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#### Drones policy is shrouded in secrecy – debate is impossible because of the lack of transparency – instead of assessing the information selectively leaked by the government, focus should be on the production of knowledge behind policy.

Toth, ’13 [Kate Toth, London School of Economics, Dissertation; “REMOTE-CONTROLLED WAR: IMPLICATIONS OF THE DISTANCING OF STATE-SPONSORED VIOLENCE ON AMERICAN DEMOCRACY”; Apr 27, 2013; http://www.academia.edu/3125323/REMOTE-CONTROLLED\_WAR\_IMPLICATIONS\_OF\_THE\_DISTANCING\_OF\_STATE-SPONSORED\_VIOLENCE\_ON\_AMERICAN\_DEMOCRACY]

With regard to drones, what the public knows has been released through leaks to the press that were likely approved by the President (Engelhardt, 2012). Though the government now claims the right to assassinate Americans along with foreigners through the drone program, “informed public debate and judicial oversight” are impossible because “its drone program is so secret [the government] can't even admit to its existence” (Freed Wessler, 2012). That is, except via leaks that allow Obama to craft a politically advantageous narrative (Friedersdorf, 2012a). Meanwhile, the use of drones has exploded domestically, and again, “citizens lack a basic right to know who is operating the drones circling their houses, what information is being collected and how it will be used” (ABC News, 2012). The Bush administration politicized science (Beck, 1992) by notoriously editing reports on climate change and pressuring scientists (Coglianese, 2009). This is instructive for the current debate as it exhibits that one cannot simply assess the information released, but examine this knowledge within a political context, harking back to Foucault’s (1997) production of knowledge. Writing about the covert drone strikes, Friedersdorf (2012b) in The Atlantic asked, “in what sense would we be living in a representative democracy if neither the bulk of Congress nor the people” are told about the strikes? One of the lingering questions raised from this debate is, how different is it if we were told the bare minimum of facts via leaks, so still preventing effective debate, versus being told nothing at all? When President Obama took office, in the memo outlining his “Transparency and Open Government” initiative, it was written that transparency will “ensure the public trust and establish a system of transparency, public participation, and collaboration” and that this transparency will “strengthen our democracy” (White House, 2009). This is what Obama believes transparency has the power to achieve, and it falls in line with the access to information that Diamond and Morlino (2004) highlight as key to accountability in democracy. President Obama’s track record is, perhaps, an example of not striking the right balance between what, and how much, to release. However, given that many of the steps he has taken, both in terms of transparency of existing programs and secrecy regarding proliferation of new programs such as drones, it does not seem likely that this is unintentional. Transparency relies on a strong civil society to use the information effectively, or press for it to be released (Etzioni, 2010); perhaps this lack of accountability is also indicative of the weakness of current American civil society and media.

#### Drone secrecy is the norm of the Obama administration – May’s disclosure of information was calibrated to avoid public scrutiny.

Shah, ‘8/13 [Naureen Shah is an advocacy adviser at Amnesty International USA and author of several studies on the impact of US drone strikes; “Obama Has Not Delivered on May’s Promise of Transparency on Drones”; August 17, 2013; <http://www.alternet.org/civil-liberties/obama-has-not-delivered-mays-promise-transparency-drones?paging=off>

The past two weeks have seen an escalation in drone strikes more dramatic than any since 2009. The media estimate that more than 37 people have died in a series of strikes in Yemen. The US government has refused to officially acknowledge the strikes surge or reports of potentially unlawful deaths – just as it did, for years, refuse to confirm reports of the more than 300 drone strikes in Pakistan. On drones, secrecy is business as usual – and it carries on. Earlier this summer, however, there was hope for a different way forward. In late May, the White House released more information about US drone strikes than it ever had before. Following a major address on national security by President Obama, the government pledged to keep sharing "as much information as possible". In fact, since May, the White House has not officially released any new information on drone strikes (though leaks still abound). While NSA surveillance has taken center-stage, the government's policy of secrecy and obfuscation on drones persists, too. Past critics of the drone program – ranging from Senator Rand Paul (Republican, Kentucky) to Senator Ron Wyden (Democrat, Oregon) – should take notice. It is time to renew and expand the demand for answers about who is being killed. Instead of acknowledging the new strikes and describing a coherent policy and legal approach, the government has again chosen to selectively disclose information that raises more questions than it answers. Thus, an unattributed leak to the New York Times on Monday served up a major policy change in the form of a morsel, with little elaboration, that a recent terrorist threat has "expanded the scope of people we could go after". So, the question of whom the United States believes it can kill in drone strikes remains, as it ever was, full of unknowns. A handful of bullet-points on the government's "policy standards" for using lethal force, which the White House released in May concurrently with the president's national security speech, initially appeared to provide some guidance. But it expressly does not apply in "extraordinary circumstances", and since the embassy closures of earlier this month could be interpreted as providing such justification, the memorandum may not be relevant to the latest spate of strikes in Yemen. The White House could clarify this issue; better yet, it could move beyond conveniently malleable policy standards and describe how the government applies existing international law. Instead, the White House has again chosen to operate secretly and under rules of its own creation, which may permit killing individuals under a concept of "imminence" (of threat) that departs radically from all conventional interpretations of the law. Even more damning is that, in the absence of any commitment to investigating credible allegations of unlawful deaths, the United States appears indifferent to the question of who is actually dying in drone strikes. President Obama admitted in May that four US citizens had been killed, three of whom – including 16-year-old Abdulrahman Aal-Awlaki – he admitted were not intended targets. But the president did not define the identities of the more than 4,000 other people killed, or specifically address reports that a significant number of the dead – in assessments varying between 400 and nearly 1,000, according to the Bureau of Investigative Journalism – were civilians. When the president acknowledges four deaths of US citizens, but not 4,000 deaths of non-Americans, he signals to the world a callous and discriminatory disregard for human life. Perhaps only a fraction of these 4,000 deaths were unlawful. But acknowledging and investigating these deaths is a matter of dignity and justice – for the survivors of strikes, their communities and their countrymen. When deaths are found to be unlawful, victims' families and survivors have a right to reparation. Refusing to investigate deaths is a matter of disrespect both for international law and for the public's right to know the full truth. Many critics, before President Obama's May address, feared that foreign governments would follow the US to lead and conduct secret drone strikes without regard for international law. They should still be concerned about the precedent the US government is setting: refusing to investigate or be held accountable for wrongful deaths. The risk now is not just that the late May reforms on drone strikes were half-measures, but that they were calibrated to merely reassure the public, defuse criticism, and avert longer, harder scrutiny of whether the government's actions are lawful and right. A token dose of transparency may remove the sting of government secrecy, but it does not cure the disease.

#### The justification for targeted killing secrecy is secret – court precedent proves that policy restrictions are doomed to failure.

Ruppert, ’13 [Madison Ruppert, Editor of End the Lie, citing decision by Justice Colleen McMahon of the United States District Court, Southern District Of New York; “Federal judge: Obama admin never has to explain legal basis for drone assassinations of Americans”; Jan 2, 2013; ; http://endthelie.com/2013/01/02/federal-judge-obama-admin-never-has-to-explain-legal-basis-for-drone-assassinations-of-americans/#axzz2fZyjG3bL]

The paradoxical situation of the ruling was put well by David Kravets who writes McMahon is “allowing the administration to claim it was legal to kill enemies outside traditional combat zones while keeping the legal rational secret.” Indeed, McMahon confirmed that “the government has not violated FOIA by refusing to turn over the documents sought in the FOIA requests, and so cannot be compelled by this court of law to explain in detail the reasons why its actions do not violate the Constitution and laws of the United States.” “The Alice-in-Wonderland nature of this pronouncement is not lost on me,” McMahon continued, “but after careful and extensive consideration, I find myself stuck in a paradoxical situation in which I cannot solve a problem because of contradictory constraints and rules — a veritable catch-22.” “I can find no way around the thicket of laws and precedents that effectively allow the Executive Branch of our government to proclaim as perfectly lawful certain actions that seem on their face incompatible with our Constitution and laws, while keeping the reasons for their conclusion a secret,” ruled McMahon. However, both the ACLU and The New York Times are not giving up after the defeat. “We began this litigation because we believed our readers deserved to know more about the U.S. government’s legal position on the use of targeted killings against persons having ties to terrorism, including U.S. citizens,” said David McCraw in The Times. “Judge McMahon’s decision speaks eloquently and at length to the serious legal questions raised by the targeted-killing program and to why in a democracy the government should be addressing those questions openly and fully,” said McCraw. Yet obviously McMahon’s decision fell far short of the mark in that it didn’t actually hold the Obama administration responsible for their actions. “This ruling denies the public access to crucial information about the government’s extrajudicial killing of U.S. citizens and also effectively greenlights its practice of making selective and self-serving disclosures,” said Jameel Jaffer, an ACLU lawyer. Indeed even McMahon noted that the Obama administration’s public state8ments on the program were “cryptic and imprecise,” although she used this to claim that they “were thus insufficient to overcome exemptions in the freedom of information law for classified materials and internal government deliberations,” according to The Times. Interestingly, McMahon admitted she had not even read the withheld documents and instead opted to claim that the memorandum prepared by the Department of Justice’s Office of Legal Counsel must contain detailed analysis “unless the standards at O.L.C. have slipped dramatically.” The only information available on the memo comes from secondary sources who had allegedly read it, as reported by The Times. In other words, we have no clue what it really says and McMahon does not either. “More fulsome disclosure of the legal reasoning on which the administration relies to justify the targeted killing of individuals, including United States citizens, far from any recognizable ‘hot’ field of battle, would allow for intelligent discussion and assessment of a tactic that (like torture before it) remains hotly debated,” wrote McMahon. Reuters reports that McMahon “appeared reluctant to rule as she did,” although that isn’t quite evident from the ruling. In an attempt to show that McMahon was “reluctant” Reuters points to her writing that disclosure of the actual legal justification would help the American people understand the “vast and seemingly ever-growing exercise in which we have been engaged for well over a decade, at great cost in lives, treasure, and (at least in the minds of some) personal liberty.” In February of 2012 I wrote of the lawsuit, “Hopefully the ACLU will be able to make some progress with this lawsuit, but I seriously doubt anything will happen given the fact that the courts have become a tool of the executive and the entire system of checks and balances has been all but openly eradicated from the American political system entirely.” Unfortunately it seems I was right.

#### Government secrecy mystifies security practices by making elite decisions invisible, subjecting all to unknown risk – this devaluation of individual decision-making is unethical.

Gowder, ‘6 [Paul Gowder, PhD in Political Science, Stanford University; Symposium: Federal Secrecy Policy After September 11 and the Future Of The Information Society: Introductory Essay: Secrecy as Mystification of Power: Meaning and Ethics in the Security State Winter; 2005-2006; <http://moritzlaw.osu.edu/students/groups/is/files/2012/02/Gowder__Final__formatted_.pdf>]

In addition, each type of secrecy as currently applied is visible in the abstract: we know the government is keeping secrets, we simply do not know what those secrets are. This is suboptimal for the State; since such awareness carries a risk of investigation by angry citizens, the State would prefer the populace to be completely unaware that secrets are being kept. Since the public tends to discover the secrets, sooner or later, anyway, the State has openly established the legal authority for its secrecy. Consequently, the people are placed into apprehension of their own interests being affected by government secrecy.44 Knowing the government is keeping secrets, one is subjected to uncertainty as to whether those secrets are about, or connected with, oneself. Similarly, knowing specific examples of secret-keeping raises the suspicion that there are additional examples of secret-keeping that are not known. The essential feature of risk-secrecy is that, from the perspective of the object of secrecy, it converts what was once a calculable risk into an incalculable uncertainty. Before the imposition of risk-secrecy, each citizen was free to make an individual and autonomous decision about the risks she was willing to take in exchange for whatever benefits. She might, for example, choose to move to a neighborhood with a dangerous nuclear plant in exchange for a higher-paying job. In the risk-secrecy regime, not only is that choice forced upon her, but it is done invisibly, so that the possible presence of secret risk is presented as pure facticity, impossible to cognitively incorporate or take a position in regard to. In my existential-Kantian terms, we no longer have the freedom to make meaningful and responsible choices regarding that portion of our lives. We cannot connect our decisions (like where to live) to the factors (like environmental risk) that would, were we free, enter into that decision, nor can we take a cognitive position on those factors. In Beauvoir’s terms, risk-secrecy is a mystification: the choices of the state actors and the consequences of her own choices are concealed from the object of secrecy. They are instead made to appear as uncontrollable acts of nature whose injurious potential presents as random. Because the fact of the secrecy is known, we are all aware that we might be subject to an unknown risk. As a consequence, we subjectively must experience the world as less within our control and thus, less meaningful.45 The keeper of the secrets appropriates the right and burden of self-definition for his charges, and thus reduces them to a state of protected obedience similar to that of a parent and a child, or a pre-feminist woman under the stifling protection of a patriarchal husband. This is unlike ordinary state protection (e.g. police work) where the protected person still has some role in her own safety. Consequently, that secret-keeper takes upon himself her anguish of choice:46 he must decide who is to risk destruction without any input from the actual victim of the risk. He thereby objectifies those for whom he decides. By making the decision for them, according to his values, the secret-keeper turns the objects of secrecy from ends in themselves– autonomous subjects with their own meaning to be respected in their own right – into means – objects of his suspicion and protection priorities. This is the behavior of the person Beauvoir describes as the “serious man” (and characterizes as “mak[ing] himself a tyrant”)47 – the installation of an abstract ideal (of “security”) above the freedom of the people supposedly to be served by the ideal, and thereby above his own freedom as well, since his freedom depends on their freedom to have intersubjective meaning. Kantians too would object to this secret paternalism. As Korsgaard explains in the context of a lie, the object of such a non-consensual transaction can not “‘contain in himself’ the end”48 of the action, not even if she would consent if she knew about it, because she is denied the opportunity to “choose, freely, to contribute to its realization.49” Since she can not rationally or autonomously choose the end of the secret act, her involvement is as a “mere means.”50 Should the feared risk come into being, the people injured experience a loss of meaning in the understanding sense: what appeared before as the possibility of a random, uncontrollable harm now appears as the fact of a random, incomprehensible harm. Risk-secrecy is converted into reason-secrecy because she is not permitted to know why what has happened to her occurred. She is not permitted to see the reasons and the choices and the autonomous actors behind the maybe-seen catalyst security lapse and understand that act as an act of the subjects who are (supposedly) accountable to her, rather than as a fact. She is not permitted to take a position in relation to the other people whose actions she experienced as injury.51 This, mutatis mutandis to the risk before it came into being, is an unethical mystification, and our victim will experience it as a loss of meaning. Much the same holds for reason-secrecy. When the State carries out its will on a person on the basis of a secret standard, that person has the experience of an arbitrary imposition of power. The experience of being put on a no-fly list must be seen as akin to the experience of being hit by a meteorite: an utterly meaningless and unpredictable event, impossible to ground in familiar reality.52 Reason-secrecy necessarily depends on invasions of privacy and undermining of the control that the object of such secrecy has over her own identity. In order for people to become fields for the exercise of power, the State must first collect data about them.53 If the State is to exercise its power, on the basis of that data, pursuant to secret reasoning, it must collect (or transfer and misuse) the data secretly (unless the reasons are some grossly visible characteristic of the object of secrecy, like race). Otherwise, the objects of secrecy might be able to learn the sort of data that the State is examining and infer the secret reasons. Even worse for the secret state, the individual objects of secrecy might learn of and evade the examination. Consequently, the disciplinary power of the security state comes from the conjunction of the power of the officials to watch everyone and the lack of power in the watched class to reciprocally watch the officials.54 This permits the application of power universally on each citizen under the panoptic eye, since no citizen can know whether she is being watched at any moment. Reason-secrecy achieves this effect by secretly examining data about the public, which then is used to exercise power on individuals selected by this secret examination. The security state thus exercises power over us all by placing us in anticipation of power being exercised on us.55 Because of that structural feature of reason-secrecy, it implies all the ethical difficulties inherent in risk-secrecy. The panoptic nature of the relationship between the holder of secret reasons and a citizen who is the object of secrecy implies that each person presenting herself for inspection under secret reasons (i.e. at an airport) has no way of knowing whether or not harm will be inflicted on her (i.e. a denial of flight) by the State. Thus, whether or not she is actually harmed, the citizen is not able to ground the possibility of harm in any choice or characteristic of herself. From the point of view of the experience of the person presenting herself for inspection, the State is placed in exactly the same position as the terrorist: each may strike at any moment and do injury to our beleaguered citizen without any rhyme, reason, or predictability. Act-secrecy also necessarily implicates the ethical objections to reason-secrecy (and thereby to risk-secrecy), because the concealment of an act implies a concealment of the reasons for the act. (The State can not announce “we will search the homes of anyone who does X” without disclosing the searches to its targets.) Moreover, in the case of unexplained, arbitrary, and random risks (whether imposed by third parties or the government as in risk and reason secretly respectively), the citizen has at least a minimal opportunity to ascribe meaning to the random nature of the act and initiate some project. For example, the citizen might gain a sense of control by participating in political action to demand disclosure of the secret reasons or punishment for risk-negligent officials. The same can not be said for act-secrecy. Because act-secrecy conceals not only the reasons for the act, but the very act itself, it deprives the victim of such an act of any way of taking a position with regard to that concealed act. Each citizen is placed in apprehension of utterly random exercises of power that she will never have the opportunity to resist or understand. The function of these forms of secrecy is thus to reduce the decisions of individual people to nothingness. The decisions of government agents become invisible and appear as mere manifestations of nature. The decisions of third parties become random and unavoidable chance. The decisions even of the object of secrecy are disconnected from their consequences.56 If the ability to understand and choose to act in the world is the fundamental characteristic of humanity, an act upon another that renders the choices both parties have made invisible, so that the situation seems a meaningless “brute fact” rather a changeable choice, must be seen as dehumanizing and consequently, unethical.57

#### Drones have become the technological symbol of disorder – debate about targeted killing must avoid impossible questions of “drones good or bad” that echo the polarization of status quo political discourse – facts alone will never be enough – instead, we must learn from the complexities surrounding drones and apply them to the concerns of so many about personal security.

Rothenberg, ‘13 [Daniel Rothenberg is a professor of practice at the School of Politics and Global Studies, ASU and the Lincoln fellow for Ethics and International Human Rights Law. He is editing a book with Peter Bergen on drones to be published later this year. “What the Drone Debate Is Really About”; May 6, 2013; <http://www.slate.com/articles/technology/future_tense/2013/05/drones_in_the_united_states_what_the_debate_is_really_about.html>]

The term drone draws attention, elicits passions, and sparks heated discussions. Often the debate about drones flattens the complexity of real policy issues as the questions asked demand impossible answers, “Are drones good or bad?” or “Are you for or against drones?” Not surprisingly, this approach heightens the tensions attached to debate about drones, turning conversations into arguments and echoing the polarization that characterizes so much of contemporary political discourse. The intensity of interest in drones arose some years after they became a key element of U.S. military operations abroad. Interestingly, after more than a decade at war, drones remain the only military system within an extraordinarily advanced arsenal to have captivated popular attention. And they have done so at a time when the public has grown weary of war and the deep confusions surrounding the objectives, value, and purpose of these conflicts. For many within the military, the intensity of the debate about drones in combat has been perplexing. As they often point out, drones are simply one of a number of military platforms upon which information-gathering technology or weapons are deployed. For tactical purposes, it may make little difference whether a Hellfire missile is launched from a fighter jet or a drone. And, as military experts and knowledgeable observers emphasize, drones do not operate independently—rather, they are part of a complex, multilayered system in which particular technologies, drones and others, are useful only as integrated within a larger strategic vision. That said, much of the discussion of drones focuses not on their use by the military within defined war zones, where domestic and international law applies, but rather to their use by the CIA and other organizations in places where the legality of their deployment is under question, where data are minimal and where secrecy prevails. In this way, covert drone strikes are the latest in a series of interrelated issues—including torture, black sites, and extraordinary rendition—that reflect directly on the meaning, impact, and ethics of U.S. strategy (once called the global war on terror). Yet, even as drones are linked to existing questions of the appropriateness, legitimacy, and potential illegality of U.S. action, they are the only element of this critique linked to advanced technology, with its complex evocation of promise and danger. Drones have become the iconic public image of the U.S. government’s international projection of military force, during a complex and uncertain time when support is waning and there is great confusion as to the purpose of these ongoing conflicts. More recently, public debate on drones has turned to their current and potential use within our country. And, in this context as well, drones have produced tense discussions about multiple issues including protecting privacy, respecting core constitutional rights, and enabling potential abuses of state power. In response, there are demands for increased regulation as well as concerns that new rules will have a profoundly negative effect on our society. Many worry that the use of drones in our country will usher in a new era of intrusive state surveillance and may even be used as a means of attacking and killing American citizens here at home. For those who currently use drones or advocate for their expanded deployment—whether for military or civilian applications—these debates are deeply frustrating. They point out that drones are simply machines, neither good nor bad, not the sort of issue for which one should seek either support or rejection. They point to drones’ capacity to safely, effectively and inexpensively fight fires, monitor weather patterns, spray crops, and provide ongoing real-time information on hundreds of issues. This is why there is an ongoing effort to shift the language of the debate by replacing the popular term drone with one of a number of arguably more accurate—and less politically loaded—alternatives including unmanned aerial vehicle (UAV), remotely piloted vehicle (RPV), or remotely piloted aircraft (RPA). Still, drone remains the default term and will be for the foreseeable future. In fact, the lure and power of the word drone provides insight into the true nature and intensity of the debate. Drones have come to us from foreign battlefields and migrated to the domestic policy environment. While drones may be simple and varied machines, the ones we know best bear names that suggest both danger and brutality, the Predator (MQ-1) and the Reaper (MQ-9). Drones embody the glory of American technological superiority and innovation (at least for now) and appear to many as an ideal tool for facing a difficult, distant, and elusive enemy. Yet, woven into their usefulness abroad is a sense that they are the first expressions of a new reality defined by multiple related technologies whose transformative capacities are as dangerous here as they have been proved to be abroad. Drones captivate us. Their sleekly disturbing look, an odd combination of the fragile and the deadly, produces both fascination and fear. The word drone highlights these qualities, depicting a machine that is solitary, potentially autonomous, ever present, and quietly menacing. The truth is that those who suggest that public debate needs to focus clearly on what drones really are and really do, are missing the point. Facts alone will not resolve the heated discussions. Rather the idea of drones and the resulting questions, complex and varied as they are, are enmeshed in powerful narratives of fear and mistrust as drones have become a central element of the contemporary American political imagination. The drone debate is not only about targeted killings abroad or potential invasions of privacy at home; it is about how this emerging technology has come to symbolize the disorder, threat, uncertainty, and fear of our rapidly changing world. The challenge we face as a society is not simply how to regulate drones (which is clearly necessary) but rather how to learn from the passions they inspire such that we connect serious policy debate on emerging technologies with a respect and acknowledgement for the very real fears of so many.

#### All of us are in the shooting gallery – this isn’t just about drones OR even transparency – state sanctioned targeted killing encompasses countless atrocities against those deemed expendable – debate centering on government secrecy is key to foster hope for individual change.

Giroux, ‘13 [Henry A. Giroux currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University; “The Shooting Gallery: Obama and the Vanishing Point of Democracy”; February 12, 2013; http://www.truth-out.org/opinion/item/14483-the-shooting-gallery-obama-and-the-vanishing-point-of-democracy]

This retreat from moral responsibility reveals more than political failure, more than a perverse victory for those who argue for the acceptability of what was once considered unthinkable in a democracy. It signals the emergence of a kind of anti-politics, the dismantling of a politics in which matters of power, justice, governance and social responsibility are inextricably connected to democratic institutions, laws, values and education. This is an anti-politics in which the obligations of justice and responsibility to others has been overtaken by a rhetoric of fear, national security and war that has made Americans accomplices of a tyrannical and terrorist state apparatus. Under such circumstances, the critical project of democracy, if not politics itself, is replaced by the shared experience of fear, the instrumentalization of culture and society and a state of emergency that "eradicates political freedom, democratic processes and legality as such."6 The move toward an authoritarian and dystopian state - one marked by its flight from moral and political responsibility - has been made more acceptable by the widespread popular willingness to overlook, if not legitimate, the ongoing violation of civil liberties as a central theme of government policy, military conduct, mainstream news media and popular culture in general. Mainstream culture is flooded with endless representations of individuals, government officials, and the police operating outside of the law as a legitimate way to seek revenge, implement vigilante justice and rewrite the rationales for violating human rights and domestic law. TV programs like Dexter and Person of Interest, as well as a spate of Hollywood films like as Gangster Squad and Django Unchained have provided a spectacle of legal lawlessness and violence unchecked by ethical considerations and allegedly justified by the pursuit of noble ends. The culture of violence, fear and sometimes manufactured terror takes a toll politically and ethically on any democratic society, especially when it becomes the most popular spectacle in town. Unfortunately, the line between fiction and material reality, along with the more hallowed spheres of politics and governance, has collapsed and it has become more difficult to determine one from the other. Forms of violence and violations of civil rights that should be unthinkable in a democracy are now lauded as necessary and effective tactics in the war on terrorism, and so rarely subject to critical interrogation. Some of the more notable transgressions are evident in former Vice-President Dick Cheney's infamous statement to Tim Russert on NBC's Meet the Press in which he stated that the Bush administration would have to "work ... the dark side" and the 2006 comment by John Brennan in which he claimed that we have "to take off the gloves" in some areas in order to wage a war against terrorism. And while torture has been denounced by President Obama, the administration has in actuality created a new foundation for violating civil rights and promoting human abuses. As the White Paper memo produced by the Justice Department's Office of Legal Counsel makes clear, Obama has put into play government policies so extreme and brutal that the administration has propelled itself to the vanishing point of legal illegalities. This is partly evident in the Obama administration's claim, duly noted even in the mainstream press, that it can target and kill American citizens anywhere on the globe. The emergence of such practices has little to do with a legitimate need to promote national security and a country's right to self-defense. On the contrary, such policies represent America's slide into barbarism, made all too vivid by the fact that the officials who are responsible for them are not only held unaccountable, but nominated to the highest positions in the American government. Witness the nomination of John Brennan as the next director of the CIA. Moreover, the Obama administration now has carried this institutionalization of mad violence to an extreme with the assertion that a few officials in the highest reaches of government can decide which Americans and foreigners can be targeted and killed as enemies of the United States. The winter 2013 release of the Justice Department's "White Paper," the confirmation hearings for John Brennan as the next CIA Director, and the publication of "Globalizing Torture: CIA Secret Detention and Extraordinary Rendition"8 all provide powerful evidence of the ongoing assault on American democracy under the Bush and Obama administrations, and the consolidation of a culture in which fear and punishment reign unchecked and the law is on the side of the most frightening of anti-democratic practices. These indices reveal, in turn, a society in which terror becomes as totalizing as the loss of any sense of ethical and political responsibility. These revelations are about more than the fact that the United States is losing its moral compass or is violating civil liberties and promoting human rights abuses, though these registers should not be dismissed. What such commentary misses is the degree to which the Obama administration exercises scorn toward democracy itself, such that it now resembles an authoritarian state. The White Paper, for instance, reveals a mode of governance, policy, and practice that is deeply anti-democratic in its claim to be able to use lethal, yet legal, force against American citizens anywhere on the globe. When secrecy replaces judicial review and presidential power can be evoked without limits to kill Americans, it becomes difficult to recognize the United States as a democratic nation. Evoking the language of Orwellian legality to legitimate the claim that Americans can be killed without due process, the White Paper justifies assassinating American citizens if they are a "senior operational leader of al-Qaeda or associated force," if they "pose an imminent threat of violent attack to the United States" and if their "capture is infeasible."9 This Orwellian language operates in the dead zone of morality and jurisprudence. Moreover, this discourse becomes meaningless in light of the administration's claim that the use of such sweeping authority and actions do not need judicial review, can be done in secret, away from the public domain and does not need to provide evidence to a judge before or after an attack.10 What is truly shocking is that an American citizen can be targeted for assassination by the US government without the latter having to provide any proof of guilt - or the former being given the right to establish innocence. This is more than an attack on constitutional rights or a violation of human rights; it is a capitulation to authoritarianism. Glenn Greenwald captures this in his insightful comment: The most extremist power any political leader can assert is the power to target his own citizens for execution without any charges or due process, far from any battlefield. The Obama administration has not only asserted exactly that power in theory, but has exercised it in practice.... The definition of an extreme authoritarian is one who is willing blindly to assume that government accusations are true without any evidence presented or opportunity to contest those accusations. This memo - and the entire theory justifying Obama's kill list - centrally relies on this authoritarian conflation of government accusations and valid proof of guilt. They are not the same and never have been. Political leaders who decree guilt in secret and with no oversight, inevitably succumb to error and/or abuse of power. Such unchecked accusatory decrees are inherently untrustworthy.... That's why due process is guaranteed in the Constitution and why judicial review of government accusations has been a staple of western justice since the Magna Carta: because leaders can't be trusted to decree guilt and punish citizens without evidence and an adversarial process. That is the age-old basic right on which this memo, and the Obama presidency, is waging war.11 The administration's legal rhetoric and the practices it legitimates increasingly make the United States look like the ruthless Latin American dictatorships that seized power in the 1970s, all of which appealed to paranoia, fear, security and the use of extra-legal practices to defend barbaric acts of assassinations, torture, abuse and disappearance. The writer Isabel Hilton rightly invokes this repressed piece of history and what it reveals about the current Obama administration. She writes: The delusion that office-holders know better than the law is an occupational hazard of the powerful and one to which those of an imperial cast of mind are especially prone. Checks and balances - the constitutional underpinning of the democratic idea that no one individual can be trusted with unlimited power - are there to keep such delusions under control.... When disappearance became state practice across Latin America in the 70s, it aroused revulsion in democratic countries where it is a fundamental tenet of legitimate government that no state actor may detain—or kill—another human being without having to answer to the law.12 Not only has the Obama administration discarded the principles of justice, judicial review and international law in its willingness to kill Americans without limits on its authority, it openly flaunts such behavior as integral to how the United States defines itself in a post- 9/11 world. And while it has agreed recently to release its legal reasoning for killing US citizens by armed drones, it has done so only "to ease pressure on John Brennan, the architect of the drones strategy, at his Senate confirmation hearing as CIA Director."13 How can any American possibly talk about living in a democracy in which the President of the United States claims that he and a few high-ranking government officials have the right and "the power ... to carry out the targeted killing of American citizens who are located far away from any battlefield, even when they have not been charged with a crime, even when they do not present any imminent threat in any ordinary meaning of that word."14 In a democracy, citizens have constitutional rights, checks and balances limit unaccountable authority and human rights are upheld rather than scorned. The task of governance and political leadership is not to promote dangerous policies, but to draw out injustices embedded in the recesses of the past and present, to make clear that the cover of secrecy and silence will not protect those who violate the law, and to reject forms of patriotic militarism that sanction illegality in the name of a permanent war on terrorism. But there is more at stake here than a call for transparency, the embrace of human rights and the rejection of a government that imprisons, eavesdrops on US citizens or kills them without charges, trial and due process. There is also an obligation of democratic leadership and governance to uphold some measure of accountability and to redress the policies and practices that implicate the United States in a long history of torture - one that extends from the genocide of Native Americans to the enslavement of millions of Africans and their descendants, to the killing of 21,000 Vietnamese under the aegis of the CIA's infamous Phoenix Program. The purpose of this history is not to induce shame but to recognize that such crimes were legitimated by political conditions and institutionalized policies that must be excised from American domestic and foreign policies if there is to be hope for a future that does not simply repeat the past. What is missing in the refusal to make visible the United States' descent into authoritarianism is the necessity for the American people to see what is wrong with such actions, who should be held accountable, why such acts of human cruelty should not happen (again) and what actions must be taken to open up the possibilities for society to exercise collective judgments that enable a rejection of past actions as well as the possibility of a more just future. Moreover, as philosophy professor Maria Pia Lara argues, refusing to narrate human cruelty is tantamount to relinquishing the moral imperative to build a transformed democratic community. She contends that exposing and engaging the hidden dimensions of cruelty and the abuse of human rights is part of a moral imperative "directed at making others understand that what happened did not need to happen." Moreover, such "stories [provide] us with a moral sense of the need to keep examining the past in order to ... build a space for self-reflection [and] define the process of establishing a connection between the collective critical examination of past catastrophes and the learning processes in which societies engage."15 At a time in history when American society is overtly subject to the quasi militarization of everyday life and endlessly exposed to mass-produced spectacles of commodified and ritualized violence, a culture of cruelty and barbarism has become deeply entrenched and more easily tolerated. Beyond creating in this instance a moral and affective void in the collective consciousness - a refusal to recognize and rectify the illegal and morally repugnant violence, abuse and suffering imposed on those alleged to be dangerous and "disposable" others - such a culture contributes to the undoing of the very fabric of civilization and justice. The descent into barbarism can take many forms, but one version may be glimpsed when torture becomes a defining feature of what a country considers acceptable policy (to say nothing of riveting entertainment), or the majority of its inhabitants remain passive when the President of the United States claims he has the right to put together a kill list in order to assassinate American citizens. How else to explain the fact that 49 percent of the American public "consider torture justified at least some of the time [and] fully 71 [percent] refuse to rule it out entirely"?16 Frank Rich has suggested that the American public's indifference to national security issues is partly due to the massive hardships and suffering many Americans have endured as a result of the Great Recession.17 This may be true but what it overlooks are the ever-growing anti-democratic forces, or what might be called authoritarianism with a soft edge, which haunt American politics and the modern ideal of democracy. The civic imagination is in retreat in American society and the public spheres that make it possible are disappearing. Clearly, political and popular culture are in dire need of being condemned, interrogated, unlearned and transformed through modes of critical education and public debate, if American democracy is to survive as more than a distant and unfulfilled promise. Americans have lived too long with governments that use power to promote violent acts, conveniently hiding their guilt behind a notion of secrecy and silence that selectively punishes those considered expendable - in its prisons, public schools, foster care institutions and urban slums. As Tom Engelhardt points out, what has not sunk in for most Americans, including the mainstream media, is that the United States has become a lockdown state, or more appropriately an authoritarian state, as evidenced by the fact that the Obama administration can: torture at will; imprison at will, indefinitely and without trial; assassinate at will (including American citizens); kidnap at will anywhere in the world and 'render' the captive in the hands of allied torturers; turn any mundane government document (at least 92 million of them in 2011 alone) into a classified object and so help spread a penumbra of secrecy over the workings of the American government; surveil Americans in ways never before attempted (and only 'legalized' by Congress after the fact, the way you might back-date a check); make war perpetually on their own say-so; and transform whistleblowing - that is, revealing anything about the inner workings of the lockdown state to other Americans - into the only prosecutable crime that anyone in the complex can commit.18 The fateful consolidation of an authoritarian state reaches its tipping point when a government engages in these practices along with the claim that it can kill its own citizens anywhere in the world without recourse to due process or any moral qualms. Such policies point to more than an ethically empty space and the atrophy of democratic modes of governance, politics and culture, they point inexorably to the dark caverns of a society that has embraced the foundations of authoritarianism. Democracy has been hijacked in the United States by right-wing extremists, the financial elite, the military-industrial-academic complex and a demagogic cultural apparatus that has created a state of emergency that appears to "lack the kind of collective sense of urgency that would prompt us to fundamentally question our own ways of thinking and acting, and form new spaces of operation."19 All of us are now in the shooting gallery and we are all potentially the targets.

#### The battlefield extends eternally throughout the universe and even into the mind, causing cycles of invisible violence – presidential power will expand indefinitely until Armageddon unless we break the cycle.

Swanson, ‘10 [David Swanson, activist, blogger and author, former coordinator for ACORN; “Wars Are Not Fought on Battlefields” chapter from book “War is a Lie”; chapter published online January 19, 2011; book published 2010; http://www.truth-out.org/archive/item/93978:david-swanson--wars-are-not-fought-on-battlefields]

At first glance, our battlefields do not appear to be where we live and work and play as civilians, as long as "we" is understood to mean Americans. Wars don't happen in the United States. But for the people living in the countries where our wars have been fought since, and including, World War II, the so- called "battlefield" has quite clearly included and continues to include their home towns and neighborhoods. In many cases, that is all the battlefield has consisted of. There hasn't been any other, non-residential area constituting part of the battlefield. While the Battles of Bull Run or Manassas were fought in a field near Manassas, Virginia, the Battles of Fallujah were fought in the city of Fallujah, Iraq. When Vietnam was a battlefield, all of it was a battlefield, or what the U.S. Army now calls "the battlespace." When our drones shoot missiles into Pakistan, the suspected terror plotters we're murdering are not positioned in a designated field; they're in houses, along with all of the other people we "accidentally" kill as part of the bargain. (And at least some of those people's friends will indeed begin plotting terrorism, which is great news for the manufacturers of drones.) It's Everywhere At second glance, the battlefield or battlespace does include the United States. In fact, it includes your bedroom, your living room, your bathroom, and every other spot on the planet or off it, and possibly even the thoughts that are in your head. The notion of a battlefield has been expanded, to put it mildly. It now encompasses anywhere soldiers are when they're actively employed. Pilots speak of being on the battlefield when they have been great distances above anything resembling a field or even an apartment building. Sailors speak of being on the battlefield when they haven't set foot on dry land. But the new battlefield also encompasses anywhere U.S. forces might conceivably be employed, which is where your house comes in. If the president declares you an "enemy combatant," you will not only live on the battlefield — you will be the enemy, whether you want to be or not. Why should a desk with a joystick in Las Vegas count as a battlefield on which a troop is flying a drone, but your hotel room be off limits? When U.S. forces kidnap people on the street in Milano or in an airport in New York and send them off to be tortured in secret prisons, or when our military pays a reward to someone in Afghanistan for handing over their rival and falsely accusing them of terrorism, and we ship the victims off to be imprisoned indefinitely in Guantanamo or right there in Bagram, all of those activities are said to take place on a battlefield. Anywhere someone might be accused of terrorism and kidnapped or murdered is the battlefield. No discussion of releasing innocent people from Guantanamo would be complete without expression of the fear that they might "return to the battlefield," meaning that they might engage in anti-U.S. violence, whether they had ever done so before or not, and regardless of where they might do it. When an Italian court convicts CIA agents in absentia of kidnapping a man in Italy in order to torture him, the court is staking the claim that Italian streets are not located in a U.S. battlefield. When the United States fails to hand over the convicts, it is restoring the battlefield to where it now exists: in each and every corner of the galaxy. We will see in chapter twelve that this conception of the battlefield raises legal questions. Traditionally killing people has been deemed legal in war but illegal outside of it. Apart from the fact that our wars are themselves illegal, should it be permissible to expand them to include an isolated assassination in Yemen? What about a massive bombing campaign with unmanned drones in Pakistan? Why should the smaller expansion of an isolated murder be less acceptable than the larger expansion that kills more people? And if the battlefield is everywhere, it is in the United States as well. The Obama administration in 2010 announced its right to assassinate Americans, presuming to already possess by common understanding the right to assassinate non-Americans. But it claimed the power to kill Americans only outside the United States. Yet, active military troops are stationed within the United States and assigned to fight here if so ordered. The military is used to clean up, or at least guard, oil spills, to assist in domestic police operations, and to spy on U.S. residents. We live in the area of the globe policed by Northern Command. What's to stop a battlefield over yonder in Central Command from spreading to our towns? In March 2010, John Yoo, one of the former lawyers in the Justice Department who had helped George W. Bush "legally" authorize aggressive war, torture, warrantless spying, and other crimes, spoke in my town. War criminals today usually go on book tours before the blood is dry, and sometimes they take questions from the audience. I asked Yoo if a president could shoot missiles into the United States. Or could a president drop nuclear bombs within the United States? Yoo refused to concede any limits to presidential power, except perhaps in time rather than place. A president could do anything he chose, even within the United States, as long as it was "wartime." Yet, if the "war on terror" makes it wartime, and if the "war on terror" lasts for generations, as some of its proponents desire, then there really are no limits. On June 29, 2010, Senator Lindsey Graham (R., S.C.) questioned then Solicitor General and successful Supreme Court nominee Elena Kagan. "The problem with this war," Graham said, "is that there will never be a definable end to hostilities, will there?" Kagan nodded and simply agreed: "That is exactly the problem, Senator." That takes care of the time constraints. What about place constraints? A bit later, Graham asked: The battlefield, you told me during our previous discussions, that the battlefield in this war is the entire world. That is, if someone were caught in the Philippines, who was a financier of al Qaeda, and they were captured in the Philippines, they would be subject to enemy combatant determination. Um, because the whole world's the battlefield. Do you still agree with that? Kagan ducked and dodged, while Graham asked her this three times, before she made clear that, yes, she still agreed. So a battlefield turns out to be more a state of mind than a physical location. If we are always in the battlefield, if marches for peace are in the battlefield too, then we had best be careful what we say. We wouldn't want to assist the enemy somehow, while living in the battlefield. Wars, even when the battlefield was not, like a god, present everywhere, have always had a tendency to eliminate hard-won rights. This tradition in the United States includes President John Adams' Alien and Sedition Acts of 1798, Abraham Lincoln's suspensions of habeas corpus, Woodrow Wilson's Espionage Act and Sedition Act, Franklin Roosevelt's rounding up of Japanese-Americans, the madness of McCarthyism, and the many developments of the Bush- Obama era that really took off with the first passage of the PATRIOT Act. On July 25, 2008, the pressure for accountability for abuses of power had grown too great for silence to continue. The House Judiciary Committee finally agreed to hold a hearing on the impeachment of George W. Bush. Chairman John Conyers had held similar hearings in 2005 as the ranking minority member, advertising his aim to pursue accountability for the War on Iraq if he were ever given the power. He held that power from January 2007 forward, and in July 2008 — having obtained the approval of Speaker Nancy Pelosi — he held this hearing. To make the similarity to the unofficial hearings he'd held three years earlier complete, Conyers announced before the hearing that, while the evidence would be heard, no impeachment proceedings would go forward. The hearing was just a stunt. But the testimony was deadly serious and included a statement from former Justice Department official Bruce Fein from which this is excerpted: After 9/11, the executive branch declared — with the endorsement or acquiescence of Congress and the American people — a state of permanent warfare with international terrorism, i.e., the war would not conclude until every actual or potential terrorist in the Milky Way were either killed or captured and the risk of an international terrorist incident had been reduced to zero. The executive branch further maintained without quarrel from Congress or the American people that since Osama bin Laden threatens to kill Americans at any time and in any location, the entire world, including all of the United States, is an active battlefield where military force and military law may be employed at the discretion of the executive branch. For instance, the executive branch claims authority to employ the military for aerial bombardment of cities in the United States if it believes that Al Qaeda sleeper cells are nesting there and are hidden among civilians with the same certitude that the executive branch knew Saddam Hussein possessed weapons of mass destruction.… The executive branch has directed United States forces to kill or kidnap persons it suspects have allegiance to Al Qaeda in foreign lands, for instance Italy, Macedonia, or Yemen, but it has plucked only one United States resident, Ali Saleh Kahlah al-Marri, from his home for indefinite detention as a suspected enemy combatant. But if the executive branch's constitutional justification for its modest actions is not rebuked through impeachment or otherwise, a precedent of executive power will have been established that will lie around like a loaded weapon ready for use by any incumbent who claims an urgent need. Moreover, the Founding Fathers understood that mere claims to unchecked power warranted stern responses." No stern responses were forthcoming, and President Obama maintained and expanded upon the powers established for presidents by George W. Bush.208 War was now officially everywhere and eternal, thereby allowing presidents even greater powers, which they could use in the waging of even more wars, from which yet more powers could derive, and so forth to Armageddon, unless something breaks the cycle. It's Nowhere The battlefield may be all around us, but the wars are still concentrated in particular places. Even in those particular locations — such as Iraq and Afghanistan — the wars lack the two basic features of a traditional battlefield — the field itself and a recognizable enemy. In a foreign occupation, the enemy looks just like the supposed beneficiaries of the humanitarian war. The only people recognizable for who they are in the war are the foreign occupiers. The Soviet Union discovered this weakness of foreign occupations when it tried to occupy Afghanistan during the 1980s. Oleg Vasilevich Kustov, a 37-year veteran of the Soviet and Russian military, described the situation for Soviet troops: Even in the capital, Kabul, in most districts it was dangerous to go more than 200 or 300 meters from installations guarded by our troops or detachments of the Afghan army, internal forces, and secret services — to do so was to put one's life at risk. To be completely honest, we were waging war against a people. That sums it up perfectly. Wars are not waged against armies. Nor are they waged against demonized dictators. They are waged against peoples. Remember the U.S. soldier in chapter five who shot a woman who had apparently been bringing a bag of food to the U.S. troops? She would have looked just the same if she had been bringing a bomb. How was the soldier supposed to tell the difference? What was he supposed to do? The answer, of course, is that he was supposed to not be there. The occupation battlefield is full of enemies who look exactly like, but sometimes are not, women bringing groceries. It is a lie to call such a place a "battlefield." One way to make this clear, and which oft en shocks people, is to note that a majority of those killed in wars are civilians. A better term is probably 'non-participants.' Some civilians participate in wars. And those who resist a foreign occupation violently are not necessarily military. Nor is there any clear moral or legal justification for killing those fighting a truly defensive war any more than there is for killing the non-participants. Estimates of war deaths vary for any given war. No two wars are the same, and the numbers change if those who die later from injury or disease are included with those immediately killed. But by most estimates, even counting only those immediately killed, the vast majority of those killed in war in recent decades have been non-participants. And in wars involving the United States, the vast majority of those killed have been non-Americans. Both of these facts, and the numbers involved, will seem crazy to anyone getting their war news from American media outlets, which routinely report the "war dead" and list only Americans. The "good war," World War II, is still the deadliest of all time, with military deaths estimated at 20 to 25 million (including 5 million deaths of prisoners in captivity), and civilian deaths estimated at 40 to 52 million (including 13 to 20 million from war-related disease and famine).210 The United States suffered a relatively small portion of these deaths — an estimated 417,000 military and 1,700 civilian. That is a horrendous statistic, but it is small in relation to the suffering of some of the other countries. The War on Korea saw the deaths of an estimated 500,000 North Korean troops; 400,000 Chinese troops; 245,000 - 415,000 South Korean troops; 37,000 U.S. troops; and an estimated 2 million Korean civilians. The War on Vietnam may have killed 4 million civilians or more, plus 1.1 million North Vietnamese troops, 40,000 South Vietnamese troops, and 58,000 U.S. forces. In the decades following the destruction of Vietnam, the United States killed a lot of people in a lot of wars, but relatively few U.S. soldiers died. The Gulf War saw 382 U.S. deaths, the highest number of U.S. casualties between Vietnam and the "war on terror." The 1965-1966 invasion of the Dominican Republic didn't cost a single U.S. life. Grenada in 1983 cost 19. Panama in 1989 saw 40 Americans die. Bosnia-Herzegovina and Kosovo saw a total of 32 U.S. war deaths. Wars had become exercises that killed very few Americans in comparison to the large numbers of non-U.S. non- participants dying. The wars on Iraq and Afghanistan similarly saw the other sides do almost all of the dying. The numbers were so high that even the proportionately tiny U.S. death counts climbed into the thousands. Americans hear through their media that over 4,000 U.S. soldiers have died in Iraq, but rarely do they encounter any report on the deaths of Iraqis. When news of Iraqi deaths is reported, the U.S. media usually cites totals collected from news reports by organizations that openly and prominently stress the likelihood that a large proportion of deaths are not reported. Fortunately, two serious studies have been done of Iraqi deaths caused by the invasion and occupation that began in March 2003. These studies measure the deaths that exceed the high death rate that existed under international sanctions before March 2003. The Lancet published the results of household surveys of deaths through the end of June 2006. In 92 percent of households asked to produce a death certificate to verify a reported death, they did so. The study concluded that there had been 654,965 excess violent and nonviolent deaths. This included deaths resulting from increased lawlessness, degraded infrastructure, and poorer healthcare. Most of the deaths (601,027) were estimated to be due to violence. The causes of violent deaths were gunshot (56 percent), car bomb (13 percent), other explosion/ordnance (14 percent), air strike (13 percent), accident (2 percent), and unknown (2 percent).212 Just Foreign Policy, a Washington-based organization, has calculated the estimated deaths through the time of this writing, extrapolated from the Lancet report based on the relative level of deaths reported in the media in the intervening years. The current estimate is 1,366,350. The second serious study of deaths caused by the War on Iraq was a poll of 2,000 Iraqi adults conducted by Opinion Research Business (ORB) in August 2007. ORB estimated 1,033,000 violent deaths due to the War on Iraq: "48 percent died from a gunshot wound, 20 percent from the impact of a car bomb, 9 percent from aerial bombardment, 6 percent as a result of an accident, and 6 percent from another blast/ordnance." Death estimates from the War on Afghanistan were much lower but rising swiftly at the time of this writing. For all of these wars, one can add a much larger casualty figure for the wounded than those I've cited for the dead. It is also safe to assume in each case a much larger number for those traumatized, orphaned, made homeless, or exiled. The Iraqi refugee crisis involves millions. Beyond that, these statistics do not capture the degraded quality of life in war zones, the usual reduced life expectancy, the increased birth defects, the rapid spread of cancers, the horror of unexploded bombs left lying around, or even the U.S. soldiers poisoned and experimented upon and denied compensation. Zeeshan-ul-hassan Usmani, an assistant professor at Ghulam Ishaq Khan Institute in Pakistan's North-West Frontier Province who recently completed five years as a Fulbright scholar in the U.S., reports that the ongoing and illegal U.S. drone strikes into Pakistan have killed 29 suspected terrorists and 1,150 civilians, wounding 379 more. If the numbers above are correct, World War II killed 67 percent civilians, the War on Korea 61 percent civilians, the War on Vietnam 77 percent civilians, the War on Iraq 99.7 percent Iraqis (whether or not civilians), and the Drone War on Pakistan 98 percent civilians.

#### Vote aff to politicize targeted killing secrecy – there is no wizard behind the curtain – legal solutions will fail until we refuse to defer authority knowledge to experts.

Cole, ‘12 [David Cole teaches constitutional law, national security, and criminal justice at Georgetown University Law Center. He is also a volunteer attorney for the Center for Constitutional Rights, the legal affairs correspondent for The Nation, a regular contributor to the New York Review of Books, and a commentator on National Public Radio’s All Things Considered. He has been published widely in law journals and the popular press, including the Yale Law Journal, California Law Review, Stanford Law Review, New York Times, Washington Post, Wall Street Journal, and Los Angeles Times. He has litigated constitutional cases in the Supreme Court; “Confronting the Wizard of Oz: National Security, Expertise, and Secrecy”; Connecticut Law Review, VOLUME 44, JULY 2012, NUMBER 5; http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2093&context=facpub]

Thus, deference to experts need not preclude independent or democratically accountable decision-making. The larger problem may be one that Rana notes but does not sufficiently emphasize—an inordinate reliance on classified information and covert operations.15 Secrecy is in many ways the ultimate enemy of democracy in the national security realm.16 As Judge Damon Keith has written, “democracy dies behind closed doors.”17 The experts in the intelligence community have the power to hide their decisions from external review and checks by classifying the information they consider or the actions they take.18 Even if they do so in good faith, the inevitable result is that their actions are increasingly insulated from scrutiny by others and immune from democratic checks. Virtually everyone who has had access to classified information concedes that the system leads to massive over-classification.19 Our overreliance on secrecy may well be more central to the problem of inordinate deference than assumptions about the nature of knowledge regarding security. And in any event, the problems are mutually reinforcing. The inaccessibility of the information the experts rely upon compels us to defer to them because we lack sufficient grounds to question them. And that, in turn, may well make the experts more protective of their information and more likely to classify their actions, decisions, and considerations. If this analysis is correct, then we must overcome not only the epistemological problem that Rana cites, but the problem of overreliance on secrecy as well. Experts can inform rather than supplant democratic decision-making only if we treat national security questions as appropriate for public deliberation, and if there is sufficient transparency to permit the decisions to be adequately informed. Rana stakes his claim for change on democratic legitimacy. Leaving such important decisions to unelected “experts” cannot be squared with the democratic foundations upon which our society rests, he argues.20 But there are at least two additional reasons, beyond democratic legitimacy, for resisting wholesale deference to the national security experts. First, many of the decisions that must be made in the security field involve more than questions of security. Surveillance issues, for example, almost inevitably involve a weighing of privacy interests against security concerns. Interrogation practices require us to balance the need for intelligence against interests in respecting human dignity and autonomy. Detention questions inevitably require a balancing of liberty and security. National security experts may well have expertise with respect to the security side of the equation on such questions, but there is no reason to think that they are experts in privacy, liberty, or human dignity. Indeed, precisely because of their specialized focus on security, they are ill-suited to weigh other concerns against security concerns. As Justice David Souter wrote in Hamdi v. Rumsfeld:21 In a government of separated powers, deciding finally on what is a reasonable degree of guaranteed liberty whether in peace or war (or some condition in between) is not well entrusted to the Executive Branch of Government, whose particular responsibility is to maintain security. For reasons of inescapable human nature, the branch of the Government asked to counter a serious threat is not the branch on which to rest the Nation’s entire reliance in striking the balance between the will to win and the cost in liberty on the way to victory; the responsibility for security will naturally amplify the claim that security legitimately raises. A reasonable balance is more likely to be reached on the judgment of a different branch . . . .22 How one strikes the balance between liberty and security is a decision that may be informed by experts, but is ultimately a normative question about the kind of society we want to live in—and that is quintessentially not a decision for experts, but for the people. Second, even if we bracketed the oft-competing rights concerns, and all we cared about was effective security, deference to experts operating with secret information behind closed doors might well be counterproductive. Experts are in no way immune from groupthink and other decisional biases, and the smaller the circle of actors with the requisite knowledge to act, the less likely it is that such errors will be corrected.23 Moreover, as the 9/11 Commission found, barriers to the sharing of information can greatly undermine the soundness of security strategies.24 Stovepiping is an inevitable consequence of specialization and classification (because only those with a clearance and a “need to know” can then gain access to the information), and makes it less likely that even the experts themselves will have access to all the information relevant to their decisions.25 Thus, greater transparency may be a benefit not merely from the vantage point of democratic legitimacy, as Rana illustrates, but also from the normative perspective of striking an appropriate balance, and from the pragmatic standpoint of improving security. Rana calls our attention to some of the deep philosophical undercurrents that have come to define modern attitudes toward national security. The issues are too important to be left to experts, but until we challenge our assumptions about the propriety of doing so, he argues, no formal legal solution will succeed. I am sympathetic to Rana’s concerns, and seek to support his argument with the three principal points made here. First, it is critical to consider the particular role that secrecy, itself controlled by experts, plays in constructing and perpetuating “expertise,” and in shielding the experts from democratic assessment. Second, when it comes to weighing security against other values, such as privacy, liberty, and human dignity, the experts deserve skepticism, not deference. And third, security decisions themselves are often undermined by the barriers that secrecy and specialization raise. Like the Wizard of Oz, national security experts operate behind a large screen, and that screen bars us from realizing, as Rana insists, that we are all capable of making the necessarily normative judgments about security and liberty that implicate not only the survival of our polity, but its survival in the form we choose

#### Voting aff is necessary to challenge the secrecy of the authoritarian war machine.

Giroux, ‘9/4 [Henry A. Giroux currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University; “Hope in a Time of Permanent War”; September 4, 2013; http://www.truth-out.org/opinion/item/18578-hope-in-a-time-of-permanent-war]

War has become not simply a strategy but a way of life in the United States. It has been elevated to an all-encompassing ideology and politics that includes a view of all citizens as potential terrorists in need of surveillance and an ongoing attack on dissidents, critical journalists, educators and any public sphere capable of questioning authority. Hope provides a potential register of resistance, a new language, a different understanding of politics and a view of the future in which the voices of the public are heard rather than silenced. Hope also accentuates how politics might be played out on the terrain of imagination and desire as well as in material relations of power and concrete social formations. Freedom and justice, in this instance, have to be mediated through the connection between civic education and political agency, which presupposes that the goal of hope is not to liberate the individual from the social - a central tenet of neoliberalism - but to take seriously the notion that the individual can only be liberated through the social. Democratic hope is a subversive, defiant practice that makes power visible and interrogates and resists those events, social relations and ideas that pose a threat to democracy. It refuses to escape into firewall of obtuse academic discourse removed from the problems of everyday life, it rejects the alleged neutrality of mainstream media, rebuffs the discourse of idiocy and simplification that characterizes celebrity culture, and it disallows a sterile and empty discourse of common sense, which wages a war on informed criticism, the imagination and the very possibility of imagining a better world. Hope at its best provides a link, however transient, provisional and contextual, between passion, vision and critique, on the one hand, and engagement and transformation, on the other. But for such a notion of hope to be consequential it has to be grounded in a pedagogical project that has some hold on the present. Hope becomes meaningful to the degree that it identifies agencies and processes, offers alternatives to an age of profound pessimism, reclaims an ethic of compassion and justice, and struggles for those institutions in which equality, freedom and justice flourish as part of the ongoing struggle for a global democracy. Yet, such hopes do not materialize out of thin air. They have to be nourished, developed, debated, examined and acted upon to become meaningful. And this takes time, and demands what might be called an "impatient patience." When outrage dissipates into silence, crippling the mind, imagination, spirit, and collective will, it becomes almost impossible to fight the galloping forces of authoritarianism that beset the United States and many other countries. But one cannot dismiss as impossible what is simply difficult, even if such difficulty defies hope itself. Bauman is right, once again, in arguing that "As to our hopes: hope is one human quality we are bound never to lose without losing our humanity. But we may be similarly certain that a safe haven in which to drop its anchor will take a very long time to be found."[xx] As the current administration tries to persuade the American public and a cravenly Congress that military intervention is necessary in Syria, Obama is betting against hope - against the possibility that his investment in war, state violence and secrecy will be challenged by the American public. There is more at stake here than a military strike against Syria, there is the Hobbesian imaginary of endless permanent war and the presence of a security-warfare state that can only imagine violence as a solution to whatever problem it identifies. The future of American society lies in opposition to the warfare state, its warfare culture, its mad machinery of violence and its gross misdeeds. State violence is not a measure of greatness and honor. Such violence trades in incredulous appeals to security and fear mongering in its efforts to paralyze the impulse for justice, the culture of questioning, and the civic courage necessary to refuse and oppose complicity with state terrorism. Hope turns radical when it exposes the acts of aggression against injustices perpetuated by a militarized state that can only dream of war. But hope does more than critique, dismantle, and expose the ideologies, values, institutions, and social relations that are pushing so many countries today into authoritarianism. It begs for more than a retreat into the language of criticism by developing a renewed sense of what it means to imagine otherwise, rethink a more just sense of the future, reclaim the principles of a real democracy, and organize a political discourse that inhabits not common sense but reflective sense, good sense—a sense that the struggle is not over and demands a broad based social movement in which the struggle for a new democratic global social order can be constructed.

# 2AC

## 2AC T Restrictions

#### We meet AND counter-interpretation – public politicization is the only effective means of restriction in today’s political context – spillsover to statutory restrictions.

Druck, ‘12 [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

As these situations become more and more common—where¶ postwar assessments look at monetary, rather than human costs—the¶ fear of unilateral presidential action similarly becomes more pertinent. Unlike past larger-scale wars, whose traditional harms provided¶ sufficient incentive for the populace to exert pressure on the President (either directly or via Congress), technology-driven warfare has¶ removed the triggers for checks on presidential action. And though¶ the military actions that have raised WPR issues involved limited,¶ small-scale operations, the volatile and unpredictable nature of warfare itself could eventually put American lives in danger, a risk worth¶ considering given the increased use of drones abroad.¶ Thus, the same conditions are now in place as when the WPR was¶ enacted, creating a need to revisit the importance of the WPR in light¶ of the numbing effect of technology-driven warfare. Although it¶ might be tempting to simply write off the WPR as a failed experiment¶ in aggressive congressional maneuvering given its inability to prevent¶ unilateral presidential action in the past, the new era of warfare and¶ its effects on the populace has created a newfound sense of urgency,¶ one that requires a strong statutory barrier between the President and¶ military action abroad. Thus, we need stronger WPR enforcement as¶ it becomes easier to enter into “hostilities.”¶ While others focus on the WPR itself,161 the emphasis of this Note¶ is on the public’s role in preventing unilateral presidential action. In¶ this respect, the simplest solution for the numbing effect of contemporary warfare is an increased level of public attentiveness and scrutiny concerning military actions abroad, regardless of the lack of visible costs at home. As we have seen, once the public becomes vigilant about our less-visible foreign actions, we can expect our politicians to become receptive to domestic law. But as this Note points¶ out, the issues surrounding a toothless WPR will continue to grow and¶ amplify as society enters a new age of technology-driven warfare.¶ Thus, there is a pressing need for greater public awareness of the new,¶ and perhaps less obvious, consequences of our actions abroad.162 Perhaps taking note of these unforeseen costs will improve the public’s¶ inquiry into potential illegal action abroad and create real incentives¶ to enforce the WPR.

#### A statute is a rule decided for the government

Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

statute [ˈstætjuːt]

n

2. (Law) a permanent rule made by a body or institution for the government of its internal affairs

## CP

#### Their belief that debate is just a game and their view of Conditionality eliminate an ethic of accountability necessary for empowering non-white bodies.

Collins, 90 (Patricia Hill, Distinguished University Professor of Sociology at the University of Maryland, College Park, Former head of the Department of African American Studies at the University of Cincinnati, and the past President of the American Sociological Association Council, Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment, p. 62-65)

A second component of the ethic of caring concerns the appropriateness of emotions in dialogues. Emotion indicates that a speaker believes in the validity of an argument. Consider Ntozake Shange’s description of one of the goals of her work: "Our [Western] society allows people to be absolutely neurotic and totally out of touch with their feelings and everyone else’s feelings, and yet be very respectable. This, to me, is a travesty I’m trying to change the idea of seeing emotions and intellect as distinct faculties." The Black women’s blues tradition’s history of personal expressiveness heals this either/or dichotomous rift separating emotion and intellect. For example, in her rendition of "Strange Fruit," Billie Holiday’s lyrics blend seamlessly with the emotion of her delivery to render a trenchant social commentary on southern lynching. Without emotion, Aretha Franklin’s cry for "respect" would be virtually meaningless. A third component of the ethic of caring involves developing the capacity for empathy. Harriet Jones, a 16-year-old Black woman, explains to her interviewer why she chose to open up to him: "Some things in my life are so hard for me to bear, and it makes me feel better to know that you feel sorry about those things and would change them if you could." Without her belief in his empathy, she found it difficult to talk. Black women writers often explore the growth of empathy as part of an ethic of caring. For example, the growing respect that the Black slave woman Dessa and the white woman Rufel gain for one another in Sherley Anne William’s Dessa Rose stems from their increased understanding of each other’s positions. After watching Rufel fight off the advances of a white man, Dessa lay awake thinking: "The white woman was subject to the same ravishment as me; this the thought that kept me awake. I hadn’t knowed white mens could use a white woman like that, just take her by force same as they could with us." As a result of her newfound empathy, Dessa observed, "it was like we had a secret between us." These components of the ethic of caring: the value placed on individual expressiveness, the appropriateness of emotions, and the capacity for empathy-pervade African-American culture. One of the best examples of the interactive nature of the importance of dialogue and the ethic of caring in assessing knowledge claims occurs in the use of the call-and-response discourse mode in traditional Black church services. In such services both the minister and the congregation routinely use voice rhythm and vocal inflection to convey meaning. The sound of what is being said is just as important as the words themselves in what is, in a sense, a dialogue of reason and emotion. As a result it is nearly impossible to filter out the strictly linguistic-cognitive abstract meaning from the sociocultural psychoemotive meaning. While the ideas presented by a speaker must have validity (i.e., agree with the general body of knowledge shared by the Black congregation), the group also appraises the way knowledge claims are presented. There is growing evidence that the ethic of caring may be part of women’s experience as well. Certain dimensions of women’s ways of knowing bear striking resemblance to Afrocentric expressions of the ethic of caring. Belenky et al. point out that two contrasting epistemological orientations characterize knowing: one an epistemology of separation based on impersonal procedures for establishing truth and the other, an epistemology of connection in which truth emerges through care. While these ways of knowing are not gender specific, disproportionate numbers of women rely on connected knowing. The emphasis placed on expressiveness and emotion in African-American communities bears marked resemblance to feminist perspectives on the importance of personality in connected knowing. Separate knowers try to subtract the personality of an individual from his or her ideas because they see personality as biasing those ideas. In contrast, connected knowers see personality as adding to an individual’s ideas and feel that the personality of each group member enriches a group’s understanding. The significance of individual uniqueness, personal expressiveness, and empathy in African-American communities thus resembles the importance that some feminist analyses place on women’s "inner voice." The convergence of Afrocentric and feminist values in the ethic of caring seems particularly acute. White women may have access to a women’s tradition valuing emotion and expressiveness, but few Eurocentric institutions except the family validate this way of knowing. In contrast, Black women have long had the support of the Black church, an institution with deep roots in the African past and a philosophy that accepts and encourages expressiveness and an ethic of caring. Black men share in this Afrocentric tradition. But they must resolve the contradictions that confront them in searching for Afrocentric models of masculinity in the face of abstract, unemotional notions of masculinity imposed on them. The differences among race/gender groups thus hinge on differences in their access to institutional supports valuing one type of knowing over another. Although Black women may be denigrated within white-male-controlled academic institutions, other institutions, such as Black families and churches, which encourage the expression of Black female power, seem to do so, in part, by way of their support for an Afrocentric feminist epistemology. The Ethic of Personal Accountability An ethic of personal accountability is the final dimension of an alternative epistemology. Not only must individuals develop their knowledge claims through dialogue and present them in a style proving their concern for their ideas, but people are expected to be accountable for their knowledge claims. Zilpha Elaw’s description of slavery reflects this notion that every idea has an owner and that the owner’s identity matters: "Oh, the abominations of slavery! ... Every case of slavery, however lenient its infliction and mitigated its atrocities, indicates an oppressor, the oppressed, and oppression." For Elaw abstract definitions of slavery mesh with the concrete identities of its perpetrators and its victims. African-Americans consider it essential for individuals to have personal positions on issues and assume full responsibility for arguing their validity. Assessments of an individual’s knowledge claims simultaneously evaluate an individual’s character, values, and ethics. African-Americans reject the Eurocentric, masculinist belief that probing into an individual’s personal viewpoint is outside the boundaries of discussion. Rather, all views expressed and actions taken are thought to derive from a central set of core beliefs that cannot be other than personal. "Does Aretha really believe that Black women should get ‘respect, or is she just mouthing the words?" is a valid question in an Afrocentric feminist epistemology. Knowledge claims made by individuals respected for their moral and ethical connections to their ideas will carry more weight than those offered by less respected figures. An example drawn from an undergraduate course composed entirely of Black women which I taught might help to clarify the uniqueness of this portion of the knowledge validation process. During one class discussion I asked the students to evaluate a prominent Black male scholar’s analysis of Black feminism. Instead of severing the scholar from his context in order to dissect the rationality of his thesis, my students demanded facts about the author’s personal biography. They were especially interested in concrete details of his life, such as his relationships with Black women, his marital status, and his social class background. By requesting data on dimensions of his personal life routinely excluded in positivist approaches to knowledge validation, they invoked concrete experience as a criterion of meaning. They used this information to assess whether he really cared about his topic and drew on this ethic of caring in advancing their knowledge claims about his work. Furthermore, they refused to evaluate the rationality of his written ideas without some indication of his personal credibility as an ethical human being. The entire exchange could only have occurred as a dialogue among members of a class that had established a solid enough community to employ an alternative epistemology in assessing knowledge claims. The ethic of personal accountability is clearly an Afrocentric value, but is it feminist as well? While limited by its attention to middle-class, white women, Carol Gilligan’s work suggests that there is a female model for moral development whereby women are more inclined to link morality to responsibility, relationships, and the ability to maintain social ties. If this is the case, then African-American women again experience a convergence of values from Afrocentric and female institutions. The use of an Afrocentric feminist epistemology in traditional Black church services illustrates the interactive nature of all four dimensions and also serves as a metaphor for the distinguishing features of an Afrocentric feminist way of knowing. The services represent more than dialogues between the rationality used in examining bible texts and stories and the emotion inherent in the use of reason for this purpose. The rationale for such dialogues involves the task of examining concrete experiences for the presence of an ethic of caring. Neither emotion nor ethics is subordinated to reason. Instead, emotion, ethics, and reason are used as interconnected, essential components in assessing knowledge claims. In an Afrocentric feminist epistemology, values lie at the heart of the knowledge validation process such that inquiry always has an ethical aim. Alternative knowledge claims in and of themselves are rarely threatening to conventional knowledge. Such claims are routinely ignored, discredited, or simply absorbed and marginalized in existing paradigms, Much more threatening is the challenge that alternative epistemologies offer to he basic process used by the powerful to legitimate their knowledge claims. If the epistemology used to validate knowledge comes into question, then all prior knowledge claims validated under the dominant model become suspect. An alternative epistemology challenges all certified knowledge and opens up the question of whether what has been taken to be true can stand the test of alternative ways of validating truth. The existence of a self-defined Black women’s standpoint using an Afrocentric feminist epistemology calls into question the content of what currently passes as truth and simultaneously challenges the process of arriving at the truth.

## 2AC Ableism

Perm solves best.

Wheelchair Dancer, 4/28/8 (“On Making Argument: Disability and Language”, <http://cripwheels.blogspot.com/2008/04/on-making-argument-disability-and.html> Accessed: 2/10/11 GAL)

In the disability movement, we often talk about interdependence and the way all humans are dependent, in some ways, on each other. We use these terms as a way of countering the very material point that disabled people are dependent, non contributing burdens on society, and we use it to challenge the narratives of able-bodied American self-sufficiency. I can't speak for a very diverse movement, but, to me, one of the signature disability moves is to look for a collaboration that acknowledges the interdependence of all peoples while respecting and valuing their differences. There is no logical need for one of us to leverage off the other: collaboration not competition floats more boats on a rising tide.

Focusing on language distracts from the real problems – actions speak louder than words.

Rose '04 Damon Rose "Don't call me handicapped!"Editor of BBC disability website Ouch! Monday, 4 October, 2004 http://news.bbc.co.uk/2/hi/uk\_news/magazine/3708576.stm

It differentiates them from normal, but in a saccharine manner. Disabled people are different, but not better or more important. Besides, putting them on a pedestal does not appear to be shifting attitudes or solving the appalling disability unemployment situation. Clearly, language in this field is a hotch-potch of confusion. Barriers There's an idea that the correct terminology is "people with disabilities". It's quite cute because it's born of a belief that we're people first. But speak to a disability studies student or rights campaigner and you're likely to be told this is a thoroughly incorrect use of language, due to a concept known as "the social model of disability". They will tell you the correct term is "disabled people". Why? Because the word disabled and disability refer to how society treats them, not their impairment, which is a medical matter. Disabled refers to what barriers have been placed in their way due to the physical environment: steps instead of ramps, no Braille menus in restaurants etc. It also refers to attitudes which perpetuate joblessness or non-inclusion. Linguistically the disability movement is trying to separate its personal medical situation from society's responsibility to all disabled people. It is about identifying as one who believes in having rights as opposed to someone who believes their poor quality of life is because they are not "perfect" human specimens. Of other words used to describe disabled people, "invalid" gives the message of being not valid or worthless. "Handicapped" is a word which many disabled people consider to be the equivalent of nigger. It evokes thoughts of being held back, not in the race, not as good, weighed down by something so awful we ought not to speak of it. Some would accuse disabled people of being over-sensitive, but language shapes thoughts. Russians have two entirely different words for light blue and dark blue and so tend to think of them as two totally separate colours. English speakers however see the two as shades of the same thing. Ultimately though, attitude is more important than words. The simple task of giving disability a name proves such a headache for some organisations they simply do nothing about "the disability problem". Glib and perhaps overly-simple it might be, but the phrase "actions speak louder than words" is really relevant here. Many warm words are spun about the furthering of disabled people - usually through a fear of getting sued - but positive action is often lacking.

## K

#### Perm is a prerequisite to the alternative – pedagogy must critically question subjectivity to contest broader systems of domination.

Giroux, ‘1 [Henry A. Giroux, currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University; “Pedagogy of the Depressed: Beyond the New Politics of Cynicism”; College Literature, Vol. 28, No. 3 (Fall, 2001)]

In opposition to these increasingly dominant views of education and cultural politics, I want to argue for a transformative pedagogy—rooted in the project of resurgent democracy—that relentlessly questions the kinds of labor, practices, and forms of production that are enacted in public and higher education. Such an analysis should be relational and contextual, as well as self-reflective and theoretically rigorous. By relational, I mean that the cur- rent crisis of schooling must be understood in relation to the broader assault that is being waged against all aspects of democratic public life. As Jeffrey Williams has recently pointed out, "the current restructuring of higher edu-cation is only one facet of the restructuring of civic life in the US whereby previously assured public entitlements such as healthcare, welfare, and social security have evaporated or been 'privatized,' so no solution can be separat-ed from a larger vision of what it means to enfranchise citizens or our repub-lic" (1999, 749). But as important as such articulations are in understanding the challenges that public and higher education face in the current histori- cal conjuncture, they do not go far enough. Any critical comprehension of those wider forces that shape public and higher education must be supple- mented by attentiveness to the conditional and political nature of pedagogy itself. This suggests that pedagogy can never be treated as a fixed set of prin- ciples and practices that can be applied indiscriminately across a variety of pedagogical sites. Pedagogy must always be contextually defined, allowing it to respond specifically to the conditions, formations, and problems that arise in various sites in which education takes place. Rather than treating peda- gogy as commodity, progressive educators need to engage their teaching as a theoretical resource that is both shaped by and responds to the very problems that arise in the in-between space/places/contexts that connect classrooms with the experiences of everyday life. Under such circumstances, educators can both address the meaning and purpose of schools in their relationship to the demands of the broader society while simultaneously being sensitive to the distinctive nature of the issues educators address within the shifting contexts in which they interact with a diverse body of students, texts, and institutional formations. Critical pedagogy locates discursive practices in a broader set of interre-lations, but it analyzes and gives meaning to such relations by defining them within particular contexts constructed through the operations of power as articulated through the interaction among texts, teachers, and students. This suggests that questions of articulation and contexts need to be highlighted as matters of ethics and politics. Ethically, critical pedagogy requires an ongoing indictment "of those forms of truth-seeking which imagined themselves to be eternally and placelessly valid" (Gilroy 2000, 69). Simply put, educators need to cast a critical eye on those forms of knowledge and social relations that define themselves through a conceptual purity and political innocence that clouds not only how they come into being but also ignores the reality that the alleged neutrality on which they stand is already grounded in ethico- political choices. Thomas Keenan rightly argues that ethics on the pedagog- ical front demands an openness to the other, a willingness to engage a "pol- itics of possibility" through a continual critical engagement with texts, images, events, and other registers of meaning as they are transformed into public pedagogies (1997, 2). One consequence of linking pedagogy to the specificity of place is that it extends the possibility of making the pedagogi- cal more political. Not only does it foreground the need for educators to rethink the cultural and political baggage they bring to each educational encounter, it highlights the necessity of making educators ethically and polit- ically accountable for the stories they produce, the claims they make upon public memory, and the images of the future they deem legitimate. Pedagogy is never innocent, and if it is to be understood and problematized as a form of academic labor, educators must not only critically question and register their own subjective involvement in how and what they teach, they must also resist all calls to depoliticize pedagogy through appeals to either scientific objectivity or ideological dogmatism. Far from being disinterested or ideo- logically frozen, critical pedagogy is concerned about the articulation of knowledge to social effects and succeeds to the degree in which educators encourage critical reflection and moral and civic agency rather than simply mold it. Crucial to the latter position is the necessity for critical educators to be attentive to the ethical dimensions of their own practice. But as an act of intervention, critical pedagogy needs to be grounded in a project that not only problematizes its own location, mechanisms of trans-mission, and effects, but also functions as part of a larger project to contest various forms of domination and to help students think more critically about how existing social, political, and economic arrangements might be better suited to address the promise of a radical democracy as an anticipatory rather than messianic goal. Jacques Derrida has suggested that the social function of intellectuals as well as any viable notion of education should be grounded in a vibrant politics that makes the promise of democracy a matter of concrete urgency. For Derrida, making visible a "democracy" that is to come as opposed to that which presents itself in its name provides a referent for both criticizing everywhere what parades as democracy—"the current state of all so-called democracy"—and for critically assessing the conditions and possi- bilities for democratic transformation (2000, 9). Derrida sees the promise of democracy as the proper articulation of a political ethics and by implication suggests that when higher education is engaged and articulated through the project of democratic social transformation it can function as a vital public sphere for critical learning, ethical deliberation, and civic engagement. Moreover, the Utopian dimension of pedagogy articulated through the proj- ect of radical democracy offers the possibility of resistance to the increasing depoliticization of the citizenry, provides a language to challenge the politics of accommodation that connects education to the logic of privatization, refuses to define the citizen as simply a consuming subject, and actively opposes the view of teaching as market-driven practice and learning as a form of training. Utopian in this sense is not an antidote to politics, a nos- talgic yearning for a better time, or for some "inconceivably alternative future." But, by contrast, it is an "attempt to find a bridge between the pres- ent and future in those forces within the present which are potentially able to transform it" (Eagleton 2000, 22).

The perm’s bottom up movements solve better than the alternative – the alt’s revolution fails because it ignores how power operates on an individual level.

Cho, ‘7 [Seehwa Cho University of St. Thomas, Minnesota; “Politics of Critical Pedagogy and New Social Movements” 26 October 2007; Accepted: 22 November 2007; Educational Philosophy and Theory,Vol. 42, No. 3, 2010]

Foucault, who was heavily influenced by Nietzsche, presents a different conceptualization of power. Instead of seeing power as ‘possession’, he maintains that it is more useful to see power as technology or mechanism. In other words, what really matters is not who has power (i.e. capitalists or the ruling class) or where power is located (i.e. the State). Rather, the real focus, according to Foucault, should be on how power operates and what mechanisms power employs (Foucault, 1980). The political implications of Foucault’s theory are enormous. Since power in the Western modern society no longer operates exclusively through the State and the State apparatus, replacing the repressive power of the State would not bring fundamental changes in the structure of power (thus, the famous phrase, ‘power is everywhere’). As such, this position tends to lead to a politics of anti-systematic changes. We should no longer be naïve enough to believe in the possibility of systemic changes via revolution, according to this position. Instead of pursuing systemic changes, the only viable option left is local grassroots democracy movements from bottom up.////2 Along with the abandonment of systematic changes (including the State), individual and local struggles have become the main site of social change (a point to which I return later). Now the target of struggle is not just the State, institutions, and formal hierarchies of power, but more importantly it is everyday life and experiences— the molecular levels which power circulates and formulate subject. We have seen in recent decades a proliferation of studies on feminist pedagogies based on a ‘politics of process’, be they consensus, dialogue, pluralism, or celebration of differences (for example, Luke & Gore, 1992; Ropers-Huilman, 1998; Mahler & Tetreault, 2002; Macdonald & Sancher-Casal, 2002). The focus of this project has been to find a democratic (hopefully power-free, or less power-ridden) process of engagement, and the emphasis has very much been on anti-authority and anti-hierarchy.

## DA Flex

#### Presidents empirically proven to fail at war planning – hasty decision-making leads to unintended conflicts.

Griffin, ’12 [Stephen M. Griffin is a Rutledge C. Clement, Jr. Professor in Constitutional Law at Tulane University Law School, served as a Bigelow Fellow at the University of Chicago and research instructor in law at New York University, received the Sumter Marks Award in recognition of his publications; “The Tragic Pattern of the War Power: Presidential Decisions for War since 1945”; 2012]

This is an essential pillar of the reasoning of enthusiasts of unilateral presidential decisionmaking in foreign affairs. Because of the military legacy of the Cold War, presidents today not only have the ability to make swift decisions, but to actually have them visited rapidly on the enemy. There is also little doubt that Yoo’s somewhat Napoleonic portrayal of presidential decisionmaking is part of the cultural legacy of the Cold War. It was certainly promoted in the early Cold War by presidents themselves as well as their congressional supporters.216 As a comparison of the relative ability of the executive and legislative branches to make speedy decisions, Hamilton’s argument is certainly plausible as far as it goes, but in the kind of government we have had since the Cold War began, it does not take us very far. Swift decisionmaking has little to do with a presidential decision to initiate the kind of war that has occupied us here. Wars involving the potential of thousands of American casualties, millions of foreign casualties, and the expenditure of hundreds of billions of dollars are usually not based on off-the-cuff decisions. Korea (especially taking into consideration the decision to cross the 38th parallel), Vietnam and the 1991 Gulf War were enormous undertakings and required layers of complex interagency decisionmaking, not a single swift move. Indeed, these considerations were part of what made it necessary in 1947 to establish the NSC to coordinate policy within the executive branch. During the Cold War and after, the pre-Pearl Harbor constitutional order was identified with isolationism and no one thought a return to that policy after 1945 was realistic. But while it is relevant to ask if there was an alternative, there is no escaping the ineluctable reality that the post-1945 order was a tragedy waiting to happen. That order was inconsistent with the historical meaning of the Constitution and the original constitutional order remained relevant to making decisions for war. Whether the post-1945 order was necessary or not, it introduced deep tensions into the American system of governance. The case studies presented above show that the interagency process taking place inside the executive branch was not an adequate substitute for the constitutionally mandated interbranch process. The inability of the executive branch to deliberate and make effective decisions on its own manifested itself in surprising ways. The executive branch has repeatedly failed to engage in effective war planning. With respect to Korea, Truman had to cope with the novelty of limited war and the fact that he would have been criticized by Republicans if he had ordered MacArthur to stop at the 38th parallel to restore the status quo ante. Nonetheless, it was his decision alone to unite the peninsula, a decision made essentially on the fly. In turn, that caused China to intervene. Korea then became a conflict of unanticipated scope that ended in stalemate and ruined Truman’s last years in office. True to his initial decision to intervene, Truman did not share responsibility with Congress and so Congress escaped both a valuable learning experience and the blame for the war. In addition, the case studies show that there is considerable evidence that the executive branch has had problems determining on war aims. President George H. W. Bush studiously avoided consulting Congress during the crucial period of decision in fall 1990 when it became possible to contemplate turning Operation Desert Shield into Desert Storm. This meant that he did not have to resolve on a unified set of war aims that would have been a necessary part of convincing Congress to authorize the war. Like Truman, Bush waited until it was too late to convince Congress and the public that the war had a point beyond forcing Iraq out of Kuwait. Thus the war had no substantial implications for policy and could not even help Bush remain in office. Not submitting the war to a timely congressional decision that Bush would have respected turned out not only to be counterproductive in terms of policy, but contrary to Bush’s political interests. Similarly, President George W. Bush failed to clarify what the war in Afghanistan was for beyond the removal of al Qaeda from Afghan territory. Partly as a consequence, the war became an endless struggle against the Taliban in both Afghanistan and Pakistan that is still ongoing as of 2012. It is striking that the executive, often represented by presidentialists as the branch that is most decisive and expert on matters of war, could consistently both fail to deliberate and fail to reach agreement on its goals in going to war. This suggests strongly that the pressures to shirk hard choices are too great to be overcome by one branch working alone.

#### Their narratives of U.S. hegemony rely on images of anarchy and racial inferiority that colonize knowledge production and lead to perpetual intervention

Kaplan, humanities prof, ‘4—President of the American Studies Association as well as a professor of English and the Edmund J. and Louise W. Kahn Endowed Term Professor in the Humanities at the University of Pennsylvania (Amy, American Quarterly 56.1 (2004) 1-18, “Violent Belongings and the Question of Empire Today Presidential Address to the American Studies Association, October 17, 2003,” Project MUSE)

This coming-out narrative, associated primarily with neoconservatives, aggressively celebrates the United States as finally revealing its true essence—its manifest destiny—on a global stage. We won the Cold War, so the story goes, and as the only superpower, we will maintain global supremacy primarily by military means, by preemptive strikes against any potential rivals, and by a perpetual war against terror, defined primarily as the Muslim world. We need to remain vigilant against those rogue states and terrorists who resist not our power but the universal human values that we embody. This narrative is about time as well as space. It imagines an empire in perpetuity, one that beats back the question haunting all empires in J. M. Coetzee's Waiting for the Barbarians: "One thought alone preoccupies the submerged mind of Empire: how not to end, how not to die, how to prolong its era." 9 In this hypermasculine narrative there's a paradoxical sense of invincibility and unparalleled power and at the same time utter and incomprehensible vulnerability—a lethal combination, which reminds us that the word vulnerable once also referred to the capacity to harm. Another dominant narrative about empire today, told by liberal interventionists, is that of the "reluctant imperialist." 10 In this version, the United States never sought an empire and may even be constitutionally unsuited to rule one, but it had the burden thrust upon it by the fall of earlier empires and the failures of modern states, which abuse the human rights of their own people and spawn terrorism. The United States is the only power in the world with the capacity and the moral authority to act as military policeman and economic manager to bring order to the world. Benevolence and self-interest merge in this narrative; backed by unparalleled force, the United States can save the people of the world from their own anarchy, their descent into an [End Page 4] uncivilized state. As Robert Kaplan writes—not reluctantly at all—in "Supremacy by Stealth: Ten Rules for Managing the World": "The purpose of power is not power itself; it is a fundamentally liberal purpose of sustaining the key characteristics of an orderly world. Those characteristics include basic political stability, the idea of liberty, pragmatically conceived; respect for property; economic freedom; and representative government, culturally understood. At this moment in time it is American power, and American power only, that can serve as an organizing principle for the worldwide expansion of liberal civil society." 11 This narrative does imagine limits to empire, yet primarily in the selfish refusal of U.S. citizens to sacrifice and shoulder the burden for others, as though sacrifices have not already been imposed on them by the state. The temporal dimension of this narrative entails the aborted effort of other nations and peoples to enter modernity, and its view of the future projects the end of empire only when the world is remade in our image. This is also a narrative about race. The images of an unruly world, of anarchy and chaos, of failed modernity, recycle stereotypes of racial inferiority from earlier colonial discourses about races who are incapable of governing themselves, Kipling's "lesser breeds without the law," or Roosevelt's "loosening ties of civilized society," in his corollary to the Monroe Doctrine. In his much-noted article in the New York Times Magazine entitled "The American Empire," Michael Ignatieff appended the subtitle "The Burden" but insisted that "America's empire is not like empires of times past, built on colonies, conquest and the white man's burden." 12 Denial and exceptionalism are apparently alive and well. In American studies we need to go beyond simply exposing the racism of empire and examine the dynamics by which Arabs and the religion of Islam are becoming racialized through the interplay of templates of U.S. racial codes and colonial Orientalism. These narratives of the origins of the current empire—that is, the neoconservative and the liberal interventionist—have much in common. They take American exceptionalism to new heights: its paradoxical claim to uniqueness and universality at the same time. They share a teleological narrative of inevitability, that America is the apotheosis of history, the embodiment of universal values of human rights, liberalism, and democracy, the "indispensable nation," in Madeleine Albright's words. In this logic, the United States claims the authority to "make sovereign judgments on what is right and what is wrong" for everyone [End Page 5] else and "to exempt itself with an absolutely clear conscience from all the rules that it proclaims and applies to others." 13 Absolutely protective of its own sovereignty, it upholds a doctrine of limited sovereignty for others and thus deems the entire world a potential site of intervention. Universalism thus can be made manifest only through the threat and use of violence. If in these narratives imperial power is deemed the solution to a broken world, then they preempt any counternarratives that claim U.S. imperial actions, past and present, may have something to do with the world's problems. According to this logic, resistance to empire can never be opposition to the imposition of foreign rule; rather, resistance means irrational opposition to modernity and universal human values.

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#### Local protests prove we meet – resulted in bans

Sengupta 13 (Somini Sengupta is a writer for the New York Times, "Rise of Drones in U.S. Drives Efforts to Limit Police Use", http://www.nytimes.com/2013/02/16/technology/rise-of-drones-in-us-spurs-efforts-to-limit-uses.html?pagewanted=all&\_r=0, February 15, 2013)

 “Drones are capable of taking surveillance to a whole new level,” Mr. Norris said.¶ Last week, the Seattle Police Department agreed to return its two still-unused drones to the manufacturer after Mayor Michael McGinn answered public protests by banning their use. On Thursday, the Alameda County Board of Supervisors in Oakland, Calif., listened to the county sheriff’s proposal to use federal money to buy a four-pound drone to help his officers track suspected criminals — and then listened to raucous opposition from the antidrone lobby, including a group that uses the Twitter handle @N.O.M.B.Y., short for Not Over My Back Yard.

Rana, ’11 [Aziz Rana received his A.B. summa cum laude from Harvard College and his J.D. from Yale Law School. He also earned a Ph.D. in political science at Harvard, where his dissertation was awarded the university's Charles Sumner Prize. He was an Oscar M. Ruebhausen Fellow in Law at Yale; “Who Decides on Security?”; 8/11/11; Cornell Law Library; <http://scholarship.law.cornell.edu/clsops_papers/87/>]

If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the r elationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars – emphasizing new statutory frameworks or greater judicial assertiveness – is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants – danger too complex for the average citizen to comprehend independently – it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The p roblem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.