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### Adv 1 – Terrorism

#### US is losing the War on Terrorism due to the proliferation of extra-AUMF Al Qaeda affiliates

Kagan, 13

[Frederick W., Christopher DeMuth Chair and Director, Critical Threats Project, American Enterprise Institute, “The Continued Expansion of Al Qaeda Affiliates and their Capabilities”, Statement before the House Committee on Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade On “Global al-Qaeda: Affiliates, Objectives, and Future Challenges”, 7/18/13, <http://www.criticalthreats.org/al-qaeda/kagan-continued-expansion-al-qaeda-affiliates-capabilities-july-18-2013>, BJM]

**The war against al Qaeda is not going well**. Afghanistan has seen the most success, since Coalition and Afghan National Security Forces (ANSF) have been able to prevent al Qaeda from re-establishing effective sanctuary in the places from which the 9/11 attacks were planned and launched. The killing of Osama bin Laden has not been followed-up in Pakistan with disruption to the leadership group there on the scale of operations that preceded the Abbottabad raid. Al Qaeda affiliates in Iraq, Syria, Yemen, and West Africa have dramatically expanded their operating areas and capabilities since 2009 and appear poised to continue that expansion. Progress against al Shabaab, the al Qaeda affiliate in Somalia, is **extremely fragile** **and shows signs of beginning to unravel**. New groups with al Qaeda leanings, although not affiliations, are emerging in Egypt, and old groups that had not previously been affiliated with al Qaeda, such as Boko Haram in Nigeria, appear to be moving closer to it. Current trends point to continued expansion of al Qaeda affiliates and their capabilities, and it is difficult to see how current or proposed American and international policies are likely to contain that expansion, let alone reduce it to 2009 levels or below. Americans must seriously consider the possibility that **we are**, in fact, **starting to lose the war against al Qaeda**. The policy debate about al Qaeda has been bedeviled by competing definitions of the group and, consequently, evaluations of the threat it poses to the United States, as Katherine Zimmerman shows in a major paper that will be forthcoming from the Critical Threats Project at the American Enterprise Institute (AEI) in September. Whereas the Bush Administration saw the group as a global network of cells, the Obama Administration has focused narrowly on the "core group" in Pakistan around bin Laden and, after his death, around his successor, Ayman al Zawahiri. The current administration has also labored to distinguish al Qaeda franchises that have the intent and capability to attack the United States homeland from those that do not, implying (or sometimes stating) that the U.S. should act only against the former while observing the latter to ensure that they do not change course.

#### The president must use the AUMF to define who he can strike

Bradley & Goldsmith ‘5

[- Curtis & - Jack, Professors at University of Virginia and Harvard Law Schools Respectively, CONGRESSIONAL AUTHORIZATION AND THE

WAR ON TERRORISM, Harvard Law Review, Volume 118, May 2005]

The AUMF is arguably more restrictive in one respect, and argua-bly broader in another respect, than authorizations in declared wars. It is arguably more restrictive to the extent that it requires the Presi-dent to report to Congress on the status of hostilities. This difference from authorizations in declared wars, however, does not purport to af-fect the military authority that Congress has conferred on the Presi-dent. The AUMF is arguably broader than authorizations in declared wars in its description of the enemy against which force can be used. The AUMF authorizes the President to use force against those “na-tions, organizations, or persons he determines” have the requisite nexus with the September 11 attacks. This provision contrasts with authori-zations in declared wars in two related ways. First, it describes rather than names the enemies that are the objects of the use of force.144 Second, it expressly authorizes the President to determine which “nations, organizations, or persons” satisfy the statutory criteria for enemy status.145 One could argue that the effect of the “he determines” provision is to give the President broad, and possibly unreviewable, discretion to apply the nexus requirement to identify the covered enemy — at least to the extent that his determination does not implicate constitutional rights.146 Even if this argument is correct, this provision probably adds little to the President’s already-broad authority to de-termine the existence of facts related to the exercise of his authority under the AUMF.147

**Current AUMF ambiguity undermines effective counter-terrorism efforts against affiliates**

**Chesney et al. ‘13**

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The September 2001 AUMF provides for the use of force against the entity ¶ responsible for the 9/11 attacks, as well as those harboring that entity. It ¶ has been clear from the beginning that **the AUMF encompasses al Qaeda and** ¶ **the Afghan Taliban,** respectively. This was the right focus in late 2001, and for a ¶ considerable period thereafter. But for three reasons, **this focus is increasingly** ¶ **mismatched to the threat environment facing the U**nited **S**tates.4¶ **First, the original al Qaeda network has been substantially degraded by** ¶ **the success of the United States and its allies in killing or capturing the network’s** ¶ **leaders and key personnel**. That is not to say that al Qaeda no longer poses a ¶ significant threat to the United States, of course. The information available in the ¶ public record suggests that it does, and thus nothing we say below should be ¶ read to suggest that force is no longer needed to address the threat al Qaeda ¶ poses. Our point is simply that **the original al Qaeda network is no longer the** ¶ **preeminent operational threat to the homeland** that it once was.¶ **Second, the Afghan Taliban are growing increasingly marginal to the AUMF**. As ¶ noted above, **the AUMF extended to the Taliban because of the safe harbor they** ¶ **provided to al Qaeda. That rationale makes far less sense a dozen years later,** ¶ **with the remnants of al Qaeda long-since relocated** to Pakistan’s FATA region. ¶ This issue has gone largely unremarked in the interim because U.S. and coalition ¶ forces all along have been locked in hostilities with the Afghan Taliban, and ¶ thus no **occasion to reassess the AUMF nexus** has ever arisen. Such an occasion ¶ **may** well **loom on the horizon,** however, **as the U**nited **S**tates **draws down** ¶ **in Afghanistan with increasing rapidity**. To be sure, the United States no doubt ¶ will continue to support the Afghan government in its efforts to tamp down ¶ insurgency, and it also will likely continue to mount counterterrorism operations ¶ within Afghanistan. It may even be the case that at some future point, the Taliban ¶ will again provide safe harbor to what remains of al Qaeda, thereby at least ¶ arguably reviving their AUMF nexus. But for the time being, **the days of direct** ¶ **combat engagement with the Afghan Taliban appear to be numbered.**¶ If the decline of the original al Qaeda network and the decline of U.S. interest in ¶ the Afghan Taliban were the only considerations, one might applaud rather ¶ than fret over the declining relevance of the AUMF. **There is**, however, a **third** ¶ **consideration: significant new threats are emerging, ones that are not easily** ¶ **shoehorned into the current AUMF framework.** ¶To a considerable extent, **the new threats stem from the fragmentation of** ¶ **al Qaeda** itself. In this sense, the problem with the original AUMF is not so much ¶ that its primary focus is on al Qaeda, but rather that **it is increasingly difficult to** ¶ **determine with clarity which groups and individuals in al Qaeda’s orbit are** ¶ **sufficiently tied to the core so as to fall within the AUMF**. And given the gravity ¶ of the threat that some of these groups and individuals may pose on an ¶ independent basis, **it also is increasingly odd to premise the legal framework** ¶ **for using force against them on a chain of reasoning that requires a detour** ¶ **through the original, core al Qaeda organization.**¶The fragmentation process has several elements. First, **entities that** at ¶ least arguably **originated as** mere regional cells **of the core network have** ¶ **established a substantial degree of organizational and operational** ¶ **independence,** even while maintaining some degree of correspondence ¶ with al Qaeda’s leaders. **A**l **Q**aeda in the **A**rabian **P**eninsula **is a good example**. ¶ Al Qaeda in Iraq arguably fits this description as well, though in that case ¶ one might point to a substantial degree of strategic independence as well. ¶ Second, **entities that originated as independent, indigenous organizations** ¶ **have** to varying degrees **established formal ties to al Qaeda**, often rebranding ¶ themselves in the process. **Al** **Q**aeda in the **I**slamic **M**aghreb, formerly known ¶ as the Salafist Group for Call and Combat, **illustrates this path**. **Al Shabaab** ¶ in Somalia arguably **does as well**. **And then there are circumstances (such** ¶ **as the ones currently unfolding in Mali, Libya, and Syria) in which it is** ¶ **not entirely clear where the organizational lines lie** among (i) armed ¶ groups that work in concert with or even at the direction of one of the ¶ aforementioned al Qaeda affiliates; (ii) armed groups that are sympathetic ¶ and in communication with al Qaeda; and (iii) armed groups that are ¶ wholly independent of al Qaeda yet also stem from the same larger milieu ¶ of Salafist extremists.¶ **This situation**—which one of us has described as the emergence of “extraAUMF” threats—**poses a significant problem insofar as counterterrorism policy** ¶ **rests on the AUMF for its legal justification**. In some circumstances it remains ¶ easy to make the case for a nexus to the original al Qaeda network and hence to ¶ the AUMF. But **in a growing number of circumstances, drawing the requisite** ¶ **connection to the AUMF requires an increasingly complex daisy chain of** ¶ **associations—a task that is likely to be very difficult** (and hence subject to ¶ debate) **in some cases, and downright impossible in others**. The emergence of this problem should come as no surprise. **It has been nearly** ¶ **a dozen years since the AUMF’s passage, and circumstances have evolved** ¶ **considerably since then. It was inevitable that threats would emerge that might** ¶ **not fit easily or at all within its scope.** The question is whether Congress should ¶ do anything about this situation, and if so precisely what.

#### We’re at a turning point- the US must pivot to address the threat from al Qaeda affiliates. Congressional action is key because it provides legitimacy that induces public support for counter terrorism and international cooperation against terrorism

Wainstein ‘13

[STATEMENT OF ¶ KENNETH L. WAINSTEIN, PARTNER ¶ CADWALADER, WICKERSHAM & TAFT LLP ¶ BEFORE THE ¶ COMMITTEE ON FOREIGN RELATIONS ¶ UNITED STATES SENATE ¶ CONCERNING ¶ COUNTERTERRORISM POLICIES AND PRIORITIES: ¶ ADDRESSING THE EVOLVING THREAT ¶ PRESENTED ON ¶ MARCH 20, 2013. <http://www.foreign.senate.gov/imo/media/doc/Wainstein_Testimony.pdf> ETB]

It has recently become clear, however, that the Al Qaeda threat that occupied our ¶ attention after 9/11 is no longer the threat that we will need to defend against in the future. Due ¶ largely to the effectiveness of our counterterrorism efforts, the centralized leadership that had ¶ directed Al Qaeda operations from its sanctuary in Afghanistan and Pakistan -- known as “Al ¶ Qaeda Core” -- is now just a shadow of what it once was. While still somewhat relevant as an ¶ inspirational force, Zawahiri and his surviving lieutenants are reeling from our aerial strikes and ¶ no longer have the operational stability to manage an effective global terrorism campaign. The ¶ result has been a migration of operational authority and control from Al Qaeda Core to its ¶ affiliates in other regions of the world, such as Al Qaeda in the Arabian Peninsula, Al Qaeda in ¶ Iraq and Al Qaeda in the Islamic Maghreb. ¶ As Andy Liepman of the RAND Corporation cogently explained in a recent article, this ¶ development is subject to two different interpretations. While some commentators diagnose Al ¶ Qaeda as being in its final death throes, others see this franchising process as evidence that Al ¶ Qaeda is “coming back with a vengeance as the new jihadi hydra.” As is often the case, the truth ¶ likely falls somewhere between these polar prognostications. Al Qaeda Core is surely weakened, ¶ but its nodes around the world have picked up the terrorist mantle and continue to pose a threat ¶ to America and its allies -- as tragically evidenced by the recent violent takeover of the gas ¶ facility in Algeria and the American deaths at the U.S. Mission in Benghazi last September. This ¶ threat has been compounded by a number of other variables, including the opportunities created ¶ for Al Qaeda by the events following the Arab Spring; the ongoing threat posed by Hizballah, its ¶ confederates in Iran and other terrorist groups; and the growing incidence over the past few years ¶ of home-grown violent extremism within the United States, such as the unsuccessful plots ¶ targeting Times Square and the New York subway. ¶ We are now at a pivot point where we need to reevaluate the means and objectives of our ¶ counterterrorism program in light of the evolving threat. The Executive Branch is currently ¶ engaged in that process and has undertaken a number of policy shifts to reflect the altered threat ¶ landscape. First, it is working to develop stronger cooperative relationships with governments in ¶ countries like Yemen where the Al Qaeda franchises are operating. Second, they are ¶ coordinating with other foreign partners -- like the French in Mali and the African Union ¶ Mission in Somalia -- who are actively working to suppress these new movements. Finally, they ¶ are building infrastructure -- like the reported construction of a drone base in Niger -- that will ¶ facilitate counterterrorism operations in the regions where these franchises operate.¶ While it is important that the Administration is undergoing this strategic reevaluation, it ¶ is also important that Congress participate in that process. Over the past twelve years, Congress ¶ has made significant contributions to the post-9/11 reorientation of our counterterrorism ¶ program. First, it has been instrumental in strengthening our counterterrorism capabilities. From ¶ the Authorization for Use of Military Force passed within days of 9/11 to the Patriot Act and its ¶ reauthorization to the critical 2008 amendments to the Foreign Intelligence Surveillance Act, ¶ Congress has repeatedly answered the government’s call for strong but measured authorities to ¶ fight the terrorist adversary. ¶ Second, Congressional action has gone a long way toward institutionalizing measures ¶ that were hastily adopted after 9/11 and creating a lasting framework for what will be a “long ¶ war” against international terrorism. Some argue against such legislative permanence, citing the ¶ hope that today’s terrorists will go the way of the radical terrorists of the 1970’s and largely fade ¶ from the scene over time. That, I’m afraid, is a pipe dream. The reality is that international ¶ terrorism will remain a potent force for years and possibly generations to come. Recognizing ¶ this reality, both Presidents Bush and Obama have made a concerted effort to look beyond the ¶ threats of the day and to focus on regularizing and institutionalizing our counterterrorism ¶ measures for the future -- as most recently evidenced by the Administration’s effort to develop ¶ lasting procedures and rules of engagement for the use of drone strikes. ¶ Finally, Congressional action has provided one other very important element to our ¶ counterterrorism initiatives -- a measure of political legitimacy that could never be achieved ¶ through unilateral executive action. At several important junctures since 9/11, Congress has ¶ undertaken to carefully consider and pass legislation in sensitive areas of executive action, such ¶ as the legislation authorizing and governing the Military Commissions and the amendments to ¶ our Foreign Intelligence Surveillance Act. On each such occasion, Congress’ action had the ¶ effect of calming public concerns and providing a level of political legitimacy to the Executive ¶ Branch’s counterterrorism efforts. That legitimizing effect -- and its continuation through ¶ meaningful oversight -- is critical to maintaining the public’s confidence in the means and methods our government uses in its fight against international terrorism. It also provides assurance to our foreign partners and thereby encourages them to engage in the operational cooperation that is so critical to the success of our combined efforts against international terrorism.

#### Turning the tide is critical – al-Qaeda affiliates pose a high risk of nuclear and biological terrorism

Allison, IR Director @ Harvard, 12

[Graham, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government, Harvard Kennedy School, "Living in the Era of Megaterror", Sept 7, <http://belfercenter.ksg.harvard.edu/publication/22302/living_in_the_era_of_megaterror.html>. BJM]

Forty years ago this week at the Munich Olympics of 1972, Palestinian terrorists conducted one of the most dramatic terrorist attacks of the 20th century. The kidnapping and massacre of 11 Israeli athletes attracted days of around-the-clock global news coverage of Black September’s anti-Israel message. Three decades later, on 9/11, Al Qaeda killed nearly 3,000 individuals at the World Trade Center and the Pentagon, announcing a new era of megaterror. In an act that killed more people than Japan’s attack on Pearl Harbor, a band of terrorists headquartered in ungoverned Afghanistan demonstrated that individuals and small groups can kill on a scale previously the exclusive preserve of states. Today, how many people can a small group of terrorists kill in a single blow? Had Bruce Ivins, the U.S. government microbiologist responsible for the 2001 anthrax attacks, distributed his deadly agent with sprayers he could have purchased off the shelf, tens of thousands of Americans would have died. Had the 2001 “Dragonfire” report that Al Qaeda had a small nuclear weapon (from the former Soviet arsenal) in New York City proved correct, and not a false alarm, detonation of that bomb in Times Square could have incinerated a half million Americans. In this electoral season, President Obama is claiming credit, rightly, for actions he and U.S. Special Forces took in killing Osama bin Laden. Similarly, at last week’s Republican convention in Tampa, Jeb Bush praised his brother for making the United States safer after 9/11. There can be no doubt that the thousands of actions taken at federal, state and local levels have made people safer from terrorist attacks. Many are therefore attracted to the chorus of officials and experts claiming that the “strategic defeat” of Al Qaeda means the end of this chapter of history. But we should remember a deeper and more profound truth. While applauding actions that have made us safer from future terrorist attacks, we must recognize that they **have not reversed an inescapable reality**: The relentless advance of science and technology is making it possible for smaller and **smaller groups to kill** **larger** and larger **numbers of people**. If a Qaeda affiliate, or some terrorist group in Pakistan whose name readers have never heard, acquires highly enriched uranium or plutonium made by a state, they can construct an elementary nuclear bomb capable of killing hundreds of thousands of people. At biotech labs across the United States and around the world, research scientists making medicines that advance human well-being are also capable of making pathogens, like anthrax, that can produce massive casualties. What to do? Sherlock Holmes examined crime scenes using a method he called M.M.O.: motive, means and opportunity. In a society where citizens gather in unprotected movie theaters, churches, shopping centers and stadiums, opportunities for attack abound. Free societies are inherently “target rich.” Motive to commit such atrocities poses a more difficult challenge. In all societies, a percentage of the population will be homicidal. No one can examine the mounting number of cases of mass murder in schools, movie theaters and elsewhere without worrying about a society’s mental health. Additionally, actions we take abroad unquestionably impact others’ motivation to attack us. As Faisal Shahzad, the 2010 would-be “Times Square bomber,” testified at his trial: “Until the hour the U.S. ... stops the occupation of Muslim lands, and stops killing the Muslims ... we will be attacking U.S., and I plead guilty to that.” Fortunately, it is more difficult for a terrorist to acquire the “means” to cause mass casualties. Producing highly enriched uranium or plutonium requires expensive industrial-scale investments that only states will make. If all fissile material can be secured to a gold standard beyond the reach of thieves or terrorists, aspirations to become the world’s first nuclear terrorist can be thwarted. Capabilities for producing bioterrorist agents are not so easily secured or policed. While more has been done, and much more could be done to further raise the technological barrier, as knowledge advances and technological capabilities to make pathogens become more accessible, the means for bioterrorism will come within the reach of terrorists. One of the hardest truths about modern life is that the same advances in science and technology that enrich our lives also empower potential killers to achieve their deadliest ambitions. To imagine that we can escape this reality and return to a world in which we are invulnerable to future 9/11s or worse is an illusion. For as far as the eye can see, we will live in an era of megaterror.

#### Nuclear terrorism causes nuclear escalation –retaliation goes global, it’s highly likely and rapid

Morgan 09

(Professor of Foreign Studies at Hankuk University, Dennis Ray, December, “World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race” Futures, Vol 41 Issue 10, p 683-693, ScienceDirect)

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,” it is likely that any attack would be blamed on the United States” Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors” In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In “Scenarios,” Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or non-nuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons.

#### High risk of nuke terror

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Bioweapons are imminent and cause extinction – they’re easily obtainable and overwhelm the best defenses

Myhrvold 13

Myhrvold, July 2013 [Nathan, formerly Chief Technology Officer at Microsoft, is co-founder of Intellectual Ventures—one of the largest patent holding companies in the world, “Strategic Terrorism: A Call to Action”, The Lawfare Research Paper Series Research paper NO . 2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>, BJM]

Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and **kill a large part of humanity with it**. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes **only a handful of individuals** to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological **science has frighteningly undermined the correlation between the lethality of a weapon and its cost**, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included. The 9/11 attacks involved at least four pilots, each of whom had sufficient education to enroll in flight schools and complete several years of training. Bin Laden had a degree in civil engineering. Mohammed Atta attended a German university, where he earned a master’s degree in urban planning—not a field he likely chose for its relevance to terrorism. A future set of terrorists could just as easily be students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. Hundreds of universities in Europe and Asia have curricula sufficient to train people in the skills necessary to make a sophisticated biological weapon, and hundreds more in the United States accept students from all over the world. Thus it seems **likely** that sometime in the near future a small band of terrorists, or even a single misanthropic individual, will **overcome our best defenses** and do something truly terrible, such as fashion a bioweapon that **could kill millions or even billions** **of people**. Indeed, **the creation of such weapons within the next 20 years seems to be a virtual certainty**. The repercussions of their use are hard to estimate. One approach is to look at how the scale of destruction they may cause compares with that of other calamities that the human race has faced.

### Adv 2 – NEW ADV

Failure to clarify the targeting authority of the AUMF leads to proliferation of destabilizing interpretations of international law

Barnes ‘12

[Beau, J.D., Boston University School of Law (expected May 2013); M.A. in Law and ¶ Diplomacy (expected May 2013), The Fletcher School of Law and Diplomacy at Tufts ¶ University; B.A., 2006, Lewis & Clark College. Military law Review vol. 221. [https://www.jagcnet.army.mil/DOCLIBS/MILITARYLAWREVIEW.NSF/0/b7396120928e9d5e85257a700042abb5/$FILE/By%20Beau%20D.%20Barnes.pdf](https://www.jagcnet.army.mil/DOCLIBS/MILITARYLAWREVIEW.NSF/0/b7396120928e9d5e85257a700042abb5/%24FILE/By%20Beau%20D.%20Barnes.pdf) ETB]

¶ A new AUMF is the best option available to U.S. policymakers if it is to continue its military efforts against terrorist groups and networks. [n7](http://w3.nexis.com/new/frame.do?tokenKey=rsh-20.550731.5030538639&target=results_DocumentContent&returnToKey=20_T18003250738&parent=docview&rand=1377133714902&reloadEntirePage=true#n7) A new authorization would clarify the authority the current AUMF grants to the president, which, especially as it relates to the use of military force against U.S. citizens and within the domestic territory of the United States, is extraordinarily vague. A new authorization would also avert tempting, but ultimately dangerous, legal alternatives--namely, harmful interpretations of domestic and international law. On the domestic front, reverting to a reliance on the president's Commander in Chief powers would place the U.S. military's global anti-terrorism efforts on a fragile legal foundation already weakened by the Supreme Court's skepticism and further remove this important military campaign from effective democratic control. In the international arena, relying instead on an overly expansive interpretation of the right to self-defense under international law would undermine the Obama Administration's efforts to lead by legal example and encourage the proliferation of a potentially destabilizing understanding of the jus ad bellum. Reaffirming the AUMF is therefore not just an issue of legal and academic curiosity, but a matter of vital domestic and international concern. Despite the urgent need for a proper legal basis for U.S. military counterterrorism operations, however, Congress's recent efforts have fallen short. This article thus argues generally for a new AUMF, but also specifically that the new authorization should strike a measured balance, granting the President the power to effectively combat global terrorism while stopping short of authorizing unlimited, permanent war with whomever the President deems an enemy. [n8](http://w3.nexis.com/new/frame.do?tokenKey=rsh-20.550731.5030538639&target=results_DocumentContent&returnToKey=20_T18003250738&parent=docview&rand=1377133714902&reloadEntirePage=true#n8)¶ Part II of this article will explain why congressional action actually matters today as an affirmative grant of authority and a substantive restriction on the President's power to use military force. Part III will examine the scope of the current AUMF in light of its text, legislative [\*60] history, and subsequent reception. Drawing on executive branch interpretations and the Supreme Court's recent decisions, as well as the jurisprudence of the D.C. Circuit Court of Appeals, this section will demonstrate that no consensus exists about the statute's precise scope. Nevertheless, the Executive Branch has interpreted it broadly and the judiciary has in large part acquiesced to that construction. Specifically, President Obama has used expansive interpretations of terms such as "associated forces" to greatly expand his administration's international targeted killing operations, including organizations with only a tenuous link to the September 11, 2001, terrorist attacks.¶ Because of the proliferation of new terrorist groups with no ties to September 11, as well as the successful targeting of Al Qaeda's "core group," Part IV will argue that the AUMF's legal demise is close at hand or, with regard to certain groups, already here. As this authority wanes, Congress must reauthorize the AUMF to avoid significant consequences in both domestic and international law and policy. Simply put, should current events further vitiate the AUMF, the demands of the international system will likely force the United States to rely on legal interpretations that sap American democracy and diminish U.S. national security.

Ambiguity of the AUMF’s targeting spills over to major violations of international law abroad

**Roth 13** – Executive Director @ Human Rights Watch [Kenneth Roth, “ (JD from Yale University) The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force” “ [Statement to the Senate Armed Services Committee](http://www.hrw.org/news/2013/05/16/us-statement-senate-armed-services-committee-aumf-targeted-killing-guantanamo) , May 16, 2013, pg. http://www.hrw.org/news/2013/05/16/us-statement-senate-armed-services-committee-aumf-targeted-killing-guantanamo

The Obama administration has offered several possible legal rationales for drone strikes, but with little clarity about the concrete, practical limits, if any, under which it purports to operate. Beyond the risk to people in these countries who face possible wrongful targeting, the **lack of clarity** denies Congress and the American public the ability to exercise effective oversight. It also makes it easier for other countries that are rapidly developing their own drone programs to **interpret that ambiguity** in a way that is likely to lead to serious **violations of international law**.

One possible rationale for drone strikes comes from international humanitarian law governing armed hostilities. The Obama administration has formally dropped the Bush administration’s use of the phrase “global war on terror,” but its interpretation of the AUMF as authorizing “war with al Qaeda, the Taliban, and associated forces” looks very similar. This expansive view of the “war” currently facing the United States **cries out for a clear statement of its limits**. Does the United States really have the right to attack anyone it might characterize as a combatant against the United States anywhere in the world? We would hardly accept summary killing if the target were walking the streets of London or Paris.

John Brennan has said that as a matter of policy the administration has an “unqualified preference” to capture rather than kill all targets. But what are the factors leading the administration to decide that this preference can be met? Will it kill simply because convincing another government to arrest a suspect may be difficult? If so, how much political difficulty will it put up with before launching a drone attack?  Will it kill simply because of the risk involved if US soldiers were to attempt to arrest the suspect? If so, how much risk is the administration willing to accept before pulling the kill switch? The truth is that we have no idea. We don’t know whether these decisions are being made with appropriate care or not. We do know that other governments are likely to interpret this ambiguity in ways that are less respectful than we would want of the fundamental rights involved.

Moreover, away from a traditional battlefield, international human rights law requires the capture of enemies if possible. As noted, failing to apply that law encourages other governments to circumvent it as well—to summarily kill suspects simply by announcing a “war” against their group without there being a traditional armed conflict anywhere in the vicinity. Imagine the mayhem that Russia could cause by killing alleged Chechen “combatants” throughout Europe, or China by killing Uighur “combatants” in the United States. In neither case is the government where the suspect is located likely to cooperate with arrest efforts. And **these precedential fears are real**: China recently considered using a drone to kill a drug trafficker in Burma.

Absent effective international law – nuclear war is inevitable
Damrosch and Mullerson 95 (Lori Fisler Damrosch, Henry L Moses Professor of International Law and Organization Columbia, Rein Müllerson, Professor of International Law, Columbia, 1995, “King’s, Beyond Confrontation, International Law for the Post-Cold War Era,” p. 2-3//MRG)

**The contemporary world has an ever increasing need for an international legal system that can respond to the demands of our time.** Of the many reasons for this fact, we will survey only a few of the most salient. **First and foremost is the increasing interdependence of all peoples. Even as the world is riven with many contradictions and conflicts, it is also becoming more integrated with a greater need for orderly, predictable conduct.** Events, and especially natural and social disasters, even when they occur within a single country, have more noticeable effects on conditions in the world at large. The Chernobyl accident, the earthquake in Armenia, and even internal political processes underway in the territories of the former Soviet Union and Eastern Europe—these and many other events occurring within separate countries or regions have a global significance affecting the destiny of all peoples. **The intertwining of the economic life of diverse countries today is even greater than was the interdependence of different regions within the same state only half a century ago. Order and predictability of the behavior of actors on the international scene can be achieved first of all with the aid of social norms, among which international law occupies an important place.** A second reason for the growth of the role of international law is inextricably connected with the first. **The threat of a thermonuclear catastrophe, universal ecological crisis, and acute economic problems in developing countries are of global concern and endanger the very existence of humanity.** Resolution of these problems demands coordinated efforts of all states and peoples, which would be impossible to achieve without the aid of international norms, procedures, and institutions. A third reason is the breathtaking political transformations of recent years. The changes that began in 1985 in the former Soviet Union and were unleashed in Eastern Europe have radically transformed the map of the world. **Although it is impossible to give a final evaluation of the character and significance of these changes at the present time, it is possible to conclude that the fundamental global contradiction of the Cold War era—the contradiction between socialism and capitalism, which to a great extent determined not only the general climate in the world but also the role and significance of international law in it**—**has been overcome**. In the Charter of Paris for a New Europe, 32 countries of Europe, together with the United States and Canada, affirmed that “the era of confrontation and division in Europe has ended.” The end has come not only for division in Europe, but also in the world at large. But this fact can hardly lead automatically to a non-contradictory, stable, world order. The acuteness of conflicts that are not connected with the so-called “fundamental contradiction of the epoch” can even intensify, as the unleashing of savage interethnic conflict in the former Yugoslavia and the former Soviet Union amply demonstrates. Nonetheless, **it is precisely the cooperation between former ideological and political adversaries that can serve as the prerequisite and condition for the resolution of many of problems and conflicts.** A vivid example may be found in the reaction of world society to the aggression of Iraq against Kuwait and the reining in of the aggressor with the aid of U.N. mechanisms in accordance with the U.N. Charter and other norms of international law.

ILAW is inevitable but US engagement is critical to its effectiveness

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**The evolution of international law since World War II is largely a response to the demands of states and individuals living within a global society with a deeply integrated world economy.** In this global society**, the repercussions of the actions of states, non-state actors, and individuals are not confined within borders, whether we look to greenhouse gas accumulations, nuclear testing, the danger of accidental nuclear war, or the vast massacres of civilians** that have taken place over the course of the last hundred years and still continue. **Multilateral agreements** increasingly **have been a primary instrument employed by states to meet extremely serious challenges of this kind**, for several reasons. **They clearly and publicly embody a set of universally applicable expectations, including prohibited and required practices and policies.** In other words, they **articulate global norms, such as the protection of human rights and the prohibitions of genocide and use of weapons of mass destruction. They establish predictability and accountability in addressing a given issue. States are able to accumulate expertise and confidence by participating in the structured system established by a treaty.** However, influential **U.S. policymakers are resistant to the idea of a Treaty based international legal system because they fear infringement on U.S. sovereignty and they claim to lack confidence in compliance and enforcement mechanisms.** This approach has dangerous practical implications for international cooperation and compliance with norms. **U.S. treaty partners do not enter into treaties expecting that they are only political commitments that can be overridden based on U.S. interests. When a powerful and influential state like the United States is seen to treat its legal obligations as a matter of convenience or of national interest alone, other states will see this as a justification to relax or withdraw from their own commitments. When the United States wants to require another state to live up to its treaty obligations,** it may find that the state has followed the U.S. example and opted out of compliance.

Global cooperation solves multiple existential threats

Joseph Nye 8is professor of international relations at Harvard University, “American Power After the Financial Crises,” <http://www.foresightproject.net/publications/articles/article.asp?p=3533>, DOA: 7-23-13, y2k

Power always depends on context, and in today's world, it is distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar and likely to remain so for some time. But on the middle chessboard, economic power is already multi-polar, with the US, Europe, Japan and China as the major players, and others gaining in importance. **The bottom chessboard is the realm of transnational relations that cross borders outside of government control,** and **it includes actors as** **diverse as bankers** electronically **transferring sums larger than most national budgets** at one extreme, **and terrorists transferring weapons** **or hackers disrupting Internet operations** at the other. **It** also **includes new challenges like pandemics and climate change**. On this bottom board, power is widely dispersed, and it makes no sense to speak of unipolarity, multi-polarity or hegemony. **Even in the aftermath of the financial crisis, the giddy pace of technological change is likely to continue to drive globalisation, but the political effects will be quite different for the world of nation states and the world of non-state actors**. In inter-state politics, the most important factor will be the continuing "return of Asia". In 1750, Asia had three-fifths of the world population and three-fifths of the world's product. By 1900, after the industrial revolution in Europe and America, Asia's share shrank to one-fifth of the world product. By 2040, Asia will be well on its way back to its historical share. **The "rise" in the power of China and India may create instability**, but it is a problem with precedents, and we can learn from history about how our policies can affect the outcome. **A century ago, Britain managed the rise of American power without conflict, but the world's failure to manage the rise of German power led to two devastating world wars.** In transnational politics, **the information revolution is dramatically reducing the costs of computing and communication. Forty years ago, instantaneous global communication was possible but costly, and restricted to governments and corporations**. Today it is virtually free to anyone with the means to enter an internet café. **The barriers to entry into world politics have been lowered, and non-state actors now crowd the stag**e. In 2001, **a non-state group killed more Americans than the government of Japan killed at Pearl Harbor**. **A pandemic** spread by birds or travelers on jet aircraft **could kill more people than perished in the first or second world wars**. This is a new world politics with which we have less experience. The problems of power diffusion (away from states) may turn out to be more difficult than power transition among states. **The problem for American power in the 21st century is that there are more and more things outside the control of even the most powerful state**. Although the United States does well on the traditional measures, there is increasingly more going on in the world that those measures fail to capture. **Under the influence of the information revolution and globalisation, world politics is changing in a way that means Americans cannot achieve all their international goals acting alone**. For example, **international financial stability** **is vital to the prosperity of Americans, but the United States needs the cooperation of others to ensure it**. **Global climate change too will affect the quality of life, but the United States cannot manage the problem alone**. **And in a world where borders are becoming more porous than ever to everything from drugs to infectious diseases to terrorism, America must mobilise international coalitions to address shared threats and challenges.** As the largest country, American leadership will remain crucial. The problem of American power after this crisis is not one of decline, but realisation that **even the largest country cannot achieve its aims without the help of others.**

Independently, adhering the targeting of the AUMF to international law norms is critical to allied relations

Chesney et al. ‘13

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Third are the international costs of a renewed AUMF. This is a complex issue. As ¶ a general matter a renewed and clarified AUMF—especially one that (as we ¶ propose below) articulates the U.S. view of international law—would contribute ¶ to the development of opinio juris under customary international law. So too ¶ would the reaction to the new AUMF. That reaction depends on the details of ¶ the legislation. To the extent that the legislation is seen as constraining the president in meaningful ways and in hewing to accepted international law, it would be viewed in a positive light internationally. To the extent that it is seen ¶ as making permanent an indefinite and geographically limitless war or in ¶ stretching international law, it would be viewed in a negative light internationally among allied governments and NGOs. And of course both reactions are likely to ¶ some degree.¶ The attempt to mitigate a negative reception abroad (and, in some quarters, at ¶ home), is one reason why we recommend below that any statutory reform in this ¶ area should emphasize compliance with jus in bello and jus ad bellum as well as the limited rather than unlimited nature of the authorization (conceptually ¶ and temporally). We recognize that the United States’ interpretation of some ¶ international self-defense law and law-of-war authorities is broader than our ¶ allies’ interpretations; legislating such limitations thus will not end debate. ¶ Nevertheless, acknowledging clearly that U.S. operations are to be conducted within, rather than beyond, traditional legal frameworks is an important step in mitigating friction with our allies, and prudent use of these legal authorities ¶ will be important in persuading allies that the U.S. position is a reasonable one.

Alliances prevent nuclear war---key to burden sharing

Douglas Ross 99 is professor of political science at Simon Fraser University, Winter 1998/1999, Canada’s functional ¶ isolationism and the future of weapons of mass destruction, International Journal, p. lexis

Thus, an easily accessible tax base has long been available for spending much more on international security than recent governments have been willing to contemplate. ? Negotiating the landmines ban, discouraging trade in small arms, promoting the United Nations arms register are all worthwhile, popular activities that polish the national ? self-image. **But they should all be supplements to, not substitutes for, a proportionately equitable commitment of resources to the management and ? prevention of international conflict – and thus the containment of the WMD threat**. **Future American governments will not ‘police the ? world’ alone**. For almost fifty years the Soviet threat compelled disproportionate military expenditures and sacrifice by the United States. That world is gone. **Only by enmeshing the capabilities of the United States and other leading powers in a co-operative security management regime where the burdens are widely shared does the world community have any plausible hope of avoiding warfare involving nuclear or other WMD**

The United States federal government should statutorily prohibit the president from using indefinite detention and targeted killing war powers authorities granted to the President of the United States by Public Law 107-40 and modified by the 2012 National Defense Authorization Act, except on members of al-Qaeda, the Taliban, or those nations, organizations, or persons who enjoy close and well-established collaboration with al-Qaeda or the Taliban.

### Solvency

#### Action to clearly define the enemy restricts the executive scope of the AUMF while preserving presidential flexibility and the joint decision-making capabilities

**Cronogue ‘12**

[Graham. Duke University School of Law, J.D. expected 2013; University of North Carolina B.A. 2010. 22 Duke J. Comp. & Int'l L. 377 2011-2012. ETB]

The AUMF must be updated. In 2001, the AUMF authorized force to ¶ fight against America’s most pressing threat, the architects of 9/11. However, much has changed since 2001. Bin Laden is dead, the Taliban ¶ has been deposed, and it is extremist organizations other than al-Qaeda and ¶ the Taliban who are launching many of the attacks against Americans and ¶ coalition partners.124 In many ways, the greatest threat is coming from ¶ groups not even around in 2001, groups such as AQAP and al Shabaab.125¶ Yet these groups do not fall under the AUMF’s authorization of force. ¶ These groups are not based in the same country that launched the attacks, ¶ have different leaders, and were not involved in planning or coordinating ¶ 9/11. Thus, under a strict interpretation of the AUMF, the President is not ¶ authorized to use force against these groups. ¶ Congress needs to specifically authorize force against groups outside of al-Qaeda and the Taliban. Our security concerns demand that the ¶ President can act quickly and decisively when facing threats. The current ¶ authorization does not cover many of these threats, yet it is much more ¶ difficult to achieve this decisiveness if the President is forced to rely solely ¶ on his inherent powers. A clear congressional authorization would clear up ¶ much of this problem. Under Justice Jackson’s framework, granting or ¶ denying congressional authorization ensures that President does not operate ¶ in the “zone of twilight.”126 Therefore, if Congress lays out the exact scope ¶ of the President’s power, naming or clearly defining the targeted actors, the ¶ constitutionality or unconstitutionality of presidential actions will become ¶ much clearer.127¶ Removing the 9/11 nexus to reflect the current reality of war without ¶ writing a carte blanche is the most important form of congressional ¶ guidance regarding target authorization. In order for the President to ¶ operate under the current AUMF, he must find a strong nexus between the ¶ target and the attacks on September 11. As I have shown in this paper, this ¶ nexus is simply non-existent for many groups fighting the United States ¶ today. Yet, the President should want to operate pursuant to congressional ¶ authorization, Justice Jackson’s strongest zone of presidential authority. In ¶ order to achieve this goal, the administration has begun to stretch the ¶ statutory language to include groups whose connection to the 9/11 attacks, ¶ if any, is extraordinarily limited. The current presidential practice only ¶ nominally follows the AUMF, a practice Congress has seemingly ¶ consented to by failing to amend the statute for over ten years. This “stretching” is dangerous as Congress is no longer truly behind the ¶ authorization and has simply acquiesced to the President’s exercise of ¶ broad authority. ¶ The overarching purpose of the new authorization should be to make it ¶ clear that the domestic legal foundation for using military force is not ¶ limited to al-Qaeda and the Taliban but also extends to the many other ¶ organizations fighting the United States. The language in Representative ¶ McKeon’s bill does a fairly good job of achieving this goal by specifically ¶ naming al-Qaeda and the Taliban along with the term “associated force.” ¶ This provision makes it clear the President is still authorized to use force ¶ against those responsible for 9/11 and those that harbored them by ¶ specifically mentioning al-Qaeda and the Taliban. However, the additional ¶ term “associated force” makes it clear that the authorization is not limited ¶ to these two groups and that the President can use force against the allies ¶ and separate branches of al-Qaeda and the Taliban. This creates a very ¶ flexible authorization. ¶ Despite the significant flexibility of the phrase “associated force ¶ engaged in hostilities”, I would propose defining the term or substituting a ¶ more easily understood and limited term. Associated force could mean ¶ many things and apply to groups with varying levels of involvement. ¶ Arguably any group that strongly identifies with or funds al-Qaeda or the ¶ Taliban could be an associated force. Thus, we could end up in the ¶ previously describe situation where group “I” who is in conflict with the ¶ United States or a coalition partner in Indonesia over a completely different ¶ issue becomes a target for its support of an associated force of al-Qaeda. ¶ Beyond that, the United States is authorized to use all necessary force ¶ against any groups that directly aid group “I” in its struggle. ¶ My proposal for the new AUMF would appear as follows: ¶ AFFIRMATION OF ARMED CONFLICT WITH AL-QAEDA, ¶ THE TALIBAN, AND ASSOCIATED FORCES ¶ Congress affirms that— ¶ (1) the United States is engaged in an armed conflict with al-Qaeda, the ¶ Taliban, and associated forces and that those entities continue to ¶ pose a threat to the United States and its citizens, both domestically ¶ and abroad; ¶ a. for the purposes of this statute, an associated force is a ¶ nation, organization, or person who enjoys close and wellestablished collaboration with al-Qaeda or the Taliban and ¶ as part of this relationship has either engaged in or has ¶ intentionally provided direct tactical or logistical support ¶ for armed conflict against the United States or coalition ¶ partners.¶ the President has the authority to use all necessary and appropriate ¶ force during the current armed conflict with al-Qaeda, the Taliban, ¶ and associated forces pursuant to the Authorization for Use of ¶ Military Force (Public Law 107-40; 50 U.S.C. 1541); ¶ (3) the current armed conflict includes nations, organization, and ¶ persons who— ¶ a. are part of al-Qaeda, the Taliban, or associated forces; or ¶ b. engaged in hostilities or have directly supported hostilities ¶ in aid of a nation, organization or person described in ¶ subparagraph (A); ¶ c. or harbored a nation, organization, or person described in ¶ subparagraph (A); and ¶ (4) the President’s authority pursuant to the Authorization for Use of ¶ Military Force includes the authority to detain belligerents, ¶ including persons described in paragraph (3), until the termination ¶ of hostilities. ¶ (5) Nothing in this authorization should be construed to limit the ¶ President’s ability to respond to new and emerging threats or engage ¶ in appropriate and calculated actions of self-defense. ¶ The definition of “associated forces” will add much needed clarity and ¶ provide congressional guidance in determining what groups actually fall ¶ under this provision. Rather than putting faith in the President not to abuse ¶ his discretion, Congress should simply clarify what it means and limit his ¶ discretion to acceptable amounts. The “close and well-established ¶ collaboration” ensures that only groups with very close and observable ties ¶ to al-Qaeda and the Taliban are designated as “associated forces.” While ¶ the requirement that part of their collaboration involve some kind of ¶ tactical or logistical support ensures that those classified as enemy ¶ combatants are actually engaged, or part of an organization that is engaged, ¶ in violence against the United States. Also, requiring that the associated ¶ force’s violence be directed at the United States or a coalition partner and ¶ that this violence is part of its relationship with al-Qaeda or the Taliban is ¶ another important limitation. ¶ First, requiring the associated force to engage in violence that is ¶ directed at these nations ensures that “associated force” does not include ¶ countries such as Iran that might have a relationship with al-Qaeda and ¶ give it financial support but are not actually in violent conflict with the ¶ United States. Second, requiring that this violence is made in furtherance of ¶ its relationship with al-Qaeda and the Taliban ensures that the violence that ¶ makes a group an “associated force” is actually related to its collaboration ¶ with al-Qaeda and the Taliban. Without this second provision, a group that supports al-Qaeda would be elevated to an “associated force” if it engaged ¶ in violence with, for instance, Australia over a completely unrelated issue. ¶ While some groups that work closely with and support al-Qaeda ¶ would not be considered associated forces, it is important to limit the scope ¶ of this term. This label effectively elevates the group to the same status as ¶ al-Qaeda and the Taliban and attaches authorization for force against any ¶ group that supports or harbors it. Furthermore, there is little real harm by ¶ narrowly defining associated forces because the groups that do support alQaeda will still be subject to the authorization under the “support” or ¶ “harbor” prongs. Narrowly defining “associated forces” simply prevents ¶ the problem of authorization spreading to supporters of those who are ¶ merely supporters of al-Qaeda. ¶ Compared to Representative McKeon’s proposal, these new ¶ provisions would narrow the scope of authorization. The President would ¶ not be able to use this authorization to attack new groups that both spring ¶ up outside our current theater and have no relation to al-Qaeda, the Taliban ¶ or the newly defined associated forces. However, part (5) of my ¶ authorization would ensure that the President is not unnecessarily restricted ¶ in responding to new and emergent threats from organizations that do not ¶ collaborate and support al-Qaeda. In this way, the proposal incorporates ¶ Robert Chesney’s suggestion, “[i]t may be that it [is] better to draw the ¶ statutory circle narrowly, with language making clear that the narrow ¶ framing does not signify an intent to try and restrict the President’s ¶ authority to act when necessary against other groups in the exercise of ¶ lawful self-defense.”128 The purpose of the new AUMF should not be to ¶ give the President a carte blanche to attack any terrorist or extremist group ¶ all over the world. The purpose of this authorization is to provide clear ¶ authorization for the use of force against al-Qaeda and its allies. Moreover, ¶ if a new group is created that has no relation to any of the relevant actors ¶ defined in this statute, Congress can pass another authorization that ¶ addresses this reality. The purpose of congressional authorization should ¶ not be to authorize the President to act against every conceivable threat to ¶ American interests. In fact, such an authorization would effectively strip ¶ Congress of its constitutional war making powers. Instead, the new ¶ proposal should provide clear domestic authorization for the use of force against those nations that present the greatest threat to the United States ¶ today.

**Obama will adhere to the plan- wants to rely on congressional authority**

**WSJ ‘12**

[Julian Barnes and Evan Perez. December 6. <http://online.wsj.com/article/SB10001424127887323316804578163724113421726.html> ETB]

Obama **administration officials, concerned about the legal justifications behind counterterrorism operations, have preferred to rely on congressional authority for the use of force against al Qaeda, seeing such authority as more defensible** and acceptable **to allies.**

#### No disads – restrictions now

Miller 1/15/14

(Greg Miller “Lawmakers seek to stymie plan to shift control of drone campaign from CIA to Pentagon” http://www.washingtonpost.com/world/national-security/lawmakers-seek-to-stymie-plan-to-shift-control-of-drone-campaign-from-cia-to-pentagon/2014/01/15/c0096b18-7e0e-11e3-9556-4a4bf7bcbd84\_print.html)

Congress has moved to block President Obama’s plan to shift control of the U.S. drone campaign from the CIA to the Defense Department, inserting a secret provision in the massive government spending bill introduced this week that would preserve the spy agency’s role in lethal counterterrorism operations, U.S. officials said.¶ The measure, included in a classified annex to the $1.1 trillion federal budget plan, would restrict the use of any funding to transfer unmanned aircraft or the authority to carry out drone strikes from the CIA to the Pentagon, officials said.¶ The provision represents an unusually direct intervention by lawmakers into the way covert operations are run, impeding an administration plan aimed at returning the CIA’s focus to traditional intelligence gathering and possibly bringing more transparency to drone strikes.

#### Courts does interpret and will interpret Associated Forces broadly now, based on the NDAA

Elsea and Garcia 13 <Jennifer K, Legislative Attorney, Michael J, Legislative Attorney, CRS Report, The National Defense Authorization Act for FY2012 and Beyond: Detainee Matters, August 7th, 2013 https://www.fas.org/sgp/crs/natsec/R42143.pdf>#SPS

In its 2009 brief, the government indicated that the definition of “associated forces” would ¶ require further development through its “application to concrete facts in individual cases.”35 In ¶ habeas cases so far, the term “associated forces” appears to have been interpreted only to cover ¶ armed groups assisting the Taliban or Al Qaeda in Afghanistan. For instance, membership in ¶ “Zubayda’s militia,” which reportedly assisted Osama bin Laden’s escape from Tora Bora, has ¶ been found to be an “associated force” within the meaning of the AUMF.36 In another case, the habeas court determined that Hezb–i–Islami Gulbuddin (HIG) is an “associated force” for AUMF ¶ purposes because there was sufficient evidence to show that it supported continued attacks ¶ against coalition and Afghan forces at the time petitioner was captured.37 The D.C. Circuit also ¶ affirmed the detention of a person engaged as a cook for the 55th Arab Military Brigade, an armed ¶ force consisting of mostly foreign fighters that defended the Taliban from coalition efforts to oust ¶ it from power.38 However, the Administration has suggested that other groups outside of ¶ Afghanistan may be considered “associated forces” such that the AUMF authorizes the use of ¶ force against their members.39 It is possible that Congress’s codification of the detention authority ¶ as to “associated forces” in the 2012 NDAA may bring courts to interpret the term more broadly ¶ than they have in the past in order to comport with the plain text meaning.

#### No formal definition is assumed to be a broad definition

Elsea and Garcia 13 <Jennifer K, Legislative Attorney, Michael J, Legislative Attorney, CRS Report, The National Defense Authorization Act for FY2012 and Beyond: Detainee Matters, August 7th, 2013 https://www.fas.org/sgp/crs/natsec/R42143.pdf>#SPS

In restating the definitional standard the Administration uses to characterize its detention ¶ authority, Section 1021 does not attempt to provide additional clarification for terms such as ¶ “substantial support,” “associated forces,” or “hostilities.” For that reason, it may be subject to an ¶ evolving interpretation that effectively permits a broadening of the scope of the conflict. The ¶ provision does require the Secretary of Defense to brief Congress on how it is applied, including ¶ with respect to “organizations, entities, and individuals considered to be ‘covered persons’ under ¶ section 1021(b).” This language may be read to require an ongoing accounting of which entities ¶ are considered to be “associated forces” or a description of what constitutes “substantial support.”

#### NDAA Section 1022 provides a definition – definitely bigger than our “Associated Forces”

Elsea and Garcia 13 <Jennifer K, Legislative Attorney, Michael J, Legislative Attorney, CRS Report, The National Defense Authorization Act for FY2012 and Beyond: Detainee Matters, August 7th, 2013 https://www.fas.org/sgp/crs/natsec/R42143.pdf>#SPS

Section 1022 applies both to members of Al Qaeda and “associated forces.”87 The provision ¶ further specifies that covered forces are ones that “act in coordination with or pursuant to the ¶ direction of al-Qaeda.” The omission of any express reference to the Taliban in Section 1022 ¶ seems to indicate that it need not be treated as a force associated with Al Qaeda, at least unless its ¶ actions are sufficiently coordinated or directed by Al Qaeda.88 A question might arise if an ¶ associated force acts largely independently but coordinates some activity with Al Qaeda. Would ¶ all of its members be subject to mandatory detention, or only those involved in units which ¶ coordinate their activities with Al Qaeda? Perhaps this determination can be made with reference ¶ to the specific attack the individual is determined to have attempted, planned, or engaged. In any ¶ event, Section 1022 would not apply to a “lone wolf” terrorist with no ties to Al Qaeda or any ¶ associated force.

**Military will adhere to the plan**

**Dunlap ‘12**

[Maj. Gen. Charles J. Dunlap Jr. (Ret.), Professor of the Practice of Law¶ Executive Director, Center on Law, Ethics and National Security @ Duke. In Patriot Debates: Contemporary Issues in National Security Law. <http://www.americanbar.org/groups/public_services/law_national_security/patriot_debates2/the_book_online/ch9/ch9_ess2.html> ETB]

This raises an important question: **Should America wage war— cyber or otherwise—without legal “limits”? Military commanders have seen the no-legal-limits movie before and they do not like it.** In the aftermath of 9/11, civilian lawyers moved in exactly that direction. Former Attorney General Alberto Gonzales, for example, rejected parts of the Geneva Conventions as “quaint.” He then aligned himself with other civilian government lawyers who seemed to believe that the President’s war-making power knew virtually no limits. The most egregious example of this mindset was their endorsement of interrogation techniques now widely labeled as torture.25 **The results of the no-legal-limits approach were disastrous**. The ill-conceived civilian-sourced interrogation, detention, and military tribunal policies, implemented over the persistent objections of America’s military lawyers, caused an international uproar that profoundly injured critical relations with indispensable allies.26 Even more damaging, they put the armed forces on the road to Abu Ghraib, a catastrophic explosion of criminality that produced what military leaders like then U.S. commander in Iraq Lieutenant General Ricardo Sanchez labeled as a “clear defeat.”27 Infused with illegalities, Abu Ghraib became the greatest reversal America has suffered since 9/11. In fact, in purely military terms, it continues to hobble counterterrorism efforts. General David **Petraeus observed that “Abu Ghraib and other situations like that are non-biodegradable**. They don’t go away.” “**The enemy,” Petraeus says, “continues to beat you with them like a stick**.”28 In short, **military commanders want to adhere to the law because they have hard experience with the consequences of failing to do so.**

# 2AC

### 2AC T-Increase

#### 1. We meet – 1AC Bradly and Goldsmith. Obama has authority to EXPANSIVELY define who is associated forces – we prohibit that.

#### 2. We meet –1AC Elsea and Garcia. Broad authority in the SQUO, the plan can only restrict – Court interpretation will be broad.

#### 3. We meet – Elsea and Garcia. NDAA, which their evidence doesn’t assume, gives an interpretation of “covered persons” under the AUMF, which is anyone in the direction of the Al Quaeda –we’re smaller than that.

#### 4. We meet – 1AC Barnes says legislation would be substantive restriction – Proves we’re predictable and in the lit

#### 5. Authority is the legal right to take action, power is the ability to do so –We Meet –Obama has the authority now, not the ability – that’s the Cronogue evidence

Forsythe and Hendrickson 96

[David P. Forsythe, Professor and Chair of Political Science University of Nebraska-Lincoln, Ryan C. Hendrickson, Ph.D. Candidate University of Nebraska-Lincoln. “U.S. Use of Force Abroad: What Law for the President?” Presidential Studies Quarterly, Vol. 26, No. 4]

The crisis is most precisely about authority, not power. Authority, in the legal sense, concerns the right to do something. Power refers to the capability to do something. Part of the problems ¶ in the U.S. constitutional crisis over use of force abroad is that the president has the power to ¶ make war, and to obtain congressional deference most of the time, whatever the proper under ¶ standing of authority.

#### 6. Plan is a limit on statutory authority

Goldsmith ‘13

[Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. <http://www.lawfareblog.com/2013/03/response-to-jennifer-and-steve-on-statutory-authority-and-next-generation-threats/> ETB]

Other points on which we think Steve and Jennifer misinterpret or mischaracterize or misunderstand our argument: (1) they say that we propose, “in effect, a paradigm shift: from defensive uses of force in response to an imminent terrorist threat to offensive uses of force to preempt such threats from even arising” – but actually, quite the opposite, our proposed definitions of targetable groups are expressly limited to those who have committed a belligerent act against the United States or who present an “imminent threat”; (2) they describe our proposal as “an expansion of statutory authorities to use military force” – but given the possibility of extending the AUMF to “associates of associates,” and the likelihood that such expansion, if limited to targeting, would never be subject to judicial review, and that it would lack any of the limiting or accountability mechanisms we propose, we think that our proposal is more cabined, and certainly more legitimate, than the trajectory of current law that Jennifer and Steve embrace; (3) they say that we advocate “open-ended and permanent declaration of armed conflict,” but in fact we argued for authorities that contain express and stricter substantive and temporal limits than the the unilateral executive branch expansions of the AUMF combined with unilateral Article II authorities that they prefer; and (4) they criticize our accountability proposals (sunsets, limiting targeting categories, enhanced reporting and review, etc.) as ineffective, but they do not explain why they think the current methods for expanding the AUMF via interpretation, and of unilateral executive decisions deciding who can be targeted, are better.

#### 7. Counter-interp: Statutory restrictions are legislative limits

Law dictionary No Date

http://thelawdictionary.org/statutory-restriction/

STATUTORY RESTRICTION?1

Limits or controls that have been place on activities by its ruling legislation

#### 8. Increase means augment in size

BALLENTINE'S LAW DICTIONARY ‘10

TERM: increase.

TEXT: Verb: Deriving from the Latin "crescere"; to grow. To augment in size or in value. Anno: 32 ALR 854. Noun: Growth or augmentation; amount of growth.

#### 9. Prefer it

A. Theirs overlimits – no where in the law does it say “the president can use targeted killing” or “the president can use OCOs” – authorization is always murky, they destroy half the topic areas

B. Topic Education- most literature discusses restriction as a limit on presidential authority- their interp corresponds to an unreasonably tiny portion of the lit base

C. Bidirectionality is inevitable because whether a “restriction” increases prez power is a solvency question, AND that proves their interp mixes burdens

#### 10. Counter-interp – their interp plus our aff – AUMF is unique education, which is good

#### 11. Default to reasonability to prevent a race to the most limiting interpretation

### 2AC TPA

#### TPA wont pass – too unpopular

Eskow 1/24/2014

(RJ, Senior Fellow with the Campaign for America’s Future; “Fast-Tracking the Future, TPP Style,” Huff Post, lexis – kurr)

There has been an understandable sense of outrage over the Obama administration's attempt to ram the most extreme trade deal yet through Congress with a "fast-track" provision that forbids amendments or filibustering. Representatives who have had very little chance to review the bill will be expected to vote on it without the chance to change it. Dave Johnson[1] has rounded up some of the latest reactions from across the political spectrum, including objections from House Democratic leader Nancy Pelosi and other Democrats in Congress over its lack of "transparency" (Leader Pelosi's term). And it's true that the treaty's provisions have been kept secret from everyone -- everyone, that is, except for the 600 corporate lobbyists and executives who've been reading it all along[2]. The imbalance of power which this reflects doesn't end on our nation's shores. In this insightful analysis[3] of TPP negotiation records released by WikiLeaks, doctoral candidate Gabriel Michael illustrates the ways in which the United States has been at odds with the rest of the world -- or, at a minimum, has held substantially different positions from other nations in a number of key areas. This graph from Michael summarizes the relative positions of the nations involved: http://images.huffingtonpost.com/2014-01-24-TPPnegotiatingdistances.JPG When it comes to this deal, "We Are Not the World." As Mr. Michael notes, "the TPP is anything but an agreement amongst 'like-minded' countries, as the United States trade representative has described it[4]." The U.S. differs most sharply from the other nations on matters of intellectual property. The WikiLeaks documents[5] show that every other country in the negotiations stood against American intellectual property demands. But the U.S. also has significant disagreements with the other nations on matters of law, rulemaking, and the environment. There's evidence[6] that the United States is pushing back on climate change and resisting other forms of environmental protection. Sen. Elizabeth Warren has expressed concern that the United States may be attempting to restrict financial regulations, and has taken a position on the topic of tobacco. President Obama's negotiators also fought for the right of corporations to sue foreign governments over their laws and regulations. Australia has objected to this provision on the grounds that it gives corporations equal status with independent nations[7] -- but, as we will see, that's implicit in much of the TPP process. Our government isn't just trying to push through a draconian treaty. It's working to make it even worse. But why is the U.S. so sharply out of alignment with the other countries negotiating this treaty? Probably because it's the nominal home of some of the world's largest corporations. (They're "nominally" American because, although they're typically run by Americans, they tend to employ most of their workforces and pay their taxes -- if at all in -- other nations.) The U.S. negotiators' hard-line positions conform closely to the interests of these nominally American corporations. Whether it's Big Tobacco, Big Pharma, tech, Hollywood, major polluters like the oil companies, or risk-taking financial institutions on Wall Street, the American negotiators have been fighting for their interests -- while disregarding the interests of the taxpayers who pay their salaries. Although these negotiators were appointed by Democrats, their positions don't seem to differ from those taken by Republican administrations. That reflects a political system that is increasingly being corrupted by campaign cash, and by the post-political work opportunities which American-run multinationals can offer sitting politicians. It's not unfair to say that the flaws in this treaty reflect the flaws in our democracy. It's easy to understand why President Obama and his team want to "fast-track" this deal. Not only are its provisions unpopular with the general public, but any changes that Congress might make would then have to be negotiated with all of the treaty participants. And that list of participants isn't restricted to the nations who will become this treaty signatories if it is passed. The real negotiations, the toughest give-and-take, has almost certainly not been among sovereign nations but among "sovereign" corporations. That's why hundreds of corporate representatives saw this treaty before any elected representatives did. In many cases, they were the ones doing the wheeling and dealing. Rice producers, dairy corporations, financiers, corporate beef, Big Pharma, and manufacturers of textiles, footwear, and technology ... they had to negotiate with their governments, and perhaps with each other as well. Here's food for thought: Fast-tracking could become the model for a new and profoundly subversive model of governance -- one in which elected government becomes little more than an afterthought to corporate-backed deal-making. It's not hard to imagine a dystopian future where this becomes the norm. In the right hands it might make a good science-fiction novel: a world in which individual governments, treaty organizations and even the United Nations have been replaced by a new governing body comprised entirely of corporate representatives. Think of it as a World Financial Parliament or a Global House of Corporate Lords, where the only "voting" the rest of us do happens when we watch a movie, play a video game, or take a prescription medication. And even when we do, we don't really have much of a choice at all. But the fight isn't over. Congress is reluctant to pass this unpopular bill, especially in an election year. That makes public pushback especially important right now. An impressively broad coalition of organizations, including the Campaign for America's Future, has come together to oppose fast tracking the TPP. You can get more information and take action here[8].

#### TPA wont pass – committee delays

Schewel 1/24/2014

(Matt, covers US trade policy, “Finance Markup On TPA Bill Uncertain Next Week,” Inside US Trade, lexis – kurr)

Lobbyists supportive of a bill to renew Trade Promotion Authority (TPA) said it is unclear to them whether the Senate Finance Committee will hold a markup of the legislation next week, though sources on both sides of the debate agreed that President Obama is likely to call for TPA renewal in his State of the Union address on Jan. 28. There are several reasons for the uncertainty surrounding a potential markup, according to these lobbyists. One is that the Foreign Relations Committee has announced its plans to hold a hearing on Jan. 28 to consider the nomination of Senate Finance Committee Chairman Max Baucus (D-MT) to serve as the next U.S. ambassador to China. That may make it difficult to squeeze in a markup of the TPA bill in the same week, and it would certainly not be feasible to do so early in the week, one business source said. The Finance Committee's rules state that any business meeting such as a markup must be notified 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. That is considerably shorter than the one-week notification requirement for a hearing in the committee. Another reason for uncertainty is that even though Baucus appears to want to mark up the bill he introduced with Ranking Member Orrin Hatch (R-UT) before leaving the Senate to become ambassador to China, other Democrats on the committee have expressed serious reservations about the bill. One lobbyist supportive of the Baucus-Hatch bill said there does not appear to be a consensus within the committee to move forward with a markup. Finally, incoming Finance Chairman Ron Wyden (D-OR) has signaled he is open to engaging with some of the other committee Democrats to address their worries about the TPA bill, a process that would likely take time. It is unclear if Wyden would be able to play such a role if the committee goes ahead with a markup next week, one lobbyist said. Another lobbyist stressed that all of the focus right now is on what happens in the Senate, as opposed to the House. This source argued that the willingness of the House GOP leadership and Ways and Means Committee to move the bill could hinge on what happens in the Senate. If Wyden decides to "reopen" the bill to try to address the worries of his fellow Democrats, that could take some time and may take away some of the urgency for the House to move the bill. A congressional aide said it is very unlikely that the House Ways and Means Committee would hold a hearing next week on the TPA bill. Another factor that could play a role in whether the Finance Committee marks up the TPA bill next week is the cautionary stance taken by Senate Majority Leader Harry Reid (D-NV). Reid said last week that he has not yet made a commitment to bring the TPA bill to the Senate floor, and indicated that his willingness to do so will depend on the support within the Democratic caucus. Several Democratic members of the Finance Committee have said they will seek changes to the legislation that was introduced, including by seeking more far-reaching language on congressional oversight of trade negotiations (Inside U.S. Trade, Jan. 17). In addition, 11 Senate Democrats not on the committee last week outlined a series of demands on TPA that are not likely to be fully met by the pending bill (see related story).

#### Disad isn’t intrinsic to the aff – it’s within the agential ambit of the USFG to do the plan and pass debt ceiling

#### Plan has bipartisan support.

Munoz 6/3

Carlos Munoz, The Hill, House rolling back 9/11-era counter terrorism rules of war http://thehill.com/blogs/defcon-hill/policy-and-strategy/303153-house-rolling-back-911-era-counter-terrorism-rules-of-war-#ixzz2eGIF5zaI

**The other proposal will force the Pentagon and White House to review all groups or individuals now characterized as “associated forces” under the** 9/11 counter terrorism rules, known on Capitol Hill as the Authorization of the Use of Military Force (**AUMF**). Both measures were included in the House defense panel's version of the fiscal year 2014 Defense Authorization bill. The Hill first reported details of the House panel's efforts to reel in mandates in the AUMF last Friday. Individuals or groups with cursory ties to al Qaeda are now considered “associated forces,” and can be targeted in drone strikes just like members of terrorist cells or people with direct links to the terror group. The House-mandated review requires the Pentagon to specifically lay out whether those groups or individuals are directly tied to al Qaeda operations, and if they are engaged with ongoing or future terror plots against the United States or its allies. Those pushing to change the rules argue the current definition of associated forces gives U.S. military and intelligence agencies far too much leeway in determining who can and cannot be targeted by U.S. forces in counter terrorism “kill/capture” missions. The rules of war under the AUMF provide a "frightening amount of power and it is counter to the rights enshrined in the United States Constitution," House Armed Services Committee Ranking Member Rep. Adam Smith said in a statement Monday. "We have an opportunity, through this year’s bill, to protect constitutional rights and roll back this authority," he added. The kill/capture notification called for in the Pentagon spending bill will "ensure that every [counter terrorism] action is consistent with our civil liberties and freedoms," **Rep Mac Thornberry (R-Texas), head of the House defense committee's subpabel on emerging threats and intelligence, said** in a statement last month. Thornberry, who introduced the proposal as a stand-alone bill in May, **said the legislation has garnered widespread support on Capitol Hill. "There has been bipartisan support in the House and Senate for more ... oversight of such operations to ensure they are carried out in ways that are consistent with the United States Constitution,"** Thornberry said at the time.

#### No fight back – Obama asked for the plan – that’s WSJ

#### TPA not key to TPP (also says PC not key)

Watson 12/19/2013

(Bill, trade policy analyst at Herbet Stiefel Center for Trade Policy Studies, “Stay Off the Fast Track: Why Trade Promotion Authority Is Wrong for the Trans-Pacific Partnership,” Free Trade Bulletin, <http://www.cato.org/publications/free-trade-bulletin/stay-fast-track-why-trade-promotion-authority-wrong-trans-pacific> - kurr)

Adding to Congress’s predictability, President Obama’s tepid approach to trade policy also counsels against the need for trade promotion authority.¶ The president’s trade policy has been fully focused on promoting exports since the beginning of his first term. Rather than seeing increased exports as a way to gain political support for reducing barriers to imports, President Obama has used the promise of increased exports to gain political support for his presidency. Past presidents have certainly viewed trade in a similar way, but President Obama seems especially disinterested in expending political capital, even on major trade initiatives like the TPP.¶ In late October 2013, U.S. Trade Representative Michael Froman made the administration’s position clear when he expressed a desire for a trade promotion authority bill as soon as possible with "broad bipartisan support."9 The administration has been lobbying for trade promotion authority, but there is little indication that they care what’s in it, leaving all the details to Congress.10¶ All in all, the president’s attitude toward trade promotion authority demonstrates a keener interest in trade politics than trade policy. That is, President Obama sees the trade policy debate and ongoing international negotiations as a tool for managing political constituencies, not as part of a genuine agenda to liberalize trade. There’s little reason to believe, therefore, that the president will negotiate a TPP agreement that lacks the support necessary to succeed even without trade promotion authority.¶ With this political dynamic at work in Washington, trade promotion authority is simply not as important as its supporters claim it to be. Republicans will vote for the TPP because it is a free trade agreement. Many Democrats will oppose it for the same reason, but partisanship and active lobbying from the White House will push plenty of them to support President Obama’s politically palatable signature trade initiative.

#### No impact – too many hurdles to trade

Kruse 1/24/2014

(David, president of CommStock Investments Inc., author and producer of The CommStock Report; “Get serious with TPA,” Farm News, <http://www.farm-news.com/page/content.detail/id/519771/DAVID-KRUSE.html?nav=5038> - kurr)

The Obama Administration is now asking Congress for TPA as it attempts to negotiate trade pacts with the EU and 12 Pacific nations. They started these negotiations without TPA, but have come to the acknowledgement that they need TPA to finish them.¶ Both of the pending trade pacts with Europe and Pacific Rim nations have plenty of hurdles to overcome even if the President has the authority to negotiate them.¶ Europe will continue to protect its agriculture and will not open markets to biotechnology such as GMO products.¶ They have no evidence of harm, but adopted the precautionary principle that allows them to raise trade barriers on the conjecture that there could be a risk someday that is not evident now, which essentially means that they can enact a trade barrier on anything anytime.¶ They would have to concede the precautionary principle and open markets to U.S. products that contain biotech ingredients before I see a trade agreement as worth the effort. I don't think that they will do that.¶ The Trans Pacific Partnership negotiations have their own trouble. They initially started without the inclusion of Japan.¶ That understandably alarmed Japan as the U.S. would have FTAs with 11 other Pacific Rim nations, but not Japan, sending trade around them like a rock in a stream.¶ Given those prospects, Japan quickly sued to be included as negotiations went forward before they stopped. Japan wants in the TPP, but doesn't want to further reduce its ag trade barriers.¶ I warned that I believed that the reason that Japan demanded inclusion was not to join the TPP, but to foil it. It doesn't want the other Pacific Rim nations to have an FTA with the U.S., but it doesn't mean to give up its ag protectionism either. So joining and undermining the trade talks was Plan B for them.¶ U.S. ag trade groups say Japan has to completely give up tariffs on virtually all U.S. ag products for them to support the TPP.¶ I think letting Japan in the TPP was a mistake.

### QDR

Multiple conditional worlds is a voting issue – irrevocably skews 2AC strategy and it’s not reciprocal. Counter interpretation 1 conditional world solves neg flex and aff strategy. Voting issue because rejecting the arguments is a post hoc remedy that doesn’t resolve our standards.

#### The counterplan is not competitive: it does the mandates of the plan after the addition of a QDR

#### “Should” means desirable --- this does not have to be a mandate

Atlas Collaboration 99 (“Use of Shall, Should, May Can,” http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html)

shall

'shall' describes something that is mandatory. If a requirement uses 'shall', then that requirement \_will\_ be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong.

should

'should' is weaker. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means).

#### “Should” doesn’t require certainty

**Black’s Law 79** (Black’s Law Dictionary – Fifth Edition, p. 1237)

Should. The past tense of shall; ordinarily implying duty or obligation; although usually no more than an obligation of propriety or expediency, or a moral obligation, thereby distinguishing it from “ought.” It is not normally synonymous with “may,” and although often interchangeable with the word “would,” it does not ordinarily express certainty as “will” sometimes does.

#### Uncertainty is inevitable on this topic because the executive can say no – certainty is a solvency issue, not a competition one

#### Perm

#### Cp makes it impossible to be aff because it is plan plus – there is alwayssomething more you can add onto the plan to make it better that is not topical. The aff can never make the plan peprfect because we are tied to the resolution. Link and impact of this goes conceded – they moot the whole 1AC

#### Can’t solve international perception takes years to know adherence and circumvented

JACOBSON ‘12

(LOUIS JACOBSON “REVIEWS UNDERTAKEN; HARD SLOG OF SHIFTING MILITARY PRIORITIES IS A WORK IN PROGRESS” Tampa Bay Times¶ December 19, 2012 Wednesday Lexis, TSW)

"The major programs have certainly been reevaluated, but not exactly in the way Obama intended," said Laura Peterson, a senior policy analyst for national security at Taxpayers for Common Sense, a nonpartisan group that analyzes federal spending and opposes programs it considers wasteful. Initially, she said, the Defense Department "was still in major denial about the impact our dire financial straits would have on its budget. Now, of course, everything at DOD is being evaluated and reevaluated for whether or not it can be saved from the budgetary knife."¶ The 2012 review addressed the fiscal pressure openly. "It is not possible to accommodate a budget reduction of the magnitude ... without scaling down force structure and delaying, decreasing, or in some cases eliminating investments," the review noted. "The strategic guidance was written to guide these reductions in a manner that minimizes the risk to our ability to protect U.S. interests in an evolved national security environment."¶ The two reviews in 2012 outlined five strategic priorities:¶ - Shift forces and investments toward the Asia--Pacific and Middle East regions.¶ - Be able to defeat a major adversary in one theater while denying aggression elsewhere or imposing unacceptable costs.¶ - Continue supporting technologically advanced capabilities such as unmanned aerial vehicles and cyberwarfare.¶ - Downsize forces to fit an era with fewer large, protracted stability operations like Iraq and Afghanistan.¶ - Carry out major adjustments in a way that allows for their reversal if circumstances change in the future.¶ Carl Conetta, director of the Project on Defense Alternatives, said the Pentagon hasn't turned on a dime, but he did say that "some rebalancing has occurred or is underway."¶ Among other things, Conetta cited reductions in future fighter wings and purchases of F-35 stealth fighters, a big rollback in the Army's Future Combat System modernization program, continued growth in special operations, increased investment in both drones and counter-improvised explosive device technology, and a greater emphasis on security cooperation rather than undertaking major counterinsurgency campaigns.¶ Several experts we interviewed said Obama"s promise was so vague that it allows the Pentagon lots of wiggle room. They also emphasized that it's going to be years before we know whether the transformation promised in the strategic review is fully implemented. In addition, it's worth noting that one phrase in Obama"s campaign promise -- to "ensure that our forces can succeed in ... stabilization and counter-insurgency operations" -- has been deemphasized in the strategic reviews.

#### Their author concedes the counterplan definitely doesn’t solve, links to politics and is net worse for the military

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(Shawn, “The Next QDR Is the Last Chance for Sanity,” <http://www.defenseone.com/ideas/2013/07/next-qdr-last-chance-sanity/66629/>, AB)

The next nine months will be the most important period for United States defense strategy since the end of the Cold War. The highly anticiapted Quadrennial Defense Review and, perhaps more importantly, the congressionally mandated National Defense Panel that is tasked to assess the QDR, offer the last chance to truly reshape the U.S. military for the future. If hard choices are not made between now and the QDR’s release in February 2014, it will become exponentially more difficult to prevent an erosion of American military power. The stakes are therefore very high for the Pentagon’s next QDR. But having toiled through the last QDR process, it is hard for me to see how the massive bureaucracy will be able to enact the sweeping changes that are required in order for the U.S. to truly sustain its military advantages into the future. A confluence of factors make this period particularly important. The longest ground war in American history is ending, defense budgets are declining sharply, and internationalists on both sides of the aisle are being pressured by those who believe, not unreasonably, that the U.S. ought to be less involved overseas militarily. These powerful domestic trends are joined by other influential forces: a rising and more assertive China investing heavily in its military; unrest throughout the Arab world; a North American energy boom that will radically reshape global energy flows; and the rapid shift toward a warfighting regime dominated by unmanned and autonomous robotic systems. Given this level of change, one might expect that Congress and the executive branch would be devoting significant time and effort to prepare for major changes in the size and shape of America’s military. One might think there is a cohesive effort underway to set out a clear path to maintain U.S. technological advantages in the face of real competition by China and others. But it’s not happening. Instead, we have the Pentagon struggling to deal with the madness that is sequestration. The months-long Strategic Choices and Management Review is not expected to result in any decisions of consequence. Despite a strong bipartisan consensus that another round of base closures, rightsizing DOD’s civilian workforce, and reforming military compensation are fundamental in order to resource a strong future-oriented military, there are no voices in Congress or the Pentagon that are loudly making the case for change. There are many reasons for DOD’s inability to make hard choices, but a particularly pernicious one is the difficulty in suppressing the ravenous appetite for capacity today. Combatant Commands -- which oversee U.S. military operations across entire regions of the globe, like the Pacific, Africa, or Central Asia -- consistently demand more forces, more presence, and more money to address today’s perceived threats. The military services use this demand signal to resist cuts to force structure and end-strength. But during a drawdown, the demand for today’s capacity comes at the expense of investment for tomorrow’s capability. This has real consequences. Just last week the Navy made history by landing an experimental unmanned plane on the deck of an aircraft carrier. The ability to operate long-range unmanned surveillance and strike systems from carriers would revolutionize naval aviation, enhance the survivability of aircraft carriers, and lock in America’s technological advantage over emerging rivals. One would think the Navy would jump at the chance to use these prototypes for continued testing and experimentation until they literally fell out of the sky. Instead, the Navy intends to quickly scrap these revolutionary planes and put them in a museum. A follow-on program will focus on a developing a Predator-like capability more suited to counterterrorism missions than real power projection into contested areas. If that’s not defense malpractice it’s hard to see what is. There are any number of other examples that call into question the ability of DOD to aggressively look inward to make the hard choices and take on the sacred cows. It’s not that senior policymakers at the Pentagon don’t want or intend to make big decisions, but history suggests they’ll have trouble. They could use some help.

#### QDRs fail and aren’t adopted – especially in response to terrorist threats– empirics

Cordesman and Frederickson 06

Anthony and Paul, Chair and Researcher for CSIS, 7/5/2006, “America’s Uncertain Approach to Strategy and Force Planning” Center for Strategic and International Studies <http://www.comw.org/qdr/fulltext/0607cordesman.pdf> SJE

The level of progress the US has made, and is making, becomes clearer when one looks at the efforts the Office of the Secretary of Defense (OSD), the Joint Chiefs, and the individual services have made to shape the process of transformation. Since 1997, the Congressionally-mandated Quadrennial Defense Review (QDR) exercises have attempted to present a broad, overall picture of the direction of US military transformation. In theory, these Reviews should provide a comprehensive examination of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program. Their success in meeting these requirements has been limited. The first QDR, released in 1997, was more a recipe for status quo than for change and more a series of ambiguous slogans than a tangible strategic plan. Congress was unimpressed. It viewed the 1997 QDR as a run-of-the-mill DoD budget exercise that reflected what military force structure would look like if funded at present budget levels. As such, it failed to challenge the status quo by making difficult choices and setting priorities. The 2001 QDR was only a slight improvement over the 1997 Review. The sustained involvement of the Secretary of Defense and of senior DoD officials provided for a central, coherent vision of a US defense strategy that focused on specific defense policy goals—assuring allies and friends; deterring threats and coercion against US interests; if deterrence fails, decisively defeating any adversary. However, while the 2001 QDR did describe the importance of transformation efforts for dealing with asymmetric and terrorist threats, it offered scant direction on how the services might prevent or respond to so-called fourth-generation warfare attacks like the terrorist attacks of September 11, 2001. Moreover, it did little to describe major changes in US force structures and procurement plans and only had limited impact on the budget and the FYDP.

### 2AC Security K

#### Framework - the aff is a normative statement. Vote aff if plan is a good idea, neg if it isn’t.

#### A. Solves their offense – the impact of the K is a reason the aff is bad

#### B. Aff choice – they arbitrarily steal 9 minutes of offense, destroys the aff’s only advantage

**Perm- do plan and the alt**

**Perm- do the alt**

**Case impacts prove why security logic is good- key to prevent multiple scenarios for extinction- aff is an impact turn to the K. Outweighs- prefer proximate short-term extinction scenarios over their vacuous impact claims.**

#### Reps don’t cause war

Reiter 95

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A criticism of assessing the frequency of preemptive wars by looking only at wars themselves is that this misses the non-events, that is, instances in which preemption would be predicted but did not occur. However, excluding non-events should bias the results in favor of finding that preemptive war is an important path to war, as the inclusion of non-events could only make it seem that the event was less frequent. Therefore, if preemptive wars seem infrequent within the set of wars alone, then this would have to be considered strong evidence in favor of the third, **most skeptical view of preemptive war**, because even when the sample is rigged to make preemptive wars seem frequent (by including only wars), they are still rare events. Below, a few cases in which preemption did not occur are discussed to illustrate factors that constrain preemption.¶ The rarity of preemptive wars offers preliminary support for the third, most skeptical view, that the preemption scenario does not tell us much about how war breaks out. Closer examination of the three cases of preemption, set forth below, casts doubt on the validity of the two preemption hypotheses discussed earlier: that hostile images of the enemy increase the chances of preemption, and that belief in the dominance of the offense increases the chances of preemption. In each case there are motives for war aside from fear of an imminent attack, indicating that such fears may not be sufficient to cause war. In addition, in these cases of war the two conditions hypothesized to stimulate preemption—hostile images of the adversary and belief in the military advantages of striking first—are present to a very high degree. This implies that these are insubstantial causal forces, as they are associated with theoutbreak of war only when they are present to a very high degree. This reduces even further the significance of these forces as causes of war. To illustrate this point, consider an analogy: say there is a hypothesis that saccharin causes cancer. Discovering that rats who were fed a lot of saccharin and also received high levels of X-ray exposure, which we know causes cancer, had a higher risk for cancer does not, however, set off alarm bells about the risks of saccharin. Though there might be a relationship between saccharin consumption and cancer, this is not demonstrated by the results of such a test.

**War makes alt impossible- policy makers would default to security paradigm because it’s the most familiar**

**The alt results in more securitization and intervention**

McCormack 10

Tara McCormack, 2010, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 127-129)

The following section will briefly raise some questions about the rejection of the old security framework as it has been taken up by the most powerful institutions and states. Here we can begin to see the political limits to critical and emancipatory frameworks. In an international system which is marked by great power inequalities between states, the **rejection of the** old narrow national interest-based **security framework** by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, **has the consequence of problematising weak or unstable states and allowing international institutions or major states a more interventionary role, yet without establishing mechanisms by which the citizens of states being intervened in might have any control over the agents or agencies of their emancipation**. Whatever the problems associated with the pluralist security framework **there were at least formal and clear demarcations. This has the consequence of entrenching international power inequalities and allowing for a shift towards a hierarchical international order in which the citizens in weak or unstable states may arguably have even less freedom or power than before**. Radical critics of contemporary security policies, such as human security and humanitarian intervention, argue that we see an assertion of Western power and the creation of liberal subjectivities in the developing world. For example, see Mark Duffield’s important and insightful contribution to the ongoing debates about contemporary international security and development. Duffield attempts to provide a coherent empirical engagement with, and theoretical explanation of, these shifts. Whilst these shifts, away from a focus on state security, and the so-called merging of security and development are often portrayed as positive and progressive shifts that have come about because of the end of the Cold War, Duffield argues convincingly that these shifts are highly problematic and unprogressive. For example, the rejection of sovereignty as formal international equality and a presumption of nonintervention has eroded the division between the international and domestic spheres and led to an international environment in which Western NGOs and powerful states have a major role in the governance of third world states. Whilst for supporters of humanitarian intervention this is a good development, Duffield points out the depoliticising implications, drawing on examples in Mozambique and Afghanistan. Duffield also draws out the problems of the retreat from modernisation that is represented by sustainable development. The Western world has moved away from the development policies of the Cold War, which aimed to develop third world states industrially. Duffield describes this in terms of a new division of human life into uninsured and insured life. Whilst we in the West are ‘insured’ – that is we no longer have to be entirely self-reliant, we have welfare systems, a modern division of labour and so on – sustainable development aims to teach populations in poor states how to survive in the absence of any of this. **Third world populations must be taught to be self-reliant, they will remain uninsured. Self-reliance of course means the condemnation of millions to a barbarous life of inhuman bare survival.** Ironically, although sustainable development is celebrated by many on the left today, by leaving people to fend for themselves rather than developing a society wide system which can support people, sustainable development actually leads to a less human and humane system than that developed in modern capitalist states. Duffield also describes how many of these problematic shifts are embodied in the contemporary concept of human security. For Duffield, we can understand these shifts in terms of Foucauldian biopolitical framework, which can be understood as a regulatory power that seeks to support life through intervening in the biological, social and economic processes that constitute a human population (2007: 16). Sustainable development and human security are for Duffield technologies of security which aim to *create* self-managing and self-reliant subjectivities in the third world, which can then survive in a situation of serious underdevelopment (or being uninsured as Duffield terms it) without causing security problems for the developed world. For Duffield this is all driven by a neoliberal project which seeks to control and manage uninsured populations globally. Radical critic Costas Douzinas (2007) also criticises new forms of cosmopolitanism such as human rights and interventions for human rights as a triumph of American hegemony. Whilst we are in agreement with critics such as Douzinas and Duffield that **these new security frameworks cannot be empowering, and ultimately lead to more power for powerful states,** we need to understand why these frameworks have the effect that they do. We can understand that these frameworks have political limitations without having to look for a specific plan on the part of current powerful states. **In new security frameworks such as human security we can see the political limits of the framework proposed by critical and emancipatory theoretical approaches**.

**Prefer specific scenarios – even if we invoke some security logic, the fact that others will securitize means that we have to make worst-case assessments to avoid escalation**

Ole **Waever**, Senior Research Fellow – Copenhagen Peace Research Inst., **2K**

(I. R. Theory & the Politics of European Integration, ed Kelstrup/Williams p. 282-285)

The other main possibility is to stress responsibility. Particularly **in a field like security one has to make choices and deal with the challenges and risks that one confronts** – and not shy away into long-range or principled transformations. The meta-political line risks (despite the theoretical commitment to the concrete other) implying that politics can be contained within large ‘systemic’ questions. In line with the classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical transformation), there will be no more problems whereas in our situation (until the change) we should not deal with the ‘small questions’ of politics, only with the large one (cf. Rorty 1996). However, the ethical demand in post-structuralism (e.g. Derrida’s ‘justice’) is of a kind that can never be instantiated in any concrete political order – it is an experience of the undecidable that exceeds any concrete solution and re-inserts politics. Therefore, politics can never be reduced to meta-questions; there is no way to erase the small, particular, banal conflicts and controversies. In contrast to the quasi-institutionalist formula of radical democracy which one finds in the ‘opening’ oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and ‘produce events’ (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place ‘in the singular event of engagement’ (Derrida 1996: 83). Derrida’s politics is focused on the calls that demand response/responsibility in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. ‘Security’ is not a way to open (or keep open) an ethical horizon. **Security** is a much more situational concept oriented to the handling of specifics. It **belongs to the sphere of how to handle challenges – and avoid ‘the worst’** (Derrida 1991). Here enters again the possible pessimism hich for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some ‘good deed’, ‘I have assumed my responsibilities’ (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of another nation, of one family to the detriment of another family, of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would be no ethical problems or decisions. (ibid.; and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks – and the question of how to handle them. Should developments be securitized (and if so, in what terms)? Often our reply will be to aim for de-securitization and then politics meet meta-politics; but **occasionally** the underlying **pessimism** regarding the prospects for orderliness and compatibility among human aspirations **will point to** **scenarios sufficiently worrisome that** **responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence – even if this occasionally means invoking/producing ‘structures’ or even using the dubious instrument of securitization**. In the case of current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of preempting and avoiding numerous instances of local securitization that could lead to security dilemmas and escalations, violence and mutual vilification.

**Threats are real**

**Ravenal ‘9**

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**The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept** that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). **What is missing from most analysts’ claims of “threat inflation,” however,** is a convincing theory of why**, say, the American government significantly (not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates).** In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:¶ In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)¶ Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:¶ Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.¶ There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.¶ This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.¶ Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.¶ My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.¶ Roles (all theorists state) give rise to “expectations” of performance. My point is that **virtually every governmental role, and especially national-security roles**, **and particularly the roles of the uniformed mili- tary, embody** expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and objectivity **in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.**¶ **Sub-rational models** (such as “public choice”) **fail** **to take into account even a partial dedication to the “national” interest** (**or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the** (perhaps otherwise) **self-seeking impulses of the individual. Role-derived behavior tends to be** formalized **and codified; relatively** transparent **and at least** peer-reviewed**, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and** uncorrrupt**, because personal cheating and even egregious aggrandizement are conspicuously discouraged**.¶ My own direct observation suggests that **defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus,** threats are not “socially constructed”(even though, of course, some values are).¶ **A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction.** For these reasons, “**public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure**, obvious, and even not-so-obvious, **“rent-seeking” would not only be shameful; it would present a severe risk of** career termination**.** And, as mentioned**, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operate, compared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testifies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.**

# 1AR

### 1AR Framework

**IR predictions are possible**

**HARVEY, 97**

Frank Harvey, associate professor of Political Science, Dalhouse University, The Future’s Back: Nuclear Rivalry, Deterrence Theory, And Crisis Stability After The Cold War, 1997, p. 139

Finally, the lack of purity and precision, another consequence of linguistic relativism, does not necessarily imply irrelevance of purpose or approach. **The study of [IR] international relations may not be exact**, given limitations noted by Wittgenstein and others, **but precision is a** practical **research problem, not an insurmountable barrier** to progress. In fact, most observers who point to the context-dependent nature of language are critical not so much of the social sciences but of the incorrect application of scientific techniques to derive overly precise measurement of weakly developed concepts. Clearly, **our understanding of the causes of** international conflict—and most notably **war—has improved considerably as a consequence of applying** sound **scientific methods** and valid operationalizations. **The alternative approach, implicit in** much of the **postmodern literature, is to fully accept the inadequacy of positivism, throw one’s hands up in failure**, given the complexity of the subject, **and repudiate the entire enterprise**. The most relevant question is whether we would know more or less about international relations if we pursued that strategy.