### 2AC T – Restriction

#### We meet – contextual ev

Guiora, 12 [Amos, Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Drone Policy: A Proposal Moving Forward,” <http://jurist.org/forum/2013/03/amos-guiora-drone-policy.php>]

To re-phrase, this strict scrutiny test seeks to strike a balance by enabling the state to act sooner but subjecting that action to significant restrictions. This paradigm would be predicated on narrow definitions of imminence and legitimate targets. Rather than enabling the consequences of the DOJ memo, the strict scrutiny test would ensure implementation of person-specific operational counterterrorism. That is the essence of targeted killing conducted in accordance with the rule of law and morality in armed conflict.

#### 2. Counter interpretation:

#### “Statutory restrictions” can mandate judicial review, but are *enacted* by congress

Mortenson 11 (Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

#### And, Restriction means a limit and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### A restriction on war powers authority limits Presidential discretion

Jules Lobel 8, Professor of Law at the University of Pittsburgh  Law School, President of the Center for Constitutional Rights, represented members of Congress challenging assertions of Executive power to unilaterally initiate warfare, “Conflicts Between the Commander in Chief and Congress: Concurrent Power  over the Conduct of War,” Ohio State Law Journal, Vol 69, p 391, 2008, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

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

#### Prefer our interpretation

#### Topic Education— drone courts are heart of topic in targeted killing, it is the largest policy proposal for resolving presidential authority

#### Predictable ground—best to include largest cases in the literature because they are a locus for negative and affirmative research and preparation

#### 5. Prefer reasonability over competing interpretations if the aff doesn’t make debate impossible than you can’t vote against us

### 2AC – Veterans K

#### Our Interpretation: The resolution asks the question of desirability of USFG action. The Role of ballot is to say yes or no to the action and outcomes of the plan.

#### Second, is reasons to prefer:

#### A. Aff Choice, any other framework or role of the ballot moots 9 minutes of the 1ac

#### B. It is predictable, the resolution demands USFG action

#### C. It is fair, Weigh Aff Impacts and the method of the Affirmative versus the Kritik, it’s the only way to test competition and determine the desirability of one strategy over another

#### Engaging the state is critical to solve global challenges: Engagement refocuses energies through citizen participation in national institutions that solve for war as well as environmental and social challenges

Sassen 2009

[ColumbiaUniversity, istheauthorof TheGlobalCity (2ndedn, Princeton, 2001), Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton, 2008) and A Sociology of Globalisation (Norton,2007), among others, 2009, The Potential for a Progressive State?, uwyo//amp]

Using state power for a new global politics These post-1980s trends towards a greater interaction of national andglobal dynamics are not part of some unidirectional historical progres-sion. There have been times in the past when they may have been as strong in certain aspects as they are today (Sassen, 2008a: chapter 3). But the current positioning of national states is distinctive precisely because 270 Saskia Sassen the national state has become the most powerful complex organizational entity in the world, and because it is a resource that citizens, confined largely to the national, can aim at governing and using to develop novel political agendas. It is this mix of the national and the global that is so full of potential. The national state is one particular form of state: at the other end of this variable the state can be conceived of as a technical administrative capability that could escape the historic bounds of narrow nationalisms that have marked the state historically, or colonialism as the only form of internationalism that states have enacted. Stripping the state of the particularity of this historical legacy gives me more analytic freedom in conceptualising these processes and opens up the possibility of the denationalised state.As particular components of national states become the institutional home for the operation of some of the dynamics that are central to glob-alisation they undergo change that is difficult to register or name. In my own work I have found useful the notion of an incipient denation-alising of specific components of national states, i.e. components that function as such institutional homes. The question for research then becomes what is actually ‘national’ in some of the institutional compo-nents of states linked to the implementation and regulation of economic globalisation. The hypothesis here would be that some components of national institutions, even though formally national, are not national in the sense in which we have constructed the meaning of that term overthe last hundred years.This partial, often highly specialised or at least particularised, dena-tionalisation can also take place in domains other than that of economic globalisation, notably the more recent developments in the humanrights regime which allow national courts to sue foreign firms and dictators, or which grant undocumented immigrants certain rights. Denationalisation is, thus, multivalent: it endogenises global agendas of many different types of actors, not only corporate firms and financial markets, but also human rights and environmental objectives. Those confined to the national can use national state institutions as a bridge into global politics. This is one kind of radical politics, and only one kind, that would use the capacities of hopefully increasingly denationalized states. The existence and the strengthening of global civil society organ-isations becomes strategic in this context. In all of this lie the possibilities of moving towards new types of joint global action by denationalized states–coalitions of the willing focused not on war but on environmental and social justice projects.

#### Discussion of specific policy-questions is crucial for skills development---we control uniqueness: university students already have preconceived and ideological notions about how the world operates---government policy discussion is vital to force engagement with and resolution of competing perspectives to improve social outcomes, and it breaks out of traditional pedagogical frameworks by placing students as agents and decision makers

Esberg and Sagan 12

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These government or quasi-government think tank simulations often provide very¶ similar lessons for high-level players as are learned by students in educational simulations.¶ Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and¶ coordinate with other governments in negotiations and crises. During the Cold War,¶ political scientist Robert Mandel noted how crisis exercises and war games forced¶ government officials to overcome ‘‘bureaucratic myopia,’’ moving beyond their normal¶ organizational roles and thinking more creatively about how others might react in a crisis¶ or conflict.6¶ The skills of imagination and the subsequent ability to predict foreign interests¶ and reactions remain critical for real-world foreign policy makers. For example, simulations¶ of the Iranian nuclear crisis\*held in 2009 and 2010 at the Brookings Institution’s Saban¶ Center and at Harvard University’s Belfer Center, and involving former US senior officials¶ and regional experts\*highlighted the dangers of misunderstanding foreign governments’¶ preferences and misinterpreting their subsequent behavior. In both simulations, the¶ primary criticism of the US negotiating team lay in a failure to predict accurately how other¶ states, both allies and adversaries, would behave in response to US policy initiatives.7¶ By university age, students often have a pre-defined view of international affairs,¶ and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave¶ and how their own government works.8¶ Since simulations became more common as a¶ teaching tool in the late 1950s, educational literature has expounded on their benefits,¶ from encouraging engagement by breaking from the typical lecture format, to improving¶ communication skills, to promoting teamwork.9¶ More broadly, simulations can deepen¶ understanding by asking students to link fact and theory, providing a context for facts¶ while bringing theory into the realm of practice.10 These exercises are particularly valuable¶ in teaching international affairs for many of the same reasons they are useful for policy¶ makers: they force participants to ‘‘grapple with the issues arising from a world in flux.’’¶ 11¶ Simulations have been used successfully to teach students about such disparate topics¶ as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12¶ Role-playing exercises certainly encourage students to learn political and technical facts\*¶ but they learn them in a more active style. Rather than sitting in a classroom and¶ merely receiving knowledge, students actively research ‘‘their’’ government’s positions¶ and actively argue, brief, and negotiate with others.13 Facts can change quickly;¶ simulations teach students how to contextualize and act on information.14¶

#### Finally, It is a voter for competitive equity—prefer our interpretation, it allows both teams to compete, other roles of the ballot are arbitrary and self serving

#### First, no link the 1AC does not exclude war narratives from veterans- in fact, we allow veterans to be included in the drone court process—judges require military expertise so they will have a veteran background

#### Second, Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) ~~overseeing~~ the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

#### Third, Student debate about war powers is critical to overall American Political Development---influences the durable shifts in checks and balances

Dominguez and Thoren 10 Casey BK, Department of Political Science and IR at the University of San Diego and Kim, University of San Diego, Paper prepared for the Annual Meeting of the Western Political Science Association, San Francisco, California, April 1-3, 2010, “The Evolution of Presidential Authority in War Powers”, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1580395

Students of American institutions should naturally be interested in the relationships between the president and Congress. However, the evolution of war powers falls into a category of inquiry that is important not just to studies of the presidency or to students of history, but also to the field of American Political Development. Among Orren and Skowronek’s recommendations for future work in American Political Development, they argue that “shifts in governing authority,” including and especially shifts in the system of checks and balances, “are important in historical inquiry, because they are a constant object of political conflict and they set the conditions for subsequent politics, especially when shifts are durable” (Orren and Skowronek 2004, 139). How an essential constitutional power, that of deploying military force, changed hands from one institution to another over time, would certainly seem to qualify as a durable shift in governing authority. Cooper and Brady (1981) also recommend that researchers study change over time in Congress’ relations to the other branches of government.

#### Permutation do both

#### Fourth, Policy implementation and narrative construction work together to create positive political change- only the permutation solves

Sutton ‘99

[Rebeca, “THE POLICY PROCESS: AN OVERVIEW,” The research on which this work is based was funded by the World Bank, and completed under the guidance of Simon Maxwell, Director, Overseas Development Institute <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2535.pdf >]

Drawing on the literature from all the disciplines discussed, a list of issues which facilitate the¶ development of policy has been put together. These are not mutually exclusive, and any one policy¶ innovation will include some and not others. The points are intended primarily as a guide to factors¶ which contribute the development of policy. Some are good motivations for change, others, as have¶ been discussed, may not be. Thus, a policy innovation happens when….¶ • A new ground-breaking piece of research is completed which defines a problem and clarifies¶ appropriate courses of action to remedy it.¶ • There are good links between and within agencies whereby lessons learned from practical¶ experience can be shared and acted upon.¶ • A development problem is analysed in a scientific, technical way, producing tangible data that¶ offer something concrete to act on.¶ • A person in authority has a particular interest in a certain issue and as a result those around¶ him/her are influenced to work on it and develop policy in that area.¶ • Events are timed in such a way that a person who is particularly interested in pushing forward¶ an agenda is working at a time when a powerful political authority has reason to be interested in¶ the same agenda.¶ • Similarly, timing is such that the publication of research work happens when a policy-making¶ organisation is particularly interested in the issue being researched.¶ • A situation develops which is represented in a widely accepted scenario or narrative as a ‘crisis’,¶ requiring rapid and dramatic action to avoid catastrophe.¶ • There are good connections between interested parties such as aid organisations, the research¶ community, and government (making a ‘network’) through which ideas are exchanged and¶ thoughts clarified about possible policy directions.¶ • There is a dominant epistemic community, a particularly influential group that has close links¶ with policy makers, and forces an issue on to the agenda and shapes policy-making.¶ • There is a general consensus within an organisation or wider network (which may include the¶ general public) that change is needed, a new policy direction is required, and that old strategies¶ are not working as well as they could.¶ • A development problem is turned into a ‘story’ which simplifies it and sets out an agenda for¶ action.¶ • A dominant discourse or way of thinking becomes established which makes clear certain¶ priorities, thereby simplifying a situation and providing guidance towards certain policy¶ directions.32¶ • There is a code of conduct or best practice regarding a particular issue, creating guidelines as to¶ how to act.¶ • An organisation and the individuals within it are open-minded and consider it important to adapt¶ to new ideas from the external world, rather than ~~seeing~~ these as a threat.¶ • An organisation fosters innovation. People are encouraged to develop new ways of doing things¶ and are confident their ideas will be considered with an open mind by others.¶ • There is an individual or a group of people who have an idea for a new policy direction. These¶ ‘change agents’ carry the idea forward, explaining it to others and building a consensus towards¶ the new position.¶ • There is a network of people around the ‘change agents’ who will respond to them and help¶ them carry the process forward.¶ • An organisation has a sufficiently flexible organisational structure to enable the development of¶ new groups or units, which will be effective in s~~eeing~~ a policy change through.¶ • Policy-making and implementing bodies have sufficient authority to push a new policy through¶ even if it is not widely supported.¶ • Resources within an organisation exist, or can be gathered together, to respond to a new way of¶ working.¶ • There is the required motivation and energy to use and mobilise these resources to achieve the¶ goals of a policy innovation.¶ These points show that in reality the process of policy-making is very different from that outlined in¶ the linear model.¶ Policy-making must be understood as a political process as much as an analytical or problem¶ solving one. ‘The policy-making process is by no means the rational activity that it is often held up¶ to be in much of the standard literature. Indeed, the metaphors that have guided policy research over¶ recent years suggest that it is actually rather messy, with outcomes occurring as a result of¶ complicated political, social and institutional processes which are best described as ‘evolutionary’’,¶ (Juma and Clarke 1995).

**Perm: Do the Alt and then the plan—**

#### Fifth, We can use the knowledge from the negative to inform the politics of the affirmative, narratives and policymaking are not exclusive

Jones ‘08

[Harry, a Research Fellow in the RAPID group at the Overseas Development Institute (ODI), the UK’s leading think tank on international development. His work focuses on decision-making in policy making and implementation in developing countries. He has carried out research, advisory services, evaluations and inputs to programme design and implementation in a number of countries in Africa and Asia, “Policy-making as discourse: a review of recent knowledge-to-policy literature,” <[http://wiki.ikmemergent.net/files/090911-ikm-working-paper-5-policy-making-as-discourse.pdf](http://wiki.ikmemergent.net/files/090911-ikm-working-paper-5-policy-making-as-discourse.pdf%20) >//wyo-hdm]

Recent theoretical developments on the role of knowledge in the policy process have ¶ generally stemmed from the third paradigm. Analysis of the role of power in the policy ¶ process has coalesced around three interlocking types of relations: ¶ - Actors and networks: this ~~sees~~ the driving force in policy processes as material ¶ political economy, with interest groups competing over the allocation of resources ¶ and the formulation of rules and regulations. Knowledge is often seen as subordinate ¶ to interests, used tactically or as ‘ammunition’ in adversarial decision-making. Taking ¶ a closer look, the effect of actors deploying information and ideas, and the role that ¶ knowledge and ideas play in structuring networks, coalitions and ‘interests’, suggests ¶ a more active role for knowledge. ¶ - Institutions: this attributes an ongoing force in policy-making to the context and ¶ institutions that shape the formal and informal ‘rules of the game’ such as ¶ constitutional rules and cultural norms. Knowledge and ideas are refracted, altered ¶ and translated to fit prevailing institutions, or certain types of knowledge may be ¶ excluded entirely. It can also play a role through becoming institutionalised, ¶ embedded in bureaucratic procedures, laws, or organisational forms. ¶ - Discourse: this s~~ees~~ knowledge and power as intertwined, with considerable power ¶ held in concepts and ideas s~~een~~ as relevant for policy, and exerted through ¶ interactive processes of communication and policy formulation. There are various ODI-IKM Working Paper No. 5, Policy-making as discourse: a review of recent knowledge-to-policy literature. August 2009¶ 6 ¶ ¶ areas of study within this, for example: the role of cognitive paradigms in limiting the ¶ range of policy options considered, and the dynamics of ‘narratives’ in the policy ¶ process, simplifying complex situations and driving policy. ¶ As well as these theoretical insights, there are two key areas of practical interest: the ¶ production of knowledge, and the processes linking knowledge and policy. ¶ A great deal of work focuses on how the production of knowledge can be oriented in order to ¶ strengthen the link between knowledge and policy. Key sources of knowledge are: ¶ - Research: this can provide useful inputs to policy, especially if explicitly focused on ¶ policy problems. However, there are calls to broaden this to recognise the need for ¶ critical and advocacy work, as well as more fundamental scientific research. ¶ - Process: knowledge generated in the process of implementing development ¶ programmes (including, but not restricted to knowledge of the processes) is ~~seen~~ as ¶ an invaluable resource for policy. There are a number of practical problems in ¶ capturing and using this knowledge, however, as well as political barriers. ¶ - ~~Voice~~, participation and citizen knowledge: a great deal of work advocates either for ¶ citizens to be directly involved in generating knowledge for policy, or to be invited to ¶ participate in policy spaces. Criticisms have highlighted that such processes can ¶ function as a ‘new tyranny’, requiring a move towards ‘transformative’ participation. ¶ - Multiple sources and interdisciplinarity: recognising that problems are complex, ¶ multidimensional and dynamic highlights the importance of integrating multiple ¶ disciplines and multiple types of knowledge. This would bring a holistic understanding ¶ of the problem, however it faces challenges from the way that work is often divided ¶ into ‘silos’. ¶ Processes that mediate between the generation and use of knowledge play a crucial role in ¶ the link between knowledge and policy: ¶ - Communicating and translating ideas and knowledge: work on research ¶ communication highlights making messages ‘sticky’, short and easy to understand, ¶ adapting them to audiences’ mindsets. Critics suggest these principles may result in ¶ the ‘wrong kind of influence’. ¶ - Interaction and exchange: This requires stimulating interaction and collaboration in ¶ order to take on board the contextual nature of knowledge and the complexities of its ¶ use. ¶ - Social influence and persuasion: social factors such as face-to-face communication ¶ and social networks spread messages through peer influence. ¶ - Intermediaries and credibility: Sustaining long-term links between knowledge and ¶ policy requires intermediary organisations. As well as communicating and translating ¶ knowledge, they must also ‘mediate’ between different actors and types of ¶ knowledge, which needs trust and credibility. ¶ - Demand for and use of knowledge: work highlights the importance of the right ¶ capacities and incentives for policy actors to use knowledge, as well as political ¶ determinants of demand.

#### Sixth, The idea that virtually all soldiers return with PTSD is a generalization made by pop culture, and those who do return with PTSD are hyper-vigilant and as a result better soldiers.

Brice ‘12

[Makini Journalist for Medical Daily, “Why War Can Actually Help Some Soldiers With PTSD,” 12.16.2012. <http://www.medicaldaily.com/why-war-can-actually-help-some-soldiers-ptsd-243556 >//wyo-hdm]

Though pop culture shows that virtually all soldiers suffer from PTSD upon their return from combat, research does not appear to corroborate that trope. In fact, researchers have previously been flabbergasted as they search for explanations for why PTSD only occurs in some soldiers rather than all of them.¶ Researchers are beginning to put the pieces of the puzzle together, finding that amygdala size can point psychologists to those at greatest risk for the disorder. Perhaps more interestingly though, researchers have found a section of soldiers whose mental health is bolstered by the trauma of war, rather than hurt by it.¶ Conducted by researchers from Aarhus University in Denmark, the Royal Danish Defense College, and Duke University in the United States, the study examined 746 Danish soldiers at five different time periods before, during, and after deployment. The soldiers were split into four groups.¶ The researchers found that 84 percent of the soldiers had no signs of PTSD at any point before, during, or after being deployed. However, some soldiers - three of the four groups - found deployment to be beneficial for their psychological health. Even more intriguing, researchers found that childhood trauma was a greater indication of whether a soldier would suffer from PTSD - not war.¶ Researchers found that the experience of harsh physical punishment and the witnessing of domestic violence were strongly linked with the later development of PTSD. Researchers explained that these situations often made children feel like they had no control. These childhood experiences could cause loneliness, isolation, and a general feeling of helplessness.¶ Follow Us ¶ Interestingly, these situations can lead to helpful behavior in soldiers on the battlefield. The soldiers are hyper-vigilant, with quick responses to danger, and can psychologically distance themselves from violent situations. Their "symptoms" make them better soldiers.¶ However, researchers found no correlation between the amount of time that soldiers spent in combat and the amount that they improved from their traumatic childhoods. Researchers believe that there are other factors that explain their improvement, like the camaraderie that they received from the other soldiers.¶ Another study, published in the Archives of General Psychiatry, was conducted on 200 participants who had fought in the wars in either Iraq or Afghanistan. Researchers were looking specifically at the size of the amygdala and the role that it may play in PTSD.¶ The amygdala is an almond-shaped organ that is instrumental in the development of fear. Animals with smaller amygdalas, for example, are more likely to learn in certain ways, making sure that they perform a certain behavior in order to avoid a certain response, for example.¶ The study found that soldiers with smaller amygdalas were more likely to suffer from PTSD. However, they found that amygdalas did not shrink in response to war, so researchers believe that the size of the amygdala is a risk factor, not a response.

#### Seventh, As rhetoricians, we have a unique responsibility to reject the ableism of “listening/voice” metaphors—reject the representations of the Grand evidence

Lacey 10 (Teacher, MA in English, “The Conversations Metaphor and Ableism”, 9/6, <http://equality101.net/?p=1886> Accessed 2/10/11 GAL)

In my [last post](http://equality101.net/?p=1809" \t "_blank), I discussed how I might use the seemingly elementary activity of show-and-tell to introduce students to a foundational concept of college-level composition: the Burkean Parlor metaphor. Frequently expressed as the simpler conversation metaphor, this metaphor illustrates what thinkers, researchers, scholars and, most importantly, writers do: we listen to a conversation; we form our own opinions about this topic of conversation as a result of listening; we eventually add our own voices (opinions) to the conversation; and our voices become part of the conversation that others listen to and use to form their opinions. As I prepared for one of my classes today, I came across the following passage in a chapter called “Reading Rhetorically: The Writer as Strong Reader”:The goal of this chapter is to help you become a more powerful reader of academic texts, prepared to take part in the conversations of the disciplines you study. To this end, we explain two kinds of thinking and writing essential to your college reading:Your ability to listen carefully to a text, to recognize its parts and their functions, and to summarize its ideasYour ability to formulate strong responses to texts by interacting with them, either by agreeing with, interrogating, or actively opposing them(Ramage, Bean, and Johnson, Allyn & Bacon Guide to Writing, 5th ed., pg. 109)Clearly, the conversation metaphor is a useful and important framework that has the capacity to help college students understand college-level writing in a new and more applicable way. This metaphor has helped me explain why we do research at all and how composition classes are relevant outside of the required course structure at the university.Butafter reading this passage, it struck me that this metaphor — built on the notions of listening and speaking — might actually be ableist in effect. It might leave out many students who can still participate in composition meaningfully but who don’t have the ability to listen (or hear) or to speak. I’m not sure why this never occurred to me before. I’ve taught the conversation metaphor to students with hearing difficulties without thinking twice about what I was saying. Despite the ableist language in the metaphor used to present this concept, I think the concept itself is still valuable. So how can we modify this metaphor to accommodate for all students? The easy answer is to change the language and comparison involved. We could use the more situation-neutral language of rhetoric: the rhetor (who can be a speaker, a writer, an artist, a thinker — anyone who puts a message in some form out to an audience) takes in the messages about a particular topic of the rhetors around him/her, uses those messages to learn and to develop an opinion, and then adds his/her own response to the collection of messages surrounding this topic for other would-be rhetors to take in. This conception is rather vague, though, and lacks the benefit of a realistic setting to deliver the metaphor and to demonstrate that what we do as composers in college reflects what we do as workers, family members, citizens, and activists beyond the college classroom. Perhaps a more updated version of this metaphor would use the setting of an online chat room. Instead of entering a parlor — which is an outdated term anyway — to listen and speak to people already engaged in conversation, perhaps you enter a chat room where you read and learn more about conversations that have been ongoing since before other chat users were in the room. While this is a more realistic setting for the concept of participating in a discourse community, there are still touches of ableism (being able to read — though many individuals with visual impairment use devices to allow them to read either print or Braille from their computers) and classism (access to the Web and time to participate in chat rooms).As the composition field continues to become more relevant as students engage with all kinds of texts and participate in all kinds of discourse communities, we who promote these foundational concepts must remain cognizant that we are considering all of our students. While communication is a human endeavor, we don’t all communicate in the same ways, and it is vital that composition/rhetoric make that basic fact a part of the daily work of teaching students how to critically engage with texts and contribute to their communities.

#### Eighth, Ableism is the root cause of oppression

Davis 2 (Lennard J., Professor of English as well as of Disability and Human Development, U Illinois-Chicago, Disability, Dismodernism, and Other Difficult Positions , p. 13 GAL)

Disability offers us a way to rethink some of these dilemmas, but in order to do so, I think we need to reexamine the identity of disability, and to do so without flinching, without hesitating because we may be undo­ing a way of knowing. As with race, gender, and sexual orientation, we are in the midst of a grand reexamination. Disability, as the most recent identity group on the block, offers us the one that is perhaps least resis­tant to change or changing thoughts about identity. And, most impor­tantly, as I will argue, disability may turn out to be the identity that links other identities, replacing the notion of postmodernism with something I want to call "dismodernism."I am arguing that disability can be seen as the postmodern subject po­sition for several reasons. But the one I want to focus on now is that these other discourses of race, gender, and sexuality began in the mid-nine­teenth century, and they did so because that is when the scientific study of humans began. The key connecting point for all these studies was the development of eugenics.4 Eugenics saw the possible improvement of the race as being accomplished by diminishing problematic peoples and their problematic behaviors—these peoples were clearly delineated under the rubric of feeble-mindedness and degeneration as women, people of color, homosexuals, the working classes, and so on. All these were considered to be categories of disability, although we do not think of them as connected in this way today. Indeed, one could argue that categories of oppression were given scientific license through these medicalizcd, scientificized dis­courses, and that, in many cases, the specific categories were established through these studies.

### 1AR – Framework

#### Simulated debates over war powers preserves student and citizen agency against government action that would enhance decision making skills-Donohue 13

#### *Institutional* checks effectively limit war, are compatible with broader critique and are a pre-requisite to the alt

Grynaviski 13 – Eric Grynaviski, Professor of Political Science at The George Washington University, “The Bloodstained Spear: Public Reason and Declarations of War”, International Theory, 5(2), Cambridge Journals

Conclusion

The burden of the argument, thus far, has been to show that no war is justified unless it has been justified. States have an obligation intent on war to ensure that third parties and the target are given reasons for the war, as well as a chance to respond and reason with the belligerent state. Furthermore, without a declaration of war, war is not a last resort and therefore belligerent states are fully responsible for the harms that wars inevitably do to the innocent.

One broader implication of the argument for declarations of war is to relate institutional solutions for moral questions. Some argue that declarations of war are an old and moribund ritual, antiquated and old-fashioned. Ian Holliday (2002, 565), noting the irregularity with which wars are declared, writes ‘we would not want to make a just war verdict hang on such a rare political practice’. This argument is deeply wrong. If declaring war is important, than we can and should criticize states for failing to do so. Others might suggest that even if states do declare war, they might still lie and misrepresent their case. Of course, there is nothing particular to declarations of war that would make misrepresentations of one's case more likely; we are pretty good at lying now. If arguments are given publicly, however, it might lead to a greater degree of precision in argumentation. This precision may make misrepresentations more noticeable. Alternatively, one might suspect that requiring states to declare war is not enough. Rather than simply requiring states to make a case, we should institutionalize rules of war so that states will pay a price if the cases they make are repugnant. These arguments, of course, do not exclude the importance of declarations. In fact, requiring that states explain their case is perfectly compatible with any reasonable institutional solution to the problem of war. Some mechanism to ensure that states make a case is probably an important condition for any of these schemes to work.

The international system likely will not include robust, impartial international institutions that can make enforceable decisions about war and peace in the near future. Declarations of war are a tool that might actually be appropriated by states, especially if the public and the international community demand them. Half-formed cosmopolitan proposals, while interesting thought exercises, may deflect attention from practical measures that can be reached here and now. Declarations may be only first steps, but they are important ones. Moral arguments make a difference, even if that difference is too often small. They mattered during slavery, decolonization, and have altered citizenship policies in Israel, the Ukraine, and elsewhere (Checkel 2001; Crawford 2002). Moreover, forcing states to explain the moral case may make unjust wars less likely by preventing executives from overselling conflicts (Goodman 2006) or by leading states to face hypocrisy costs if they intervene despite target states’ concessions on just cause or inflict humanitarian causalities in wars declared for humanitarian reasons (Finnemore 2009).

A broader implication relates to public reason and just war thinking. Showing that poorly justified, undeclared wars are unjust highlights the way that public reason conditions our understanding of just war theory. This argument is not new. In the last year of his life, Cicero (1913, 37) elaborated a theory of war that emphasized discussion and persuasion. His claim, discussed above, is worth reiterating: ‘there are two ways of settling a dispute; first, by discussion; second, by physical force; and since the former is characteristic of man, the latter of the brute, we must resort to force only in case we may not avail ourselves of discussion’. Cicero's approach to war highlights mechanisms of public diplomacy – the importance of maintaining agreements with enemies, the use of declarations of war to inform enemies of the rationale for war, and discussion and diplomacy to peacefully resolve conflict – to explain the conditions under which a resort to force is justified. Cicero's comments presaged his end; when Anthony's men executed Cicero, they cut off his hands – the device used by Cicero to write criticisms of Anthony – and nailed them to rostra (the platform in the forum where speakers could be heard).

Cicero's distinction between force and argument is central to his thinking about the conditions under which violence is justly used. After Cicero, the centrality of discussion and argument fades, disappearing by the 20th century. Consider several recent examples. Jean Bethke Elshtain (2003, 19) – a noted just war theorist – describes terrorists as groups that are unwilling to accept compromises and refuse diplomacy: ‘terrorists are not interested in the subtleties of diplomacy or in compromise solutions. They have taken leave of politics’. Michael Walzer (1977), a just war theorist often credited for the revival of moral thinking about war after Vietnam, barely mentions obligations to settle disputes through negotiation in his key text Just and Unjust Wars. More amusingly in many ways, moral philosophers often construct hypothetical examples designed to showcase the types of moral dilemmas involved in war that unrealistically exclude the possibility of successful diplomacy. David Rodin (2002, 80), for example, describes a person trapped at the bottom of a well who has to decide whether to shoot a ray gun at a fat man falling into the well above his head, knowing that if he does not shoot the ray gun he will die. Discussion with the fat man – of course – is impossible; he is falling and no longer has control over his actions.22

Modern discussions of ethics in war usually discount diplomatic solutions. In doing so, they are rooted in an extraordinarily pessimistic version of realism, where only power and force have the ability to settle conflict. When painting war as a solution to pressing concerns related to self-defense against terrorists who have no interest in compromise, or the rescue of populations from genocide by regimes who will take any delay as cause to continue killing innocents, diplomacy does not loom large as a central component of just war reasoning.

### 1AR – Perm

#### Narratives are able to inform and formulate policy mechanisms

Sutton ‘99

[Rebeca, “THE POLICY PROCESS: AN OVERVIEW,” The research on which this work is based was funded by the World Bank, and completed under the guidance of Simon Maxwell, Director, Overseas Development Institute <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2535.pdf >]

The first definition will be used in this paper. Policy networks are often the mechanisms through¶ which narratives and discourses develop and are sustained.¶ Policy space/ room for manoeuvre¶ The room within which a policy maker has to manoeuvre relates to the extent to which a policy¶ maker is restricted in decision making by forces such as the opinions of a dominant epistemic¶ community or narrative. If there are strong pressures to adopt a particular strategy a decision maker¶ may not have much room to consider a wider set of options. There may be times, on the other hand,¶ when an individual has a substantial amount of leverage over the process, able to assert his or her¶ own preferences and mould the way policy choices are considered fairly considerably.¶ Political technology¶ First introduced by Foucault, this term relates to the way policy is often ‘depoliticized’, if such¶ depoliticization is in the interest of dominant group. A political problem is removed from the realm¶ of political discourse and recast in the neutral language of science. It is represented as objective,¶ neutral, value-free, and often termed in legal or scientific language to emphasise this. This reflects¶ the ‘technology of politics’, the way various means are used to work within a political agenda. ‘This¶ masking of the political under the cloak of neutrality is a key feature of modern power’ (Shore and¶ Wright 1997).¶ Street level bureaucracy¶ A concept developed by Lipsky (1980) to refer to the role actors who implement policy changes¶ have to play in the process. He emphasises that such individuals are not simply cogs in the process,¶ but rather have substantial ability to mould policy outcomes. Street level bureaucracies are schools,¶ welfare departments, lower courts, legal service offices etc. As a result of time constraints and other¶ practical considerations, as well as political opinion, those who work in these bureaucracies¶ influence the practical working out of a policy to produce an outcome which may be substantially¶ different from that originally intended by a policy maker.