### Off

#### Interpretation: The affirmative must defend that the United States federal government should enact restrictions on Presidential war powers.

#### The aff’s not topical—

#### “Resolved” is governmental

Jeff Parcher 1, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### “Should” is obligatory

Judge Henry Nieto 9, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### THE U.S.F.G. is the three branches of government

Dictionary.com 2k6 [[http://dictionary.reference.com/browse/united+states+government](http://dictionary.reference.com/browse/united%2Bstates%2Bgovernment)]

|  |
| --- |
| noun |
| the executive and legislative and judicial branches of the federal government of the United States  |

#### THE TOPIC IS DEFINED BY THE PHRASE FOLLOWING THE COLON – THE UNITED STATES FEDERAL GOVERNMENT IS THE AGENT OF THE RESOLUTION, NOT THE INDIVIDUAL DEBATERS

Webster’s Guide to Grammar and Writing 2K

 <http://ccc.commnet.edu/grammar/marks/colon.htm>

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on… If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

####  “Topic relevance” isn't enough—only a precise and limited rez creates deliberation on a point of mutual difference—this is only internal link to limits and ground which are key to competitive equity and topic education—both of which are the most important impacts in debate

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the **broad topic** of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. **Vague understanding** results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

### Off

**Exec flexibility on detention powers now**

Michael **Tomatz 13**, Colonel, B.A., University of Houston, J.D., University of Texas, LL.M., The Army Judge Advocate General Legal Center and School (2002); serves as the Chief of Operations and Information Operations Law in the Pentagon. AND Colonel Lindsey O. Graham B.A., University of South Carolina, J.D., University of South Carolina, serves as the Senior Individual Mobilization Augmentee to The Judge Advocate Senior United States Senator from South Carolina, “NDAA 2012: CONGRESS AND CONSENSUS ON ENEMY DETENTION,” 69 A.F. L. Rev. 1

President Obama signed the NDAA "despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists." n114 **While the Administration voiced concerns throughout the legislative process, those concerns were addressed and ultimately resulted in a bill that preserves the flexibility needed to adapt to changing circumstances and upholds America's values. The President reiterated his support for language** in Section 1021 **making clear that the new legislation does not limit or expand the scope of Presidential authority under the AUMF or affect existing authorities "relating to** the **detention** of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." n115¶ The President underscored his Administration "will not authorize the indefinite military detention without trial of American citizens" and will ensure any authorized detention "complies with the Constitution, the laws of war, and all other applicable law." n116 Yet understanding fully the Administration's position requires recourse to its prior insistence that the Senate Armed Services Committee remove language in the original bill which provided that U.S. citizens and lawful resident aliens captured in the United States would not be subject to Section 1021. n117 **There appears to be a balancing process at work here.** On the one hand, **the Administration is in lock-step with Congress that the NDAA should neither expand nor diminish the President's detention authority.** On the other hand, policy considerations led the President to express an intention to narrowly exercise this detention authority over American citizens.¶ **The overriding point is that the legislation preserves the full breadth and depth of detention authority existent in the AUMF, to include the detention of American citizens who join forces with Al Qaida. This is a dynamic and changing conflict.** If a home-grown terrorist destroys a U.S. target, the FBI gathers the evidence, and a U.S. Attorney prosecutes, traditional civilian criminal laws govern, and the military detention authority resident in the NDAA need never come into play. This is a reasonable and expected outcome in many cases. The pending strike on rail targets posited in this paper's introduction, where intelligence sources reveal an inchoate attack involving American and foreign nationals operating overseas and at home, however, may be precisely the type of scenario where **military detention is not only preferred but vital to thwarting the attack, conducting interrogations about known and hidden dangers, and preventing terrorists from continuing the fight.**

**Reforms result in catastrophic terrorism---releases them and kills intel gathering**

Jack **Goldsmith 09**, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But **many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention.** I disagree. **For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶** For one thing, **military detention will be necessary in Iraq and Afghanistan** for the foreseeable future. For another, **we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists**, who legitimately qualify for non-criminal military detention. **The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This** problem is **exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old.** And perhaps most importantly, **the use of such evidence in a criminal process may compromise intelligence sources and methods**, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ **A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences** (as the first military commission trial did) **or even acquittal of a dangerous terrorist**.17 In criminal trials, **guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority,** as the Bush administration did, **to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham.** As a result, **putting a suspect on trial can make it hard to detain terrorists the government deems dangerous.** For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, **insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return** to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, **that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons**. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

**Prez flex is key to quick action and intel to prevent terrorist attacks.**

Glenn **Sulmasy 9**, law faculty of the United States Coast Guard Academy, , Anniversary Contributions: Use of Force: Executive Power: the Last Thirty Years, 30 U. Pa. J. Int'l L. 1355

Since the attacks of 9/11, the original concerns noted by Hamilton, Jay, and Madison have been heightened. **Never before** in the young history of the United States **has the need for an energetic executive been more vital to its national security**. **The need for quick** **action** in this arena **requires an executive response** - **particularly when fighting a shadowy enemy like al Qaeda** - **not** the **deliberative bodies** **opining on** what and **how to conduct warfare** or determining how and when to respond. **The threats from non-state actors**, such as al Qaeda, **make the need for dispatch and rapid response even greater**. Jefferson's **concerns about the slow** and deliberative institution of **Congress being prone to informational leaks** **are even more relevant** in the twenty-first century. The advent of the twenty-four hour media only leads to an increased need for retaining enhanced levels of executive [\*1362] control of foreign policy. This is particularly true in modern warfare. **In the war on** international **terror, intelligence is vital to ongoing operations and** successful **prevention of attacks.** **Al** **Qaeda** now **has both the will and the ability to strike** with the equivalent force and might of a nation's armed forces. **The need to identify** these **individuals before they can operationalize an attack is vital. Often** international terror **cells consist of** only **a small number of** **individuals** - **making intelligence that much more difficult to obtain and even more vital** than in previous conflicts. The normal movements of tanks, ships, and aircrafts that, in traditional armed conflict are indicia of a pending attack are not the case in the current "fourth generation" war. Thus, the need for intelligence becomes an even greater concern for the commanders in the field as well as the Commander-in-Chief.¶ Supporting a strong executive in foreign affairs does not necessarily mean the legislature has no role at all. In fact, their dominance in domestic affairs remains strong. Additionally, besides the traditional roles identified in the Constitution for the legislature in foreign affairs - declaring war, ratifying treaties, overseeing appointments of ambassadors, etc. - this growth of executive power now, more than ever, necessitates an enhanced, professional, and apolitical oversight of the executive. An active, aggressive oversight of foreign affairs, and warfare in particular, by the legislature is now critical. Unfortunately, the United States - particularly over the past decade - has witnessed a legislature unable to muster the political will necessary to adequately oversee, let alone check, the executive branch's growing power. Examples are abundant: lack of enforcement of the War Powers Resolution abound the executive's unchecked invasions of Grenada, Panama, and Kosovo, and such assertions as the Authorization for the Use of Military Force, the USA Patriot Act, military commissions, and the updated Foreign Intelligence Surveillance Act ("FISA"). There have been numerous grand-standing complaints registered in the media and hearings over most, if not all, of these issues. However, in each case, the legislature has all but abdicated their constitutionally mandated role and allowed the judicial branch to serve as the only real check on alleged excesses of the executive branch. This deference is particularly dangerous and, in the current environment of foreign affairs and warfare, tends to unintentionally politicize the Court.¶ The Founders clearly intended the political branches to best serve the citizenry by functioning as the dominant forces in [\*1363] guiding the nation's foreign affairs. They had anticipated the political branches to struggle over who has primacy in this arena. In doing so, they had hoped neither branch would become too strong. The common theme articulated by Madison, ambition counters ambition, n17 intended foreign affairs to be a "give and take" between the executive and legislative branches. However, inaction by the legislative branch on myriad policy and legal issues surrounding the "war on terror" has forced the judiciary to fulfill the function of questioning, disagreeing, and "checking" the executive in areas such as wartime policy, detentions at Guantanamo Bay, and tactics and strategy of intelligence collection. The unique nature of the conflict against international terror creates many areas where law and policy are mixed. The actions by the Bush administration, in particular, led to outcries from many on the left about his intentions and desire to unconstitutionally increase the power of the Presidency. Yet, the Congress never firmly exercised the "check" on the executive in any formal manner whatsoever.¶ For example, many policymakers disagreed with the power given to the President within the Authorization to Use Military Force ("AUMF"). n18 Arguably, this legislation was broad in scope, and potentially granted sweeping powers to the President to wage the "war on terror." However, Congress could have amended or withdrawn significant portions of the powers it gave to the executive branch. This lack of withdrawal or amendment may have been understandable when Republicans controlled Congress, but as of November 2006, the Democrats gained control of both houses of the Congress. Still, other than arguing strongly against the President, the legislature did not necessarily or aggressively act on its concerns. Presumably this inaction was out of concern for being labeled "soft on terror" or "weak on national security" and thereby potentially suffering at the ballot box. This virtual paralysis is understandable but again, the political branches were, and remain, the truest voice of the people and provide the means to best represent the country's beliefs, interests, and national will in the arena of foreign affairs. It has been this way in the past but the more recent (certainly over the past thirty years and even more so in the past decade) intrusions of the judicial branch into what [\*1364] was intended to be a "tug and pull" between the political branches can properly be labeled as an unintended consequence of the lack of any real legislative oversight of the executive branch.¶ Unfortunately, now nine unelected, life-tenured justices are deeply involved in wartime policy decision making. Examples of judicial policy involvement in foreign affairs are abundant including Rasul v. Bush; n19 Hamdi v. Rumsfeld; n20 Hamdan v. Rumsfeld; n21 as well as last June's Boumediene v. Bush n22 decision by the Supreme Court, all impacting war policy and interpretation of U. S. treaty obligations. Simply, judges should not presumptively impact warfare operations or policies nor should this become acceptable practice. Without question, over the past thirty years, this is the most dramatic change in executive power. It is not necessarily the strength of the Presidency that is the change we should be concerned about - the institutional search for enhanced power was anticipated by the Founders - but they intended for Congress to check this executive tendency whenever appropriate. Unfortunately, this simply is not occurring in twenty-first century politics. Thus, the danger does not necessarily lie with the natural desire for Presidents to increase their power. The real danger is the judicial branch being forced, or compelled, to fulfill the constitutionally mandated role of the Congress in checking the executive.¶ 4. PRESIDENT OBAMA AND EXECUTIVE POWER¶ The Bush presidency was, and continues to be, criticized for having a standing agenda of increasing the power of the executive branch during its eight-year tenure. Numerous articles and books have been dedicated to discussing these allegations. n23 However, as argued earlier, the reality is that it is a natural bureaucratic tendency, and one of the Founders presciently anticipated, that each branch would seek greater powers whenever and wherever possible. **As the world becomes** increasingly **interdependent, technology and armament become more sophisticated, and with** [\*1365] **the rise of** twenty-first century **non-state actors**, **the need for strong executive power is not only preferred, but also necessary**. **Executive power in the current world dynamic is something, regardless of policy preference** or political persuasions, **that the new President must maintain** in order to best fulfill his constitutional role of providing for the nation's security. This is simply part of the reality of executive power in the twenty-first century. n24

#### Global terror threat is high and attacks against the US are immanent

ETN, 9-26-13

[E Turbo News Global Travel News Industry Reporting on information from the State department, US State Department issues worldwide travel warning, http://www.eturbonews.com/38306/us-state-department-issues-worldwide-travel-warning] /Wyo-MB

The US State Department recently released a statement cautioning Americans traveling abroad of potential terror attacks in Europe, Asia, Africa and the Middle East by al-Qaeda and its affiliated groups.¶ According to the report published on US State Government website, The Department of State has issued this Worldwide Caution to update information on the continuing threat of terrorist actions and violence against US citizens and interests throughout the world.¶ U.S. citizens are reminded to maintain a high level of vigilance and to take appropriate steps to increase their security awareness. This replaces the Worldwide Caution dated February 19, 2013, to provide updated information on security threats and terrorist activities worldwide.¶ The Department of State remains concerned about the continued threat of terrorist attacks, demonstrations, and other violent actions against U.S. citizens and interests overseas. Current information suggests that al-Qaeda, its affiliated organizations, and other terrorist groups continue to plan terrorist attacks against US interests in multiple regions, including Europe, Asia, Africa, and the Middle East. These attacks may employ a wide variety of tactics including suicide operations, assassinations, kidnappings, hijackings, and bombings.¶ Extremists may elect to use conventional or non-conventional weapons, and target both official and private interests. Examples of such targets include high-profile sporting events, residential areas, business offices, hotels, clubs, restaurants, places of worship, schools, public areas, shopping malls, and other tourist destinations both in the United States and abroad where US citizens gather in large numbers, including during holidays.¶ In early August 2013, the Department of State instructed certain US embassies and consulates to remain closed or to suspend operations August 4 through August 10 because of security information received. The US government took these precautionary steps out of an abundance of caution and care for our employees and others who may have planned to visit our installations.¶ US citizens are reminded of the potential for terrorists to attack public transportation systems and other tourist infrastructure.¶ Extremists have targeted and attempted attacks on subway and rail systems, aviation, and maritime services. In the past, these types of attacks have occurred in cities such as Moscow, London, Madrid, Glasgow, and New York City.¶ “Extremists may elect to use conventional or nonconventional weapons, and target both official and private interests,” the department said yesterday. Potential targets may include high-profile sports events, residences, businesses, hotels, clubs, restaurants, schools, places of worship, shopping malls and tourist destinations where Americans congregate.¶ Two US officials familiar with the warning said that while it’s a routine renewal of the department’s worldwide caution, it also reflects mounting intelligence that suggests Islamic terrorist groups loosely affiliated with what remains of al-Qaeda’s core leadership in Pakistan may be planning a new series of attacks against Western targets.

**Terrorist retaliation causes nuclear war – draws in Russia and China**

Robert **Ayson**, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, **2010** (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the **major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal**, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But **these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack**, and especially an act of **nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them.** In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. t may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, **if the act** of nuclear terrorism **came as a** complete **surprise**, and **American** officials refused to believe that a terrorist group was fully responsible (or responsible at all) **suspicion would shift immediately to state possessors**. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list **consisting of North Korea,** perhaps **Iran** if its program continues, and possibly **Pakistan**. But at what stage would **Russia and China** be definitely ruled out in this high stakes game of nuclear Cluedo? In particular**, if the act of** **nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst**? Of course, the chances of **this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war,** as unlikely as these developments may seem at the present time. **The reverse might well apply too**: **should a nuclear terrorist attack occur in Russia or China** during a period of heightened tension or even limited conflict with the United States, **could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack**? **Washington’s** early **response** to a terrorist nuclear attack on its own soil might also **raise the possibility of** an unwanted (and **nuclear** aided) **confrontation with Russia and/or China.** For example, **in the noise and confusion during the immediate aftermath of the terrorist nuclear attack**, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, **it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against** them. In that situation, **the temptations to preempt such actions might grow**, although it must be admitted that any preemption would probably still meet with a devastating response.

### Off

#### Trading autobiographical narrative for the ballot commodifies one’s identity and has limited impact on the culture that one attempt’s to reform – when autobiographical narrative “wins,” it subverts its own most radical intentions by becoming an exemplar of the very culture under indictment

Coughlin 95—associate Professor of Law, Vanderbilt Law School. (Anne, REGULATING THE SELF: AUTOBIOGRAPHICAL PERFORMANCES IN OUTSIDER SCHOLARSHIP, 81 Va. L. Rev. 1229)

Although Williams is quick to detect insensitivity and bigotry in remarks made by strangers, colleagues, and friends, her taste for irony fails her when it comes to reflection on her relationship with her readers and the material benefits that her autobiographical performances have earned for her. n196 Perhaps Williams should be more inclined to thank, rather than reprimand, her editors for behaving as readers of autobiography invariably do. When we examine this literary faux pas - the incongruity between Williams's condemnation of her editors and the professional benefits their publication secured her - we detect yet another contradiction between the outsiders' use of autobiography and their desire to transform culture radically. Lejeune's characterization of autobiography as a "contract" reminds us that autobiography is a lucrative commodity. In our culture, members of the reading public avidly consume personal stories, n197 which surely explains why first-rate law journals and academic presses have been eager to market outsider narratives. No matter how unruly the self that it records, an autobiographical performance transforms that self into a form of "property in a moneyed economy" n198 and into a valuable intellectual [\*1283] asset in an academy that requires its members to publish. n199 Accordingly, we must be skeptical of the assertion that the outsiders' splendid publication record is itself sufficient evidence of the success of their endeavor. n200Certainly, publication of a best seller may transform its author's life, with the resulting commercial success and academic renown. n201 As one critic of autobiography puts it, "failures do not get published." n202 While writing a successful autobiography may be momentous for the individual author, this success has a limited impact on culture. Indeed, the transformation of outsider authors into "success stories" subverts outsiders' radical intentions by constituting them as exemplary participants within contemporary culture, willing to market even themselves to literary and academic consumers. n203 What good does this transformation do for outsiders who are less fortunate and less articulate than middle-class law professors? n204 Although they style themselves cultural critics, the [\*1284] storytellers generally do not reflect on the meaning of their own commercial success, nor ponder its entanglement with the cultural values they claim to resist. Rather, for the most part, they seem content simply to take advantage of the peculiarly American license, identified by Professor Sacvan Bercovitch, "to have your dissent and make it too." n205

**resistance/empowerment via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce structural violence**

**Brown 95**—prof at UC Berkely (Wendy, States of Injury, 21-3)

**For some**, fueled by opprobrium toward regulatory norms or other mo- dalities of domination, **the language of "resistance" has taken up** the **ground** vacated by a more expansive practice of freedom. **For others, it is the discourse of “empowerment”** that carries the ghost of freedom's valence ¶ 22¶. **Yet** as many have noted, **insofar as resistance is an effect of the regime it opposes** on the one hand, **and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes** on the other, **it is at best** politically **rebellious; at worst, politically amorphous**. **Resistance stands against**, **not for; it is re- action** to domination, rarely willing to admit to a desire for it, **and** it is **neutral with regard to possible political direction**. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this **resistance is never in a position of exteriority to power**. . . . (**T]he strictly relational character of power relationships** . . . **depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations**.\*39 This appreciation of the extent to which **resistance is by no means inherently subversive of power** also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. **The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime**; “**empowerment**,” **in contrast, registers the possibility of generating one’s capacities**, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. **But in so doing**, contemporary **discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth** and capacity **in the register of individual feelings**, **a register** implicitly **located on** some- thing of **an otherworldly plane vis-a-vis social and political power**. In this regard, **despite its apparent locution of resistance to subjection**, contem- porary **discourses of empowerment partake strongly of liberal solipsism**—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, **in its almost exclusive focus on subjects’ emotionalbearing** and self-regard, **empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime**.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, **contemporary deployments** of that notion also **draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.**

#### Our alternative is to recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---the affirmative’s focus on subjectivity abdicates the flux of politics and debate for the incontestable truth of identity

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The postmodern exposure of the imposed and created rather than dis- covered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, are once again excluded from the Party of Humanism—this time in its feminist variant. ¶Our alternative to reliance upon such normative claims would seem to be engagement in political struggles in which there are no trump cards such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and nor- mativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they arc protesting, inter' aha, a Nictzschcan analysis of truth and morality as fully implicated in and by power, and thereby dplegiti- mated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether fnninist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nictzschc insisted that extraordinary strengths of character and mind would be necessary to operate in thce domain of epistemological and religious nakedness he heralded. But in this heexcessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"¶Precisely because of its incessant revelation of settled practices and identi- ties as contingent, its acceleration of the tendency to melt all that is solid into air. what is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.”Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections betwreen a com- prehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of oneResistance, the practice most widely associated with postmodern polit- ical discourse, responds to without fully meeting the normativity chal- lenge of postmodernity. A vital tactic in much political w’ork as wrcll as for mere survival, resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts to enact either. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our wrariness about totalizing an- alyses and visions. Insofar as it eschew’s rather than revisesthese problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms. In this respect, like identity politics, and indeed sharing with identity politics an excessively local viewpoint and tendency toward positioning without mapping, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it.Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision; as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.¶What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “the good” for women. Democratic political space is quite undcrtheonzed in contemporary femi- nist thinking, as it is everywhere in latc-twentieth-ccntury political the- ory, primarily bccausc it is so little in evidence. Dissipated by the increasing tcchnologizing of would-be political conversations and pro- cesses, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disori- entation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is su- premely important.¶Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Repub- lic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. jnd given contemporary spin in Jurgen Habermas's theories of ideal speech situations and com- municative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist politi- cal spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, wc can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but wc recognize as a permanent political condition par- tiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be heterogenous, roving, relatively noninstitutionalized, and democratic to the point of exhaustion.¶Such spaces are crucial for developing the skills and practices of post- modern judgment, addressing the problem of “how to produce a discourse on justicc . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶51¶unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”),and from explicitly postulated norms and potential common values rather than false essentialism or unreconstructed private interest.44 Paradoxically, such public and comparatively impersonal arguments carry potential for greater accountability than arguments from identity or interest. While the former may be interrogated to the ground by others, the latter are insulated from such inquiry with the mantle of truth worn by identity-based speech. Moreover, postidentitypolitical positions and conversations potentially replace a politics of difference with a politics of diversity—differences grasped from a perspective larger than simply one point in an ensemble.Postidentity public positioning requires an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that political conversation oriented toward diversity and the common, toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom,offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.¶Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I”that is produced through multiple sites ofpower and subordination. But the very practice so crucial to making these elements of power visible and subjectivity political may be partly at odds with the requisites for developing political conversation among a complex and diverse “we.” We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order to assume responsibility for our situations and to mobilize a collective discourse that will expand them. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

### Case

#### Preventing extinction is the highest ethical priority – we should take action to prevent the Other from dying FIRST, only THEN can we consider questions of value to life

Paul Wapner, associate professor and director of the Global Environmental Policy Program at American University, Winter 2003, Dissent, online: http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Moral absolutism suffers from tunnel vision that generates evil and political irrelevance

Issac ’02

(Jeffrey, poli sci prof at Indiana – Bloomington, dir Center for the Study of Democracy and Public life, PhD from Yale, Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### Consequentialism is key to ethical decision making, because it ensures beings are treated as equal—any other approach to ethics is arbitrary because it considers one’s preferences as more important than others

Lillehammer, 2011

[Hallvard, Faculty of Philosophy Cambridge University, “Consequentialism and global ethics.” Forthcoming in M. Boylan, Ed., Global Morality and Justice: A Reader, Westview Press, Online, http://www.phil.cam.ac.uk/teaching\_staff/lillehammer/Consequentialism\_and\_Global\_Ethics-1-2.pdf] /Wyo-MB

Contemporary discussions of consequentialism and global ethics have been marked by a focus on examples such as that of the shallow pond. In this literature, distinctions are drawn and analogies made between different cases about which both the consequentialist and his or her interlocutor are assumed to have a more or less firm view. One assumption in this literature is that progress can be made by making judgements about simple actual or counterfactual examples, and then employing a principle of equity to the effect that like cases be treated alike, in order to work out what to think about more complex actual cases. It is only fair to say that in practice such attempts to rely only on judgements about simple cases have a tendency to produce trenchant stand-offs. It is important to remember, therefore, that for some consequentialists the appeal to simple cases is neither the only, nor the most basic, ground for their criticism of the ethical status quo. For some of the historically most prominent consequentialists the evidential status of judgements about simple cases depends on their derivability from basic ethical principles (plus knowledge of the relevant facts). Thus, in The Methods of Ethics, Henry Sidgwick argues that ethical thought is grounded in a small number of self-evident axioms of practical reason. The first of these is that we ought to promote our own good. The second is that the good of any one individual is objectively of no more importance than the good of any other (or, in Sidgwick’s notorious metaphor, no individual’s good is more important ‘from the point of view of the Universe’ than that of any other). The third is that we ought to treat like cases alike. Taken together, Sidgwick takes these axioms to imply a form of consequentialism. We ought to promote our own good. Yet since our own good is objectively no more important than the good of anyone else, we ought to promote the good of others as well. And in order to treat like cases alike, we have to weigh our own good against the good of others impartially, all other things being equal. iv It follows that the rightness of our actions is fixed by what is best for the entire universe of ethically relevant beings. To claim otherwise is to claim for oneself and one’s preferences a special status they do not possess. When understood along these lines, consequentialism is by definition a global ethics: the good of everyone should count for everyone, no matter their identity, location, or personal and social attachments, now or hereafter. v Some version of this view is also accepted by a number of contemporary consequentialists, including Peter Singer, who writes that it is ‘preferable to proceed as Sidgwick did: search for undeniable fundamental axioms, [and] build up a moral theory from them’ (Singer 1974, 517; Singer 1981). For these philosophers the question of our ethical duties to others is not only a matter of our responses to cases like the shallow pond. It is also a matter of whether these responses cohere with an ethics based on first principles. If you are to reject the consequentialist challenge, therefore, you will have to show what is wrong with those principles.

#### Your primary author concedes- Decision not racial discrimination, it was essential in maintaining military power to prevent a national security crisis- and the affirmatives emphasis on race undermines our ability to conduct future wartime operations

Green ‘11

[Craig, Professor of Law, Temple University Beasley School of Law; John Edwin Pomfret Fellowship, ¶ Princeton University; J.D., Yale Law School. “ENDING THE KOREMATSU ERA: AN EARLY VIEW FROM THE WAR ON TERROR CASES,” Northwestern Law Review 2011, <http://www.law.northwestern.edu/lawreview/v105/n3/983/LR105n3Green.pdf>//wyo-hdm]

This section claims that standard race-focused interpretations of Korematsu have overshadowed the decision’s relevance to presidential power ¶ and military necessity. I do not suggest that Korematsu must be either a ¶ race case or a war powers case; of course it is both. What I propose is an ¶ important shift in emphasis, stressing an aspect of Korematsu that is often ¶ clouded by the visceral reaction to the decision’s racial discrimination. ¶ 1. Korematsu’s Doctrinal History.—Despite Korematsu’s notoriety, ¶ some of its history is known only by experts.30 My first project is to show ¶ that the Justices who decided Korematsu perceived that case differently ¶ than many modern observers do. In the 1940s, although race was important ¶ for some members of the Court, claims of military necessity overwhelmed ¶ the majority’s hesitation, and even the dissenting Justices were less committed to modern equal protection than is commonly recognized.31 This specific contextual evidence about Korematsu is an important starting point for ¶ reinterpreting the Korematsu era as a whole. ¶ After the devastation of Pearl Harbor in December 1941, fears spread ¶ about other attacks that might be supported by spies and saboteurs within ¶ the United States.32 President Roosevelt responded in February 1942 by authorizing the creation of military areas “from which any or all persons may ¶ be excluded” and in which “the right of any person to enter, remain in, or ¶ leave shall be subject to whatever restrictions [designated officials] may ¶ impose.”33 To implement this order, Lieutenant General DeWitt split the ¶ entire Pacific Coast into military areas.34 Congress then criminalized violations of any military-area regulations with a maximum punishment of ¶ $5000 and one year in prison.35¶ Beginning on March 27, 1942, DeWitt ordered a “curfew” for alien ¶ Germans and Italians, and for all persons of Japanese ancestry throughout ¶ much of Arizona, California, Washington, and Oregon.36 This was no ordinary curfew to keep people off the streets. DeWitt’s order was closer to house arrest, for it required regulated persons to be home from 8:00 p.m. to ¶ 6:00 a.m. and to be in their workplace, within five miles of home, or traveling between work and home at all other times.37¶ Not six months after Pearl Harbor, DeWitt began ordering persons of ¶ Japanese ancestry to “evacuate” military zones, though that word was a euphemism as well.38 Every family of Japanese ancestry had to report to Civil ¶ Control Stations or Assembly Centers, and appearance at such facilities was ¶ typically followed by indefinite confinement at Relocation Centers in Idaho, Utah, Arkansas, Wyoming, Arizona, Colorado, and remote parts of California.39 For the large population of Japanese-Americans on the Pacific ¶ Coast, DeWitt’s orders must have seemed more like racially targeted imprisonment than evacuation. ¶ The Supreme Court issued two decisions evaluating these governmental policies. In 1943, Hirabayashi upheld a defendant’s conviction for violating DeWitt’s curfew, and Korematsu in 1944 upheld a defendant’s ¶ conviction for violating DeWitt’s reporting requirement.40 Both cases involved exactly the same claims of military necessity and exactly the same ¶ legal authorities.41 Indeed, the government’s brief in Korematsu explicitly ¶ incorporated by reference much of the factual evidence that had been presented the year before in Hirabayashi.¶ 42¶ The President’s core claim in both cases was that a racially homogenous wartime enemy was supported by a set of aliens and citizens in the United States who could not be individually identified.43 To meet such dire ¶ asserted threats, the military claimed it was necessary to subject a racially ¶ determined mass of potential suspects to curfews, reporting, and evacuation. The Court upheld such executive decisions, which Congress had approved ex ante, by a unanimous vote in Hirabayashi and by a six-vote ¶ majority in Korematsu.¶ 44¶ To modern observers, Hirabayashi and Korematsu seem astonishingly ¶ misguided. Both involved explicit racial discrimination, and the government had no credible argument that such discrimination was needed to secure the homeland.45 Twenty-first-century doctrine and legal culture ¶ typically require very strong justifications to support racial classifications.46¶ Because the policies in Hirabayashi and Korematsu lacked such support, ¶ their racial discrimination would be unconstitutional today, and some modern analysts have not looked much further into the Court’s analysis.47 This race-based interpretation of Korematsu, which was nearly universal before 9/11, may seem familiar and almost comfortable because it links ¶ World War II internment with other extreme examples of premodern racism ¶ such as lynchings, peonage, and explicitly racist exclusions of voters and ¶ jurors—all of which are now shelved in the dusty past.48 Yet this racial focus risks an anachronism that misrepresents the past and disserves the ¶ present. As we shall see, this is a field where reinterpreting Korematsu as ¶ the Court decided it in 1944 may also improve constitutional analysis today. ¶ Simple vote counting shows that the Korematsu Court itself did not ¶ view the case as involving straightforward racial discrimination. Several ¶ Justices who were sensitive to racial issues in other cases—including Douglas, Rutledge, Black, and Stone—were majority votes for the government in ¶ Korematsu.¶ 49 And two Justices with far less progressive records on race—¶ Roberts and Jackson—were among Korematsu’s dissenters.50 This indicates that these Justices did not find the cases’ racial elements to be decisive; other doctrinal factors were driving their determinations. ¶ Modern scholars have largely ignored the difficult and decisive issue ¶ confronting the Court: what to do with the Court’s year-old decision in Hirabayashi, which had relied on identical claims of military need to uphold ¶ an identically racist curfew.51 In Hirabayashi, all nine Justices endorsed the sweeping principle that governmental officials could adopt public safety ¶ measures “in the crisis of war and of threatened invasion, . . . based upon ¶ the recognition of facts and circumstances which indicate that a group of ¶ one national extraction may menace that safety more than others” notwithstanding the fact that “in other and in most circumstances racial distinctions ¶ are irrelevant.”52 This simple holding established that presidential claims of ¶ wartime necessity could displace ordinary norms against racism. And the ¶ Court in World War II might have fairly doubted whether, as distant East ¶ Coast judges, they could ever know what kind of military response would ¶ be necessary to counter Japanese threats or how much racism might be appropriate as opposed to excessive. ¶ No Justice in Korematsu suggested that Hirabayashi was incorrect or ¶ should be overruled. On the contrary, Korematsu’s majority fiercely asserted that the two cases could not be distinguished, and the dissenters offered no serious counterargument.53 For the entire Court in Hirabayashi¶ and the majority in Korematsu, these decisions were primarily about whether Presidents could keep America safe by any means necessary; they were ¶ not about how racial groups should generally be treated.54¶ The Court’s focus on military need explains not only the majority opinion in Korematsu but also the dissents. For the three dissenting Justices, ¶ something had dramatically changed during the year that separated Hirabayashi and Korematsu. Whatever drove that change, however, it certainly ¶ was not a radical shift in the Justices’ constitutional philosophies of race. ¶ Instead, the passing months had mainly clarified the true scope of danger to ¶ American domestic security and the government’s ebbing credibility in arguing about such subjects. Threats of invasion and sabotage had dissipated ¶ in 1944, and a military report released in January had embarrassed DeWitt’s ¶ justification for his actions.55 That report was so disgraceful that Justice ¶ Murphy’s dissent quoted it extensively and a journalist used it to wage an ¶ extensive attack on the government’s factual claims.56¶ By 1944, the government itself had admitted that some prisoners in relocation centers were entirely loyal thereby revealing that its decision to detain Japanese-Americans was unjustifiably broad.57 The internment period ¶ was also distressingly long, having lasted for two years with no sign of ¶ stopping. From the perspective of military necessity, the government’s ¶ drastic and unending policy of mass internment was much harder to defend ¶ in 1944 than its seemingly temporary house arrest was in 1943. ¶ The uniquely decisive question in Hirabayashi and Korematsu was ¶ how much the Court should defer to the President’s assertions of military ¶ necessity. Such military judgments had been explicitly supported by Congress and were hard to falsify, but they were also increasingly hard to believe. The government’s arguments in both cases relied on President ¶ Roosevelt’s perceived credibility and competence, which may have led ¶ some Justices to uphold constitutionally troublesome policies in deference ¶ to urgent claims about national security.58¶ Notwithstanding Hirabayashi’s force under stare decisis as a unanimous year-old decision, and despite the fact that there was no change in the ¶ Court’s membership, Korematsu’s conference vote was still only five to four.59 If the two cases had both been decided in 1944, with an extra year of ¶ information and skepticism, one cannot guess what would have happened.60¶ It is quite clear, however, that Korematsu’s majority saw the case as concerning wartime necessity and not general principles of racial discrimination. Even the Korematsu dissenters’ choice to discard Hirabayashi is more ¶ understandable from the perspective of war rather than race.

#### Wars don’t have single causes – consensus of experts

Cashman 2kGreg, Professor of Political Science at Salisbury State University “What Causes war?: An introduction to theories of international conflict” pg. 9

Two warnings need to be issued at this point. First, while we have been using a single variable explanation of war merely for the sake of simplicity, multivariate explanations of war are likely to be much more powerful. Since social and political behaviors are extremely complex, they are almost never explainable through a single factor. Decades of research have led most analysts to reject monocausal explanations of war. For instance, international relations theorist J. David Singer suggests that we ought to move away from the concept of “causality” since it has become associated with the search for a single cause of war; we should instead redirect our activities toward discovering “explanations”—a term that implies multiple causes of war, but also a certain element of randomness or chance in their occurrence.

#### And monocausal focus on root cause justifies violence and tyranny

Achterhuis 2. **[Hans**, Professor of Philosophy @ Twente University, Peace Review, vol. 14, p. 158]

At base, each person who has-or claims to have-a single account for violence is proceeding in an extremely violent manner. Those who claim to know the origin of violence, to know the root of all evil, give themselves at the same stroke the moral right to reach back and root it out-thus providing, via a chain of reasoning with which we are all familiar, the justification for using violence in order to drive violence from the world. If we know where its origin lies, what could be wrong with using violence for the (sole) purpose of obtaining eternal peace and prosperity? This is a violent chain of reasoning. Implicitly or explicitly, it entails the call for a relentless struggle against the discovered origin of evil, whether that be said to lie in a particular class, nation, or ethnic group; a particular social structure such as capitalism or socialism; or a particular condition such as poverty. Whenever or wherever such an origin is posed, violence is alread 'resent for it inevitably sets up the argument that violence is permitted in order to achieve peace. It is a means-ends logic: the noble ends sanctify the violent means. From Valkenberg I learned that we cannot think about violence as a means-ends logic, but only in the form of a dialogue between human beings. If readers sense a strong reaction on my part against monocausal theories, I readily admit that the reaction is first of all directed against myself. For it is a lesson I learned only through trial and error. Once upon a time I too thought that I had located the origin of violence and could thus revolutionize the world. But this, in my opinion, is the greatest temptation for the political thinker. Many political philosophers have proposed totalitarian therapies based on philosophical analyses that attribute the origin of social evil to a single root. But single philosophical answers to the question of violence can never be more than partial. Such answers are but pieces of a dialogue.

#### Consciousness raising is the affirmative’s positivist moment---it calls forth confession as its primary means of political strategy, which necessitates confirming one’s status as oppressed and serves those in power

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 40-2)

In fact, postmodern decentcring, disunifying, and denaturalizing of the subject is far more threatening to the status of feminism's well of truth than to feminism’s raison d’etre. While often cast as concern with retaining an object of political struggle, feminist attachment to the subject is more critically bound to retaining women's experiences, feelings, and voices as sources and certifications of postfoundational political truth. When the notion of a unified and coherent subject is abandoned, we not only cease to be able to speak, of woman or of women in an unproblematic way, we forsake the willing, deliberate, and consenting "I" that liberalism's rational-actor model of the human being proffers, and we surrender the autonomous, rights-bearing fictional unity that liberalism promises to secure. Yet each of these terms and practices—woman, willing, deliberate. consenting, an “I," rational actors, autonomy, and rights—has been challenged by various modernist feminisms as masculinist, racist, ethno- centric. heterosexist, culturally imperialist, or all of the above. More- over. dispensing with the unified subject does not mean ceasing to be able to speak about our experiences as women, only that our words can- not be legitimately deployed or construed as larger or longer than the moments of the lives they speak from; they cannot be anointed as ¶ 41¶authentic” or “true" since the experience they announce is linguistically contained, socially constructed, discursively mediated, and never just individually “had.”¶ But this is precisely the point at which many contemporary North Atlantic feminists hesitate and equivocate: while insisting on the constructed character of gender, most also seek to preserve some variant of consciousness-raising as a mode of discerning and delivering the “truth" about women. Consider Catharine MacKinnon’s insistence that women are entirely the products of men’s construction and her ontologicallv contradictory project of developing a jurisprudence based on “an account of the world from women’s point of view.”-1 Consider the similar problematic in other theories of “the feminist standpoint.” The sharp but frequently elided tensions between adhering to social construction theory on one hand, and epistemologically privileging women’s accounts of so- cial life on the other. “The world from women’s point of view” and “the feminist standpoint” attempt resolution of the postfoundational cpiste- mologv problem by deriving from within women’s cxpcricncc the grounding for women's accounts. But this resolution requires suspend- ing recognition that women’s “experience” is thoroughly constructed, historically and culturally varied, and interpreted without endWithin feminist standpoint theory as well as much other modernist feminist the- ory. consciousness-raising thus operates as feminism’s epistemologically positivist moment. The material excavated there, like the material uncov- ered in psychoanalysis or delivered in confession, is valued as the hidden truth of women’s existence—true because it is hidden, and hidden be- cause women's subordination functions in part through silencing, marginalization, and privatization.¶ Indeed, those familiar with Foucault’s genealogy of confession will have discerned in this argument an implied homology between the cpistcmological-political operations of consciousness-raising and those he assigns to confcssional discourse. In his account of modem sexuality as structured by such discourse.Foucault argues that confession— inaugurated by the Catholic Church as a technique of power that works¶42 ¶by exposure and individuation—produces "truth" as a secret contained within.23 Confessional revelations are thus construed as liberation from repression or secrecy, and truth-telling about our desires or experiences is construed as deliverance from the power that silences and represses them (rather than as itself a site and effect of regulatory power). What Foucault terms the "internal ruse of confession" is reducible to this reversal of power and freedom: "Confession frees, but power reduces one to silence; truth does not belong to the order of power, but shares an original affin- ity with freedom."24 In believing truth-telling about our experiences to be our liberation. Foucault suggests, we forget that this truth has been established as the secret to our souls not by us but by those who would discipline us through that truth.¶ Since women's subordination is partly achieved through the construc- tion and positioning of us as private—sexual, familial, emotional—and is produced and inscribed in the domain of both domestic and psychic inte- riors, then within modernity the voicing of women's experience acquires an inherently confessional cast. Indeed, “breaking silence" is a standard feminist metaphor for what occurs in consciousness-raising sessions, speak-outs against sexual violence, and other forums for feminist truth telling. Consciousness-raising, as/like confession, delivers the "hidden truth" of women and women’s experience, which accounts for those symptomatically modernist paradoxes represented in Catharine MacKin- non's work: while women are socially constructed to the core, women's words about their experience, because they issue from an interior spacc and against an injunction to silence, are anointed as 1 ruth, and constitute the foundations of feminist knowledge. Within the confessional frame, even when social construction is adopted as method for explaining the making of gender, "feelings" and "experiences" acquire a status that is politically if not ontologically essentialist—beyond hermeneutics. This strand of feminist foundationalism transports the domain of Truth from reason to subjectivity, from Geist to inner voice, even while femininity itself is submitted to a methodology elaborating its fully fabricated nature.

#### Making debate a “safe space” for people to express their identity presumes that space CAN be made “safe”- all people are implicate in heteropatriarchy, white supremacy, settler colonialism, and capitalism in SOME way means their impact is inevitable and they mask their participation in oppression

Smith 2013

[Andrea Smith, 2013, The Problem with “Privilege”, <http://andrea366.wordpress.com/2013/08/14/the-problem-with-privilege-by-andrea-smith/>, uwyo//amp]

This kind of politics then challenges the notions of “safe space” often prevalent in many activist circles in the United States. The concept of safe space flows naturally from the logics of privilege. That is, once we have confessed our gender/race/settler/class privileges, we can then create a safe space where others will not be negatively impacted by these privileges. Of course because we have not dismantled heteropatriarchy, white supremacy, settler colonialism or capitalism, these confessed privileges never actually disappear in “safe spaces.” Consequently, when a person is found guilty of his/her privilege in these spaces, s/he is accused of making the space “unsafe.” This rhetorical strategy presumes that only certain privileged subjects can make the space “unsafe” as if everyone isn’t implicated in heteropatriarchy, white supremacy, settler colonialism and capitalism. Our focus is shifted from the larger systems that make the entire world unsafe, to interpersonal conduct. In addition, the accusation of “unsafe” is also levied against people of color who express anger about racism, only to find themselves accused of making the space “unsafe” because of their raised voices. The problem with safe space is the presumption that a safe space is even possible.¶ By contrast, instead of thinking of safe spaces as a refuge from colonialism, patriarchy, and white supremacy, Ruthie Gilmore suggests that safe space is not an escape from the real, but a place to practice the real we want to bring into being. “Making power” models follow this suggestion in that they do not purport to be free of oppression, only that they are trying to create the world they would like to live in now. To give one smaller example, when Incite! Women of Color Against Violence, organized, we questioned the assumption that “women of color” space is a safe space. In fact, participants began to articulate that women of color space may in fact be a very dangerous space. We realized that we could not assume alliances with each other, but we would actually have to create these alliances. One strategy that was helpful was rather than presume that we were acting “non-oppressively,” we built a structure that would presume that we were complicit in the structures of white supremacy/settler colonialism/heteropatriarchy etc. We then structured this presumption into our organizing by creating spaces where we would educate ourselves on issues in which our politics and praxis were particularly problematic. The issues we have covered include: disability, anti-Black racism, settler colonialism, Zionism and anti-Arab racism, transphobia, and many others. However, in this space, while we did not ignore our individual complicity in oppression, we developed action plans for how we would collectively try to transform our politics and praxis. Thus, this space did not create the dynamic of the confessor and the hearer of the confession. Instead, we presumed we are all implicated in these structures of oppression and that we would need to work together to undo them. Consequently, in my experience, this kind of space facilitated our ability to integrate personal and social transformation because no one had to anxiously worry about whether they were going to be targeted as a bad person with undue privilege who would need to publicly confess. The space became one that was based on principles of loving rather than punitive accountability.

#### The aff’s speaking out is a form confessional discourse that traps individuals within the confines of power, this narrativization is viewed as therapeutic which undermines its political power

Ruffino, 2007

[Annamaria, MA Thesis @ LSU Dept of Comm. Studies, “UNCOMFORTABLE PERFORMANCES: DISCOVERING A SUBVERSIVE SCENARIO FOR RAPE DISCOURSE.” Online, <http://etd.lsu.edu/docs/available/etd-04042007-131147/unrestricted/THESIS.pdf>] /Wyo-MB

When women seek therapy for their rape, they engage in a type of confessional discourse. These women turn to professionals in an attempt to find comfort, healing, or absolution. Here we come to a current problematic regarding speaking out: when used as a means of therapy or confession, rape discourse can make survivors take responsibility for the rape through very subtle means. In History of Sexuality: Volume One, Foucault problematizes confessional discourse: The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervene in order to judge, punish, forgive, console, and reconcile. (61) Confessional discourse remains a normative discursive practice that keeps women in a place without power. The power in a confessional relationship always falls on the figure of authority, and the survivor is always in a position to seek legitimacy. Speaking out in some public arenas evokes this confessional feel, by encouraging women to tell their stories, be it on television, in books, or in magazines. These stories similarly imply that the rape survivor needs to confess, or rather perform, her story to an audience, which thus becomes the virtual authority figure Foucault describes. The confessional nature of these stories implies that the rape survivor has some sort of remaining guilt that § Marked 14:46 § needs to be shared in order to receive absolution. Dana Cloud offers an excellent account of how the rhetorics of therapy and confession attempt to contain potential political discourse by shifting it to the realm of therapy, thus making it about the personal and private. She continues this line of argument in a chapter dedicated towards feminism, and problematizes Consciousness Raising as a tool of therapeutic discourse.

#### Confession never takes place outside the relays of power. Confessing our sins may give us some sort of emotional release but, in that action, we neglect to see how that release reinforces the will of the master and sovereign. Thus, the act of confessing becomes a perpetual relay of normalization that destroys the possibility of resistance. Each link we win is an independent case turn and reason to reject case

Foucault 1978, (Michel, Former director @ the Institut Francais at Hamburg. The History of Sexuality Volume I. 1978. pgs 59-67)

The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile; a ritual in which the truth is corroborated by the obstacles and resistances it has had to surmount in order to be formulated; and finally, a ritual in which the expression alone, independently of its external consequences, produces intrinsic modifications in the person who articulates it: it exonerates, redeems, and purifies him; it unburdens him of his wrongs, liberates him, and promises him salvation. For centuries, the truth of sex was, at least for the most part caught up in this discursive form. Moreover, this form was not the same as that of education (sexual education confined itself to general principles and rules of prudence); nor was it that of initiation (which remained essentially a silent prac­tice, which the act of sexual enlightenment or deflowering merely rendered laughable or violent). As we have seen, it is a form that is far removed from the one governing the “erotic art.” By virtue of the power structure immanent in it, the confessional discourse cannot come from above, as in the ars erotica, through the sovereign will of a master, but rather from below, as an obligatory act of speech which, under some imperious compulsion, breaks the bonds of discretion or forgetfulness. What secrecy it presupposes is not owing to the high price of what it has to say and the small number of those who are worthy of its benefits, but to its obscure familiarity and its general baseness. Its veracity is not guaranteed by the lofty authority of the magistery, nor by the tradition it trans­mits, but by the bond, the basic intimacy in discourse, be­tween the one who speaks and what he is speaking about. On the other hand, the agency of domination does not reside in the one who speaks (for it is he who is constrained), but in the one who listens and says nothing; not in the one who knows and answers, but in the one who questions and is not supposed to know. And this discourse of truth finally takes effect, not in the one who receives it, but in the one from whom it is wrested. With these confessed truths, we are a long way from the learned initiations into pleasure, with their technique and their mystery. On the other hand, we belong to a society which has ordered sex’s difficult knowledge, not according to the transmission of secrets, but around the slow surfacing of confidential statements.

#### Injecting personal politics into the conversation is MONOLOGISM which is a violent form of communication ethics because it closes arguments off to refutation—that specifically turns their advocacy

Farber 99

(Professor of Law and Associate Dean of Faculty, University of Minnesota, “Beyond All Criticism”, 83 Minn. L. Rev. 1735, June//wyoccd)

The difficulty of extracting any workable conception of social equality from radical multiculturalism is a sign of a larger set of problems. We argued in Beyond All Reason that radical multiculturalism is inherently destructive of dialogue and community. Among the problems are its tendency to reduce argument to the exchange and criticism of personal stories; its inability to separate disagreement with a speaker's message from attacks on the speaker as a person; and its divisive entanglement in identity politics. Because radical multiculturalism replaces a belief in objective truth with a focus on power relations, it faces the temptation to slide away from democratic interchange toward nihilism or authoritarianism. Anne Coughlin summarizes (and partially endorses) our argument in the following passage: Throughout the book, Farber and Sherry repeatedly fault the radicals for politicizing scholarship, for confusing politics with truth, and for rejecting universal values in favor of an intellectual totalitarianism that privileges the subjective preferences of whoever happens to be in power. Indeed, as Farber and Sherry notice, some of the more extreme statements by the radical multiculturalists amount to an endorsement of the ugliest kind of fascism... These criticisms are obvious, devastating, and, from the perspective of traditional liberal scholars, largely unanswerable. n102 In their contributions to this symposium, Matthew Finkin and Steven Gey expand upon the potentially antidemocratic implications of radical multiculturalism. Finkin draws a detailed and rather worrisome comparison between radical multiculturalism and the jurisprudential principles accepted in certain European fascist regimes. Indeed, he goes farther. He offers the hypothesis "that radical multiculturalism has more than an "affinity' with Fascism; that it is Fascist to the bone." n103 Gey argues that radical multiculturalism leads to an essentially conservative politics: "since the social constructionists refuse to recognize the legitimacy of liberal institutional limits on political power, they implicitly give every group that obtains ultimate power the authority to impose that group's "truth' on everyone else." n104 In various ways, and sometimes in language much more pointed than our own, Finkin, Gey, and Coughlin all raise the question of whether the hard-won virtues of a liberal society are compatible with a serious adherence to radical multiculturalism. As Coughlin points out, much of the attention of the radical multiculturalists is focused on the academic world in which they live and work. We might begin, then, by asking whether their viewpoint is consistent with the values of intellectual and academic freedom that are central to the classical liberal vision of the university. The traditional arguments for academic freedom are based on the notion of searching for truth, a concept that is made problematic by post-modernism. n105 Some criticisms of Beyond All Reason also suggest an intolerance for academic debate. The most obvious concern is raised by the intemperate response of radicals such as Calmore and Culp to any criticism of their school of thought. Such views, if held either by individuals with influence within universities or by administrators of speech codes, would pose a direct threat to free debate. Charges of racism, when issuing from those who advocate legal penalties against racist speakers, are not just empty rhetoric. In addition to the openly vituperative replies, some of the responses illustrate the attitude we criticized in Derrick Bell as a "knowing and dismissive sneer." n106 Calmore, for example, [\*1762] suggests that our book "should really be buried" n107 rather than discussed. Culp says that "the philosophical ideas expressed in this book... are to philosophy what lite is to beer." n108 Continuing Bell's reference to Louis Armstrong - if you don't know jazz, "don't mess with it" n109 - Calmore engages in an extended discussion of jazz and his ambivalence about its appeal to a broad audience, concluding that "it really is okay that Farber and Sherry are not happily within [the] audience" for radical multiculturalism. n110 These shrugs of disdain do not exactly invite dialogue. But the more significant point is not the defensive tone of the radicals, but their distorted picture of intellectual discourse. For instance, Abrams calls for a "truce" in which traditional scholars and radical multiculturalists will learn to live side by side. n111 This turns out to be a rather one-sided truce, however. Traditional scholars, according to Abrams, should not "challenge" multiculturalists by asking about the truth or normative implications of their narratives, n112 but radical multiculturalists are free to accuse traditionalists of racism and sexism whenever they think it appropriate. n113 For Delgado, scholarship is equivalent to a lawsuit (or political warfare), where each side is trying to win: thus it is unfair to write a favorable review of a scholar in the "same camp" or on your "side" unless you disclose your common affiliation. n114 This is a somewhat peculiar vision of academic discussion.

# 2NC/1NR

#### Rendering marginalized identities visible to the debate community doesn’t resolve racism- rather, it becomes part and parcel of a project to aspire to universal humanity which is predicated on a white, western, male, heterosexual universal subject

Smith 2013

[Andrea Smith, 2013, The Problem with “Privilege”, <http://andrea366.wordpress.com/2013/08/14/the-problem-with-privilege-by-andrea-smith/>, uwyo//amp]

My analysis is informed the work of Denise DaSilva. She argues in Toward a Global Idea of Race that the western subject understands itself as self-determining through its ability to self-reflect, analyze and exercise power over others. The western subject knows that it is self-determining because it compares itself to ‘others” who are not. In other words, I know who I am because I am not you. These “others” of course are racialized. The western subject is a universal subject who determines itself without being determined by others; the racialized subject is particular, but is supposed to aspire to be universal and self-determining.¶ Silva’s analysis thus critiques the presumption that the problem facing racialized and colonized peoples is that they have been “dehumanized.” Anti-racist intellectual and political projects are often premised on the notion that if people knew us better, we too would be granted humanity. But, according to Silva, the fundamental issue that does not get addressed, is that “the human” is already a racial project. It is a project that aspires to universality, a project that can only exist over and against the particularity of “the other.”¶ Consequently, two problems result. First, those who are put in the position of racialized and colonized others presume that liberation will ensue if they can become self-determining subjects – in other words, if they can become fully “human.” However, the humanity to which we aspire still depends on the continued oppression of other racialized/colonized others. Thus, a liberation struggle that does not question the terms by which humanity is understood becomes a liberation struggle that depends on the oppression of others.¶ Silva’s analysis implies that “liberation” would require different selves that understand themselves in radical relationality with all other peoples and things. The goal then becomes not the mastery of anti-racist/anti-colonialist lingo but a different self-understanding that sees one’s being as fundamentally constituted through other beings. An example of the political enactment of this critique of the western subject could be glimpsed at the 2008 World Social Forum that I attended. The indigenous peoples made a collective statement calling into question the issue of the nation-state. In addition to challenging capitalism, they called on participants to imagine new forms of governance not based on a nation-state model. They contended that the nation-state has not worked in the last 500 years, so they suspected that it was not going to start working now. Instead, they called for new forms of collectivities that were based on principles of interrelatedness, mutuality and global responsibility. These new collectivities (nations, if you will, for lack of a better world) would not be based on insular or exclusivist claims to a land base; indeed they would reject the contention that land is a commodity that any one group of people should be able to buy, control or own. Rather, these collectivities would be based on responsibility for and relationship with land. But they suggested that these collectivities could not be formed without a radical change in what we perceived ourselves to be. That is, if we understand ourselves to be transparent, self-determining subjects, defining ourselves in opposition to who we are not, then the nations that will emerge from this sense of self will be exclusivist and insular. However, if we understand ourselves as being fundamentally constituted through our relations with other beings and the land, then the nations that emerge will also be inclusive and interconnected with each other.

### Impact

#### Nuke terror causes extinction- a single detonation causes mass public pressure against the US to respond- seen by Russia and China as US use attacking- causes retaliation- guarantees maximum escalation, 3 largest super powers- no impact- try or die

#### -Timeframe: Happens quickly-nations will be forced to respon din kind ASAP

#### Probability: terrorist organizations are openly in pursuit of CBRN weapons for the purpose of attacking the United States and have been plotting attacks against the US

#### War turns oppression

Goldstein 01

IR professor at American University (Joshua, War and Gender, p. 412, Google Books)

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**.

#### T’s Racism-

Cynthia Peters, No Date, Life After Capitalism Essays. U.S. Anti War Activism

This is a new element of war -- one that the anti-war movement needs to be more conscious of. And that is that the war isn't limited to the bombings, nor even the economic sanctions and the free trade agreements (which also kill and destroy), but it continues on with the waves of immigrants who come to our country out of desperation only to do our dirty work and expose themselves to yet new ways of being exploited by the empire beast of the north. Now they're in the belly of the beast, facing racist and sexist institutions that humiliate them and use them as pawns in our own domestic race and class wars. In Massachusetts, now, as well as many other communities in the United States, failing schools are being blamed on brown Spanish-speaking people from Latin America. It's easy for the government and the privileged to use Latin American immigrants as scapegoats because our society and our popular culture supports the idea that you can blame what is wrong on minority communities rather than on the powerful institutions that actually orchestrate what happens. Domestic racism makes it possible for states to get rid of bilingual education, and allow urban schools to deteriorate to the point where even the army finds they cannot recruit from communities of color because the kids in those communities have not been taught how to read and write. For those people of color who can't escape the ghetto via the military, there's always incarceration, where no education is required. Where you simply rot inside one of the main growth industries in the United States -- prisons -- the destination for a hugely disproportionate number of those people of color. We live in a world where the lucky immigrants in El Norte are the ones who are taking out the trash for those that sent down the helicopters and machine guns and financial planners tasked with systematically dismantling their homes, their native economies, their way of life. So you see, the U.S. anti-war movement has to have fighting domestic racism on its agenda as well. Racism at home not only destroys lives inside our borders, it props up a foreign policy that needs to be able to kill brown people with impunity. Part of the reason -- let's be frank -- that there isn't more grassroots pressure against the is war is because N. Americans are so thoroughly steeped in racism that we are trained to believe that brown people's lives are not worth as much. Even if, for some reason, U.S. institutions did not need racism to help protect power and privilege for the few, we would still need racism because it is integral to rationalizing our foreign policy. The same is true of sexism. As I was leaving Boston a few days ago, there was an article in the paper about the ongoing defunding of the UN Family Planning Agency and Bush's imposing of the Global Gag Rule on health clinics that receive U.S. funding. That means they're not allowed to talk about abortion as an option for pregnant women. Does Bush really care whether women in other countries have access to abortion? No. What he cares about is having mechanisms in place that allow for the control of populations. He cares about undermining democracy and building alliances with oppressive fundamentalist regimes that have their own reasons for limiting women's reproductive choices. To enhance social control, Bush has to daily construct and support patriarchal and social and cultural practices at home. Why? Partly because men don't want political participation of women domestically, and partly because they have to create the rationalizations for the alliances they are building with elites from other countries. By the way, I just want to texture what I am saying here by adding that the women served by these agencies are poor women. It's poor women who won't get the abortions. George Bush doesn't want his own daughters to have to resort to back-alley abortions. And they won't have to because they have money and they would be able to find other means. Racism and sexism and U.S. global wars came together rather poignantly recently. For months, in the States, the corporate media has been eagerly following the fate of Guatemalan Siamese twins who were born joined at the head. They were brought to the UCLA Mattel hospital for months of surgeries and treatments, and Mattel picked up the bill. For those of you who don't know, Mattel is the toy company that makes dolls for little girls. There are dolls that actually drool and pee, and give little girls early lessons in the joys of cleaning up baby's body fluids. There are Barbie dolls with impossibly huge and gravity-defying breasts that give girls early lessons in how inherently flawed they are. So while 200,000 peasants died in the 1980s in Guatemala at the hands a of U.S.-armed and trained military, many of these peasants brutally tortured and killed, and all of it very easily avoidable with a few minimum policy changes in the United States, you won't hear too much talk about that in my country. We don't know the first thing about Guatemalan peasants except that there are two lucky beneficiaries of the charitable Mattel.

#### T’s Culture

Protect Cultural Property In The Event Of Armed Conflict, Information Kit, 2005, http://portal.unesco.org/culture/en/file\_download.php/eb9001344657daef4b81e6339ac6fe8binfkiteb.pdf

Wars, confrontations and conflicts in general, between two or more opposed factions, have always represented a serious threat to the integrity of the cultural heritage located on their territories.Unfortunately, this threat most often materializes in the form of the destruction of significant amounts of cultural property (movable and immovable): monuments, religious sites, museums, libraries, archives, etc., thus depriving humanity of a shared and irreplaceable cultural heritage. Although the practice has existed since ancient times, the destruction of cultural property has proved even more devastating since the introduction of aerial bombing and long-distance weapons. World War I resulted in the destruction of a large amount of cultural property in Rheims, Leuven and Arras, among many other examples, but World War II was even more traumatic, due to the regular nature of bombings, export of cultural property from occupied territories and, naturally, the geographical scope and duration of the conflict. There still remains a considerable number of disputes concerning cultural objects displaced during World War II, despite several multilateral and bilateral agreements, ad hoc negotiations between the former belligerents, and restitution proceedings before the national courts, either completed or ongoing. Traditionally, the pillaging of cultural property proclaimed “spoils of war” has been deliberately carried out by the victor. Separate from this practice of “inter-state” plunder, there is “individual” pillaging made easy by the consequences of armed conflicts, especially if long-lasting and/or accompanied by a military occupation. These consequences include social and economic instability, poverty, weakening or even disappearance of the administrative authorities in charge of ••••➤ Protect cultural property in the event of armed conflict Protéger les biens culturels en cas de conflit armé Proteger los bienes culturales en caso de conflicto armado u maintaining public order, etc. (unless temporarily replaced by the occupying authorities). A new threat to cultural property emerged after World War II, as noninternational and/or ethnic conflicts increased. Not only do these conflicts fall outside the scope of rules applicable to traditional “inter-state” conflicts, but their goal is often clearly to destroy the adversary’s or the opposing “ethnic group’s” cultural heritage. In addition, this destruction is facilitated by the geographical proximity and mutual knowledge of the cultural sites and property, as well as culture of the adversary. This is exemplified by the destruction during the war in the former Yugoslavia, where cultural property that was not a military target was deliberately attacked by the opposing ethnic group, seeking to destroy the traces or symbols of the ethnic “enemy’s” culture. Particularly significant examples include the bombing of the old town of Dubrovnik in Croatia and the destruction of the Mostar Bridge in Bosnia and Herzegovina. These new challenges clearly show the need to improve protection of cultural property, particularly in the case of internal conflicts with an ethnic dimension. However, even this type of conflict should not be beyond the reach of the requirements for protection summarized in the eternal message – so often ignored in the reality of conflict – of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict: “… damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all [hu]mankind, since each people makes its contribution to the culture of the world.”

#### Unchecked terror guarantees casualties- letting innocents die is the logic the aff rejects- means refuse the aff

Zimmerman 09

(Peter D., Department of War Studies, King’s College London, “Do We Really Need to Worry? Some Reflections on the Threat of Nuclear Terrorism,” Fall 2009, <http://www.coedat.nato.int/publications/datr4/01PeterZimmerman.pdf>) /wyo-mm

Mueller discounts the consequences of an improvised nuclear device in odd ways. He suggests that a one kiloton ground burst in New York’s Central Park would barely damage the buildings on the boundaries of the park. That is true, but the same bomb detonated a kilometer or two away could kill tens of thousands or even one hundred thousand people. If the explosion took place in the financial business district of London or New York – or Paris or Singapore – in the middle of the working day, there could be several hundred thousand dead or wounded from the immediate effects. And the fallout from any of these explosions, even the one in Central Park, would kill many tens of thousands more. And Mueller decries the statement that such a bomb could “destroy” a major city; he points out that only a small fraction of the city would be destroyed, just as only a fairly small part of Hiroshima died from a larger bomb. I find myself horrified at the effects of even a very small nuclear explosion in a city. Perhaps that is because I have worked at the Nevada Test Site and walked the terrain where, fifty years ago, the United States tested atomic bombs against real buildings, homes such as those Americans live in and cars such as those we drove then. The important fact to face is that – despite the nuclear Pollyannas who argue that the construction of an improvised nuclear device is too difficult for even a well-financed terrorist, that obtaining sufficient fissile materials is nearly impossible, that the theft of an intact weapon is not going to happen (any longer), and that we may safely relegate nuclear terrorists to the fantasies of nuclear alarmists and the subjects of bad television and movies – the probability of a nuclear terrorist attack in any given year remains significant. Whether the probability is 20 percent, 5 percent, or even as low as one percent, the consequences of an incident are enormous. Significant investment to deter, prevent, detect, and destroy a nuclear terror plot is required. So is investment and research into ways to mitigate the effects of an attack, should all of our defenses fail and a nuclear detonation occur in one of the great cities of the world.

### UQ

#### Flex now- Tomatz- new legislation under AUMF hasn’t limited Obama- the administration is in lockstop that powers on detention shouldn’t be restricted

### Link

#### Denying traditional detention practices fails- meanas we can never secure location on terrorists- significantly increases possibility of releasing terrorists- 1NC Goldsmith- advocacy says indef detention

#### Continued indefinite detention key to winning the war on terror

Hodgkinson ‘12

[Sandra L. Hodgkinson, former Chief of Staff for Deputy Secretary of Defense William J. Lynn, III and Deputy Assistant Secretary of Defense for Detainee Affairs and Distinguished Visiting Research Fellow at National Defense University, “Executive Power in a War Without End: Goldsmith, the Erosion of Executive Authority on Detention, and the End of the War on Terror,” CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW VOL. 45, Fall 2012, [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf //](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.pdf%20//) wyo-ch]

There is no such thing as a war without end. All wars come to an end, even though it may be hard to predict when that end will be. When President Woodrow Wilson first coined the phrase “the war to end all wars” when speaking to Congress about World War I39 or when President Roosevelt referred to World War II as the “Long War,”40 neither president could easily predict when the war would end. At some level of destruction, some level of defeat, or some level of fighting fatigue, one way or another, wars end. In a classic state on-state conflict, the typical ways to end a war are through a peace treaty, defeat, or surrender.41 World War I ended with the Treaty of Versailles,42 while World War II ended with Germany and Japan surrendering.43 Generally, upon conclusion of the war, it is presumed that most, if not all, members of the country’s regular armed forces will lay down their arms and comply with the outcome of the war. This, however, is not always the case. Many modern conflicts have evolved into protracted insurgencies when non-government controlled forces are not ready to give up the fight, and are able to continue to fight. The recent example of Iraq is illustrative, as Iraqi insurgents have continued to destabilize the country long after the official war has ended.44 Northern Ireland is another example of a country where the fighting continued long after the peace process was in place.45 There is a path to victory for the United States in this war against the transnational non-state actor al-Qaeda, even if every member of al-Qaeda does not lay down his arms in surrender or acknowledge defeat. There are four steps on this path to victory. First, the United States and its allies must kill or capture the senior al-Qaeda leadership. We are doing that. The point regarding kill or capture is critical, as a state cannot have a policy that requires it to kill an enemy who surrenders.46 There must always be a detention option available, which is why military detention must remain a legitimate tool for use in this and future wars.47 Drone strikes are a principal tool being used to kill senior al-Qaeda leadership who are not encountered directly on the traditional kinetic battlefield and are a legitimate use of force under the law of armed conflict.48 Second, the United States and its allies must cut off al-Qaeda’s methods of travel. We have been working with allies consistently on this issue since September 11, 2001, through a vast array of terrorist watch lists, which identify terrorists and prevent them from traveling, particularly to areas where they may pose a threat to United States, allied forces, or other personnel.49 Third, the United States and its allies must cut off al-Qaeda’s funding sources. We have been working with allies to freeze assets associated with terrorism in banks around the world, while at the same time creating new laws that criminalize financial support to terrorists.50 The United Nations has called on countries to cut off terrorist means and methods of travel, and their funding.51 Lastly, the United States and NATO allies will have to continue efforts to “win the peace” in Afghanistan and elsewhere through continued counter-insurgency efforts, rehabilitation and reintegration programs, and developmental assistance and funding.52 Achieving these objectives will not make every member of al Qaeda and their affiliated groups lay down their weapons, but it will make their ability to act on a global scale in the way that they did on 9/11 and the years following much more difficult. They will become, in essence, splintered or localized terrorist groups, with the ability to certainly carry out harm and terrorist threats on a more localized scale, but not on the same global scale on which al-Qaeda has operated. As a result, they will be more similar to the other terrorist groups in the world that the United States is currently not at war with, such as Hamas, Hezbollah, and FARC, despite the fact that al Qaeda could continue to be a threat, as these groups have been for decades and continue to be.53 However, the organization will no longer be a terrorist organization which behaves like a state actor engaged in a military conflict, and as a result, the United States will no longer be at war. As a matter of law and policy, the United States has been at war with al-Qaeda, the Taliban, and their affiliates and associates responsible for the attacks of 9/11.54 The early policy statements of the Bush Administration that we were in a “War on Terror” were policy statements, rather than statements of a legal nature,55 as the war was always confined to the groups that “planned, authorized, committed or aided” the 9/11 attacks as per the AUMF.56 Some have argued that both the Bush and Obama Administrations have fairly liberally interpreted this authority.57 It is the “warlike” characteristic of al-Qaeda’s attack and the AUMF that supported the U.S. response that gave both administrations the legitimacy that they did have to treat members of these forces as enemy combatants, killing them on the battlefield and in other types of targeted strikes. When al-Qaeda is no longer behaving like a military enemy, we should continue to treat them as we treat other terrorist groups around the world—using traditional methods of law enforcement. Achieving this military victory over al-Qaeda has another extremely significant implication for the United States. It will have to begin an orderly drawdown of the detainees remaining at Guantanamo Bay, consistent with the international law of war.58 In Iraq, during 2008–2009, the United States was able to drawdown nearly 25,000 detainees predominantly from the facilities in Camp Bucca and Camp Cropper over the course of about eighteen months as the conflict was ending.59 While it was a challenging process, it was achieved in an orderly and timely manner consistent with the laws of war. There are some people that would argue that we should keep the detainees at Guantanamo Bay locked away forever, or at least as long as one or every one of these detainees poses a threat to us.60 The detainees at Guantanamo Bay are not being held under a security detention framework, which would make their individual threat level relevant to an individualized determination. Instead, they are held under the law of war, so when that war is over, they must be repatriated or released.61 They may be tried for crimes they committed during the war, either at military commissions, Article III courts, or by host nations.62 Unless some new security detention framework is developed, which seems unlikely at present, the detainees who have not been tried and convicted must be repatriated or released consistent with every other war in history.

#### Detention is helping us win the war on terror now

Tenet 9

(George, Director of Central Intelligence (DCI) for the United States Central Intelligence Agency, Distinguished Professor in the Practice of Diplomacy at Georgetown University, At the Center of the Storm, Oct 13 2009,

 By George Tenet, http://books.google.com/books?id=Xbh-fxt7ZIwC&lpg=PA255&dq=%22I%20believe%20that%20none%20of%20these%20successes%20would%20have%20happened%20if%20we%20had%20to%20treat%20KSM&pg=PP1#v=onepage&q=%22I%20believe%20that%20none%20of%20these%20successes%20would%20have%20happened%20if%20we%20had%20to%20treat%20KSM&f=false, p.255)

I believe none of these successes would have happened if we had had to treat KSM like a white-collar criminal – read him his Miranda rights and get him a lawyer who surely would have insised that his client simply shut up. In his initial interrogation by CIA officers, KSM was defiant. “I’ll talk to you guys,” he said, “after I get to New York and see my lawyer.” Apparently he thought he would be immediately shipped to the United States and indicted in the Southern District of New York. Had that happened, I am confident that we would have obtained none of the information he had in his head about imminent threats against the American people. From our interrogation of KSM and other senior al-Qa’ida members, and our examination of documents found on them, we learned many things – not just tactical information leading to the next capture. For example, more than twenty plots had been put in motion by al-Qa’ida against U.S. infrastructure targets, including comunications nodes, nuclear power plants, dams, bridges, and tunnels. All these plots were in various stages of planning when we captured or killed the pre-9/11 al-Qa’ida leaders behind them.

### 1NC – Link – Securitization k2 Solve Terror

#### Securitization of terrorism is key to the war on terror

Vultee 2010

[Fred Vultee, PhD in Journalism, Associate Professor at Wayne State, 2010, Securitization: A new approach to framing and media portrayals of the "war on terror", <http://citation.allacademic.com/meta/p_mla_apa_research_citation/2/0/3/8/8/pages203884/p203884-2.php>, uwyo//amp]

What is happening when news accounts portray the effort to contain and prevent political violence as the formal War on Terror or the dubious “war on terror”? A promising explanation lies in securitization theory, a recent outgrowth of security studies. Securitization can be thought of as a particular form of framing. When an issue has been securitized, a political actor has been able to cast it as an existential threat – an imminent peril to the physical, cultural, or social health of the community – and has gained a degree of public assent to use extraordinary measures to combat that threat. The role of the news media in such a process is essential. Media frames are the lens through which the public sees an issue like terrorism or immigration as a matter best dealt with through the normal workings of law enforcement and politics or as a crisis that requires extreme measures.

### 2NC – Link – Securitization k2 Terrorism

####  [2.] Securitization rhetoric is u/q key-expands policies to solve the threat

Vultee 2010

[Fred Vultee, PhD in Journalism, Associate Professor at Wayne State, 2010, Securitization: A new approach to framing and media portrayals of the "war on terror", <http://citation.allacademic.com/meta/p_mla_apa_research_citation/2/0/3/8/8/pages203884/p203884-2.php>, uwyo//amp]

The actor who controls the frame draws on other assets as well. The narrative

version of a conflict or dispute that becomes internationalized through media coverage is

likely to be the one that gains the widest acceptance, as in the narratives of ‘‘ancient

hatreds’’ and ‘‘warring factions’’ that emerged during the Balkan wars (Campbell, 1998;

Nadarajah and Sriskandarajah, 2005). In US politics, Democratic candidate John Kerry’s

‘‘reluctance . . . to call the war on terror an actual war’’ (Bishop, 2004) was more than

semantic quibbling for the pro-Bush New York Post. It defined the essential characteristic

that separated an unworthy candidate from one to whom the nation’s survival could be

trusted. Because securitization relies on the sense that ordinary measures are insufficient

for resolving a crisis, formalizing terrorism as a war is evidence of the frame’s value: ‘‘The

war against terror is about opening up a space outside the established range of police

operations and judicial procedures’’ (Oberleitner, 2004, p. 264).

#### [3.] Securtization is key to legitimize prosecuting the war on terror

Vultee 2010

[Fred Vultee, PhD in Journalism, Associate Professor at Wayne State, 2010, Securitization: A new approach to framing and media portrayals of the "war on terror", <http://citation.allacademic.com/meta/p_mla_apa_research_citation/2/0/3/8/8/pages203884/p203884-2.php>, uwyo//amp]

Unlike the other two papers, the use of the paper’s voice remains steady or increases in the New York Post; it is three-fourths (76.9%) of the mentions in the campaign year 2004, compared with 50% in the Washington Post. There is no significant change in the war’s status; only 3 times out of 250 (1.2%) is it deemed even an ambiguous idea. When a location for the war can be determined, it is first predominantly, then overwhelmingly, a global conflict that could threaten the United States. When the securitization frame has changed in these pages, it has become more favorable toward the administration – the set of political actors with the most to gain if the U.S. effort to thwart and mitigate transnational terrorism is securitized as a “war.” Taken together, these findings support Hypothesis 2: Diverging from a rough consensus at the start of the study period, the prestige press grows less accepting of the securitization frame and the pro-administration press more accepting. Elements of that frame that remain consistent are most steadily portrayed in media that emphasize their ability to be all things to all readers or viewers. Discussion This paper has suggested that securitization is an appropriate theory for explaining a particular multidimensional type of media framing. The variation in these three measures the degree to which a news organization transmits the “reality” of a concept supported by a set of political actors, the organization’s willingness to use the elites’ terms in its own voice, and the precision or vagueness with which the threat is defined – provides a way of measuring whether the concept has been “securitized,” or understood as an existential threat requiring a suspension of normal routines and the arrogation of special powers to the actors who have been able to “call security.” The war on terrorism is a familiar and important example of an issue open for securitization, but the same mechanism can be used to study similar issues. In considering immigration, the debate over whether newspapers should use terms like “illegal alien” provides a comparable category. The language of news sources will find its way into the language of news no matter what, but the degree to which a contested term appears in the news organization’s own voice is a measure of the degree to which the security frame is passed along intact from political actors to audiences.

#### Discourse at the academic level uniquely key—leftist critique creates US inaction and appeases enemies

Hanson 3

– Professor Emeritus of Classics, California State (Victor, The Fruits of Appeasement, http://city-journal.org/html/14\_2\_the\_fruits.html, AG)

Rather than springing from realpolitik, sloth, or fear of oil cutoffs, much of our appeasement of Middle Eastern terrorists derived from a new sort of anti-Americanism that thrived in the growing therapeutic society of the 1980s and 1990s. Though the abrupt collapse of communism was a dilemma for the Left, it opened as many doors as it shut. To be sure, after the fall of the Berlin Wall, few Marxists could argue for a state-controlled economy or mouth the old romance about a workers’ paradise—not with scenes of East German families crammed into smoking clunkers lumbering over potholed roads, like American pioneers of old on their way west. But if the creed of the socialist republics was impossible to take seriously in either economic or political terms, such a collapse of doctrinaire statism did not discredit the gospel of forced egalitarianism and resentment against prosperous capitalists. Far from it. If Marx receded from economics departments, his spirit reemerged among our intelligentsia in the novel guises of post-structuralism, new historicism, multiculturalism, and all the other dogmas whose fundamental tenet was that white male capitalists had systematically oppressed women, minorities, and Third World people in countless insidious ways. The font of that collective oppression, both at home and abroad, was the rich, corporate, Republican, and white United States. The fall of the Soviet Union enhanced these newer post-colonial and liberation fields of study by immunizing their promulgators from charges of fellow-traveling or being dupes of Russian expansionism. Communism’s demise likewise freed these trendy ideologies from having to offer some wooden, unworkable Marxist alternative to the West; thus they could happily remain entirely critical, sarcastic, and cynical without any obligation to suggest something better, as witness the nihilist signs at recent protest marches proclaiming: “I Love Iraq, Bomb Texas.” From writers like Arundhati Roy and Michel Foucault (who anointed Khomeini “a kind of mystic saint” who would usher in a new “political spirituality” that would “transfigure” the world) and from old standbys like Frantz Fanon and Jean-Paul Sartre (“to shoot down a European is to kill two birds with one stone, to destroy an oppressor and the man he oppresses at the same time”), there filtered down a vague notion that the United States and the West in general were responsible for Third World misery in ways that transcended the dull old class struggle. Endemic racism and the legacy of colonialism, the oppressive multinational corporation and the humiliation and erosion of indigenous culture brought on by globalization and a smug, self-important cultural condescension—all this and more explained poverty and despair, whether in Damascus, Teheran, or Beirut. [continues] This nonjudgmentalism—essentially a form of nihilism—deemed everything from Sudanese female circumcision to honor killings on the West Bank merely “different” rather than odious. Anyone who has taught freshmen at a state university can sense the fuzzy thinking of our undergraduates: most come to us prepped in high schools not to make “value judgments” about “other” peoples who are often “victims” of American “oppression.” Thus, before female-hating psychopath Mohamed Atta piloted a jet into the World Trade Center, neither Western intellectuals nor their students would have taken him to task for what he said or condemned him as hypocritical for his parasitical existence on Western society. Instead, without logic but with plenty of romance, they would more likely have excused him as a victim of globalization or of the biases of American foreign policy. They would have deconstructed Atta’s promotion of anti-Semitic, misogynist, Western-hating thought, as well as his conspiracies with Third World criminals, as anything but a danger and a pathology to be remedied by deportation or incarceration.

#### We’re winning the war on terrorism – detention is why

Thiessen 12

(Marc Thiessen, a fellow at the American Enterprise Institute, is a columnist and the author of "Courting Disaster." He was chief speech writer for President George W. Bush and Secretary of Defense Donald Rumsfeld. , “no intelligence without detention”, 11/18/2012, http://www.nytimes.com/roomfordebate/2012/11/18/should-obama-close-guantanamo-and-end-military-tribunals/dead-terrorists-cant-give-us-intelligence)

Dead terrorists cannot tell you their plans for new attacks. When we kill high-value terrorists, we vaporize all the intelligence they possess — information we cannot get anywhere else about Al Qaeda’s operations, recruits, safe houses, communications and plans for new attacks. We need this intelligence to save lives.¶ As the author Mark Bowden makes clear in his new book, "The Finish," intelligence from captured terrorists played an important role in the operation that killed Osama bin Laden. The Obama administration uses the treasure trove of intelligence it inherited from the Bush administration every day. But with each passing year, that intelligence becomes increasingly dated. New leaders rise through the ranks. New plots are conceived. And new networks form in places like Yemen, Somalia, Mali and eastern Libya, about which we know little.

### I/L

#### Strong pres flexibility is vital to thwarting the attack, conducting interrogations about known and hidden dangers, and preventing terrorists from continuing the fight- 1NC Tomatz=

#### Asymmetrical, unconventional, and evolving nature of terrorist threats and high need for preemptive action necessitates a flexible executive branch - that’s Sumasey-

### 2NC – AT: Terror Talk

#### Terrorism studies are epistemologically valid---our authors are self-reflexive

Boyle, 08 – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problem-solving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems. In fact, terrorism scholars are not only well aware of these problems, but also have provided their own searching critiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). Some of those scholars most associated with the critique of empiricism implied in ‘Orthodox Terrorism Studies’ have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism. For example, Jackson (2007a) regularly cites the handbook produced by Schmid and Jongman (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they point out that they have not revised their chapter on theories of terrorism from the first edition, because the failure to address persistent conceptual and data problems has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, Silke's (2004) volume on the state of the field of terrorism research performed a similar function, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. A non-reflective community of scholars does not produce such scathing indictments of its own work.

#### Their argument essentializes terror scholarship – it’s not a monolithic entity – defer to specific research

**Boyle '8**

Michael J., School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Some CTS advocates have positioned the CTS project against something usually called ‘terrorism studies’, ‘Orthodox terrorism studies’ or, alternatively, ‘terrorology’. Whatever these bodies of literature are (or at least are imagined by those who have created them as such), they are recent intellectual constructions, the product of an over-generalization that has emerged from the identification of (1) the limitations associated with terrorism research to date, coupled with (2) a less than complete understanding of the nature of research on terrorism. A cursory review of the terrorism literature reveals that attempts to generalize about something called Orthodox Terrorism Studies are deeply problematic. Among terrorism scholars, there are wide disagreements about, among others, the definition of terrorism, the causes of terrorism, the role and value of the concept of ‘radicalization’ and ‘extremism’, the role of state terror, the role that foreign policy plays in motivating or facilitating terrorism, the ethics of terrorism, and the proper way to conduct ‘counter-terrorism’. A cursory examination of the contents of the two most well-known terrorism journals Terrorism and Political Violence and Studies in Conflict and Terrorism quickly reveals this. These differences, and the concomitant disagreements that result in the literature, cut across disciplines – principally political science and psychology, but also others, such as anthropology, sociology, theology, and philosophy – and even within disciplines wide disagreements about methods (for example, discourse analysis, rational choice, among others) persist. To suggest that they can be lumped together as something called ‘terrorology’ or ‘Orthodox Terrorism Studies’ belies a narrow reading of the literature. This is, in short, a ‘straw man’ which helps position CTS in the field but is not based on a well-grounded critique of the current research on terrorism.

#### Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. **Boyle '8**, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

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#### Terror highly likely

Zimmerman 09

(Peter D., Department of War Studies, King’s College London, “Do We Really Need to Worry? Some Reflections on the Threat of Nuclear Terrorism,” Fall 2009, <http://www.coedat.nato.int/publications/datr4/01PeterZimmerman.pdf>) /wyo-mm

Mueller chooses another set of criteria by which to judge the plausibility of improvised nuclear devices. He writes down twenty “tasks” in what he calls “the most likely scenario”11 However, this is far too simplistic. He then posits that there is a 50-50 chance of success for each of these “tasks” and that taken together, this means that the odds of success are 1 in 1,048,576. This is truly a small number, and if taken seriously would probably mean that no further significant attention need be paid to nuclear terror scenarios. It is true that if one raises 0.5 to the 20th power, the resulting value is quite small, less than one in a million as desired. The question, however, is not if the value for 0.520 is small; of course it is. But does it bear any relationship to the problem at hand? How did Mueller come to the number twenty for his list of tasks? Some of the items are even compound tasks, one following another, so there could be more than twenty, and by Mueller’s reasoning a still smaller chance of success. Some of them are not tasks proper, but conditions to satisfy (“There must be no inadvertent leaks”. “No locals must sense that something out of the ordinary is going on”.) Still others seem like padding to reach the number 20 (“A detonation team must transport the IND to the target place and set it off… and the untested and much-traveled IND must not prove to be a dud”.). Since Mueller asserts that the probability of a nuclear terrorist starting a project and succeeding is less than one in a million, it is worth noting that 220 is almost exactly 1,000,000 and that 0.520 is, therefore, one in a million. That seems to be the totality of the logic behind the “twenty hurdles” of the Mueller papers and book. There seems to be no analysis to show that 50-50 are appropriate odds for the success of each step, and it is manifestly clear that the twenty hurdles are not statistically independent. Nevertheless, it would seem that twenty hurdles is the smallest plausible number that can provide the one chance in a million which allows Mueller to suggest that those who believe in nuclear terrorism might, with equal logic, believe “in the tooth fairy”.12 In any event, the odds of success for some tasks are nearly 100 percent. For example, it is not difficult to put an IND in a white van and drive it from Montana to Minneapolis, or from outside Boise to inside Boston, so long as the drivers break no traffic laws. I give that task a 90-plus percent probability. Assembling a team of scientists and technicians is likely to be far easie r § Marked 15:35 § than Mueller supposes. The Manhattan Project was the most exciting, and indeed glamorous, scientific project of the first half of the twentieth century, led by a constellation of great scientists. Many physicists, even today, fantasize about following in their footsteps.13 I give this one an 85-95 percent chance, at least. 14 In any event, Mueller makes elementary mistakes in risk analysis at the conceptual level: He decides on a path to the goal of a nuclear device, and then decides that it is either the only, or the easiest, or the most favorable route. Along the way his analysis is flawed. Mueller suggests that smugglers would be more likely than not to turn in the nuclear gang to the authorities. But as Matt Bunn of Harvard has pointed out14, Al Qaeda and Mexican drug lords routinely manage to move sensitive materials and people across borders, even those of highly developed countries such as the United States. Successful smugglers-for-hire generally do not betray their customers; the penalties for betrayal probably range from a severe beating to barbaric torture followed by a gruesome death. In his articles and presentations on the probability of terrorist use of nuclear weapons, Prof. Mueller frequently lashes out at those who refuse to set the likelihood of such acts at 1 in a million, or less. We are “alarmists”. And we are “imaginative”.15 According to Mueller, my colleague, Jeffrey Lewis, and I indulge in “worst case fantasies”.16 Mueller seems never to have talked with anybody who actually built a nuclear weapon, for his understanding of the components of a simple device makes it seem far more complex than it is. Nor can I share the results of my conversations with weaponeers except to say that they do not consider the construction of certain kinds of nuclear weapons to be beyond the skills of the kind of 20-person group Lewis and I envisioned. Lewis and I carefully assessed the budget for a nuclear terrorist, and arrived at a figure of $10 million. Mueller waves our extensive effort away with the comment that $10 million isn’t enough to corrupt three people. He must live in an expensive district for political bribery. Lewis and I estimated a budget more like a couple of million for actually building the device, including salaries and the procurement of all necessary non-nuclear components and equipment. We do not believe that recruiting the technical staff will require any bribery or corruption. Mueller assumed that he has found the shortest critical path to an improvised nuclear device. He also seems to assume that his list of tasks is so general that it includes all possible critical paths. He’s clearly wrong on the first count, but even if he is right on the second – and I think he is wildly wrong – his compilation is so general that it offers no guidance to law enforcement or the terrorists except to hope for or to guard against betrayals.