# Round 6 – D2

## 2AC

### T

#### “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).

#### In the area of means a certain scope

Elizabeth Miura 12, China Presentation, prezi.com/tccgenlw25so/chin165a-final-presentation/

"in the area of" refers to a certain scope

### 2AC – Executive Reform CP

#### Executive unilateralism on drones undermines public trust and fails—congressional restrictions are key

Goldsmith, 2013

[Jack, Henry L. Shattuck Professor at Harvard Law School, May 1 2013, “How Obama Undermined the War on Terror,” http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism] /Wyo-MB

These are unhappy developments for the president who in his first inaugural address pledged with supercilious confidence that, unlike his predecessor, he would not expend the "rule of law" for "expedience's sake." Obama reportedly bristles at the legal and political questions about his secret war, and the lack of presidential trust that they imply. "This is not Dick Cheney we're talking about here," he recently pleaded to Democratic senators who complained about his administration's excessive secrecy on drones, according to Politico. And yet the president has ended up in this position because he committed the same sins that led Cheney and the administration in which he served to a similar place.¶ The first sin is an extraordinary institutional secrecy that Obama has long promised to reduce but has failed to. In part this results from any White House's inevitable tendency to seek maximum protection for its institutional privileges and prerogatives. The administration's disappointing resistance to sharing secret legal opinions about the secret war with even a small subset of Congress falls into this category. ¶ But the point goes deeper, for secrecy is the essence of the type of war that Obama has chosen to fight. The intelligence-gathering in foreign countries needed for successful drone strikes there cannot be conducted openly. Nor can lethal operations in foreign countries easily be acknowledged. Foreign leaders usually insist on non-acknowledgment as a condition of allowing American operations in their territories. And in any event, an official American confirmation of the operations might spark controversies in those countries that would render the operations infeasible. The impossible-to-deny bin Laden raid was a necessary exception to these principles, and the United States is still living with the fallout in Pakistan.¶ For official secrecy abroad to work, the secrets must be kept at home as well. In speeches, interviews, and leaks, Obama's team has tried to explain why its operations abroad are lawful and prudent. But to comply with rules of classified information and covert action, the explanations are conveyed in limited, abstract, and often awkward terms. They usually raise more questions than they answer—and secrecy rules often preclude the administration from responding to follow-up questions, criticisms, and charges. ¶ As a result, much of what the administration says about its secret war—about civilian casualties, or the validity of its legal analysis, or the quality of its internal deliberations—seems incomplete, self-serving, and ultimately non-credible. These trust-destroying tendencies are exacerbated by its persistent resistance to transparency demands from Congress, from the press, and from organizations such as the aclu that have sought to know more about the way of the knife through Freedom of Information Act requests.¶

#### Congressional involvement is key – internal executive review sets a precedent for future administrations to destroy due process that’s key to rule of law

Feldman 13 (Noah, Professor of Constitutional and International Law – Harvard University, “Obama’s Drone Attack on Your Due Process,” Bloomberg, 2-8, <http://www.bloomberg.com/news/2013-02-08/obama-s-drone-attack-on-your-due-process.html>)

The cases cited by the white paper provide no precedent for the idea that due process could be satisfied by some secret, internal process within the executive branch -- not that any such process is even mentioned. The reason they don’t is obvious: There is no such precedent. Never, to my knowledge, in the history of due process jurisprudence, has a court said that a neutral decision maker wasn’t necessary. And as Justice Felix Frankfurter wrote in language cited in the Mathews case, “the essence of due process is the requirement that a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it.” Although the white paper doesn’t say so, Awlaki even tried to get a hearing before he was killed. His father asked a federal court to find that he wasn’t a terrorist. But the court never heard his claim, because the Obama administration persuaded it not to consider the case. When Paul Clement, solicitor general under George W. Bush, told the Supreme Court in the Hamdi oral argument that Hamdi had been given the opportunity to be heard during his interrogation, a notable gasp went through the courtroom. Justice Sandra Day O’Connor later singled out this outrageous claim for special criticism. The Obama administration’s apparent belief that due process can be satisfied in secret inside the executive branch is arguably a greater departure from precedent. It is a travesty of the very notion of due process. And to borrow a phrase from Justice Robert Jackson, it will now lie about like a loaded weapon ready for the hand of any administration that needs it. The white paper should have said that due process doesn’t apply on the battlefield. By instead making due process into a rubber stamp, the administration is ignoring precedent and subverting the idea of the rule of law. When is some law worse than none? When that law is so watered down that it loses the meaning it has had for 800 years.

#### Strong rule of law key to solve extinction

Tehranian and Clements 05

(Majid and Kevin P., America & The World: The Double Bind, Pgs. 18-19) /wyo-mm

In this globalized world closed societies are in rapid decline. No country can act in isolation. The actions of the world’s most powerful country will have lasting consequences on people all over the world. At one time the foremost proponent of the rule of law and the leading creator of multilateral institutions the United States has now decided to assert US exceptionalism to the very institutions it helped create. By these actions it is working to undermine the international rule of law. The United States is setting a dangerous precedent for other states by retreating from commitments under treaties. These treaties and the regimes that implement them provide the legal and institutional basis for ensuring minimal compliance with international norms and standards. Furthermore, refusal to enter into treaties that are designed to build global security will ultimately work to the detriment of the United States. Current global challenges will require stronger, not weaker, frameworks for cooperation. If states assert a right to act pre-emptively and without legitimation from the United Nations the challenges to international institutions and the rule of law will be very great indeed. Instead of prudence governing decisions, strike thresholds will be lowered and the margins of error increased. For example, the perceived threat from Iraq’s production and use of weapons of mass destruction turned out to be erroneous. . Since nuclear weapons are now part of the national security strategy of the United States there would have been even more damage had the United States used nuclear weapons. The use of force of any kind, let alone the use of weapons of mass destruction that do not make any distinctions between combatant and civilian, cannot be decided unilaterally. The United States’ unique role as the world’s only country with unsurpassed military might makes it a particularly fearsome and feared country. When it begins to adopt policies that allow it to be the sole arbiter of how it will behave for the benefit of 280 million people in a world of over 6 billon people, its minority status will quickly make it not only a feared, but also a despised country. The United States is dependent upon other countries to detect and prevent acts of terrorism. It must move within a framework of agreed upon norms and standards. This ensures that the safeguards which the rule of law brings to protect human rights, secure justice, and seek peaceful solutions to conflict will lead to a stable and sustainable future for the whole human family

### 2AC – DA

#### Data disproves hegemony impacts

Fettweis, 11

Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

#### 8th, We solve the Impact- specialized courts are fast- wouldn’t compromise operations

Somin, 13 [April 23rd, HEARING ON “DRONE WARS: THE CONSTITUTIONAL AND COUNTERTERRORISM IMPLICATIONS OF TARGETED KILLING” TESTIMONY BEFORE THE UNITED STATES SENATE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS April 23, 2013, Illya, Professor of Law]

BOne partial solution to the problem of target selection would be to require officials to get advance authorization for targeting a United States citizen from a specialized court, similar to the FISA Court, which authorizes intelligence surveillance warrants for spying on suspected foreign agents in the United States. The specialized court could act faster than ordinary courts do and without warning the potential target, yet still serve as a check on unilateral executive power. In the present conflict, there are relatively few terrorist leaders who are American citizens. Given that reality, we might even be able to have more extensive judicial process than exists under FISA. Professor Amos Guiora of the University of Utah, a leading expert on legal regulation of counterterrorism operations with extensive experience in the Israeli military, has developed a proposal for a FISA-like oversight court that deserves serious consideration by this subcommittee, and Congress more generally.22 The idea of a drone strike oversight court has also been endorsed by former Secretary of Defense Robert Gates, who served in that position in both the Obama and George W. Bush administrations. Gates emphasizes that “some check 7 on the president’s ability to do this has merit as we look to the long-term future,” so that the president would not have the unilateral power of “being able to execute” an American citizen.23 We might even consider developing a system of judicial approval for targeted strikes aimed at non-citizens. The latter process might have to be more streamlined than that for citizens, given the larger number of targets it would have to consider. But it is possible that it could act quickly enough to avoid compromising operations, while simultaneously acting as a check on abusive or reckless targeting. However, the issue of judicial review for strikes against non-citizens is necessarily more difficult than a court that only covers relatively rare cases directed at Americans. Alternatively, one can envision some kind of more extensive due process within the executive branch itself, as advocated by Neal Katyal of the Georgetown University Law Center.24 But any internal executive process has the flaw that it could always be overriden by the president, and possibly other high-ranking executive branch officials. Moreover, lower-level executive officials might be reluctant to veto drone strikes supported by their superiors, either out of careerist concerns, or because administration officials are naturally likely to share the ideological and policy priorities of the president. An external check on targeting reduces such risks. External review might also enhance the credibility of the target-selection process with informed opinion both in the United States and abroad. Whether targeting decisions are made with or without judicial oversight, there is also an important question of burdens of proof. How much evidence is enough to justify classifying you or me as a senior Al Qaeda leader? The administration memo does not address that crucial question either. Obviously, it is unrealistic to hold military operations to the standards of proof normally required in civilian criminal prosecutions. But at the same time, we should be wary of giving the president unfettered power to order the killing of citizens simply based on his assertion that they pose a threat. Amos Guiora suggests that an oversight court should evaluate proposed strikes under a “strict scrutiny standard” that ensures that strikes are only ordered based on intelligence that is “reliable, material and probative.”25 It is difficult for me to say whether this standard of proof is the best available option. But the issue is a crucial one that deserves further consideration. Ideally, we need a standard of proof rigorous enough to minimize reckless or abusive use of targeted killing, but not so high as to preclude its legitimate use

### 2AC – K

#### War turns structural violence

Joshua S. Goldstein, Professor of International Relations at American University, 2001 (“Reflections: The Mutuality of Gender and War," *War and Gender*, Published by Cambridge University Press, ISBN 0521001803, p. 411-412)

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, "if you want peace, work for justice." Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars' outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. 9 So, "if you want peace, work for peace." Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to "reverse women's oppression." The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book's evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate. 10

#### Any other framework moots 9 minutes of the 1ac, Weigh Aff Impacts versus the Kritik, it’s the only way to test competition, this is a voter for fairness and education.

**onas 96** [Hans, Former Alvin Johnson Prof. Phil. At the New School for Social Research & Former Eric Voegelin Visiting Prof. at U. Munich, \*do not agree with gendered language, Mortality and Morality: A Search for the Good after Auschwitz, pg 111-2

With this look ahead at an ethics for the future, we are touching at the same time upon the question of the future of freedom. The unavoidable discussion of this question seems to give rise to misunderstandings. My dire prognosis that not only our material standard of living but also our democratic freedoms would fall victim to the growing pressure of a worldwide ecological crisis, until finally there would remain only some form of tyranny that would try to save the situation, has led to the accusation that I am defending dictatorship as a solution to our problems. I shall ignore here what is a confusion between warning and recommendation. But I have indeed said that such a tyranny would still be better than total ruin; thus, I have ethically accepted it as an alternative. I must now defend this standpoint, which I continue to support, before the court that I myself have created with the main argument of this essay. For are we not contradicting ourselves in prizing physical survival at the price of freedom? Did we not say that freedom was the condition of our capacity for responsibility—and that this capacity was a reason for the survival of humankind? By tolerating tyranny as an alternative to physical annihilation are we not violating the principle we established: that the How of existence must not take precedence over its Why? Yet we can make a terrible concession to the primacy of physical survival in the conviction that the ontological capacity for freedom, inseparable as it is from man’s being, cannot really be extinguished, only temporarily banished from the public realm. This conviction can be supported by experience we are all familiar with. We have seen that even in the most totalitarian societies the urge for freedom on the part of some individuals cannot be extinguished, and this renews our faith in human beings. Given this faith, we have reason to hope that, as long as there are human beings who survive, the image of God will continue to exist along with them and will wait in concealment for its new hour. With that hope—which in this particular case takes precedence over fear—it is permissible, for the sake of physical survival, to accept if need be a temporary absence of freedom in the external affairs of humanity. This is, I want to emphasize, a worst-case scenario, and it is the foremost task of responsibility at this particular moment in world history to prevent it from happening. This is in fact one of the noblest of duties (and at the same time one concerning self-preservation), on the part of the imperative of responsibility to avert future coercion that would lead to lack of freedom by acting freely in the present, thus preserving as much as possible the ability of future generations to assume responsibility. But more than that is involved. At stake is the preservation of the Earth’s entire miracle of creation, of which our human existence is a part and before which man reverently bows, even without philosophical “grounding.” Here too faith may precede and reason follow; it is faith that longs for this preservation of the Earth (fides quaerens intellectum), and reason comes as best it can to faith’s aid with arguments, not knowing or even asking how much depends on its success or failure in determining what action to take. With this confession of faith we come to the end of our essay ontology.

#### Third, permutation do both- Legal reforms dampen emergency powers and prevent future injustices from our counter-terrorism policies

O’Cinneide ‘08

[Colm, University College London senior law lecturer, “‘Dampening’: How Legal Mechanisms Can Offer a Partial Respite from the Counter-Terrorism Cycle” http://epress.anu.edu.au/war\_terror/mobile\_devices/ch15s07.html>//wyo-hdm]

However, certain legal processes appear to have some capacity to slow down the excesses of the counter-terrorism cycle. What is becoming apparent in the UK context since 9/11 is that there are factors at play this time round that were not in play in the early years of the Northern Irish crisis. A series of parliamentary, judicial and transnational mechanisms are now in place that appear to have some moderate ‘dampening’ effect on the application of emergency powers.¶ This phrase ‘dampening’ is borrowed from Campbell and Connolly, who have recently suggested that law can play a ‘dampening’ role on the progression of the counter-terrorism cycle before it reaches its end. Legal processes can provide an avenue of political opportunity and mobilization in their own right, whereby the ‘relatively autonomous’ framework of a legal system can be used to moderate the impact of the cycle of repression and backlash. They also suggest that this ‘dampening’ effect can ‘re-frame’ conflicts in a manner that shifts perceptions about the need for the use of violence or extreme state repression.[[113](http://press.anu.edu.au//war_terror/mobile_devices/ch15s07.html" \l "ftn.d0e14276)] State responses that have been subject to this dampening effect may have more legitimacy and generate less repression: the need for mobilisation in response may therefore also be diluted.

#### Fifth, no impact- drones have no effect on the acceptability of war, don’t make war more likely, and are key to decreases detriments of war

Etzioni 13

(Amitai, professor of international relations at George

Washington University, Military Review, “Great Drone Debate,” 2013, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>) /wyo-mm

Mary Dudziak of the University of Southern California’s Gould School of Law opines that “[d]rones are a technological step that further isolates the American people from military action, undermining political checks on . . . endless war.” Similarly, Noel Sharkey, in The Guardian, worries that drones represent “the ﬁnal step in the industrial revolution of war—a clean factory of slaughter with no physical blood on our hands and none of our own side killed.” This kind of cocktail-party sociology does not stand up to even the most minimal critical examination. Would the people of the United States, Afghanistan, and Pakistan be better off if terrorists were killed in “hot” blood—say, knifed by Special Forces, blood and brain matter splashing in their faces? Would they be better off if our troops, in order to reach the terrorists, had to go through improvised explosive devices blowing up their legs and arms and gauntlets of machinegun ﬁre and rocket-propelled grenades—traumatic experiences that turn some of them into psychopath-like killers? Perhaps if all or most ﬁghting were done in a cold-blooded, push-button way, it might well have the effects suggested above. However, as long as what we are talking about are a few hundred drone drivers, what they do or do not feel has no discernible effects on the nation or the leaders who declare war. Indeed, there is no evidence that the introduction of drones (and before that, high-level bombing and cruise missiles that were criticized on the same grounds) made going to war more likely or its extension more acceptable. Anybody who followed the American disengagement in Vietnam after the introduction of high-level bombing, or the U.S. withdrawal from Afghanistan (and Iraq)—despite the considerable increases in drone strikes—knows better. In effect, the opposite argument may well hold: if the United States could not draw on drones in Yemen and the other new theaters of the counterterrorism campaign, the nation might well have been forced to rely more on conventional troops and prolong our involvement in those areas, a choice which would greatly increase our casualties and zones of warfare. This line of criticism also neglects a potential upside of drones. As philosopher Bradley Strawser notes, this ability to deploy force abroad with minimal United States casualties may allow America to intervene in emerging humanitarian crises across the world with a greater degree of ﬂexibility and effectiveness.61 Rather than reliving another “Blackhawk down” scenario, the United States can follow the model of the Libya intervention, where drones were used by NATO forces to eliminate enemy armor and air defenses, paving the way for the highly successful air campaign which followed, as reported by The Guardian’s Nick Hopkins.

#### Sixth, the alt makes authoritarianism and oppression inevitable

Boyle, La Salle University political science assistant professor, 2013

[Michael, “The costs and consequences of drone warfare” http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf, p.25-6, accessed 9-8-13]

Fourth, there is a distinct danger that the world will divide into two camps: ¶ developed states in possession of drone technology, and weak states and rebel¶ movements that lack them. States with recurring separatist or insurgent problems ¶ may begin to police their restive territories through drone strikes, essentially ¶ containing the problem in a fixed geographical region and engaging in a largely ¶ punitive policy against them. One could easily imagine that China, for example, ¶ might resort to drone strikes in Uighur provinces in order to keep potential threats ¶ from emerging, or that Russia could use drones to strike at separatist movements ¶ in Chechnya or elsewhere. Such behaviour would not necessarily be confined to ¶ authoritarian governments; it is equally possible that Israel might use drones to ¶ police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers ¶ to Palestinian attacks on the ground. The extent to which Israel might be willing ¶ to use drones in combat and surveillance was revealed in its November 2012 attack ¶ on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari ¶ and employed a number of armed drones for strikes in a way that was described ¶ as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel ¶ concluding that drones over Gaza were the best way to deal with the problem ¶ of Hamas, even if their use left the Palestinian population subject to constant, ¶ unnerving surveillance. All of the consequences of such a sharp division between ¶ the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to ¶ negotiate and grant concessions if drones allowed them to police their internal ¶ enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result ¶ might be a situation where such conflicts are contained but not resolved, while ¶ citizens in developed states grow increasingly indifferent to the suffering of those ¶ making secessionist or even national liberation claims, including just ones, upon ¶ them.

#### Third, attempting to solve the root cause of terror is impossible, encourages more terrorism and casualties, only way to defeat is to incapacitate terrorism completely

Dershowitz 02

(Alan M., Why Terrorism Works: Understanding the Threat, Responding to the Challenge, Pgs. 24-26//wyo-mm)

The reason terrorism works—and will persist unless there are significant changes in the response to it—is precisely because its perpetrators believe that by murdering innocent civilians they will succeed in attracting the attention of the world to their perceived grievances and their demand that the world “understand them” and “eliminate their root causes.” To submit to this demand is to send the following counterproductive message to those with perceived grievances: if you resort to terrorism, we will try harder to understand your grievances and respond to them than we would have if you employed less violent methods. This is precisely the criterion for success established by the terrorist themselves. Listen to the words of Zehdi Labib Terzi, the Palestine Liberation Organization’s chief observer at the United Nations: “The first several hijackings aroused the consciousness of the world and awakened the media and the world opinion much more—and more effectively—than twenty years of pleading at the United Nations.” If this is true—and the Palestinians surely believe it is—then it should come as no surprise that hijackings and other forms of terrorism increased dramatically after the Palestinians were rewarded for their initial terrorism by increased world attention to its “root causes”—attention that quickly resulted in their leader being welcomed by the U.N. General Assembly, their organization being granted observer status at the United Nations, and their “government” being recognized by dozens of nations.9 We must take precisely the opposite approach to terrorism. We must commit ourselves never to try to understand or eliminate its alleged root causes, but rather to place it beyond the pale of dialogue and negotiation. Our message must be this: even if you have legitimate grievances, if you resort to terrorism as a means toward eliminating them we will simply not listen to you, we will not try to understand you, and we will certainly never change any of our policies toward you. Instead, we will hunt you down and destroy your capacity to engage in terror. Any other approach will encourage the use of terrorism as a means toward achieving ends—whether those ends are legitimate, illegitimate, or anything in between. Nor is there any single substantive root cause of all, or even most, terrorism. If there were—if poverty, for example, were the root cause of all terrorism—then by fixing that problem we could address the root cause of specific terrorist groups without encouraging others. But the reality is that the “root causes” of terrorism are as varied as human nature. Every single “root cause” associated with terrorism has existed for centuries, and the vast majority of groups with equivalent or more compelling causes—and with far greater poverty and disadvantage—have never resorted to terrorism. The search for “root causes” smacks more of after-the-fact political justification than inductive scientific inquiry. The variables that distinguish aggrieved groups willing to target innocent civilians from equally situated groups unwilling to murder children have far less to do with the legitimacy of their causes or the suffering of their people than with religious, cultural, political, and ethical differences.10 They also relate to universalism versus parochialism and especially to the value placed on human life. To focus on such favors as poverty, illiteracy, disenfranchisement, and others all too common around our imperfect world is to fail to explain why so many groups with far greater grievances and disabilities have never resorted to terrorism.11 Instead, the focus must be on the reality that using an act of terrorism as the occasion for addressing the root causes of that act only encourages other groups to resort to terrorism in order to have their root causes advanced on the international agenda. Put another way, the “root cause” of terrorism that must be eliminated is its success.

#### Fourth, Focus on language-discourse in the war on terror fails to create effective models for combatting violence, understanding war, and history proves there’s no causality between language and war

Rodwell, 05

(Jonathan, PhD student at Manchester Met. researching the U.S. Foreign Policy, “Trendy But Empty: A Response to Richard Jackson,” 2005, <http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm>) /wyo-mm

However, having said that, the problem is Jackson’s own theoretical underpinning, his own justification for the importance of language. If he was merely proposing that the understanding of language as one of many causal factors is important that would be fine. But he is not. The epistemological and theoretical framework of his argument means the ONLY thing we should look at is language and this is the problem.[ii] Rather than being a fairly simple, but nonetheless valid, argument, because of the theoretical justification it actually becomes an almost nonsensical. My response is roughly laid out in four parts. Firstly I will argue that such methodology, in isolation, is fundamentally reductionist with a theoretical underpinning that does not conceal this simplicity. Secondly, that a strict use of post-structural discourse analysis results in an epistemological cul-de-sac in which the writer cannot actually say anything. Moreover the reader has no reason to accept anything that has been written. The result is at best an explanation that remains as equally valid as any other possible interpretation and at worse a work that retains no critical force whatsoever. Thirdly, possible arguments in response to this charge; that such approaches provide a more acceptable explanation than others are, in effect, both a tacit acceptance of the poverty of force within the approach and of the complete lack of understanding of the identifiable effects of the real world around us; thus highlighting the contradictions within post-structural claims to be moving beyond traditional causality, re-affirming that rather than pursuing a post-structural approach we should continue to employ the traditional methodologies within History, Politics and International Relations. Finally as a consequence of these limitations I will argue that the post-structural call for ‘intertextuals’ must be practiced rather than merely preached and that an understanding and utilisation of all possible theoretical approaches must be maintained if academic writing is to remain useful rather than self-contained and narrative. Ultimately I conclude that whilst undeniably of some value post-structural approaches are at best a footnote in our understanding . The first major problem then is that historiographically discourse analysis is so capacious as to be largely of little use. The process of inscription identity, of discourse development is not given any political or historical context, it is argued that it just works, is simply a universal phenomenon. It is history that explains everything and therefore actually explains nothing. To be specific if the U.S. and every other nation is continually reproducing identities through ‘othering’ it is a constant and universal phenomenon that fails to help us understand at all why one result of the othering turned out one way and differently at another time. For example, how could one explain how the process resulted in the 2003 invasion of Iraq but didn’t produce a similar invasion of Afghanistan in 1979 when that country (and by the logic of the Regan administrations discourse) the West was threatened by the ‘Evil Empire’. By the logical of discourse analysis in both cases these policies were the result of politicians being able to discipline and control the political agenda to produce the outcomes. So why were the outcomes not the same? To reiterate the point how do we explain that the language of the War on Terror actually managed to result in the eventual Afghan invasion in 2002? Surely it is impossible to explain how George W. Bush was able to convince his people (and incidentally the U.N and Nato) to support a war in Afghanistan without referring to a simple fact outside of the discourse; the fact that a known terrorist in Afghanistan actually admitted to the murder of thousands of people on the 11h of Sepetember 2001. The point is that if the discursive ‘othering’ of an ‘alien’ people or group is what really gave the U.S. the opportunity to persue the war in Afghanistan one must surly wonder why Afghanistan. Why not North Korea? Or Scotland? If the discourse is so powerfully useful in it’s own right why could it not have happened anywhere at any time and more often? Why could the British government not have been able to justify an armed invasion and regime change in Northern Ireland throughout the terrorist violence of the 1980’s? Surely they could have just employed the same discursive trickery as George W. Bush? Jackson is absolutely right when he points out that the actuall threat posed by Afghanistan or Iraq today may have been thoroughly misguided and conflated and that there must be more to explain why those wars were enacted at that time. Unfortunately that explanation cannot simply come from the result of inscripting identity and discourse. On top of this there is the clear problem that the consequences of the discursive othering are not necessarily what Jackson would seem to identify. This is a problem consistent through David Campbell’s original work on which Jackson’s approach is based[iii]. David Campbell argued for a linguistic process that ‘always results in an other being marginalized’ or has the potential for ‘demonisation’[iv]. At the same time Jackson, building upon this, maintains without qualification that the systematic and institutionalised abuse of Iraqi prisoners first exposed in April 2004 “is a direct consequence of the language used by senior administration officials: conceiving of terrorist suspects as ‘evil’, ‘inhuman’ and ‘faceless enemies of freedom creates an atmosphere where abuses become normalised and tolerated”[v]. The only problem is that the process of differentiation does not actually necessarily produce dislike or antagonism. In the 1940’s and 50’s even subjected to the language of the ‘Red Scare’ it’s obvious not all Americans came to see the Soviets as an ‘other’ of their nightmares. And in Iraq the abuses of Iraqi prisoners are isolated cases, it is not the case that the U.S. militarily summarily abuses prisoners as a result of language. Surely the massive protest against the war, even in the U.S. itself, is also a self evident example that the language of ‘evil’ and ‘inhumanity’ does not necessarily produce an outcome that marginalises or demonises an ‘other’. Indeed one of the points of discourse is that we are continually differentiating ourselves from all others around us without this necessarily leading us to hate fear or abuse anyone.[vi] Consequently, the clear fear of the Soviet Union during the height of the Cold War, and the abuses at Abu Ghirab are unusual cases. To understand what is going on we must ask how far can the process of inscripting identity really go towards explaining them? As a result at best all discourse analysis provides us with is a set of universals and a heuristic model.

## 1AR

#### War increase racism and oppression to women

[Population and Development Program](http://hamp.hampshire.edu/~clpp/popdev.html) at Hampshire College. 02

(<http://www.lysistrataproject.org/aboutus.htm>. Ten Reasons Why Militarism is Bad   
for Reproductive Freedom)

It is no secret that militarism fosters racial prejudice in the name of national security. From Japanese-American internment camps during World War II to the current INS detention of Middle Eastern men, war reinforces racial stereotypes and discrimination. Today, racial profiling of Arab-American, Muslim, and South Asian people is defended as necessary for homeland security. In the wake of September 11, national anti-immigrant groups strengthened their activism to severely restrict immigration into the United States. Organizations such as the Federation for American Immigration Reform, Negative Population Growth, and the Carrying Capacity Network blamed immigration for the attacks on the World Trade Center, using fear-based tactics to play upon the national panic. The sentiments of these organizations have helped lead to programs, public policy, or legislation that target women of color and immigrant women for population control. Population control has often taken the form of involuntary sterilizations, welfare family caps, and/or risky long-term contraceptives. Anti-immigration attitudes associated with militarism pose huge threats and challenges to immigrant women, particularly those seeking asylum or those fleeing domestic violence. According to Amnesty International, women seeking asylum in the U.S. (some of whom are pregnant) have reported being detained without adequate food or medical care and undergoing strip searches, as well as physical, verbal, and sexual assault.

#### The permutation is key to solvency

Kamiya 6

(Gary Kamiya, M.A. from U.C. Berkeley, founder of Salon, political analyst and writer @ Salon, "How Edward Said took intellectuals for a ride" Dec 6 2006 www.salon.com/books/feature/2006/12/06/orientalism

As America tries to figure out how to deal with the Arab and Muslim world, and to educate the American people so that catastrophes like Iraq don’t happen again, it is vital that a full spectrum of opinions be heard. The long history of Western imperialist meddling in the Middle East, the West’s consistent stifling of Arab attempts at political reform, and many other such matters must be discussed. But it is equally important that the role of religion and culture be acknowledged, and that historical and even anthropological analyses of Middle Eastern societies not be ruled out by the left simply because they lead to certain conclusions that may make bien-pensant intellectuals uncomfortable. (The role of tribes and the importance of honor and revenge in Arab culture are two examples.) All of these complex issues must be put on the table and given a full national discussion — for our sake, for the Middle East’s sake and for the world’s sake. Said argued that Western knowledge about the Middle East serves only Western interests. Against that dark view, we need to insist that knowledge is always good. As we struggle not just to extricate ourselves from Iraq but also to forge a more humane and enlightened policy toward the Middle East, we need more Orientalism, not less.