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#### **Will Pass – republicans have pressure from voters to negotiate with popular democrats**

Leopold 10/17/2013 (David Leopold Immigration Attorney/Immigration Reform Advocate, past president & past general counsel, American Immigration Lawyers Association Immigration Reform: A Pathway to Citizenship for the GOP? <http://www.huffingtonpost.com/david-leopold/immigration-reform-republicans_b_4115804.html>) MT

Needless to say, the shutdown/debt crisis didn't end well for Congressional Republicans. The basic take away is that the GOP backed down after a 16 day standoff over Obamacare with little or nothing to show for it, other than a very annoyed American public. A Washington Post/ABC poll released earlier this week found that an astounding 74 percent of the public disapprove of GOP's handling of the budget negotiations. The question now is whether reasonable Republicans have learned that they can't let extremists run their strategy. The have a clear way out of this mess, and an historic opportunity to earn back the confidence of their supporters and the respect of the American people. How? By working with House Democrats to pass a bipartisan comprehensive immigration reform bill, one which keeps the borders safe, prevents employers from gaming the system, provides a temporary worker program, and gives the 11 million unauthorized immigrants living in the shadows a reasonable path to earned citizenship. Of course there are those who will say immigration reform is not possible now, especially given the nasty partisanship of the past couple of weeks. Why on earth would the House GOP work with President Obama and their counterparts in the House on immigration reform given the animosity and partisan bickering that plagues Washington? The answer: because it's in their best interest. Recent polls in key GOP held districts show that voters overwhelmingly support immigration reform with a path to citizenship. More ominously for the GOP, polling from NBC/Wall Street Journal, Washington Post/ABC News, and Public Policy Polling shows that the Republican party's image is badly in need of repair among the American people and especially among Latino voters. They could surprise everyone by doing something big and bold and turning immediately to broad immigration reform.

#### Plan unpopular- House has no desire to end indefinite detention.

McAuliff 6/13 (Michael, Reporter with a history of NYDN and ABCNews, Huffington Post, “Indefinite Detention of Americans Survives House Vote”, <http://www.huffingtonpost.com/2013/06/13/indefinite-detention-americans_n_3437923.html>) AO

WASHINGTON -- The U.S. House of Representatives voted again Thursday to allow the indefinite military detention of Americans, blocking an amendment that would have barred the possibility. Congress wrote that authority into law in the National Defense Authorization Act two years ago, prompting outrage from civil libertarians on the left and right. President Barack Obama signed the measure, but insisted his administration would never use it. Supporters of detention argue that the nation needs to be able to arrest and jail suspected terrorists without trial, including Americans on U.S. soil, for as long as there is a war on terror. Their argument won, and the measure was defeated by a vote of 200 to 226. But opponents, among them the Rep. Adam Smith (D-Wash.), who offered the amendment to end that authority, argued that such detention is a stain on the Constitution that unnecessarily militarizes U.S. law enforcement. "It is a dangerous step toward executive and military power to allow things like indefinite detention under military control within the U.S.," Smith said. "That's the heart and essence of this issue." Smith's amendment, which also had Republican sponsors including Reps. Chris Gibson (N.Y.) and Justin Amash (Mich.), would guarantee that anyone arrested in the United States gets a trial. Republican opponents argued that such a move would just invite terrorists to come to the United States, citing the recent Boston bombings and the consulate attacks in Benghazi, Libya, as evidence that terrorists were determined to harm the U.S. They said that applying the Constitution on U.S. soil amounted to a free pass to people bent on trying to destroy the country. Rep. Tom Cotton (R-Ark.), compared ending indefinite detention to giving someone a free pass in a game of hide-and-seek. "There was a phrase in that game called 'olly olly oxen free' -- meant you could come out, you were safe, you no longer had to hide," Cotton argued. "This amendment is the olly olly oxen free amendment of the war on terrorism. It invites Al Qaeda and associated forces to send terrorists to the United States and recruit terrorists on U.S. soil."

#### **Political capital is key to passing CIR**

Foster 7/25/13 Charles C. Foster, Attorney Posted: 07/25/2013 Immigration Reform: Too Early To Start Planning? <http://www.abcactionnews.com/dpp/marketplace/law_tv/immigration-reform-too-early-to-start-planning>) MT

At this stage, it’s too early to predict, but it is somewhat likely that sufficient immigration reform legislation can be passed by the House that it can go to a conference committee with the Senate bill, with both legislative bodies passing one of the biggest immigration bills in the history of the United States, which will fundamentally change our legal immigration system and for the first time provide legal options to a large underclass of undocumented workers, estimated to be as high as 11 million within the United States. The following are key points from this prospect of immigration reform legislation that could be signed by President Barack Obama by the end of the year: 1. While I believe the leadership in both parties and certainly the President of the United States sincerely believe that 2013 is the best opportunity to pass immigration reform, and that it is in the interest of both parties and the country to do so, and the President badly wants a big immigration bill for his legacy, there are still a number of significant road blocks in the House and, in particular, in the Republican Caucus that could derail the prospects.

#### **Immigration reform is key to jobs and agriculture – solves the economy**

METZLER 2013 (By REBEKAH State house writer/Staffwriter/ July 29, 2013 / White House: Immigration Reform Helps the Economy <http://www.usnews.com/news/articles/2013/07/29/white-house-immigration-reform-helps-the-economy> MT

The agriculture industry is hampered by a broken immigration system that fails to support a predictable and stable workforce," said a White House press release. The provisions in the bipartisan Senate-passed bill would allow for an estimated 1.5 million farm workers and their families to earn legal status, after agreeing to pay a fine and back taxes, the Obama administration report says. "Coupled with a decline in native-born rural populations, the strength and continuity of rural America is contingent on common sense immigration reform that improves job opportunity, provides local governments with the tools they need to succeed and increases economic growth," the White House release said. Citing a 2008 analysis, provisions to expand the guest worker program similar to those included in the Senate bill, the White House report says the legislation "would raise GDP by approximately $2 billion in 2014 and $9.79 billion in 2045. And it would increase total employment by nearly 17,000 jobs in 2014 and nearly 40,000 jobs in 2045."

#### Economic Decline leads to nuclear conflict

Royal ‘10

(director of Cooperative Threat Reduction at the U.S. Department of Defense (Jedediah, Economics of War and Peace: Economic, Legal, and Political Perspectives, pg 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (20081 advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 19SJ) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fcaron. 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Mom berg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write. The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict lends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> Economic decline has also been linked with an increase in the likelihood of terrorism (Blombcrg. Hess. & Wee ra pan a, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force arc at least indirecti) correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that Ihe tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked lo an increase in the use of force. In summary, rcccni economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

# Off

Text: The President of the United States should pass an executive order to establish a National Security Court with sole jurisdiction over cases pursuant to Section 1021 of the National Defense Authorization Act for Fiscal Year 2012.

#### The president has authority over indefinite detention – no Congressional statute prevents the CP

Hanley, 12

(James Hanley is an ISPU fellow and an Associate Professor and Department Chair of Political Science at Adrian College. “The Continuing Growth Of Executive Power: The National Defense Authorization Act of 2012” <http://www.ispu.org/pdfs/ISPU_Brief_NDAA_Bill_final.pdf>) Henge

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate…. 2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain…. 3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter….27 In claiming the inherent executive authority to order detention, Bush was operating in that “zone of twilight”; however, because he relied on the AUMF he succeeded in moving his authority to “its maximum.” Since the Supreme Court accepted the claim of a congressional grant of authority, it did not need to examine the less certain claim of inherent executive power, the “lowest ebb” claim. Having the congressionally granted and judicially approved authority in hand, neither Bush nor his successor Barack Obama needed to reiterate the claim of inherent authority. Consequently, this claim remains unsettled because it has been neither confirmed nor rejected. It is not surprising that Bush, as its originator and a supporter of the unitary executive theory, never renounced it. But Obama, who criticized it as a candidate, has also not clearly rejected it as president. While publicly stating that he does base his detention authority on the AUMF, he has not taken the further step of stating that the president must rely on a congressional grant of authority.

#### Legislative and Judicial checks on the executive prevent effective responses to nuclear terrorism and prolif

Li 2009 (ZHEYAO LI, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, Winter, 2009¶ The Georgetown Journal of Law Public Policy¶ 7 Geo. J.L. & Pub. Pol'y 373, lexis, bs)

Another tenet of the Congressionalist position is "balanced institutional participation in foreign affairs." n25 Professor Koh, for example, advocates the implementation of a national security charter to reflect what he sees as the needed restoration of the separation and balance of powers between all three branches of government. This charter would be "[c]onsistent with the guiding principle of balanced institutional participation," prescribing a foreign affairs decision-making apparatus in which all three branches play important roles: "in a Congress that enacts a framework statute defining institutional responsibilities in foreign affairs; in a president who helps draft and apply the statute; and in courts who construe the charter and draw boundaries between lawful and unlawful conduct." n26 One of the most troubling features of Professor Koh's proposal is the involvement of the judicial branch.¶ Professor Koh fails to adequately discuss the objection that judicial intervention in the formulation of foreign policy would constitute an inherently political act. For, indeed, as Carl von Clausewitz once wrote, "[w]ar is merely the continuation of policy by other means" and "[w]hen whole communities go to war--whole peoples, and especially civilized peoples--the reason always lies in some political situation, and the occasion is always due to some political object." n27 Thus, to call for judicial review of the constitutionality or even [\*380] statutory legality of war actions is to invite judicial second-guessing in the policymaking motivations and processes of the political branches, and to weigh the wisdom of the legislature against the wisdom of the executive. A federal district court in Massachusetts was conscious of this exact problem when confronted, in a suit filed by six members of Congress, with the issue of whether President George W. Bush legally used force in committing troops to Iraq in 2003. The court ruled that, "[a]bsent a clear abdication of this constitutional responsibility by the political branches, the judiciary has no role to play." n28 The district court's holding was subsequently affirmed by the First Circuit on appeal, and the plaintiffs refrained from petitioning the Supreme Court for a writ of certiorari. n29¶ Another shortcoming of Professor Koh's proposal to introduce new institutional checks and balances on the war powers through statutory enactment is revealed when he quotes, but quickly dismisses, the concerns of Professor Paul Kennedy, who wrote even before the end of the Cold War that the United States¶ "may not always be assisted by its division of constitutional and decision-making powers, deliberately created when it was geographically and strategically isolated from the rest of the world two centuries ago . . . but which may be harder to operate when it has become a global superpower, often called upon to make swift decisions vis-a-vis countries which enjoy far fewer constraints." n30¶ While Koh is absolutely correct when he argues that, simply because other nation-states might not abide by the same constitutional or democratic constraints, that does not entitle America to freely disregard her own Constitution, n31 this tautology does not provide a satisfactory conclusion to the inquiry, especially when American lives are at stake.¶ Specifically, Professor Koh fails to foresee the unique problems presented by the rise of non-state actors, particularly terrorist groups. He writes that "[e]xpecting, perhaps, a response to a nuclear strike, the occasions are exceedingly rare when the president would jeopardize the nation by considering legality before committing the nation to a course of international action." n32 This statement is true when considered solely in the context of non-nuclear, state-based threats. In the modern age of international terrorism and rogue states, however, considering the proliferation of weapons of mass destruction and the ease and low cost with which WMDs may be deployed, the President may not have the luxury to [\*381] wait on congressional debate and approval before acting to prevent the loss of American lives.

**Politics is a net benefit**

**Fleishman 76**

Joel Fleishman (Professor of Law & Policy Sciences at Duke University) 1976 Law & Contemporary Problems, Summer p. 38

Several related factors, in particular, make executive orders especially attractive policymaking tools for a President. First is speed. Even if a President is reasonably confident of securing desired legislation from congress, he must wait for congressional deliberations to run their course. Invariably, he can achieve far faster, if not immediate, results by issuing an executive order. Moreover, when a President acts through an order, he avoids having to subject his policy to public scrutiny and debate. Second is flexibility. Executive orders have the force of law. Yet they differ from congressional legislation in that a President can alter any executive order simply with the stroke of his pen-merely by issuing another executive order. As noted earlier, Presidents have developed the system of classifying national security documents in precisely this manner. Finally, executive orders allow the President, not only to evade hardened congressional opposition, but also to preempt potential or growing opposition-to throw Congress off balance, to reduce its ability to formulate a powerful opposing position.

# Off

#### The Justice system is racist and Islamophobic. Muslims accused of terrorism are presumed guilty and subjected to dehumanizing conditions and torture in the American prisons they would send them to. That turns the aff.

Brittain in 2013

(Victoria, journalist and former editor at the Guardian, “U.S. Muslims guilty until proven innocent”, <http://www.islamophobiatoday.com/2013/06/10/u-s-muslims-guilty-until-proven-innocent/>, rcheek)

A four-month hunger strike, mass force-feedings, and widespread media coverage have at last brought Guantanamo, the notorious offshore prison set up by the Bush administration early in 2002, back into American consciousness. Prominent voices are finally calling on President Obama to close it down and send home scores of prisoners who, years ago, were cleared of wrongdoing.¶ Still unnoticed and out of the news, however, is a comparable situation in the U.S. itself, involving a pattern of controversial terrorism trials that result in devastating prison sentences involving the harshest forms of solitary confinement. This growing body of prisoners is made up of Muslim men, including some formerly well-known and respected American citizens.¶ At the heart of these cases is a statute from the time of the Clinton presidency making it a crime to provide “material support” to any foreign organization the government has designated as “terrorist.” This material support provision was broadened in the USA PATRIOT Act, passed by Congress just after the 9/11 attacks, and has been upheld by a 2010 Supreme Court ruling in the case of Holder v. Humanitarian Law Project. Today, almost any kind of support, including humanitarian aid, training, expert advice, “services” of all sorts, or “political advocacy” undertaken in “coordination” with any group on the State Department’s terrorist list, can lead to such a terror trial. The Court has never defined what “coordination” actually means.¶ In that Supreme Court ruling, Justice Stephen Breyer was joined in dissent by Justices Ruth Bader Ginsburg and Sonia Sotomayor. Justice Breyer proposed a narrower interpretation of material support: individuals should not be subject to prosecution unless they knowingly provided a service they had reason to believe would be used to further violence. At the time, the position of the dissenting judges was backed by key editorials in major newspapers. In the three years since, however, more material support cases have resulted in long sentences with very little public notice or critical comment.¶ Pre-Trial Punishment¶ In the U.S. these days, the very word “terror,” no less the charge of material support for it, invariably shuts down rather than opens any conversation. Nonetheless, a decade of researching a number of serious alleged terrorism cases on both side of the Atlantic, working alongside some extraordinary human rights lawyers, and listening to Muslim women in Great Britain and the U.S. whose lives were transformed by the imprisonment of a husband, father, or brother has given me a different perspective on such cases.¶ Perhaps most illuminating in them is the repeated use of what’s called “special administrative measures” to create a particularly isolating and punitive atmosphere for many of those charged with such crimes, those convicted of them, and even for their relatives. While these efforts have come fully into their own in the post-9/11 era, they were drawn from a pre-9/11 paradigm. Between the material support statute and those special administrative measures, it has become possible for the government to pre-convict and in many cases pre-punish a small set of Muslim men.¶ Take the case of Ahmed Abu Ali, a young Palestinian-American who is now serving life in the Administrative Maximum Facility, a supermax prison in Florence, Colorado, and is currently under special administrative measures that restrict his communications with the outside world. A university student in Saudi Arabia, he was arrested in 2003 by the Saudi government and held for 20 months without charges or access to a lawyer. The Washington Post reported that the U.S. government finally asked for his return just as his family filed a lawsuit in Washington.¶ At the time, it seemed like a victory for the family and the various human rights organizations that had supported them, but on arrival Ahmed was charged with material support for al-Qaeda and plotting to assassinate President George W. Bush. The evidence to convict him came from an anonymous alleged co-conspirator and from taped confessions he made, evidently after being tortured in Saudi Arabia, a common practice there. The evidence of his torture was contested at his trial. The case was described by a staff member of Amnesty International USA as “unusual in the annals of U.S. outsourcing of torture.” An appeal of Ahmed’s 30-year sentence actually resulted in the imposition of an even more severe sentence: life without parole.¶ In addition, special administrative measures have been applied to him. These were href=”http://www.justice.gov/usao/eousa/foia\_reading\_room/usam/title9/24mcrm.htm” target=”\_blank”>originally established in 1996 to stop communications from prison inmates who could “pose a substantial risk of death or serious risk of injury.” The targets then were gang leaders. Each special administrative measure was theoretically to be designed to fit the precise dangers posed by a specific prisoner. Since 9/11, however, numerous virtually identical measures have been applied to Muslim men, often like Ahmed Abu Ali with no history of violence.¶ A question to Ahmed’s sister about how her brother is doing is answered only with a quick look. She is not allowed to say anything because special measures also prohibit family members from disclosing their communications with prisoners. They similarly prevent defense lawyers from speaking about their clients. It was for a breach of these special measures in relation to her client, the imprisoned blind sheikh Omar Abdel-Rahman, that lawyer Lynne Stewart was tried and sentenced to 10 years in prison in the Bush years.¶ Although these measures have been contested in court, few have ever been modified, much less thrown out. Those court challenges and evidence provided to the European Court of Human Rights by American lawyers have, however, provided a window into what one of them described as a regime of “draconian and inhumane treatment.”¶ Under such special administrative measures at the Metropolitan Correction Center in New York City, a prisoner lives with little natural light, no time in communal areas, no radio or TV, and sometimes no books or newspapers either, while mail and phone calls are permitted only with family, and even then are often suspended for minor infractions. Family visits are always no-contact ones conducted through plexiglass.¶ “The conditions have quite simply wreaked havoc on Mr X’s physical and mental well-being,” one lawyer wrote for the European Court of Human Rights, describing a seven-month period in which a prisoner at the Metropolitan Correction Center was allowed no family phone calls. Another highlighted his client’s lost concentration, which made it impossible to work on his case effectively. “Their world shrinks dramatically,” was the way Joshua Dratel, a lawyer who has represented several men under these measures, described the situation.¶ In cases where special administrative measures are in place pre-trial, such as the well-documented ordeal of American post-graduate student Syed Fahad Hashmi, lawyers have often been obliged to prepare cases without actually sitting with their clients, or being able to show them all court materials. After three pre-trial years mainly in solitary confinement under special administrative measures at the Metropolitan Correction Center, Hashmi accepted a government plea bargain of one count of material support for terrorism and was given a 15-year sentence.¶ His crime? He allowed an acquaintance to stay at his student apartment in London, use his cell phone, and store a duffel bag there. The bag contained ponchos and waterproof socks that were later supposedly delivered to al-Qaeda, while the phone was used by that acquaintance to make calls to co-conspirators in Britain.¶ Silencing Palestinian-Americans¶ Just as the Bush administration found the Geneva Conventions “quaint” and ignored them, so the principle of “innocent until proven guilty,” a part of Western civilization since Roman times, has all but disappeared for Muslims who face accusations of “material support” for terrorism.¶ Such cases have, at times, involved high-profile men and once received significant media attention. Civil rights activist and University of South Florida professor Sami Al-Arian, accused of being a leader of Palestinian Islamic Jihad (a State Department-designated terrorist organization), was, for instance, treated like a man already being punished for his crime even before his trial. Previously, he had been a respected American-Muslim political leader with contacts in the White House and in Congress. Now, walking to pre-trial meetings with his lawyers, his arms were shackled behind him, so that, humiliatingly, he had to carry his legal papers on his back.¶ Amnesty International described Al-Arian’s pre-trial detention in Coleman Federal Penitentiary as “gratuitously punitive.” It cited his 23-hour lockdown in his cell, the strip searches, the use of chains and shackles, the lack of access to any religious services, and the insistence on denying him a watch or clock in a windowless cell. He was transferred to 14 different prison facilities in 6 states. He ended up spending three and a half years in solitary confinement without being convicted of anything. At his trial, the government called 80 witnesses, including 21 from Israel, while his counsel called no defense witnesses, only citing the U.S. Constitution. A Florida jury nonetheless acquitted him on half of the counts, and deadlocked on the other half. (Ten out of 12 jurors wanted to acquit him on all charges.) He later struck a plea deal on one minor charge.¶ Today, the Palestinian-American professor is still in legal limbo, under house arrest, awaiting a judge’s ruling on whether he has to testify in a separate case. An articulate U.S. Muslim political leader, who helped bring in the Muslim vote for George W. Bush after the candidate came out publicly against the use of secret evidence in trials, when the Gore campaign did not and so contributed to his Florida victory in the 2000 presidential campaign, has been silenced for his openly expressed pro-Palestinian opinions.¶ Successful and influential Palestinian-American Ghassan Elashi, a founder and the chairman of what was once America’s largest Muslim charity, the Holy Land Foundation, and Shukri Abu Baker, its president, were similarly silenced along with three other foundation officials. The two of them received prison sentences of 65 years for giving charity to orphanages and community organizations in Gaza (also supported by the European Union and the U.S. Agency for International Development). The Holy Land leaders were accused of giving “material support” to a foreign terrorist organization: Hamas, the elected government in Gaza. There were no accusations of inciting or being involved in acts of violence. This case, like Professor Al Arian’s, would never have been possible if Justice Breyer’s views had prevailed at the Supreme Court.¶ Even then, it took a second trial before a jury returned a guilty verdict against the Holy Land leaders. Nancy Hollander, counsel for one of the men, summed up the situation this way: “The thought that somebody gets sixty-five years for providing charity is really shameful, and I believe this case will go down in history, as have others, as a shameful day.” In 2012, the Supreme Court refused to rehear the case, and four of the five convicted men remain confined to the especially restrictive “communications management unit” at the U.S. penitentiary in Marion, Illinois, where Muslims make up two-thirds of the inmates.¶ There were also 246 unindicted co-conspirators named in the Holy Land Foundation case, including major Muslim organizations. The case and the particularly long sentences sent a shot of fear through Muslim communities in the U.S., as was surely intended.¶ The men’s daughters still speak out on their fathers’ case. Noor Elashi, for example, told me, “His is the poster case for ‘material support.’” In the meantime, 15-minute weekly prison phone calls, monitored in real time from Washington, are the thinnest of threads to hold family relationships together, as are rare visits to distant prisons. Mariam Abu Ali once described to me her annual visit to her older brother Ahmed Abu Ali. The expense was difficult to absorb: two flights, a rental car, and a motel for a three-day visit of about four hours a day, for a family already shouldering heavy debts for legal fees.¶ The real ordeal, though, was emotional, not financial. “They bring him in shackled at the waist and legs,” she told me. “We see them take off the handcuffs as he puts his hands out through a gap in the door. It’s emotionally draining… he’s there but so far away behind the glass. Only one of us can hear him at a time as he speaks though a phone… I’ve tried to lip read when it isn’t my turn, but it really doesn’t work. I feel very exhausted and sometimes I fall asleep during the visit. I cry every time, especially when he leaves… It’s not like a death. You don’t grieve and then finish, because this is not in the past. In fact, it is not even in the back of my mind — it is always there… This is chronic after nine years and it is not going to end.”¶ In itself, solitary confinement has devastating effects, as Dr. Atul Gawande has vividly pointed out, and is becoming ever more common in U.S. prisons in breach of internationally recognized norms on the humane treatment of prisoners. It tends to break the will of inmates, sometimes even robbing them of their sanity. However, in its most extreme use, combining those special administrative measures with the isolation imposed in prison communication management units, it is mainly applied to American Muslims.¶ The stories of what happens to Muslim men today in U.S. prisons and of the judicial cases that land them there under the harshest of conditions bear a startling resemblance to the cages at Guantanamo Bay and the charade of a legal system that is still in operation there.¶ Miscarriages of Justice¶ In addition to the examples of prominent, formerly successful Palestinian-Americans, there are a series of haunting cases of newer Muslim arrivals in the U.S., each of them an evident miscarriage of justice. These include the Fort Dix Five, originally from Albania, and that of Imam Yassin Aref, an Iraqi Kurd. Their entrapment cases, typically based on “sting” operations manufactured by FBI informants, sent men respected in their communities into solitary confinement for long years on what were probably trumped-up charges. In such cases, the only “plot” is often manufactured by the government itself.¶ This, then, is the state of so many cases of “terrorism” in the U.S. today in which disparate Muslim men have been swept up in a system in which guilt is assumed and people’s lives are quickly turned into waking nightmares in what used to be called the “justice system.” Some great miscarriages of justice do get overturned. Black Panther Robert King spent 31 years in prison, 29 in solitary confinement for a crime he did not commit. His release in 2001 came about by chance when his persistent letter writing attracted the attention of a young lawyer and the founder of The Body Shop, Anita Roddick, who became his champion alongside a grassroots campaign for his release. Since then, King has himself campaigned at home and abroad for the release of his two colleagues in “the Angola Three,” who still remain in prison, and against the system that could have broken him as it has so many others.¶ Thanks to the special administrative measures applied in his case, Ahmed Abu Ali cannot do what Robert King did, or what the lawyer and a friend of WikiLeaks informant Private Bradley Manning did to get his prison conditions widely known, or what Mumia Abu Jamal has done throughout his 30 years in solitary confinement via his books and his talks on prison radio. Ahmed cannot contact the world outside in search of the support he and his family need, nor can his family members.¶ The painful impact of all this on the families is difficult to imagine. Chilean novelist and playwright Ariel Dorfman once wrote that torture “presupposes the… abrogation of our capacity to imagine someone else’s suffering, to dehumanize him or her so much that their pain is not our pain. It demands this of the torturer… but also demands of everyone else the same distancing, the same numbness.”¶ Perhaps such a state helps explain why people around the world are far more aware than most Americans of what happens to Muslim men in the post-9/11 “justice system.” The particular cruelty of the punishments they endure even before their unfair trials, will someday, like the abuses at Guantanamo, gain the attention they deserve.

#### And, focusing on indefinite detention ignores the systemic violence experienced by millions in prisons across the democratic world

Johns in 2005

(Fleur, Lecturer, University of Sydney Faculty of Law, Sydney, Australia, “Guantánamo Bay and the Annihilation of the Exception”, <http://ejil.oxfordjournals.org/content/16/4/613.full>, rcheek)

In arguing against Agamben and others that the experience of the exception anticipated by Schmitt is in retreat at the Guantánamo Bay Naval Base, it is important to acknowledge the extent to which the legal order of Guantánamo Bay often looks and sounds like a domain operating as one of ‘pure’ sovereign discretion and thus exceptionalism. Lawyers for the US Justice Department have asserted that the US President has unlimited discretion to determine the appropriate means for interrogating enemy combatants detained at Guantánamo Bay and elsewhere.97 Likewise, counsel for the US Government contended, before the US Supreme Court, that ‘[a] commander’s wartime determination that an individual is an enemy combatant is a quintessentially military judgment, representing a core exercise of the Commander-in-Chief authority’.98¶ By assuming the affect of exceptionalism, the normative order of Guantánamo Bay has soaked up critical energies with considerable effectiveness, for it is the exception that rings liberal alarm bells. Accordingly, the focus falls on less than 600 persons being abused in Cuba, rather than upon the millions subjected to endemic sexual, physical and substance abuse in prisons across the democratic world. In a similar way, attention is captured by the violation of rights of asylum-seekers, rather than by the over-representation of immigrants in the most informal and vulnerable sectors of the contemporary economy.99

#### The alternative is to reject the aff’s reliance on Islamophobic law.

#### The classroom space of debate is a unique site for the production of Islamophobia. As an educator, you have a responsibility to deconstruct these stereotypes and reinforce anti-oppressive attitudes.

Zaal in 2012

(Mayida, assistant professor at Montclair State University, “Islamophobia in Classrooms, Media, and Politics”, Journal of Adolescent & Adult Literacy, 55(6), doi:10.1002/JAAL.00066, rcheek)

Becky and Aysha’s story was brought to my attention when Aysha’s parents sought ¶ guidance regarding this incident. This classroom example and others like it point ¶ to the necessity for a critical pedagogical stance that addresses the manifestation of ¶ Islamophobia in the classroom. ¶ The example raises many difficult questions and ethical considerations. What ¶ are the consequences (whether intended) of such a lesson taught in isolation? How ¶ could a lesson on the events of September 11th have been taught differently? How ¶ can educators use literacy as a way to engage with most pressing social contexts ¶ instead of oversimplifying or barring them? How do young Muslims across the ¶ U.S. experience growing anti-Muslim sentiment? What are our responsibilities ¶ as educators to create safer spaces for Muslim students ¶ and for all of our students?¶ Currents of Islamophobia¶ According to the Council on American Islamic ¶ Relations (2009), civil rights violations targeting ¶ Muslims in the workplace, at religious institutions, ¶ and in schools have escalated. For instance, in 2007 ¶ there were 118 reported cases of discrimination in ¶ schools, and in 2008 there were 153 reported cases. ¶ Moreover, the Pew Research Center’s (2010) ¶ survey in the wake of public debate on the proposed ¶ construction of an Islamic cultural center and mosque ¶ near the site of the former World Trade Center reveals ¶ that since 2005, Americans are tending towards ¶ less favorable views of Islam. In 2005, 41% of those ¶ surveyed held a favorable view of Islam, while 36% ¶ held an unfavorable view. In 2010, only 32% held a ¶ favorable view, while 38% looked at Islam unfavorably. ¶ Remarkably, the Center for American Progress ¶ reports that over the last decade $43 million dollars ¶ in funding was contributed to support anti-Muslim ¶ thinkers in the U.S. (Hing, 2011). These are the ¶ same thinkers who are credited with influencing the ¶ Norwegian mass murderer, Anders Breivik, whose ¶ intent was to wage war against Muslims in Europe.¶ What fuels these acts of hatred? What influences ¶ the general public’s perceptions of Muslims as a ¶ group? There are many inputs from mass media, both ¶ historical and current, that have served to facilitate ¶ people’s perceptions of Muslims as a threat. ¶ The effects of Islamophobia, defined as a ¶ generalized fear of Islam and Muslims (Shryock, ¶ 2010; Zine, 2004), are felt by Muslims and nonMuslims alike. For instance, Arabs, Sikhs, and South ¶ Asians are some of the groups that are often targets ¶ of anti-Muslim discrimination (American-Arab ¶ Anti-Discrimination Committee Research Institute ¶ [ADC], 2010).¶ Politics of Representation¶ Muslim Americans are not a monolithic group, ¶ nor can they be described in terms of one common ¶ experience. Nonetheless, it is a term that millions of ¶ Muslims living in the U.S. use to identify themselves ¶ (Bakalian & Bozorgmehr, 2009; Pew Research ¶ Center, 2011). Muslims in the U.S. originate from ¶ at least 77 countries and include native-born African ¶ Americans and other converts to Islam (Pew Research ¶ Center, 2011). ¶ Therefore, it is imperative not to homogenize ¶ or essentialize the experiences of Muslims across ¶ the country. I employ the category of “Muslim ¶ Americans” to situate a growing Islamophobic trend ¶ within its historical, social, and political context and ¶ to generate discussion and interrupt the pedagogical ¶ practices that contribute to further oppression of ¶ Muslim students.¶ Muslims in the U.S., and Arabs specifically, ¶ have been vilified in images, cartoons, film, and ¶ television for many decades (and long before the ¶ attacks of September 11th took place). Social scientist ¶ Jack Shaheen (2001) has extensively documented ¶ the hundreds of images that portray Arabs as violent ¶ and barbaric. (Many Arabs, usually represented as ¶ Muslims, are Christians, Jews, and even Quakers ¶ [ADC, 2008]). ¶ These demonized and dehumanizing images ¶ (often depicted in seemingly harmless ways, as in ¶ the Disney film Aladdin) have served to desensitize ¶ the U.S. populace and to legitimize fear and hatred ¶ against Muslims and Islam. Moreover, the persistent ¶ discourse in the media and in politics (e.g., Peter King’s ¶ Congressional hearings on Muslim Americans and ¶ radicalization) that equates Muslims with terrorism ¶ and violence (Nisbet & Garrett, 2010) perpetuates ¶ Islamophobia.¶ How do these popular, discriminatory discourses ¶ manifest themselves in schools and in classrooms? ¶ They inform literacy practices like the ones illustrated ¶ in the opening vignette. These mainstream images, ¶ texts, and narratives form the basis of how students ¶ and teachers make sense of the world and reinforce ¶ the official curriculum in textbooks and state ¶ standards.¶ Common Concerns¶ In previously conducted research, the Muslim ¶ youth who shared their stories with me in the U.S. ¶ (Zaal, Salah, & Fine, 2007) and in the Netherlands ¶ (Zaal, 2009) had many concerns in common. They¶ spoke of experiencing Islamophobia in blatant and ¶ insidious ways—being called names, being told they ¶ were oppressed by their backward religion, and told ¶ to return to where they came from. They reported ¶ feeling targeted at school, on the playground, and ¶ on the bus. They did not want to be burdened with ¶ educating others about their faith or to defend their ¶ religion or ethnicity. They described feeling alienated ¶ when adults and peers promoted stereotypes about ¶ Islam.¶ The young women who participated in my ¶ research based in New York City resisted having their ¶ identities defined in polarizing dichotomies—devout ¶ or progressive, Muslim or American, good citizen ¶ or feared neighbor. They wanted to claim all their ¶ identities—student, sister, national origin, friend, ¶ daughter, law-abiding citizen, Muslim—without ¶ compromise.¶ We have a responsibility as educators to ¶ expand our students’ understanding of the world ¶ by engaging them critically in analyzing the social, ¶ political, and historical contexts in which they live. ¶ This responsibility can and should include difficult ¶ conversations about conflicts, war, discrimination, ¶ and oppression. ¶ Unlike the principal in the vignette, I do not ¶ agree that the teacher should not have conducted a ¶ lesson about the events of September 11, 2001. But ¶ teachers must be prepared with pedagogical tools ¶ and age-appropriate curricula (see Table). When ¶ approaching socially sensitive issues, it is critical to ¶ deconstruct stereotypes and create anti-oppressive ¶ classrooms that allow for difficult dialogue in a ¶ responsible way.¶ Classrooms are not simply spaces reserved for ¶ fiction, mock debates, and role-plays. They are ¶ microcosms where global–political, social, and ¶ historical tensions are enacted and reinforced in every ¶ action and interaction. Young people must negotiate ¶ torrents of information, and as educators we need ¶ to provide counternarratives and create learning ¶ environments in which students can engage as critical ¶ readers of their world.

# Leadership

#### Restrictions on indefinite detention empirically lead to a massive increase in drone use.

Crandall 2013 (Carla Crandall, J.D., J. Reuben Clark Law School, Brigham Young University. If You Can¶ 't Beat Them, Kill Them: Complex¶ Adaptive Systems Theory and the Rise in Targeted¶ Killing Seton Hall Law Review¶ Volume 43 | Issue 2 Article 3¶ 4-19-2013¶ ¶ <http://erepository.law.shu.edu/cgi/viewcontent.cgi?article=1466&context=shlr>, bs)

Given this recent expansion, drone warfare largely has been ¶ associated with President Obama. Indeed, as one reporter explained, ¶ “no president has ever relied so extensively on the secret killing of ¶ individuals to advance the nation’s security goals.”221 Yet, while it is ¶ certainly true that targeted killing via drones has increased ¶ significantly under the Obama Administration,222 the escalation ¶ actually began in the summer of 2008 when—just one month after the ¶ Boumediene decision—President Bush issued an “order that ¶ dramatically expanded the scope of Predator drone strikes against ¶ militants . . . .”223 During the remainder of 2008, the number of ¶ drone attacks conducted in Pakistan alone “vastly exceed[ed] the ¶ number of strikes over the prior four years combined.”224¶ ¶ As noted, this escalation has continued under the Obama ¶ Administration. Reports indicate, for instance, that between 2009 ¶ and 2010, the number of drone strikes in Pakistan more than ¶ doubled—from 54 in 2009, to 122 in 2010.225 Although this number ¶ has since been in decline (73 such attacks took place in 2011, while ¶ 48 occurred in 2012), the current rate still significantly outpaces that seen pre-Boumediene.¶ 226 Beyond this quantitative increase in drone use ¶ during President Obama’s tenure, there has also been an equally ¶ important qualitative expansion. In 2011, the Wall Street Journal ¶ reported that “[t]he U.S. military is deploying a new force of armed ¶ drones to eastern Africa in an escalation of its campaign to strike ¶ militant targets in the region and expand intelligence on ¶ extremists.”227 This new arsenal is expected to support the recent ¶ trend of expanding the geographic scope of drone warfare farther ¶ away from America’s ground wars.228 More strikingly, in September of ¶ 2011, government officials confirmed that a Hellfire missile launched ¶ from a CIA drone killed Anwar al-Awlaki in Yemen.229 While news of a ¶ targeted killing carried out in Yemen might have been noteworthy in ¶ itself, 230 even more remarkable was the fact that al-Awlaki was a U.S. ¶ citizen.231 The strike was thus evidence of another expansion in ¶ drone warfare, permitting attacks even against Americans who, ¶ though alleged to have been involved in terrorists operations, had ¶ not been afforded traditional due process protections.232¶ ¶ To be sure, there are a number of possible explanations for this ¶ expanded use of drones to carry out targeted killings. First, in recent ¶ years, drones undoubtedly have become more sophisticated in terms ¶ of their capabilities. This is especially true as pertaining to their ¶ payload capacity and target recognition features.233 The burgeoning use of drones also may have been triggered by the withdrawal of ¶ ground troops from areas where targeted killing has more recently ¶ been pursued.234 In that vein, some have intimated that the rise in ¶ drone use is a factor of the growing hesitancy to place American ¶ troops in harm’s way on a battlefield.235 Finally, some have suggested ¶ that drone use is more prevalent now because, as a tactical strategy, ¶ targeted killing is simply more effective in the asymmetrical, global ¶ war on terror.236 ¶ While these explanations are certainly plausible, even granting ¶ that these factors have contributed to the rise in drone use does not ¶ exclude the possibility that the strategy actually constitutes a form of ¶ self-organization emerging from the complex properties inherent ¶ within the systems of law and war. Indeed, while not using this ¶ language, many commentators are beginning to acknowledge the ¶ correlation between the expanded use of drones and the fact that the ¶ executive no longer has a comprehensive detention strategy.237 As ¶ one senior military official has stated, “[w]hen you don’t have a ¶ detention policy,” operational tactics have to change.238 Indeed, the ¶ fact is that since the Supreme Court decided Boumediene in 2008, ¶ there have been few reports of the United States capturing high-value ¶ targets.239 This reality may well indicate that efforts to grant detainees ¶ more rights have instead instigated an unforeseen and unintended ¶ shift away from capture and toward targeted killing.

#### That leads increases terrorist recruitment.

Boyle 2013 (Michael J., PhD and asst professor of political science @ La Salle University, “The Costs and Consequences of Drone Warfare”, International Affairs, Volume 89, Number 1, January 2013, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf, p. 9-10)

The second major claim for the effectiveness of drone strikes is based on ¶ their ability to kill HVTs, defined as key operational and political leaders of ¶ Al-Qaeda and related groups. From the campaign trail to his time in office, President Obama has consistently maintained that he would not hesitate to use lethal ¶ force to remove leading figures in Al-Qaeda.44 Yet the actual record of drone ¶ strikes suggests that forces under his command have killed far more lower-ranked ¶ operatives associated with other Islamist movements and civilians than HVTs ¶ from Al-Qaeda. Peter Bergen has estimated that the drone strikes have killed 49 ¶ high-ranking ‘militant’ leaders since 2004, only 2 per cent of the total number ¶ of deaths from drone strikes.45 The remaining 98 per cent of drone strikes have ¶ been directed against lower-ranking operatives, only some of whom are engaged ¶ in direct hostilities against the United States, and civilians. Many of these actors ¶ pose no direct or imminent threats, but rather speculative ones, such as individuals who might some day attack the US or its interests abroad.46 Even as President Obama has increased the number of drone strikes, the number of HVTs ¶ killed has ‘slipped or barely increased’.47 In 2010, a mid-ranking Haqqani network ¶ fighter concluded that ‘it seems they really want to kill everyone, not just the ¶ leaders’.48 The decision to expand targeted killing to this scale and take aim at ¶ even low-ranking ‘foot soldiers’ is unprecedented and sets the Obama administration’s drone programme apart in both scale and character from targeted killing ¶ operations elsewhere.49The extent to which the Obama administration has targeted lower-ranked ¶ operatives is not without consequences. Many of these lower-ranked operatives ¶ are densely connected to local tribal and clan structures. Their deaths in drone ¶ strikes may lead those connected to them by family and tribal ties to seek revenge, ¶ thus swelling the ranks of Al-Qaeda and its affiliate groups. As David Kilcullen ¶ and Andrew Exum have argued, ‘every one of these dead noncombatants represents an alienated family, a new desire for revenge, and more recruits for a militant ¶ movement that has grown exponentially even as drone strikes have increased’.50¶ Moreover, the vast increase in the number of deaths of low-ranking operatives ¶ has deepened political resistance to the US programme in Pakistan, Yemen and ¶ other countries. For example, while Pakistani officials have supported and even ¶ celebrated drone strikes against high-ranking operatives such as Baitullah Mehsud, ¶ they have taken a dimmer view of CIA attempts to kill mere foot soldiers with ¶ similar strikes.51 Such strikes tend to generate more political pressure on the ¶ Pakistani government to oppose the US than strikes against well-known figures ¶ whose leadership in militant networks was indisputable. Pakistani opposition ¶ leader Imran Khan has pointed directly to the deaths of civilians and low-level ¶ operatives as the reason why, if elected to office, he would order the air force to ¶ shoot down US drones.52 A similar dynamic has occurred in Yemen, where US ¶ drone strikes have driven more civilians into the ranks of Al-Qaeda and strengthened local insurgent forces challenging the Yemeni government.53

#### And turns allied co-op

Anderson 9, (Kenneth Anderson, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University, Targeted Killing in U.S. Counterterrorism Strategy and Law, Brookings, May 11, 2009, http://www.brookings.edu/research/papers/2009/05/11-counterterrorism-anderson)

The stakes are higher than American policymakers appear to realize—as even a cursory look back over the past few years should make plain. At the most overt level, there is the possibility of prosecution abroad based on a consensus view of international law that the United States rejects. No one who has watched the European eagerness to initiate criminal and civil proceedings against Israeli and American officials in ever-proliferating judicial forums can be entirely sanguine about a giant gulf between American and international understanding of a practice that the international law community regards as murder.96 The more aggressively the United States uses this instrument, the more glaring the gulf will become—until, in some jurisdiction, someone decides to assert the consensus view as operative law. Absent some aggressive effort to defend the American position, that magistrate or prosecutor will have the overwhelming weight of international legal opinion behind him.¶ But the problem for the United States is not limited to the possibility of criminal proceedings abroad. American courts themselves are far from immune to the influence of soft law development. Consider only the manner in which American detention policy has been affected by parallel currents of international law opinion imported into American law through Supreme Court opinions. Only seven years ago, an American administration took a “so what” attitude toward international law ferment over detention that was rather similar to the current consensus on targeted killings. International legal scholars, NGOs, international organizations, and most countries took a far more restrictive view of the detention authority residing in IHL—specifically with respect to the protections due to unlawful enemy combatants—than did the United States, which had quietly preserved but not fought aggressively for a different approach over the preceding decades. The Supreme Court, however, has now gone a considerable distance to bridge the gulf by insisting that at least a portion of the Geneva Conventions covers all detainees. Whatever one thinks of that judgment, it is a striking example of the capacity to impact American law of the sort of international legal developments we are now seeing with respect to targeted killing.¶ More broadly, there are hidden but important costs when the United States is perceived by the rest of the world to be acting illegally. For one thing, it limits the willingness and capacity of other countries to assist American efforts. Detention here again offers a striking example; virtually no other country has assisted in American detention operations since September 11 in large part because of concerns over its legality. The more heavily and aggressively the United States banks on a policy that a strong consensus regards as per se criminal, the more tension it can expect in efforts to garner other countries’ and organizations’ cooperation in counterterrorism efforts. Absent a strong effort to establish the legitimacy of current American practice, this too, over time, will push the United States away from it.

#### Europe’s rise makes NATO collapse inevitable

**Layne,** School of Government & Public Service at Texas A&M University, 20**08** [Christopher, It’s Over, Over There, International Politics 45.3]

The conundrum for the US in coming years is whether it should attempt to prevent the EU from emerging as an independent pole of power, or accept an autonomous EU. Ironically, if the US elects to attempt to subordinate Europe to perpetual American tutelage, over time transatlantic relations are likely to be **poisoned fatally**. In other words, by attempting to exercise European hegemony through NATO, the United States may **hasten the Alliance's dissolution.** As the EU acquires more robust military capabilities — and, concomitantly, an independent foreign and security policy — **NATO inevitably will wither**. The implications for the Alliance of the EU's emergence were prefigured in February 2005, when German Chancellor Gerhard Schroeder declared that NATO no longer was the 'primary venue' for the discussion of security policy between the United States and Europe (Dombey and Spiegel, 2005). Schroeder was simply stating the obvious: NATO is the product of an era that no longer exists, and the EU's emergence as a potent security actor will render it irrelevant

#### Credibility doesn’t influence other countries.

Moravcsik 2005 (Andrew Moravcsik, PhD and a Professor of Politics and International Affairs at Princeton, 2005, "The Paradox of U.S. Human Rights Policy," American Exceptionalism and Human Rights, http://www.princeton.edu/~amoravcs/library/paradox.pdf)

It is natural to ask: What are the consequences of U.S. "exemptionalism” and noncompliance? International lawyers and human rights activists regularly issue dire warnings about the ways in which the apparent hypocrisy of the United States encourages foreign governments to violate human rights, ignore international pressure, and undermine international human rights institutions. In Patricia Derian's oft-cited statement before the Senate in I979: "Ratification by the United States significantly will enhance the legitimacy and acceptance of these standards. It will encourage other countries to join those which have already accepted the treaties. And, in countries where human rights generally are not respected, it will aid citizens in raising human rights issues.""' One constantly hears this refrain. Yet there is little empirical reason to accept it. Human rights norms have in fact spread widely without much attention to U.S. domestic policy. In the wake of the "third wave" democratization in Eastern Europe, East Asia, and Latin America, government after government moved ahead toward more active domestic and international human rights policies without attending to U.S. domestic or international practice." The human rights movement has firmly embedded itself in public opinion and NGO networks, in the United States as well as elsewhere, despite the dubious legal status of international norms in the United States. One reads occasional quotations from recalcitrant governments citing American noncompliance in their own defense-most recently Israel and Australia-but there is little evidence that this was more than a redundant justification for policies made on other grounds. Other governments adhere or do not adhere to global norms, comply or do not comply with judgments of tribunals, for reasons that seem to have little to do with U.S. multilateral policy.

#### Bioweapons don’t cause extinction—natural resistance and health tech solves

Easterbrook ‘3 Gregg Easterbrook, editor of The New Republic, “We’re All Gonna Die!” Wired, July 2003, http://www.wired.com/wired/archive/11.07/doomsday.html

3. Germ warfare! Like chemical agents, biological weapons have never lived up to their billing in popular culture. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory in Aralsk, Kazakhstan, in 1971; three people died, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn't kill off humanity. Most people who were caught in the epidemic survived. Any superbug introduced into today's Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens like smallpox could be genetically altered to make them more virulent (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future.

# Judicial Activism

#### US action won’t change anything—other countries find drone use logical

Wittes & Singh 2013 (Benjamin Wittes and Ritika Singh, Drones Are a Challenge — and an Opportunity,

How Drones Are Changing Warfare, January 11, 2013, <http://www.cato-unbound.org/2012/01/11/benjamin-wittes-ritika-singh/drones-are-challenge-opportunity>, bs)

The logic of these weapons is so overpowering, both as a means of conducting surveillance and as a means of striking at enemy targets, that their growth as an element of U.S. force will resist moral hand-wringing of a sort that, if taken at face value, would lead to greater uses of force, civilian death, and risk to U.S. forces.¶ Yes, as Cortright says, a great many other countries are getting into the drone game too—but this is less because the United States is paving the way than because this logic is obvious to those countries too. And this same logic, combined with the reality that robotic technologies are getting cheaper and easier to acquire even as their power increases, means that proliferation will happen irrespective of what the United States does. Indeed, the question is not whether we will live in a world of highly proliferated technologies of robotic attack. It is whether the United States is going to be ahead of this curve or behind it.

#### The US has tried to diplomatically influence drone prolif—doesn’t work

GAO, 12

(Government Accountability Office. MTCR=Missile Technology Control Regime. “Agencies Could Improve Information Sharing and End-Use Monitoring on Unmanned Aerial Vehicle Exports” <http://dronewarsuk.files.wordpress.com/2012/09/us-gao-_-noproliferation-of-uavs.pdf>) Henge

The United States has used multilateral and bilateral diplomacy to address UAV technology advances and proliferation concerns. For instance, to address advances in UAV technology, the United States proposed several changes to the MTCR; however, MTCR members agreed to only one change. Moreover, nonmembers continue to acquire, develop, and export UAV technology. In addition to multilateral diplomacy, the United States used bilateral diplomacy in the form of demarches to foreign governments to address specific UAV proliferation concerns with countries.23 The United States proposed changes to address how the MTCR applies to UAVs, but MTCR members only reached a consensus to accept one of the changes. The United States principally focused these efforts through the MTCR because it addresses the potential use of UAVs to deliver weapons of mass destruction, according to State. According to documents provided by State and State officials, the United States proposed six UAV-related changes to the MTCR Annex and members accepted one.

#### No drone prolif—multiple barriers prevent widespread usage—even then they don’t change the landscape of war

Singh, 12

(Joseph Singh is a researcher at the Center for a New American Security. “Betting Against a Drone Arms Race” <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>) Henge

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

#### No war—economic globalization

Xuetong and Haixia ’12 Yan Xuetong, Dean of the Institute of Modern International Relations at Tsinghua University and the Chief Editor of The Chinese Journal of International Politics, he has his own Wikipedia page, Qi Haixia, Lecturer Ph.D in the Institute of International Studies , Tsinghua University, “Football Game Rather Than Boxing Match: China–US Intensifying Rivalry Does not Amount to Cold War,” Chinese Journal of International Politics 5(2): 105-127, Summer 2012, 10.1093/cjip/pos007

Economic globalization created a strategic need for superficial friendship between China and the United States. While scholars disagree over exactly when economic globalization began, all agree that it sped up after the end of the Cold War. This is because the Council for Mutual Economic Assistance ended after the collapse of the Soviet Union, resulting in a global market. Meanwhile, the pace of information-flow increased among states, shrinking the size of the globe and leading to popularization of the expression ‘global village’. Levels of interdependence have increased along with the growing proximity of international economic relations. That a strategy of complete confrontation can no longer effectively protect national interests is now obvious. It is for this reason that certain scholars argue that there has been a qualitative change in the nature of the security dilemma since end of the Cold War.35 Under the conditions of globalization, interdependence between China and the United States has continued to grow, and for the sake of economic interests, neither is willing to adopt a strategy of all-out confrontation. Economic interdependence, however, will not diffuse the political and security conflicts between the two states. Different interests in different spheres have thus created a foundation for superficial friendship between the United States and China.