East than with the orientalists' own context (1995: 12), this does not mean that these representations are innocent or ineffectual. The European and American identity and way of performing power are thus closely **interwoven** with the conception of the Middle East as oriental and alien. The orientalist conception of the Middle East functions as a constituting counterimage of European and American identity, of a so-called occidental culture whose supposedly democratic, rational, and enlightened character is contrasted by the depictions of a despotic, irrational, arid barbaric Orient. According to Said, "the Orient has helped to define Europe (or the West) as its contrasting image" (Said, 1995: 1-2). But orientalism also formed a central element of "a **western style for dominating**, restructuring, and having authority over the Orient" (Said, 1995: 3). The French and British colonial representation of Middle Eastern societies as passive, backward, and inferior justified and subsequently **legitimized their colonization**. This close connection between orientalist descriptions of the Middle East and different kinds of performance of power allegedly does not belong only to the past. According to Said, the situation of today bears a lot of resemblance to the time of British and French colonialism. He points to how U.S. military interventions, the Carter Doctrine, and the establishment of Rapid Deployment Forces often have been preceded by popular and academic discussions on the threat from "political Islam" and the like (Said, 1997: 28; see also Farmanfarrnaian, 1992; Sidaway, 1998; McAlister, 2001). As a consequence of this very different approach to international relations in the Middle East, subscribers to a relational conception of culture, instead of asking what makes the Middle Eastern international relations conflict-ridden, will ask how representations of the Middle East as an **unstable "Arc of Crises**"-to phrase Zbigniew Brezezinski, President Carter's National Security Advisor-have made "the West" appear **impressively peaceful**, and made Western **military engagement** in this part of the **world possible, necessary, and for the benefit of the people of the Middle East themselves.**

#### C) Indo-pak war is a constructed concept to maintain static political identity through threat discourse.

**Nizamani** 20**00** (Haider Nizamani, Lecturer in Political Science at the University of British Columbia, 2k [The roots of rhetoric: politics of nuclear weapons in India and Pakistan, p. 11-12)

I conceptualize **security discourses** as **a framework through which** the constant **articulation of external dangers is used to carve out and maintain a particular version of national identity** for a state. Neither the sources of the danger nor the identity it supposedly threatens is static. The goal of negotiating and striking a delicate balance between the imagined community and the reality of existing heterogeneity often propels security discourses in such a manner that externalizing the danger to the imagined community becomes one common feature of security policies. Analyzing the discourse of security policies one would ask, “How, from the welter of information and interaction among states and their representatives, **are threats constructed, and mobilised against?**”52 Once understood in terms of discourse, the language employed by security analysts and policy-makers becomes more than an objective analysis or representation of a state’s national interest. Discourse analysts see such statements by decision-makers and analyses by experts as expressions of particular interests and justifiers of a distinct regime of practices or truth. As this discourse is conducted within the context of the respective societies, we have to keep in mind Foucault’s following observation: Each society has its regime of truth, its “general politics” of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.53 The nuclear discourse in the subcontinent also has its “general politics of truth” in which certain types of statements are made to function as true and thus serve as informal rules by which some statements are designated as accurate reflections of national interests and others as antinational view-points. This general politics of truth sanctifies certain means of inquiry and dismisses others. This in turn creates the Pundits and Dalits (Untouchables) in the nukespeak hierarchy of the subcontinent. The question of truth is not isolated from issues of power and right. In the triangle of truth, power, and right Foucault observed a close relationship where ‘‘there can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of association.”54 To put it simply, “we are subjected to the production of truth through power and we cannot exercise power except through the production of truth.”55 The discourse of truth is not a mere linguistic construction but an engine of power whose effects can be felt at different levels. As such it is through discourses of truth that we are judged, condemned, classified, determined in our undertakings, and destined to a certain mode of living or dying.56 **An analysis of a regime of discourse, in this case the nuclear discourse in Pakistan and India, questions the objectivity of so-called self-evident truths** regarding a subject matter by viewing them as products of specific historical circumstances and statements that are subject to manipulation. However, **these discourses** once in place **have the capacity to manipulate participants in that area**, as well as influence the shape of things to come there. Hence, it is a mutually constitutive process where both the agency and the structure shape and reshape each other. This mode of inquiry is suited to undertake projects aimed at writing histories of the present. It is the topical nature of nukespeak in the subcontinent that warrants accounting for its underlying rules, both formal and informal, that enable nukespeakers to prescribe the forms of thinking, writing, and policy-making possible on the issue. Such an effort is a history of the present because it tackles an issue that preoccupies the political agendas of contemporary Pakistan and India. **Viewed as a discourse, politics of nuclear weapons in Pakistan and India can** meaningfully **be considered as political practices central to the constitution,** production, **and maintenance of** their **national identities by invoking the themes of threats and dangers.**

#### d) Representations of proliferation are distorted to legitimize western domination over the globe

Gusterson 99 (Hugh, professor of anthropology and sociology at George Mason University. His expertise is in nuclear culture, international security, and the anthropology of science, http://people.reed.edu/~ahm/Courses/Stan-PS-314-2009-Q1\_PNP/Syllabus/EReadings/Gusterson1999Nuclear.pdf, AD: 6/29/10) jl

These falsely obvious arguments about the political unreliability of Third World nuclear powers are, I have been arguing, part of a broader orientalist rhetoric that seeks to bury disturbing similarities between "us" and "them" in a discourse that systematically produces the Third World as Other. In the process of producing the Third World, we also produce ourselves, for the Orient, one of the West's "deepest and most recurring images of the other," is essential in defining the West "as its contrasting image, idea, personality, experience" (Said 1978: 1-2). The particular images and metaphors that recur in the discourse on proliferation represent Third World nations as criminals, women, and children. But these recurrent images and metaphors, all of which pertain in some way to disorder, can also be read as telling hints about the facets of our own psychology and culture which we find especially troubling in regard to our custodianship over nuclear weapons. The metaphors and images are part of the ideological armor the West wears in the nuclear age, but they are also clues that suggest buried, denied, and troubling parts of ourselves that have mysteriously surfaced in our distorted representations of the Other. As Akhil Gupta has argued in his analysis of a different orientalist discourse, the discourse on development, "within development discourse . . . lies its shadowy double . . . a virtual presence, inappropriate objects that serve to open up the 'developed world' itself as an inappropriate object" (1998:4). In the era of so-called rogue states, one recurrent theme in this system of representations is that of the thief, liar, and criminal: the very attempt to come into possession of nuclear weapons is often cast in terms of racketeering and crime. After the Indian and Pakistani nuclear tests, one newspaper headline read, "G-8 Nations Move to Punish Nuclear Outlaws" (Reid 1998:1), thereby characterizing the two countries as criminals even though neither had signed-and hence violated-either the Non-Proliferation Treaty or the Comprehensive Test Ban Treaty. When British customs officers intercepted a shipment of krytrons destined for Iraq's nuclear weapons program, one newspaper account said that Saddam Hussein was "caught red-handed trying to steal atomic detonators" (Perlmutter 1990, emphasis added)-a curious choice of words given that Iraq had paid good money to buy the krytrons from the company EG&G. (In fact, if any nation can be accused of theft here, surely it is the United States, which took $650 million from Pakistan for a shipment of F-16s, cancelled the shipment when the Bush administration determined that Pakistan was seeking to acquire nuclear weapons, but never refunded the money.) According to an article in the New York Times, "it required more than three decades, a global network of theft and espionage, and uncounted millions for Pakistan, one of the world's poorest countries, to explode that bomb" (Weiner 1998:6). Meanwhile the same paper's editorial page lamented that "for years Pakistan has lied to the U.S. about not having a nuclear weapons program" and insisted that the United States "punish Pakistan's perfidy on the Bomb" (New, York Tinles 1987a:A34, 1987b:A34). And Representative Stephen Solarz (Democrat, New York) warns that the bomb will give Pakistan "the nuclear equivalent of a Saturday Night Special" (Smith 1988:38). The image of the Saturday night special assimilates Pakistan symbolically to the disorderly underworld of ghetto hoodlums who rob corner stores and fight gang wars. U.S. nuclear weapons are, presumably, more like the "legitimate" weapons carried by the police to maintain order and keep the peace.'\*

#### 4.) Masking disad –

Douglas-Bowers, 13 -- Hampton Institute Politics and Government Department Chair

[Devon, "Beyond Drones: Combating the System of Militarism and Imperialism," Foreign Policy Journal, 8-7-13, www.foreignpolicyjournal.com/2013/08/07/beyond-drones-combating-the-system-of-militarism-and-imperialism/, accessed 8-30-13, mss]

On September 11th, I will be attending an anti-drone demonstration in Union Square, NYC. This will be my first protest and I am quite excited. Obviously, the main goal of this demonstration is to protest against the use of drones around the world which kill innocents under the guise of attacking terrorists. While I welcome this protest, we must realize that this demonstration is not enough; that focusing on drones is not enough. We must battle the ‘War On Terror’ overall, as drones are only a small part of that. The global drone attacks started under Bush and have continued and massively expanded under Obama, with Obama going so far as to assassinate four US citizens (officially speaking). Yet, while this is extremely problematic, it is a symptom of America’s global militarism. Contrary to popular thinking, this global militarism didn’t start in the Bush era, but rather in the time of FDR, with World War II, and has continued and intensified since then. The US has, overtly, either already been involved in or started new wars/conflicts every single decade since the 1940s. This has created destruction all over the world, not just physically in terms of destroyed infrastructure, but mentally[1], historically[2], economically[3], and socially[4]. However, the problems go beyond just the military sphere. It has leaked into American society, and specifically into the social realm and how the American people relate to our government. Socially, this militarism has gone and allowed Islamophobia and anti-Arab racism to flourish in American society. It can be seen in everything, from attacks on mosques[5] to anti-Muslim ads[6]. This hatred and racism has heavily infected every part of our society to the point where it is seen as “OK” for TV pundits to spew anti-Muslim hatred. Americans’ relationship with their government has greatly changed ever since the ‘War on Terror’ was launched. While the government had previously spied on American citizens[7] (and even assassinated some[8]), it was mainly on those whom the government deemed a threat to the status quo. Now, the situation has become much more drastic, with the government spying on all US citizens[9], and has given itself the legal authority to not only indefinitely detain them without trial[10], but also to assassinate them (Assassination on US soil is still possible, given the fact that there are problems with Attorney General Holder’s letter to Rand Paul.[11]). At every level, the very people who are supposed to represent Americans have been complicit in allowing Americans to be spied upon and their civil liberties to be destroyed.[12] There has been such a breakdown in the rule of law that there are even secret interpretations of law[13] that the American people can be subjected to, but not know of. This growing authoritarianism must be confronted as well. Economically, corporations have profited quite handsomely[14] from the continuous wars of aggression around the world, as well as from the business of spying on Americans[15]. They are only able to do this because there is an economic incentive to create weapons of war and espionage, and to use those to great effect. In order to fight against militarism more broadly, such companies should be targeted for boycotts, and information campaigns should reveal to the public exactly who these companies are and how they are profiting off exploiting their customers’ information. There is a psychological battle to be held as well. The American people have become accustomed to their country being in a perpetual state of war. In many ways, some have become complacent at best, and, at worst, will actually support the ‘humanitarian interventions’ launched by the Obama administration. Just like with the drone debate, we should also work to have people realize that, while the names and terminology may have changed, the death and destruction have remained the same. This is especially important for those on the left, as there are many liberals whose hypocrisy has been revealed by condemning Bush’s wars of aggression, but support interfering in the affairs of sovereign nations now that Obama is at the helm. We must combat these hypocritical and uninvolved minds, lest we allow these problems to perpetuate. We must combat what Martin Luther King Jr. called “the giant triplets of racism, militarism, and economic exploitation” if we are to mount a truly successful attack on the drone war. The drone wars are a byproduct of the ‘War on Terror’ and its associated effects at home and abroad. **If we do not look at this interconnected system, we will**, in a way, **be wasting our time as we will only be cutting off a branch of a tree rather than getting to the roots**. We must go beyond drones.

#### 5.) Cede the political disad – lesser evil logic allows the left to shift to the right in the name of stopping the greatest evil – means politics is inevitably screwed and only the alt has the ability to remedy it

#### 6.) Authority disad –

Beier, 11 – McMaster University political science professor

[J. Marshall, "Dangerous Terrain: Re-Reading the Landmines Ban through the Social Worlds of the RMA," Contemporary Security Policy, 32:1, April 2011, 159-175, accessed 9-12-13, mss]

Although turned to a more progressive purpose, the rhetorical /discursive strategies of the landmine ban effect and work through a similar disturbance of sites of responsibility. The success of the mine ban movement owes in no small measure to the marking of antipersonnel landmines as 'bad' weapons - a move that has enabled even states that have widely used mines to join in denouncing them as a humanitarian scourge without simultaneously repudiating recourse to militarized violence more generally. At the campaign level and with the specific practical objective of securing the broadest possible ban on landmines, this was a very well conceived approach. Indeed, had this strategy not been adopted, it is unlikely that the movement would have swayed many - if any - states to the cause. But practically expedient though it may have been, it is also contingent on putting responsibility out of sight. Like errant cruise missiles. landmines intend nothing. What makes them bad, then, speaks not of disposition, but rather a technological limitation resulting in an objective property of indiscriminacy. While this might at first seem suggestive of the need for a technological solution. recall that, in deference to the goal of a com- plete prohibition, the mine ban movement quite rightly worked to foreclose the possi- bility of recourse to "˜smart mines`. Though this might appear to mark it decidedly apart from the war-enabling technologies of the RMA and their part in refashioning the bases of legitimacy in contemporary warfare, the mystification of responsibility so crucial to the ban reveals some disturbing points of intersection. On first gloss, the approach of the mine ban movement seems quite clearly to disavow any recourse to "˜better` technology as a fix for landmine indiscriminacy. The importance of this cannot be overstated since, as has been the case with the RMA, distinguishing between "˜good` and "˜bad` weapons raises the spectre of a like distinction in terms of the conduct of those who use them - a distinction not always well sustained by the actual consequences of their use. In refusing to concede that some mines might be less pernicious than others, therefore, the move- ment simultaneously refused all bases of legitimacy in mine use that might otherwise have been claimed by the technologically advantaged and denied to those less so. But things become rather more problematic when considered from without the narrow context of the landmines issue. While the rhetorical casting of mines as bad proved a remarkably effective strategy in pursuit of a ban, it only makes sense if it in fact is imagined that there are somewhere 'good' weapons. Since it is not killing per se but killing with landmines that is rendered indefensible, the use of other presumably more discriminating weapons is lent a certain legitimacy it might not otherwise have enjoyed. And this is revealing of the important sense in which the core claims of the mine ban contribute to the reproduction of essential ideational bases of the 'new American way of war'. Inviting none of the cynicism about motives that might have attached to a wholly state-led initiative, the central involvement of civil society actors in the mine ban movement - well known and respected peace and human rights advocacy groups among them - both naturalizes and valorizes a much larger constellation of claims to meaningful discriminacy, whether overt or subsumed. Pressing for a ban on landmines thus involved the complete disaggregation of this one issue not only from peace activism in general, but from the more particular realm of disarmament advocacy as well, parcelling it off in such a way as to suggest that there are more effective ways to do the sorts of things landmines are intended to do

#### 7.) Only confronting issues of sovereignty allows us to break free of the circular political practies that entrench militarism

Wadiwel 02 (Dinesh Joesph, completing a doctorate at the University of Western Sydney, 2K2, “Cows and Sovereignty: Biopower and Animal Life” Borderlands E-Journal Vol. 1 # 2 <http://www.borderlandsejournal.adelaide.edu.au/vol1no2_2002/wadiwel_cows.html>)

Such a political program has far reaching consequences, both for Western sovereignty, and the way that the business of politics is conducted. The living population of the earth has inherited a vision of sovereign power, which has spread cancerously into even the most seemingly inaccessible aspects of everyday life. This vision commands all, claims legitimacy for all, and determines the conduct of living for all within its domain. Politics ‘as we know it’ is caught inextricably in the web of sovereign power, in such a way that it seems that modern political debate cannot help but circulate around the same, routine issues: *"What is the appropriate legislative response?"; "Is it within the State’s powers to intervene in this particular conflict?";* "How can we ensure the citizen’s rights are maintained in the face of the state?"*.* To challenge such an encompassing and peremptory political discourse — where every question implies the sovereign absolutely, and every decision made refers to life itself — would require the most intensive rethinking of the way in which territory, governance and economy are imagined. In this sense, whilst Agamben’s analysis of bare life, and Foucault’s theory of bio-power, provide a means by which to assess the condition of non-human life with respect to sovereign power, the political project must reach beyond these terms, and embrace an intertwining of the human and the non-human: an intersection which may be found in the animal life shared by both entities.

### Drones – 2NC

#### The affirmatives faith in the legal system is misplaced. They posit a static form of legality that violently aims to order and control socio-economicly identified populations without accepting inherent difference.

Gordon 87, Robert Gordon, Professor of Law at Stanford, “Unfreezing Legal Reality: Critical Approaches to Law,” Florida State University Law Review, Vol 15 No 3. 1987, lexis

Now a central tenet of CLS work has been that the ordinary discourses of law -- debates over legislation, legal arguments, administrative and court decisions, lawyers' discussions with clients, legal commentary and scholarship, etc. -- all contribute to cementing this feeling, at once despairing and complacent, that things must be the way they are and that major changes could only make them worse. Legal discourse accomplishes this in many ways. First by endlessly repeating the claim that law and the other policy sciences have perfected a set of rational techniques and institutions that have come about as close as we are ever likely to get to solving the problem of domination in civil society. Put another way, legal discourse paints an idealized fantasy of order according to which legal rules and procedures have so structured relations among people that such relations may primarily be understood as instituted by their consent, their free and rational choices. Such coercion as apparently remains may be explained as the result of necessity -- either natural necessities (such as scarcity or the limited human capacity for altruism) or social necessities. For example, in a number of the prevailing discourses, the ordinary hierarchies of workplace domination and subordination are explained: (1) by reference to the contractual agreement of the parties and to their relative preferences for responsibility versus leisure, or risk taking versus security; (2) by the natural distribution of differential talents and skills (Larry Bird earns more as a basketball player because he is better); and (3) by the demands of efficiency in production, which are said to require extensive hierarchy for the purposes of supervision and monitoring, centralization of investment decisions, and so forth. There are always some residues of clearly unhappy [\*199] conditions -- undeserved deprivation, exploitation, suffering -- that cannot be explained in any of these ways. The discourses of law are perhaps most resourceful in dealing with these residues, treating them as, on the whole, readily reformable within the prevailing political options for adjusting the structures of ordinary practices -- one need merely fine tune the scheme of regulation, or deregulation, to correct them. But the prevailing discourse has its cynical and worldly side, and its tragic moments, to offset the general mood of complacency. In this mood it resignedly acknowledges that beyond the necessary minimum and the reformable residues of coercion and misery there is an irreducible, intractable remainder -- due to inherent limits on our capacity for achieving social knowledge, or for changing society through deliberate intervention, or for taking collective action against evil without suffering the greater evil of despotic power. These discourses of legal and technical rationality, of rights, consent, necessity, efficiency, and tragic limitation, are of course discourses of power -- not only for the obvious reasons that law's commands are backed by force and its operations can inflict enormous pain, but because to have access to these discourses, to be able to use them or pay others to use them on your behalf, is a large part of what it means to possess power. Further, they are discourses that -- although often partially constructed, or extracted as concessions, through the pressure of relatively less powerful groups struggling from below -- in habitual practice tend to express the interests and the perspectives of the powerful people who use them. The discourses have some of the power they do because some of their claims sound very plausible, though many do not. The claim, for example, that workers in health-destroying factories voluntarily "choose," in any practical sense of the term, the risks of the workplace in return for a wage premium, is probably not believed by anyone save those few expensively trained out of the capacity to recognize what is going on around them. In addition, both the plausible and implausible claims are backed up in the cases of law and of economics and the policy sciences by a quite formidable-seeming technocratic apparatus of rational justification -- suggesting that the miscellany of social practices we happen to have been born into in this historical moment is much more than a contingent miscellany. It has an order, even if sometimes an invisible one; it makes sense. The array of legal norms, institutions, procedures, and doctrines in force, can be rationally derived from the principles of regard for individual autonomy, utilitarian [\*200] efficiency or wealth creation, the functional needs of social order or economic prosperity, or the moral consensus and historical traditions of the community. There are several general points CLS people have wanted to assert against these discourses of power. First, the discourses have helped to structure our ordinary perceptions of reality so as to systematically exclude or repress alternative visions of social life, both as it is and as it might be. One of the aims of CLS methods is to try to dredge up and give content to these suppressed alternative visions. Second, the discourses fail even on their own terms to sustain the case for their relentlessly apologetic conclusions. Carefully understood, they could all just as well be invoked to support a politics of social transformation instead. n3 Generally speaking, the CLS claims under this heading are that the rationalizing criteria appealed to (of autonomy, functional utility, efficiency, history, etc.) are far too indeterminate to justify any conclusions about the inevitability or desirability of particular current practices; such claims, when unpacked, again and again turn out to rest on some illegitimate rhetorical move or dubious intermediate premise or empirical assumption. Further, the categories, abstractions, conventional rhetorics, reasoning modes and empirical statements of our ordinary discourses in any case so often misdescribe social experience as not to present any defensible pictures of the practices that they attempt to justify. Not to say of course that there could be such a thing as a single correct way of truthfully rendering social life as people live it, or that CLS writers could claim to have discovered it. But the commonplace legal discourses often produce such seriously distorted representations of social life that their categories regularly filter out complexity, variety, irrationality, unpredictability, disorder, cruelty, coercion, violence, suffering, solidarity and self-sacrifice. n4 [\*201] Summing up: The purpose of CLS as an intellectual enterprise is to try to thaw out, or at least to hammer some tiny dents on, the frozen mind sets induced by habitual exposure to legal practices -- by trying to show how normal legal discourses contribute to freezing, and to demonstrate how problematic these discourses are.

#### Our Alternative is to imagine Whatever Being – we strip ourselves of identity in order to escape the world of sovereign control – when we have no ties to a communal identity, then we cannot be controlled, manipulated, and exterminated. Voting for the kritik is our alternative – it operates outside of the state to disable it and opens up a world in which we can imagine further alternatives – That’s Caldwell.

#### Targeted killings are impossible when the population cannot be defined by the sovereign – the underpinnings of the affirmative rely on a lesser evil logic justifiying atrocities in the name of security. Only the alternative can break this logic down ending targeted killing policies

#### It is the process of stripping identies to engage in guerilla warfare against the state – it spillos over Transformational change is possible- bottom-up anti-drone movements challenge US militarism

Zeeze, 13 -- JD, Occupy Washington DC organizer

[Kevin, and Margaret Flowers, It’s Our Economy co-director, "Building Mass Resistance against New World Order Economic Austerity," 5-24-13, www.globalresearch.ca/building-mass-resistance-against-new-world-order-economic-austerity/5336278, accessed 9-1-13, mss]

“We are in the midst of the pre-history of historic transformational change that will end the rule of money.” This was a week that exemplified the historic moment in which we live. We will look back at these times and see the seeds of a national revolt against concentrated wealth that puts profits ahead of people and the planet. Not only were there a wide array of resistance actions, but activists against the Guantanamo prison and drone strikes scored partial victories on which we much continue to build challenges to US empire and militarism. Mike Lux, who authored a history of the movements of the 1960s, wrote this week that when he researched his book he “was struck by the fact that so many big things happened so close together.” Comparing that moment to today he writes, “We are living in such a moment in history right now, that organizers and activists are sparking off each other and inspiring each other, that there is something building out there that will bring bigger change down the road.” That is how we felt as we watched and participated in this week’s unfolding. We began the week prepared to focus our attention on the amazing teacher, student and community actions that were occurring in defense of schools. In Philadelphia, there was a giant walk-out of schools last Friday as students demanded their schools remain open and be adequately funded. The photos of young people fighting for the basic necessity of education were an inspiration. That was followed by three days of protests in Chicago that were equally inspiring, students organized and communities came together to fight for education. Though corporate-mayor Rahm Emanuel’s carefully selected board voted to close 50 elementary schools and one high school (while the city funds the building of a new basketball stadium), the Chicago activists say they are not done. They are just getting started. It is that kind of persistence that wins transformation. These school battles are part of a national plan to replace community schools with corporatized charter schools. The battles of Chicago, Philadelphia and other cities are all of our battles. Then there were the college students, who inspired us with their bravery especially because they were not fighting for themselves but for the students who come after them. At Cooper Union, students are in their second week of occupying the school president’s office. As the sit-in grew to more than 100, they garnered increasing community support. The school is about to begin to charge tuition, ending the nearly two century mission of its founder for free higher education. The students protesting will get free tuition; they are protesting for the students who follow. While they are sitting in, they are painting the president’s offices black and will continue to do so until he resigns his $750,000 a year job. Thousands have signed a “no confidence” petition against the president and board chairman. We believe that a country that really believed in its youth and was building for its future would provide free post-high school education, college or vocational school, to young adults rather than leaving them crippled by massive debt. As the week went on, more Americans stood up and showed their power. On Monday, people who have lost their homes to foreclosure or are threatened with foreclosure, along with their allies, began an occupation of the Department of Justice. Some of them joined us first as guests on our radio show on We Act Radio. Afterwards, we went to Freedom Plaza where they rallied. The coalition was a great mix of people of different ages, races and regions who were angry, organized and prepared. They marched down Pennsylvania Ave. to the Department of Justice to demand that Attorney General Eric Holder prosecute the bankers who collapsed the economy and stole their homes. They blocked the doors at the Department of Justice and put up tents emblazoned with “Foreclose on Banks Not on People,” put up a home with “Bank Foreclosed” over it and blocked the streets with orange mesh saying “Foreclosure and Eviction Free Zone.” As evening came, they moved their tents onto DOJ property, brought in a big couch and prepared to stay the night – and some did. By the third day of protests, they moved to Covington and Burling, the corporate law firm that spawned Eric Holder and where the DOJ official in charge of prosecuting the banks, Lenny Breuer, who did not prosecute a single big bank now gets a $4 million annual salary. In Congress the DOJ could not justify their claim that prosecuting the big banks would hurt the economy. The Home Defenders League/Occupy Our Homes actions broke through in the media as you can see at the end of this photo essay. We particularly enjoyed the coverage in Forbes – someone claiming to be Jamie Dimon was arrested in DC – reporting on protesters who gave the name of banksters when they were arrested. The police responded aggressively, which often attracts media coverage, including the tasering non-violent protesters. And, we were pleased to see local groups, like Occupy Colorado, highlighting the efforts of their colleagues who came to DC. But, action in the nation’s capital did not end there. There was also a massive walkout of food service workers across the city. The strike began at the building named for the famed union-destroying president, the Ronald Reagan Building, and then moved on, with a particular focus on Obama – the largest employer of low-wage workers. Obama could end poverty federal wages with a stroke of the pen. Will he? DC is the sixth city to see low-wage workers striking, New York, Chicago, Detroit, St. Louis, and Milwaukee, came before the Capital. Communities have stood with the workers when employers threatened their jobs and people now need to do the same for the DC workers who are being threatened with job loss, please take action to support them. And, coming up is the Wal-Mart workers’ “Ride for Respect” to the annual shareholders meeting on June 7 which emulates the Freedom Riders. Actions are happening throughout the country. In Illinois, so far two people have been arrested at a sit-in in the capitol building to support a ban hydro-fracking. And, the reaction to the call for a fearless summer by front-line environmental groups has been very strong. They are working together to plan major actions throughout the summer escalating resistance against extreme energy extraction. Pressure is building in the environmental movement which now recognizes Obama is part of the problem, not part of the solution. Groups like 350.org that avoided protesting Obama, are now protesting his “grass roots” group, Organizing for America. And, more is coming. At the end of the week people who have been marching to Washington, DC from Philadelphia as part of “Operation Green Jobs” will arrive to protest at the corporate bully of the capital – the US Chamber of Commerce – uniting the masses in opposition to the corporate lobbyists. Their long walk to DC echoes a walk last week by people from Baltimore seeking jobs and justice. This Saturday will be the worldwide March Against Monsanto in 41 countries and nearly 300 cities. We published an article in Truthout that explains why we should all protest Monsanto on May 25. This is a great example of non-hierarchical organizing as this protest was called by young grass roots activists and supported by Occupy Monsanto. One of the things that let us know the popular revolt is more powerful than we realize is the reaction of the power structure. The Center for Media and Democracy issued a report this week that examined thousands of pages of documents which showed how the national security apparatus against terrorism combined with corporate America to attack the occupy movement. And, in Chicago one of the undercover police involved in the NATO 5 case, is still spying, now on students and teachers protesting school closures. If they did not fear the people, would the power structure be behaving this way? But, when you read reports about police acting in this undemocratic way, don’t forget that many of them do not like doing what they are ordered to do and that pulling them to join the popular revolt is part of our job. A mass movement needs people from the power structure to join it in order to achieve success. We highlight one this week, Officer Pedro Serrano of New York who took the great personal risk of taping his superiors as part of an effort to end the racist ‘stop and frisk’ program of the NYPD. And, it is great to see people planning ahead. We got notice this week from activists in Maine planning for an October Drone Walk. The anti-drone movement and Guantanamo protests have had very positive effects. This week, President Obama had to admit that he killed four Americans with drones, mostly by accident – even though the DoD claims drones are accurate. Also this week, activists filed a war crimes complaint against Obama, Brennan and other officials seeking their prosecution. And Thursday, Obama was forced to make a public speech at the National Defense University about both the drone program and Guantanamo Bay Prison. Medea Benjamin of CODEPINK, interrupted the speech several times such that the President had to acknowledge her and she asked powerful questions as she was escorted out by security. [See video and transcript.] As she was escorted from the room Obama acknowledged: “The voice of that women is worth paying attention to.” Guantanamo activists responded to the president saying “no more excuses” and vowed to keep the pressure on! So, just as author Mike Lux saw in the 60s, there is a lot going on, lots of issues coming to a head at the same time and people taking action to confront them. How do we get to the next phase of popular resistance? Long time writer on movements and transformational change, Sam Smith, the editor of Progressive Review wrote “The Great American Repair Manual in 1997,” we reprinted a portion of it this week: A Movement Manual. The essence: movements are “propelled by large numbers of highly autonomous small groups linked not by a bureaucracy or a master organization but by the mutuality of their thought, their faith and their determination.” He recommends: organize from the bottom up, create a subculture, create symbols, develop an agenda and make the movement’s values clear. He also recommends becoming what you want to be – become an existentialist – writing “existence precedes essence. We are what we do.” As far as building community power, we recommend this video from “The Democracy School” on how to use local governance to challenge corporate power.” Do not despair when the media says there is no popular resistance. We have been covering the actions of the movement with weekly reports since 2011 and even before the occupy movement began, we saw Americans beginning to stand up. We knew it was the right time for occupy and we now see it is the right time for a mass popular resistance. We will be announcing a new project in mid-June to help bring the movement to a new level. Sign up here to hear about it and how you can help. To create the transformative change we want to see, we need people to get involved. We agree with Mike Lux who writes: “just as it took several years for the seeds planted in those 18 months in the early ’60s to take root and begin to bring about the changes of the years to come in terms of civil rights, women’s rights, and the environment, it will take several years for the seeds being planted now to fully take root. But I believe more and more that it will happen.” The government responds with police force and ignores the demands of the people. Super majorities of Americans agree with the views of the popular resistance, even if they are not yet acting. This is a recipe for a mass eruption of movement activity. We are in the midst of the pre-history of historic transformational change: a transformation, which will end the power of money to ensure that the people and planet come before profits.

#### The alternative is the only effective means of breaking down militarism – even the military acknowledges that it cannot continue its violence without public support.

Taylor, 9 (Diana, Professor of Performance Studies and Spanish @ NYU, “Afterword: War Play,” *PMLA*, October, p. 1886-1895)

And war seeps back into aesthetic frameworks.¶ Avant-garde¶ is originally a military¶ term, meaning the advanced guard of an¶ army. Rendition referred to surrender before¶ it meant performance. Now rendition¶ is synonymous with dark sites and criminal¶ warfare. The blurring of boundaries between¶ militarism and play, and between scenarios¶ and the real, allows the performance of¶ power to reach very different audiences. The¶ media ensure that militarism reaches their¶ own theater of operations—public opinion.¶ Counterinsurgency, the 2006 field manual¶ (FM3‑24) put out by the United States Army and Marine Corps, makes it clear in the first¶ paragraph of the introduction: enemies of the United States cannot confront its military with conventional weapons; the military is too powerful. So “they try to exhaust U.S. national will, aiming to win by undermining and outlasting public support. Defeating such¶ enemies presents a huge challenge” (ix). The “decisive battle,” as one commentator put it,¶ “may take place, not in the streets of Baghdad, but in the living rooms of America.”11 We, the imagined audience, are the target; our resolve is the weak link.12

## 1NR

### WM

**Gilbert and McKelvey make an important distinction – after the fact review doesn’t limit authority – requiring due process may be a restriction but the aff doesn’t do that – Obama can still violate due process rights he just pays fines later**

**“war powers authority” is the president’s discretion to launch an attack – ex post doesn’t do that because the president maintains the decision power – only ex ante is topical**

Vladeck 13 (Steve, Professor of Law and the Associate Dean for Scholarship – American University Washington College of Law, JD – Yale Law School, Senior Editor – Journal of National Security Law & Policy, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…,” Lawfare Blog, 2-10, http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/)

II. Drone Courts and the Separation of Powers

In my view, the adversity issue is the deepest legal flaw in “drone court” proposals. But the idea of an ex ante judicial process for signing off on targeted killing operations may also raise some serious separation of powers concerns insofar as such review could directly interfere with the Executive’s ability to carry out ongoing military operations… First, and most significantly, even though I am not a particularly strong defender of unilateral (and indefeasible) presidential war powers, I do think that, if the Constitution protects any such authority on the part of the President (another big “if”), it includes at least some discretion when it comes to the “defensive” war power, i.e., the President’s power to use military force to defend U.S. persons and territory, whether as part of an ongoing international or non-international armed conflict or not. And although the Constitution certainly constrains how the President may use that power, it’s a different issue altogether to suggest that the Constitution might forbid him for acting at all without prior judicial approval–especially in cases where the President otherwise would have the power to use lethal force. This ties together with the related point of just how difficult it would be to actually have meaningful ex ante review in a context in which time is so often of the essence. If, as I have to think is true, many of the opportunities for these kinds of operations are fleeting–and often open and close within a short window–then a requirement of judicial review in all cases might actually prevent the government from otherwise carrying out authority that most would agree it has (at least in the appropriate circumstances). This possibility is exactly why FISA itself was enacted with a pair of emergency provisions (one for specific emergencies; one for the beginning of a declared war), and comparable emergency exceptions in this context would almost necessarily swallow the rule. Indeed, the narrower a definition of imminence that we accept, the more this becomes a problem, since the time frame in which the government could simultaneously demonstrate that a target (1) poses such a threat to the United States; and (2) cannot be captured through less lethal measures will necessarily be a vanishing one. Even if judicial review were possible in that context, it’s hard to imagine that it would produce wise, just, or remotely reliable decisions.

**This distinction is important – “targeted killing authority” is the decision to determine what is imminent – ex post doesn’t challenge that authority, but is just after-the-fact supervision on if the president used the right definition – only ex ante is topical**

McKelvey 11 (Benjamin, JD Candidate, Senior Editorial Board – Vanderbilt Journal of Transnational Law, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, November, 44 VAND. J. TRANSNAT'L L. 1353, <http://www.vanderbilt.edu/jotl/2012/06/due-process-rights-and-the-targeted-killing-of-suspected-terrorists-the-unconstitutional-scope-of-executive-killing-power/>)

Therefore, the President was justified in using lethal force to protect the nation against Aulaqi, or any other American, if that individual presented a concrete threat that satisfied the “imminence” standard.109 However, the judiciary may, as a matter of law, review the use of military force to ensure that it conforms with the limitations and conditions of statutory and constitional grants of authority.110 In the context of targeted killing, a federal court could evaluate the targeted killing program to determine whether it satisfies the constitutional standard for the use of defensive force by the Executive Branch. Targeted killing, by its very name, suggests an entirely premeditated and offensive form of military force.111 Moreover, the overview of the CIA’s targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval.112 While the President has exclusive authority over determining whether a specific situation or individual presents an imminent threat to the nation, the judiciary has the authority to define “imminence” as a legal standard.113 These are general concepts of law, not political questions, and they are subject to judicial review.114

[Continues to Footnote]

114. Al-Aulaqi Response, supra note 2, at 24–25 (acknowledging its authority to define “imminence” yet declining to do so because it would require the court to determine “ex ante the permissible scope of particular tactical decisions”); Dehn & Heller, supra note 16, at 179 (referring to the government’s motion to dismiss on the basis that it “involv[es] an executive-branch decision to target an individual in the context of a congressionally authorized, armed conflict”); id. at 187 (noting Aulaqi’s request for the court to make a legal determination of the correct standard for the targeted killing of a U.S. citizen).

### CI

**No it doesn’t**

Pashman 63 - justice – New Jersey Supreme Court (Morris, “ISIDORE FELDMAN, PLAINTIFF AND THIRD-PARTY PLAINTIFF, v. URBAN COMMERCIAL, INC., AND OTHERS, DEFENDANT,” 25 March 1963. 78 N.J. Super. 520; 189 A.2d 467; 1963 N.J. Super. LEXIS 479)

HN3A title insurance policy "is subject to the same rules of construction as are other insurance policies." Sandler v. N.J. Realty Title Ins. Co., supra, at [\*\*\*11] p. 479. It is within these rules of construction that this policy must be construed. Defendant contends that plaintiff's loss was occasioned by restrictions excepted from coverage in Schedule B of the title policy. The question is whether the provision in the deed to Developers that redevelopment had to be completed [\*528] within 32 months is a "restriction." Judge HN4 Kilkenny held that this provision was a "condition" and "more than a mere covenant." 64 N.J. Super., at p. 378. The word "restriction" as used in the title policy cannot be said to be synonymous with a "condition." A "restriction" generally refers to "a limitation of the manner in which one may use his own lands, and may or may not involve a grant." Kutschinski v. Thompson, 101 N.J. Eq. 649, 656 (Ch. 1927). See also Bertrand v. Jones, 58 N.J. Super. 273 (App. Div. 1959), certification denied 31 N.J. 553 (1960); Freedman v. Lieberman, 2 N.J. Super. 537 (Ch. Div. 1949); Riverton Country Club v. Thomas, 141 N.J. Eq. 435 (Ch. 1948), affirmed per curiam, 1 N.J. 508 (1948). It would not be inappropriate to say that the word "restrictions," as used [\*\*\*12] by defendant insurers, is ambiguous. The rules of construction heretofore announced must guide us in an interpretation of this policy. I find that the word "restrictions" in Schedule B of defendant's title policy does not encompass the provision in the deed to Developers which refers to the completion [\*\*472] of redevelopment work within 32 months because (1) the word is used ambiguously and must be strictly construed against defendant insurer

### AT: Reasonability

1. Reasonability is arbitrary – no threshold for what is reasonability – necessitates the judge to decide it – fails to create a clear set of cases that the negative should prep – if every judge decides differently on what is reasonable, we don’t know what affs to prep for

2. Doesn’t answer any of our standards – even if they’re reasonable, we’ve proven our args are best for limits and ground

3. Their interpretation was not reasonable – that was the limits debate

### Competing Interpretations

Go to the competing interpretations debate

You should evaluate topicality like a disad – if we win our interpretation is best for debate and that they don’t meet it, you should vote neg – offense-defense frames the round

Preferable for a few reasons

1. Prioritizes objective debating – if we win reasons why our interpretation is better, you shouldn’t vote aff because you think they’re topical, the only objective standard for topicality is who does the best debating

2. Search for the best interpretation – merely giving up and deciding that the aff is reasonable forecloses a discussion of what topic limits are good – that’s key to education