# 1AC

### 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.

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

**Chesney et al. ‘13**

[Robert Chesney is a ¶ professor at the University ¶ of Texas School of Law, a ¶ nonresident senior fellow ¶ of the Brookings Institution, ¶ and a distinguished scholar ¶ at the Robert S. Strauss ¶ Center for International ¶ Security and Law. He is a ¶ cofounder and contributor to ¶ the Lawfare Blog and writes ¶ frequently on topics relating ¶ to US counterterrorism ¶ policy and law. Jack Goldsmith is the Henry ¶ L. Shattuck Professor of ¶ Law at Harvard Law School ¶ and a member of the Hoover ¶ Institution’s Jean Perkins ¶ Task Force on National ¶ Security and Law. He served ¶ in the Bush administration as ¶ assistant attorney general, ¶ Office of Legal Counsel, from ¶ 2003 to 2004 and as special ¶ counsel to the general ¶ counsel from 2002 to 2003. Matthew C. Waxman ¶ is a professor of law at ¶ Columbia Law School, ¶ an adjunct senior fellow ¶ at the Council on Foreign ¶ Relations, and a member ¶ of the Hoover Institution’s ¶ Jean Perkins Task Force ¶ on National Security and ¶ Law. He previously served ¶ in senior positions at the ¶ State Department, Defense ¶ Department, and National ¶ Security Council. Benjamin Wittes is a senior ¶ fellow in governance ¶ studies at the Brookings ¶ Institution, a member of ¶ the Hoover Institution’s ¶ Jean Perkins Task Force ¶ on National Security and ¶ Law, and the editor in chief ¶ of the Lawfare Blog. Jean Perkins Task Force on National Security and Law. <http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf> ETB]

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.

**We control the uniqueness- executive terror fatigue is creating sluggish responses and gutting info-sharing and cooperation- updating the AUMF is critical to revitalizing the executive and defeating afiliates**

**Leiter ‘13**

[The Honorable Michael E. Leiter ¶ Director, National Counterterrorism Center (2007-2011) ¶ Senior Counselor to the Chief Executive Officer, Palantir Technologies ¶ ¶ Testimony before the United States Senate ¶ Committee on Foreign Relations ¶ Counterterrorism Policies and Priorities: Addressing the Evolving Threat ¶ March 20, 2013. ETB]

Today **al‐Qa‘ida and its allies** in Pakistan **are at their weakest point** since 9/11. The ¶ death of Usama bin Ladin and the continued decimation of senior ranks has made the ¶ organization a shadow of its former self. Ayman al Zawahiri is not bin Ladin and ¶ although the organization still attempts to provide strategic guidance and global ¶ propaganda, **its influence continues to wane**. **Whether this trajectory can be ¶ maintained with a significant decrease of the U.S. presence in Afghanistan and a ¶ continued challenging political landscape in Pakistan will be,** in my view, **the biggest ¶ determinants of al Qa’ida Core’s relevance for the coming decade**. ¶ The degradation of al Qa’ida’s “higher headquarters” and relatively well‐coordinated ¶ command and control has allowed its affiliates and its message to splinter, posing ¶ new dangers and challenges. **Al Qa’ida affiliates** or those inspired by its message **have** ¶ worrisome **presences in Yemen, East Africa, North Africa, Syria, Western Europe, and** ¶ of course to a lesser degree **the U**nited **S**tates. ¶ Beginning with Yemen, in my view al Qa’ida in the Arabian Peninsula (**AQAP**)—as I ¶ stated two years ago—**continues to pose the most sophisticated** and deadly **threat** to ¶ the U.S. Homeland from an overseas affiliate. The death of operational commander ¶ Anwar al‐Aulaqi significantly reduced AQAP’s ability to attract and motivate English ¶ speakers, but its operational efforts continue with lesser abatement. As we saw in 2009, 2010, and 2012, AQAP has remained committed—and able—to pursue complex ¶ attacks involving innovative improvised explosives devices. Although some of the ¶ organization’s safe haven has been diminished because of Yemeni and U.S. efforts, the ¶ inability of the Government of Yemen to bring true control to wide swaths of the ¶ country suggests that **the group will pose a threat for the foreseeable future** **and** ¶ (unlike many other affiliates) **it** clearly **remains focused on transnational attacks**. ¶ East Africa, surprisingly to many, is a brighter spot in our efforts. Although al‐¶ Shabaab remains a force and poses significant risks in the region—most especially in ¶ Kenya and to the fledgling government in Somalia—its risk to the Homeland is ¶ markedly less today than just two years ago. Kenya’s offensive in the region ¶ shattered much of al Shabaab’s power base and most importantly the attractiveness ¶ of Somalia to Americans and other Westerners is radically less than was the case. The ¶ relative flood of Americans has turned into a trickle, thus significantly reducing the ¶ threat of trained terrorists returning to our shores. Maintaining this positive ¶ momentum will require continued U.S. attention and close cooperation with the ¶ African Union in Somalia (AMISOM) to nurture what clearly remains a fragile ¶ recovery. ¶ As the world witnessed over the past six months, al Qa’ida in the Islamic Maghreb ¶ (**AQIM) has shifted the focus in Africa as the organization has made gains in Mali, ¶ Libya, and the rural areas of Algeria.** To be clear, to those of us in the ¶ counterterrorism ranks this is not particularly surprising. In my view while the ¶ attacks in Benghazi and on the Algerian oil facility are tragic, the major change to the ¶ region is not a massive increase in AQIM’s attractiveness, but rather the huge shift ¶ that occurred with the virtual elimination of Libya’s security services, the associated ¶ flood of weapons in the region, and the coup d’état in Mali. ¶ AQIM has thus far proven a less tactically proficient and more regionally focused ¶ criminal organization than other al Qa’ida affiliates. Although we cannot blindly hope ¶ this remains the case, I would argue that we should also not read too much into ¶ recent events. Regional capacity building, targeted offensive measures, and forceful ¶ engagement with government like France, Algeria, and Libya that have a huge vested ¶ interest in the region should remain at the forefront of our strategy. And we must ¶ roundly condemn (and try to limit) the payment of ransoms that have proven to be ¶ the lifeblood of AQIM and its affiliates. ¶ **One notable area of concern that we must forcefully combat** in the region—and one ¶ which the U.S. is uniquely able to address given our global footprint—**is the cross‐¶ fertilization across the African continent that has recently accelerated. Coordination ¶ amongst al Shabaab, AQIM, Boko Haram, and others is particularly problematic as it ¶ allows each organization to leverage the others’ strengths. We must use our ¶ intelligence capabilities to define these networks and then assist in disrupting them**. ¶ The most troubling of emerging fronts in my view is Syria, where Jabhat al‐Nusra has ¶ emerged as the most radical of groups within the opposition. Given the enormous Terrorism Fatigue. After ten‐plus years of near constant public discussion of ¶ terrorism—in our politics, the media, and through public messaging—many have ¶ simply had enough. This is not all bad as an unhealthy obsession with the threat of ¶ terrorism at the expense of countless other societal woes, such as cyber threats and ¶ Iranian nuclear ambitions, would in many ways hand our enemy a victory. On the ¶ other hand, **there is real value in public discussion of terrorism: it can build resilience ¶ in the population and it can lead to the tackling of tough public policy questions like ¶ targeted killings and domestic intelligence**. **With terrorism fatigue we run a real risk ¶ of not addressing these issues in a way that provides a lasting counterterrorism ¶ framework**. In this regard **I** actually **see the** current discussion around the use of ¶ drones and the **potential for updating** **the** 2001 **A**uthorization for the **U**se of **M**ilitary ¶ **F**orce **as** quite **heartening signs. ¶ Terrorism fatigue poses** at least two **additional challenges**. First, with all of our ¶ counterterrorism success such victories have become expected and any failure—no ¶ matter how small—can result in political finger pointing and excoriation of our ¶ counterterrorism professionals. In effect we have become victims of our own success ¶ and unlike in 2001, perfection has become a political expectation. Although we ¶ should continuously examine how we can improve our capabilities, we must guard ¶ against ex poste investigations that lack a serious appreciation for the ex ante¶ difficulties of counterterrorism. ¶ Second, **terrorism fatigue can cause dangerous lethargy within the Executive Branch ¶ on issues that do not appear to require immediate attention but which can do longer ¶ term damage to counterterrorism efforts. I have repeatedly seen urgency morph into ¶ bureaucratic sluggishness as time passes since the last attack on issues like ¶ information sharing and interagency cooperation.** **Whether it is countering violent ¶ extremism programs or information access for the intelligence community, we must ¶ not take our foot off the gas pedal.** Weapons of Mass Destruction. There is no doubt that smallish terrorist attacks or at ¶ least attempts will continue to occur at home and abroad. Such attacks can cause ¶ enormous pain and suffering to victims and their families, but they are clearly of a ¶ scale—at least with respect to absolute numbers killed—that is dwarfed by other ¶ societal ills such as routine criminal activity. The same cannot be said of terrorists’ ¶ use of weapons of mass destruction—and more specifically biological weapons or an ¶ improvised nuclear device (IND). ¶ **Although we have also made progress in reducing the likelihood of terrorists ¶ obtaining WMD, for the foreseeable future we are faced with the possibility that a ¶ terrorist organization will successfully acquire these weapons**. In this case, ¶ technology is not yet our friend as the ease with which these weapons can be ¶ obtained and hidden continues to exceed our ability to detect them. ¶ Weapons of mass destruction pose a unique challenge as they are the prototypical ¶ low likelihood, high consequence event and thus determining the proper allocation of ¶ resources to combat them is particular contentious. That being said, we must ¶ continue to protect against the most dangerous of materials (e.g., HEU) being ¶ obtained by terrorists, secure weapons in the most dangerous places (e.g., Pakistan ¶ and increasingly Syria), and pursue research and development that will assist in ¶ detecting chemical and biological weapons in places where they would do the most ¶ harm.

#### 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

Vladimir Z. Dvorkin ‘12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

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.

**Bioterrosim causes extinction**

**Ochs 2**

**(**Richard, Naturalist – Grand Teton National park with Masters in Natural Resource Management – Rutgers, “Biological Weapons must be abolished immediately” 6-9, http://www.freefromterror.net/other\_articles/abolish.html)

Of all the weapons of mass destruction, the genetically engineered **biological weapons**, many without a known cure or vaccine, **are an extreme danger to the continued survival of life** on earth. Any perceived **military** value **or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories.** While a "nuclear winter," resulting from a massive exchange of **nuclear weapons**, could also kill off most of life on earth and severely compromise the health of future generations, they **are easier to control**. **Biological weapons**, on the other hand**, can get out of control very easily**, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause. Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? **HUMAN EXTINCTION IS NOW POSSIBLE**.

**New gene manipulation takes out their defense**

MSNBC 2011

(“Clinton warns of bioweapon threat from gene tech,” pg online @ http://www.msnbc.msn.com/id/45584359/ns/… “For an international verification system — akin to that for nuclear weapons — saying it is too complicated to monitor every lab's activities.”)

GENEVA — **New gene assembly technology** that offers great benefits for scientific research **could** also **be used by terrorists to create biological weapons,** U.S. Secretary of State Hillary Rodham Clinton warned Wednesday. **The threat from bioweapons has drawn little attention in recent years, as governments focused more on the risk of nuclear weapons proliferation to countries such as Iran and North Korea**. But **experts have warned that the increasing ease with which bioweapons can be created might be used by terror groups to develop and spread new diseases that could mimic the effects of** the fictional global epidemic portrayed in the Hollywood thriller **"Contagion."** Speaking at an international meeting in Geneva aimed at reviewing the 1972 Biological Weapons Convention, Clinton told diplomats that **the challenge was to maximize the benefits of scientific research and minimize the risks that it could be used for harm. "The emerging gene synthesis industry is making genetic material more widely available,"** she said. "**This** has many benefits for research, but it **could also potentially be used to assemble the components of a deadly organism." Gene synthesis allows genetic material — the building blocks of all organisms — to be artificially assembled in the lab, greatly speeding up the creation of artificial viruses and bacteria. The U.S. government has cited efforts by terrorist networks such as al-Qaeda to recruit scientists capable of making biological weapons** as a national security concern. "**A crude but effective terrorist weapon can be made using a small sample of any number of widely available pathogens, inexpensive equipment, and college-level chemistry and biology,"** Clinton told the meeting. "Less than a year ago**, al-Qaeda in the Arabian Peninsula made a call to arms for**, and I quote, **'brothers with degrees in microbiology or chemistry ... to develop a weapon of mass destruction,'"** she said. **Clinton also mentioned the Aum Shinrikyo cult's attempts in Japan to obtain anthrax in the 1990s, and the 2001 anthrax attacks** in the United States that killed five people. Washington has urged countries to be more transparent about their efforts to clamp down on the threat of bioweapons. But **U.S. officials have also resisted calls for an international verification system** — akin to that for nuclear weapons — saying it is too complicated to monitor every lab's activities around the world.

### Adv. 2 Firebreaks

#### The AUMF will inevitably expire in the squo – updating the authorization is key to prevent a limitless War on Terror based on article 2 and self-defense justifications that undermine US legitimacy and erode the global firebreak against use of force

**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]

**The AUMF must inevitably expire because it is expressly linked to the September 11,** 2001, **attacks** against the United States. Moreover, **because of the impending downfall of Al Qaeda** as we know it, **the statute's demise will come more quickly than most assume.** Although the United States still faces myriad terrorist threats, **the threat from Al Qaeda itself**--the "core" group actually responsible for 9/11--**is dissipating. So long as a substantial terrorist threat continues, however, the United States will require a framework within which to combat terrorist organizations and activities.** Consequently, **Congress should enact a new statute that supersedes the AUMF and addresses the major legal and constitutional issues relating to the use of force by the President that have arisen since the September 11 attacks and will persist in the foreseeable future.**¶A. The AUMF's Inevitable Expiration¶ Although it is difficult to determine exactly when the AUMF will become obsolete, the mere fact that a precise date is unclear should not lead to the conclusion that the AUMF will be perpetually valid. Al Qaeda, the organization responsible for the September 11, 2001, attacks is considered by some to have been already rendered "operationally ineffective" n102 and "crumpled at its core." n103 Moreover, even if Al Qaeda continues to possess the ability to threaten the United States, n104 not all terrorist organizations currently possess a meaningful link to Al Qaeda, rendering the AUMF already insufficient in certain circumstances. Indeed, individuals from across the political spectrum have recognized that the AUMF's focus on those involved in "the terrorist attacks that occurred on September 11, 2001" is outdated and no longer addresses the breadth of threats facing the United States. n105 At a certain point, the [\*84] terrorist groups that threaten the United States targets will no longer have a plausible or sufficiently direct link to the September 11, 2001, attacks. n106¶ This shift has likely already occurred. Former Attorney General Michael Mukasey, writing recently in support of efforts to reaffirm the original AUMF, noted that currently "there are organizations, including the Pakistani Taliban, that are arguably not within its reach." n107 It is similarly unclear if the AUMF extends to organizations like Al Qaeda in the Arabian Penninsula, whose formation as a group--and connection to Al Qaeda's "core"--postdates 9/11 and is indirect at best. n108 Former State Department Legal Adviser John Bellinger has argued that the Obama Administration's reliance on the AUMF for its targeted killing and detention operations is "legally risky" because "[s]hould our military or intelligence agencies wish to target or detain a terrorist who is not part of al-Qaeda, they would lack the legal authority to do so, unless the [\*85] administration expands (and the federal courts uphold) its legal justification." n109 Indeed, "[c]ircumstances alone . . . will put enormous pressure on--and ultimately render obsolete--the legal framework we currently employ to justify these operations." n110¶ While the court of public opinion seems to have accepted the AUMF's inevitable expiration, courts of law appear poised to accept this argument as well. Justice O'Connor's plurality opinion in Hamdi admitted that the AUMF granted "the authority to detain for the duration of the relevant conflict." n111 She also suggested, however, that that authority would terminate at some point, based on "the practical circumstances of [this] conflict," which may be "entirely unlike those of the conflicts that informed the development of the law of war." n112 Justice Kennedy's opinion in Boumediene also hinted that the future contours of the war on terror might force the Court to revisit the extent of the conflict. n113 Lower federal courts have already started to ask some of the questions about the duration of the AUMF's authority, which the Supreme Court has left unaddressed to date. n114¶ [\*86] The Obama Administration has notably disagreed with these assessments, arguing that the AUMF "is still a viable authorization today." n115 The administration's position, however, appears contradictory, as it has simultaneously described the limited reach of the AUMF as "encompass[ing] only those groups or people with a link to the terrorist attacks on 9/11, or associated forces" n116 and celebrated the functional neutralization of Al Qaeda as a continuing threat to U.S. national security. n117 The administration's position, however, remains in the minority. Notwithstanding the administration's continuing fealty to the 2001 statute, as pressures build to address these issues, the "temporal vitality" n118 of the AUMF will continue to be challenged. The successful targeting of those responsible for the attacks of September 11, 2001, will ensure that the AUMF's vitality will not be indefinite.¶ Moreover, even if one rejects as overly optimistic the position that Al Qaeda is currently or will soon be incapable of threatening the United States, the AUMF is already insufficient to reach many terrorist organizations. Assuming a robust Al Qaeda for the indefinite future does not change the disconnected status of certain terrorist groups; as much as it might wish to the contrary, Al Qaeda does not control all Islamist terrorism. n119¶ B. The Consequences of Failing to Reauthorize¶ The AUMF's inevitable expiration, brought about by the increasingly tenuous link between current U.S. military and covert [\*87] operations and those who perpetrated the September 11 attacks, leaves few good options for the Obama Administration. Unless Congress soon reauthorizes military force in the struggle against international terrorists, the administration will face difficult policy decisions. Congress, however, shows no signs of recognizing the AUMF's limited lifespan or a willingness to meaningfully re-write the statute. In light of this reticence, one choice would be for the Obama Administration to acknowledge the AUMF's limited scope and, on that basis, forego detention operations and targeted killings against non-Al Qaeda-related terrorists. For both strategic and political reasons, this is extremely unlikely, especially with a president in office who has already shown a willingness to defy legal criticism and aggressively target terrorists around the globe. n120 Another option would be for the Executive Branch to acknowledge the absence of legal authority, but continue targeted killings nonetheless. For obvious reasons, this option is problematic and unlikely to occur.¶ Therefore, the more likely result is that the Executive Branch, grappling with the absence of explicit legal authority for a critical policy, would need to make increasingly strained legal arguments to support its actions. n121 Thus, the Obama Administration will soon be forced to rationalize ongoing operations under existing legal authorities, which, I argue below, will have significant harmful consequences for the United States. Indeed, the administration faces a Catch-22--its efforts to destroy Al Qaeda as a functioning organization will lead directly to the vitiation of the AUMF. The administration is "starting with a result and finding the legal and policy justifications for it," which often leads to poor policy formulation. n122 Potential legal rationales would perforce rest on exceedingly strained legal arguments based on the AUMF itself, the President's Commander in Chief powers, or the international law of self-defense. n123 [\*88] Besides the inherent damage to U.S. credibility attendant to unconvincing legal rationales, each alternative option would prove legally fragile, destabilizing to the international political order, or both.¶ 1. Effect on Domestic Law and Policy¶ Congress's failure to reauthorize military force would lead to bad domestic law and even worse national security policy. First, a legal rationale based on the AUMF itself will increasingly be difficult to sustain. Fewer and fewer terrorists will have any plausible connection to the September 11 attacks or Al Qaeda, and arguments for finding those connections are already logically attenuated. The definition of those individuals who may lawfully be targeted and detained could be expanded incrementally from the current definition, defining more and more groups as Al Qaeda's "co-belligerents" and "associated forces." n124 But this approach, apart from its obvious logical weakness, would likely be rejected by the courts at some point. n125 The policy of the United States should not be to continue to rely on the September 18, 2001, AUMF.¶ Second, basing U.S. counterterrorism efforts on the President's constitutional authority as Commander in Chief is legally unstable, and therefore unsound national security policy, because a combination of legal difficulties and political considerations make it unlikely that such a rationale could be sustained. This type of strategy would likely run afoul [\*89] of the courts and risk destabilizing judicial intervention, n126 because the Supreme Court has shown a willingness to step in and assert a more proactive role to strike down excessive claims of presidential authority. n127 Politically, using an overly robust theory of the Commander in Chief's powers to justify counterterrorism efforts would, ultimately, be difficult to sustain. President Obama, who ran for office in large part on the promise of repudiating the excesses of the Bush Administration, and indeed any president, would likely face political pressure to reject the claims of executive authority made "politically toxic" by the writings of John Yoo. n128 Because of the likely judicial resistance and political difficulties, claiming increased executive authority to prosecute the armed conflict against Al Qaeda would prove a specious and ultimately futile legal strategy. Simply put, forcing the Supreme Court to intervene and overrule the Executive's national security policy is anathema to good public policy. In such a world, U.S. national security policy would lack stability--confounding cooperation with allies and hindering negotiations with adversaries.¶ There are, of course, many situations where the president's position as Commander in Chief provides entirely uncontroversial authority for military actions against terrorists. In 1998, President Clinton ordered cruise missile strikes against Al Qaeda-related targets in Afghanistan and [\*90] Sudan in response to the embassy bombings in Kenya and Tanzania. In 1986, President Reagan ordered air strikes against Libyan targets after U.S. intelligence linked the bombing of a Berlin discotheque to Libyan operatives. n129 Executive authority to launch these operations without congressional approval was not seriously questioned, and no congressional approval was sought. n130 To be sure, many of the targeted killing operations carried out today fall squarely within the precedent of past practice supplied by these and other valid exercises of presidential authority. Notwithstanding disagreement about the scope of Congress's and the president's "war powers," few would disagree with the proposition that the president needs no authorization to act in self-defense on behalf of the country. However, it is equally clear that not all terrorists pose such a threat to the United States, and thus the [\*91] Commander in Chief cannot justify all counterterrorism operations as "self-defense."¶ A third option would be to conduct all counterterrorism operations as covert operations under the aegis of Title 50. n131 Although the CIA typically carries out such "Title 50 operations," the separate roles of the military and intelligence community have become blurred in recent years. n132 The president must make a "finding" to authorize such operations, n133 which are conducted in secret to provide deniability for the U.S. Government. n134¶ Relying entirely on covert counterterrorism operations, however, would suffer from several critical deficiencies. First, even invoking the cloak of "Title 50," it is "far from obvious" that covert operations are legal without supporting authority. n135 In other words, Title 50 operations, mostly carried out by the CIA, likely also require "sufficient domestic law foundation in terms of either an AUMF or a legitimate claim of inherent constitutional authority for the use of force under Article II." n136 Second, covert operations are by definition kept out of public view, making it difficult to subject them to typical democratic review. In light of "the democratic deficit that already plagues the nation in the legal war [\*92] on terror," n137 further distancing counterterrorism operations from democratic oversight would exacerbate this problem. n138 Indeed, congressional oversight of covert operations--which, presumably, operates with full information--is already considered insufficient by many. n139 By operating entirely on a covert basis, "the Executive can initiate more conflict than the public might otherwise [be] willing to support." n140¶ In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs--detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on "a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of [\*93] problems." n141 Only then can the President's efforts be sustained and legitimate.¶ 2. Effect on the International Law of Self-Defense¶ A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of self-defense--the jus ad bellum. n142 Finding sufficient legal authority for the United States's ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress's role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert "self-defense against a continuing threat" to target and detain terrorists worldwide, it will almost always be able to find such a threat. n143 Indeed, the Obama Administration's broad understanding of the concept of "imminence" illustrates the danger of allowing the executive to rely on a self-defense authorization alone. n144 [\*94] This approach also would inevitably lead to dangerous "slippery slopes." Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of "imminence," n145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF "does not authorize military force against anyone the Executive labels a 'terrorist,'" n146 relying solely on the international law of self defense would likely lead to precisely such a result.¶ The slippery slope problem, however, is not just limited to the United States's military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration's "expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . ." n147 Indeed, "[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos." n148¶ [\*95] Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration's national security policy, sapping U.S. credibility. The Administration's National Security Strategy emphasizes U.S. "moral leadership," basing its approach to U.S. security in large part on "pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests." n149 Defense Department General Counsel Jeh Johnson has argued that "[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge." n150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States "must not make [legal authority] up to suit the moment." n151 The Obama Administration's global counterterrorism strategy is to "adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy" of "turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation." n152¶ [\*96] Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States' European allies, who have been wary of expansive U.S. legal interpretations. n153 Moreover, U.S. strategy vis-a-vis China focuses on binding that nation to international norms as it gains power in East Asia. n154 The United States is an international "standard-bearer" that "sets norms that are mimicked by others," n155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion. n156 Risking the obsolescence of the AUMF would force the United States into an "aggressive interpretation" of international legal authority, n157 not just discrediting its [\*97] own rationale, but facilitating that rationale's destabilizing adoption by nations around the world. n158¶ United States efforts to entrench stabilizing global norms and oppose destabilizing international legal interpretations--a core tenet of U.S. foreign and national security policy n159 --would undoubtedly be hampered by continued reliance on self defense under the jus ad bellum to authorize military operations against international terrorists. Given the presumption that the United States's armed conflict with these terrorists will continue in its current form for at least the near term, ongoing authorization at the congressional level is a far better choice than continued reliance on the jus ad bellum. Congress should reauthorize the use of force in a manner tailored to the global conflict the United States is fighting today. Otherwise, the United States will be forced to continue to rely on a statute anchored only to the continued presence of those responsible for 9/11, a group that was small in 2001 and, due to the continued successful targeting of Al Qaeda members, is rapidly approaching zero.

#### We control terminal impact uniqueness - war taboo strong and effective now. Norms prevents miscalc and escalation

Beehner, 12

Council on Foreign Relations senior writer; Truman National Security Project fellow

[Lionel, "Is There An Emerging ‘Taboo’ Against Retaliation?" The Smoke Filled Room, 7-13-12, thesmokefilledroomblog.com/2012/07/13/is-there-an-emerging-taboo-against-retaliation/, accessed 9-22-13, ]

The biggest international news in the quiet months before 9/11 was the collision of a U.S. Navy spy aircraft and a PLA fighter jet in China, during which 24 American crew members were detained. Even though the incident was lampooned on SNL, there was real concern that the incident would blow up, damaging already-tense relations between the two countries. But it quickly faded and both sides reached an agreement. Quiet diplomacy prevailed. Flash-forward a decade later and we have a similar border incident of a spy plane being shot down between Turkey and Syria. Cue the familiar drumbeats for war on both sides. To save face, each side has ratcheted up its hostile rhetoric (even though Syria’s president did offer something of an admission of guilt). But, as in the spring of 2001, I wouldn’t get too worried. One of the least noted global norms to emerge in recent decades has been the persistence of state restraint in international relations. Retaliation has almost become an unstated taboo. Of course, interstate war is obviously not a relic of previous centuries, but nor is it as commonplace anymore, despite persistent flare-ups that have the potential to escalate to full-blown war. Consider the distinct cases of India and South Korea. Both have sustained serious attacks with mass casualties in recent years: South Korea saw 46 of its sailors killed after the Cheonan, a naval vessel, was sunk by North Korea; India saw 200 citizens killed by the Mumbai attacks, orchestrated by Islamist groups with links to Pakistani intelligence. Yet neither retaliated with military force. Why? The short answer might be: Because a response may have triggered a nuclear war (both Pakistan and North Korea are nuclear-armed states). So nukes in this case may have acted as a deterrent and prevented an escalation of hostilities. But I would argue that it was not the presence of nuclear weapons that led to restraint but rather normative considerations. South Korea and India are also both rising democratic powers with fast-growing economies, enemies along their peripheries, and the military and financial backing of the United States. Their leaders, subject to the whims of an electorate, may have faced domestic pressures to respond with force or suffer reputational costs. And yet no escalation occurred and war was averted. Again, I argue that this is because there is an emerging and under-reported norm of restraint in international politics. Even Russia’s invasion of Georgia in August 2008, which may at first appear to disprove this theory, actually upholds it: The Russians barely entered into Georgia proper and could easily have marched onto the capital. But they didn’t. The war was over in 5 days and Russian troops retreated to disputed provinces. Similarly, Turkey will not declare war on Syria, no matter how angry it is that Damascus shot down one of its spy planes. Quiet diplomacy will prevail. In 1999, Nina Tannenwald made waves by proclaiming the emergence of what she called a “nuclear taboo” – that is, the non-use of dangerous nukes had emerged as an important global norm. Are we witnessing the emergence of a similar norm for interstate war? Even as violence rages on in the form of civil war and internal political violence all across the global map, interstate conflict is increasingly rare. My point is not to echo Steven Pinker, whose latest book, The Better Angles of Our Nature, painstakingly details a “civilizing process” and “humanitarian revolution” that has brought war casualties and murder rates down over the centuries. I’m not fully convinced by his argument, but certainly agree with the observation that at the state level, a norm of non-retaliation has emerged. The question is why. Partly, war no longer makes as much sense as in the past because capturing territory is no longer as advantageous as it once was. We no longer live in a world where marauding throngs of Dothraki-like bandits – or what Mancur Olson politely called “non-stationary bandits” – seek to expand their writ over large unconquered areas. This goes on, of course, at the intrastate level, but the rationale for interstate war for conquest is no longer as strong. Interstate wars of recent memory — the Eritrea-Ethiopia conflicts of 1999 and 2005, the Russia-Georgia War of 2008 — upon closer inspection, actually look more like intrastate wars. The latter was fought over two secessionist provinces; the former between two former rebel leaders-turned-presidents who had a falling out. But if we have reached a norm of non-retaliation to threats or attacks, does that mean that deterrence is no longer valid? After all, if states know there will be no response, why not step up the level of attacks? I would argue that the mere threat of retaliation is enough, as evidenced by Turkish leaders’ harsh words toward Syria (there is now a de facto no-fly zone near their shared border). Still, doesn’t restraint send a signal of weakness and lack of resolve? After all, didn’t Seoul’s non-response to the Cheonan sinking only invite Pyongyang to escalate hostilities? Robert Jervis dismisses the notion that a tough response signals resolve as being overly simplified. The observers’ interpretation of the actor and the risks involved also matter. When Schelling writes about the importance of “saving face,” he describes it as the “interdependence of a country’s commitments; it is a country’s reputation for action, the expectations other countries have about its behavior.” Others note that the presence of nuclear weapons forces states, when attacked, to respond with restraint to avoid the risk of nuclear escalation. Hence, we get “limited wars” rather than full-blown conflicts, or what some deterrent theorists describe as the “stability-instability paradox.” This is not a new concept, of course: Thucydides quoted King Archimadus of Sparta: “And perhaps then they see that our actual strength is keeping pace with the language that we use, they will be more inclined to give way, since their land will still be untouched and, in making up their minds, they will be thinking of advantages which they still possess and which have not yet been destroyed.” There will be future wars between states, of course. But **the days when an isolated incident, such as a spy plane being shot down or a cross-border incursion, can unleash a chain of events that lead to interstate wars** I believe are largely over **because of the emergence of restraint as a powerful norm**ative force in international politics, not unlike Tannenwald’s “nuclear taboo.” Turkey and Syria will only exchange a war of words, not actual hostilities. To do otherwise would be a violation of this existing norm.

#### Specifically, erosion of the use of force taboo triggers nuclear conflict between India and Pakistan and China and Taiwan

Obayemi, 6

East Bay Law School professor [Olumide, admitted to the Bars of Federal Republic of Nigeria and the State of California, Golden Gate University School of Law, "Article: Legal Standards Governing Pre-Emptive Strikes and Forcible Measures of Anticipatory Self-Defense Under the U.N. Charter and General International Law," 12 Ann. Surv. Int'l & Comp. L. 19, l/n, accessed 9-19-13, ]

The United States must abide by the rigorous standards set out above that are meant to govern the use of preemptive strikes, because today's international system is characterized by a relative infrequency of interstate war. It has been noted that developing doctrines that lower the threshold for preemptive action could put that accomplishment at risk, and exacerbate regional crises already on the brink of open conflict. n100 This is important as O'Hanlon, Rice, and Steinberg have rightly noted: ...countries already on the brink of war, and leaning strongly towards war, might use the doctrine to justify an action they already wished to take, and the effect of the U.S. posture may make it harder for the international community in general, and the U.S. in particular, to counsel delay and diplomacy. Potential **examples abound**, ranging from Ethiopia and Eritrea, to China and Taiwan, to the Middle East. But perhaps the clearest case is the India-Pakistan crisis. n101 The world must be a safe place to live in. We cannot be ruled by bandits and rogue states. There must be law and order not only in the books but in enforcement as well. No nation is better suited to enforce international law than the United States. The Bush Doctrine will stand the test [\*42] of time and survive. Again, we submit that nothing more would protect the world and its citizens from nuclear weapons, terrorists and rogue states than an able and willing nation like the United States, acting as a policeman of the world within all legal boundaries. This is the essence of the preamble to the United Nations Charter.

#### Indo-Pak nuclear war causes extinction

Starr ’11

(Consequences of a Single Failure of Nuclear Deterrence by Steven Starr February 07, 2011 \* Associate member of the Nuclear Age Peace Foundation \* Senior Scientist for PSR)

Only a single failure of nuclear deterrence is required to start a nuclear war, and the consequences of such a failure would be profound. **Peer-reviewed studies predict** that **less than 1% of** the **nuclear weapons** now deployed in the arsenals of the Nuclear Weapon States, if detonated in urban areas, would immediately kill tens of millions of people, and cause long-term, **catastrophic disruptions** of the global **climate and** massive destruction ofEarth’sprotective **ozone** layer. The result would be a global nuclear famine that could kill up to one billion people. A full-scale war, fought with the strategic nuclear arsenals of the United States and Russia, would so utterly devastate Earth’s environment that most humans and other complex forms of life would not survive. Yet no Nuclear Weapon State has ever evaluated the environmental, ecological or agricultural consequences of the detonation of its nuclear arsenals in conflict. Military and political leaders in these nations thus remain dangerously unaware of the existential danger which their weapons present to the entire human race. Consequently, nuclear weapons remain as the cornerstone of the military arsenals in the Nuclear Weapon States, where nuclear deterrence guides political and military strategy. Those who actively support nuclear deterrence are trained to believe that deterrence cannot fail, so long as their doctrines are observed, and their weapons systems are maintained and continuously modernized. They insist that their nuclear forces will remain forever under their complete control, immune from cyberwarfare, sabotage, terrorism, human or technical error. They deny that the short 12-to-30 minute flight times of nuclear missiles would not leave a President enough time to make rational decisions following a tactical, electronic warning of nuclear attack. The U.S. and Russia continue to keep a total of 2000 strategic nuclear weapons at launch-ready status – ready to launch with only a few minutes warning. Yet both nations are remarkably unable to acknowledge that this high-alert status in any way increases the probability that these weapons will someday be used in conflict. How can strategic nuclear arsenals truly be “safe” from accidental or unauthorized use, when they can be launched literally at a moment’s notice? A cocked and loaded weapon is infinitely easier to fire than one which is unloaded and stored in a locked safe. The mere existence of immense nuclear arsenals, in whatever status they are maintained, makes possible their eventual use in a nuclear war. Our **best scientists** now **tell us** that **such a war would mean the end of human history**. We need to ask our leaders: Exactly what political or national goals could possibly justify risking a nuclear war that would likely cause the extinction of the human race? However, in order to pose this question, we must first make the fact known that existing nuclear arsenals – through their capacity to utterly devastate the Earth’s environment and ecosystems – threaten continued **human existence**. Otherwise, military and political leaders will continue to cling to their nuclear arsenals and will remain both unwilling and unable to discuss the real consequences of failure of deterrence. We can and must end the silence, and awaken the peoples of all nations to the realization that “nuclear war” means “global nuclear suicide”. A Single Failure of Nuclear Deterrence could lead to: \* A nuclear war **between India and Pakistan**; \* 50 Hiroshima-size (15 kiloton) weapons detonated in the mega-cities of both India and Pakistan (there are now 130-190 operational nuclear weapons which exist in the combined arsenals of these nations); \* The deaths of 20 to 50 million people as a result of the prompt effects of these nuclear detonations (blast, fire and radioactive fallout); \* Massive firestorms covering many hundreds of square miles/kilometers (created by nuclear detonations that produce temperatures hotter than those believed to exist at the center of the sun), that would engulf these cities and produce 6 to 7 million tons of thick, black smoke; \* About 5 million tons of smoke that would quickly rise above cloud level into the stratosphere, where strong winds would carry it around the Earth in 10 days; \* A stratospheric smoke layer surrounding the Earth, which would remain in place for 10 years; \* The dense smoke would heat the upper atmosphere, destroy Earth’s protective ozone layer, and block 7-10% of warming sunlight from reaching Earth’s surface; \* 25% to 40% of the protective ozone layer would be destroyed at the mid-latitudes, and 50-70% would be destroyed at northern and southern high latitudes; \* Ozone destruction would cause the average UV Index to increase to 16-22 in the U.S, Europe, Eurasia and China, with even higher readings towards the poles (readings of 11 or higher are classified as “extreme” by the U.S. EPA). It would take 7-8 minutes for a fair skinned person to receive a painful sunburn at mid-day; \* Loss of warming sunlight would quickly produce average surface temperatures in the Northern Hemisphere colder than any experienced in the last 1000 years; \* Hemispheric drops in temperature would be about twice as large and last ten times longer then those which followed the largest volcanic eruption in the last 500 years, Mt. Tambora in 1816. The following year, 1817, was called “The Year Without Summer”, which saw famine in Europe from massive crop failures; \* Growing seasons in the Northern Hemisphere would be significantly shortened. It would be too cold to grow wheat in most of Canada for at least several years; \* World grain stocks, which already are at historically low levels, would be completely depleted; grain exporting nations would likely cease exports in order to meet their own food needs; \* The one billion already hungry people, who currently depend upon grain imports, would likely starve to death in the years following this nuclear war; \* The total explosive power in these 100 Hiroshima-size weapons is less than 1% of the total explosive power contained in the currently operational and deployed U.S. and Russian nuclear forces.

#### So does China-Taiwan

Straits Times 2k

(6-25, Lexis, No one gains in war over Taiwan)

THE DOOMSDAY SCENARIO THE high-intensity scenario postulates a cross-strait war escalating into a full-scale war between the US and China. If Washington were to conclude that splitting China would better serve its national interests, then a full-scale war becomes unavoidable. Conflict on such a scale would embroil other countries far and near and -- horror of horrors -- raise the possibility of a nuclear war. Beijing has already told the US and Japan privately that it considers any country providing bases and logistics support to any US forces attacking China as belligerent parties open to its retaliation. In the region, this means South Korea, Japan, the Philippines and, to a lesser extent, Singapore. If China were to retaliate, east Asia will be set on fire. And the conflagration may not end there as opportunistic powers elsewhere may try to overturn the existing world order. With the US distracted, Russia may seek to redefine Europe's political landscape. The balance of power in the Middle East may be similarly upset by the likes of Iraq. In south Asia, hostilities between India and Pakistan, each armed with its own nuclear arsenal, could enter a new and dangerous phase. Will a full-scale Sino-US war lead to a nuclear war? According to General Matthew Ridgeway, commander of the US Eighth Army which fought against the Chinese in the Korean War, the US had at the time thought of using nuclear weapons against China to save the US from military defeat. In his book The Korean War, a personal account of the military and political aspects of the conflict and its implications on future US foreign policy, Gen Ridgeway said that US was confronted with two choices in Korea -- truce or a broadened war, which could have led to the use of nuclear weapons. If the US had to resort to nuclear weaponry to defeat China long before the latter acquired a similar capability, there is little hope of winning a war against China 50 years later, short of using nuclear weapons. The US estimates that China possesses about 20 nuclear warheads that can destroy major American cities. Beijing also seems prepared to go for the nuclear option. A Chinese military officer disclosed recently that Beijing was considering a review of its "non first use" principle regarding nuclear weapons. Major-General Pan Zhangqiang, president of the military-funded Institute for Strategic Studies, told a gathering at the Woodrow Wilson International Centre for Scholars in Washington that although the government still abided by that principle, there were strong pressures from the military to drop it. He said military leaders considered the use of nuclear weapons mandatory if the country risked dismemberment as a result of foreign intervention. Gen Ridgeway said that should that come to pass, we would see the destruction of civilisation. There would be no victors in such a war. While the prospect of a nuclear Armaggedon over Taiwan might seem inconceivable, it cannot be ruled out entirely, for China puts sovereignty above everything else.

### Plan

**The United States federal government should increase restrictions on the targeted killing and indefinite detention 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 by limiting the targets of those authorities to 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.

# 2AC

### Case

#### Mueller’s wrong about everything

Allison, 9

Douglas Dillon Professor of Government and Director of the Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government ( Graham “A Response to Nuclear Terrorism Skeptics” Brown Journal of World Affairs, Hein Online)

What drives Mueller and other skeptics to arrive at such different conclusions?

They make four major claims that merit serious examination and reflection. CLAIM 1: No ONE IS SERIOUSLY MOTIVATED TO CONDUCT A NUCLEAR TERRORIST ATTACK.¶ More than a decade ago, no one could have imagined that a Japanese doomsday cult would be sufficiently motivated to disseminate sarin gas on the Tokyo subway. Indeed, at the time of that attack, the consensus among terrorism experts was that terrorists wanted an audience and sympathy-not casualties. The leading American student of terrorism, Brian Jenkins, summarized the consensus judgment in 1975: "terrorists seem 34 to be more interested in having a lot of people watching, not a lot of people dead.""¶ As intelligence officials later testified, an inability to recognize the shifting modus operandi of some terrorist groups was part of the reason why members of Aum Shinrikyo "were simply not on anybody's radar screen."" This, despite the fact that the group owned a 12-acre chemical weapons factory in Tokyo, had $1 billion in its bank account, and had a history of serious nuclear ambitions.'9¶ Similarly, before the 9/11 attacks on the World Trade Center and Pentagon that extinguished 3,000 lives, few imagined that terrorists could mount an attack upon the American homeland that would kill more Americans than the Japanese attack at Pearl Harbor. As Secretary Rice testified to the 9/11 Commission, "No one could have imagined them taking a plane, slamming it into the Pentagon and into the World Trade Center, using planes as a missile." 20 For most Americans, the idea of international terrorists mounting an attack on our homeland and killing thousands of citizens was not just unlikely, but inconceivable. But assertions about what is "imaginable" or "conceivable" are propositions about individuals' mental capacities, not about what is objectively possible.¶ In fact, Al Qaeda's actions in the decade prior to the 9/11 attacks provided clear evidence both of intent and capability. While its 1993 attack on the World Trade Center succeeded in killing only six people, Ramzi Yousef, the key operative in this case, had planned to collapse one tower onto the second, killing 40,000. In the summer of 1996, Osama bin Laden issued a fatwa declaring war upon the United States. Two years later, Al Qaeda attacked the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing more than 200 people. In October 2000, Al Qaeda attacked the warship USS Cole. Throughout this period, Al Qaeda's leadership was running thousands of people through training camps, preparing them for mega-terrorist attacks.¶ Notwithstanding Aum Shinrikyo's brazen attack, Al Qaedas audacious 9/11 attack, and the recent attacks in Mumbai that killed 179 people, Mueller maintains that "terrorists groups seem to have exhibited only limited desire... they have discovered that the tremendous effort required is scarcely likely to be successful." He asserts that the evidence about Al Qaedas nuclear intentions ranges from the "ludicrous to the merely dubious," and that those who take Al Qaeda's nuclear aspiration seriously border on "full-on fantasyland."1¶ Even scholars who would have been inclined to agree with this point of view have revised their judgment as new facts have accumulated. In 2006, for example, Jenkins reversed the basic proposition that he had set forth three decades earlier. In his summary: "In the 1970s the bloodiest incidents caused fatalities in the tens. In the 1980s, fatalities from the worst incidents were in the hundreds; by the 1990s, attacks on this scale had become more frequent. On 9/11 there were thousands of fatalities, and there could have been far more. We now contemplate plausible scenarios in which tens of 35 thousands might die." Underlining the contrast with his own 1975 assessment, Jenkins now says: "Jihadists seem ready to murder millions, if necessary. Many of today's terrorists want a lot of people watching and a lot of people dead."22 (Emphasis added.)¶ Al Qaeda has been deadly clear about its ambitions. In 1998, Osama bin Laden declared that he considered obtaining weapons of mass destruction "a religious duty."" In December 2001, he urged his supporters to trump the 9/11 attacks: "America is in retreat by the grace of God Almighty..but it needs further blows."2 A few months later, Al Qaeda announced its goal to "kill four million Americans."5 It eVen managed to gain religious sanction from a radical Saudi cleric in 2003 to kill "ten million Americans" with a nuclear or biological weapon.26¶ We also now know that Al Qaeda has been seriously seeking a nuclear bomb. According to the Report of the 9/11 Commission, "Al Qaeda has tried to acquire or make nuclear weapons for at least ten years... and continues to pursue its strategic goal of obtaining a nuclear capability." It further reveals "bin Laden had reportedly been heard to speak of wanting a 'Hiroshima." The Commission provides evidence of Al Qaedas effort to recruit nuclear expertise-including evidence about the meeting between two Pakistani nuclear weapon scientists, bin Laden, and his deputy Ayman al-Zawahiri in Afghanistan to discuss nuclear weapons.2 These scientists were founding members of Ummah Tamer-e-Nau (UTN), a so-called charitable agency to support projects in Afghanistan. The foundation's board included a fellow nuclear scientist knowledgeable about weapons construction, two Pakistani Air Force generals, one Army general, and an industrialist who owned Pakistan's largest foundry.28¶ In his memoir, former CIA Director George Tenet offers his own conclusion that "the most senior leaders of Al Qaeda are still singularly focused on acquiring WMD" and that "the main threat is the nuclear one." In Tenet's view, Al Qaedas strategic goal is to obtain a nuclear capability. He concludes as follows: "I am convinced that this is where Osama bin Laden and his operatives desperately want to go."2 9¶ CLAIM 2: IT IS IMPOSSIBLE FOR TERRORISTS TO ACQUIRE FISSILE MATERIAL.¶ Assuming that terrorists have the intent-could they acquire the necessary materials for a Hiroshima-model bomb? Tenet reports that after 9/11, President Bush showed President Putin his briefing on UTN. In Tenet's account of the meeting, Bush "asked Putin point blank if Russia could account for all of its material." Putin responded that he could guarantee it was secure during his watch, underlying his inability to provide assurance about events under his predecessor, Boris Yeltsin.3o¶ When testifying to the Senate Intelligence Committee in February 2005, Commit- 36 tee Vice-Chairman John Rockefeller (D-WV) asked CIA Director Porter Goss whether the amount of nuclear material known to be missing from Russian nuclear facilities was sufficient to construct a nuclear weapon. Goss replied, "There is sufficient material unaccounted for that it would be possible for those with know-how to construct a weapon.. .I can't account for some of the material so I can't make the assurance about its whereabouts."¶ Mueller sidesteps these inconvenient facts to assert a contrary claim. According to his telling, over the last 10 years, there have been only 10 known thefts of highly enriched uranium (HEU), totaling less than 16 pounds, far less than required for an atomic explosion. He acknowledges, however, that "There may have been additional thefts that went undiscovered."32¶ Yet, as Matthew Bunn testified to the Senate in April 2008, "Theft of HEU and plutonium is not a hypothetical worry, it is an ongoing reality." He notes that "nearly all of the stolen HEU and plutonium that has been seized over the years had never been missed before it was seized." The IAEA Illicit Nuclear Trafficking Database notes 1,266 incidents reported by 99 countries over the last 12 years, including 18 incidents involving HEU or plutonium trafficking. 130 research reactors around the world in 40 developing and transitional countries still hold the essential ingredient for nuclear weapons. As Bunn explains, "The world stockpiles of HEU and separated plutonium are enough to make roughly 200,000 nuclear weapons; a tiny fraction of one percent of these stockpiles going missing could cause a global catastrophe."¶ Consider the story of Russian citizen Oleg Khinsagov. Arrested in February 2006 in Georgia, he was carrying 100 grams of 89-percent enriched HEU as a sample and attempting to find a buyer for what he claimed were many additional kilograms. Mueller asserts that "although there is a legitimate concern that some material, particularly in Russia, may be somewhat inadequately secured, it is under lock and key, and even sleepy, drunken guards, will react with hostility (and noise) to a raiding party.""¶ CLAIM 3: IT IS EXTREMELY DIFFICULT TO CONSTRUCT A NUCLEAR DEVICE THAT WORKS.¶ Rolf Mowatt-Larssen, former director of the Department of Energy's Office of Intelligence and Counterintelligence, testified that, "The 21s' century will be defined first by the desire and then by the ability of non-state actors to procure or develop crude nuclear weapons."6 In contrast, Mueller contends that, "Making a bomb is an extraordinarily difficult task... the odds, indeed, are stacked against the terrorists, perhaps massively so." 37¶ Mueller argues that his conclusion follows from an analysis of 20 steps an atomic terrorist would have to accomplish in what he judges to be the most likely nuclear terrorism scenario. On the basis of this list, he claims that there is "worse than one in a 37 million" chance of success. 38¶ His approach, however, misunderstands probabilistic risk assessment. For example, some of the steps on the list would have to be completed before an attempt to acquire material could begin (therefore, the success rate for any of those steps during the path would, by definition, be 100 percent). Other steps are unnecessary, such as having a technically sophisticated team pre-deployed in the target country. Although he assumes that stolen materials will be missed, in none of the 18 documented cases mentioned earlier had the seized material been reported missing."¶ At U.S. weapons labs and among the U.S. intelligence community, experts who have examined this issue largely agree. John Foster, a leading American bomb maker and former director of the Lawrence Livermore National Laboratories, wrote a quarter century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature." 4 Similarly, Theodore Taylor, the nuclear physicist who designed America's smallest and largest atomic bombs, has repeatedly stated that, given fissile material, building a bomb is "very easy. Double underline. Very Easy." 4¶ Inquiring into such claims, then-Senator Joe Biden (D-DE) asked the major nuclear weapons laboratories whether they could make such a device if they had nuclear materials. All three laboratories answered affirmatively. The laboratories built a gun-type device using only components that were commercially available and without breaking a single U.S. law.¶ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, reported in 2005 that the intelligence community believed Al Qaeda "probably had access to nuclear expertise and facilities and that there was a real possibility of the group developing a crude nuclear device." It went on to say that "fabrication of at least a 'crude' nuclear device was within Al Qaedas capabilities, if it could obtain fissile material."43¶ Skeptics argue that terrorists cannot replicate the effort of a multi-billion dollar nuclear program of a state. This claim does not distinguish between the difficulty of producing nuclear materials for a bomb (the most difficult threshold) and the difficulty of making a bomb once the material has been acquired. The latter is much easier. In the Iraq case, for example, the CIA noted that if Saddam Hussein had stolen or purchased nuclear materials from abroad, this would have cut the time Iraq needed to make a bomb from years to months.1 Moreover, terrorists do not require a state-of-the art weapon and delivery system, since for blowing up a single city a crude nuclear device would suffice.¶ The grim reality of globalization's dark underbelly is that non-state actors are 38 increasingly capable of enacting the kind of lethal destruction heretofore the sole reserve of states.¶ CLAIM 4: IT IS TOO DIFFICULT TO DELIVER A NUCLEAR DEVICE TO THE UNITED STATES.¶ In the spring of 1946, J. Robert Oppenheimer was asked whether units of the atom bomb could be smuggled into New York and then detonated. He answered, "Of course it could be done, and people could destroy New York." As for how such a weapon smuggled in a crate or a suitcase might be detected, Oppenheimer opined, "with a screwdriver." He went on to explain that because the HEU in a nuclear weapon emits so few radioactive signals, a bomb disguised with readily available shielding would not be detected when inspectors opened the crates and examined the cargo.41¶ The nuclear weapon that terrorists would use in the first attack on the United States is far more likely to arrive in a cargo container than on the tip of a missile. In his appearance before a Senate subcommittee in March 2001, six months before 9/11, National Intelligence Officer Robert Walpole testified that "non-missile delivery means are less costly, easier to acquire, and more reliable and accurate."' 6¶ Citing the 1999-2003 U.S. Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore Commission), Mueller states that transporting an improvised nuclear device would require overcoming "Herculean challenges.""¶ He does not explain, however, why bringing a crude nuclear weapon into an American city would be materially different than the challenge faced by drug smugglers or human traffickers. According to the Government Accountability Organization, an average of 275 metric tons of cocaine have arrived in Mexico each year for transshipment to the United States since 2000. Reported seizures averaged about 36 tons a year, a 13 percent success rate for the intelligence and law enforcement community. Three million illegal immigrants enter the country each year, and only one in three gets caught."

### 2AC Iran Politics

#### No pass – momentum and AIPAC isn’t working

Ditz 1/22 <Jason, AntiWar.com, http://news.antiwar.com/2014/01/22/more-senate-leaders-oppose-iran-sanctions-vote/>#SPS

More key Senate Democrats are coming out against an immediate vote on Iran sanctions today, with Sen. Patty Murray (D – WA) and [usually hawkish](http://antiwar.com/blog/2011/10/17/elizabeth-warren-bomb-bomb-iran/) Sen. Elizabeth Warren (D – MA) [both opposing](http://www.washingtonpost.com/blogs/plum-line/wp/2014/01/22/another-blow-to-the-iran-sanctions-bill/) a vote.¶ This puts much of the Senate leadership on the side of waiting, and allowing diplomacy with Iran to continue, and suggests that the Iran sanctions bill, aimed at violating the Iran deal and ending the talks, is less likely than ever to see a vote in the near term.¶ The momentum has been swinging that way for awhile now, and with the interim Iran deal now formally in place, the push to kill it seems to be losing some of its urgency, with less and less confidence that they can get a veto-proof majority at any rate.¶ The Iran sanctions have 58 co-sponsors and 59 committed supporters, but with President Obama promising a veto they’d need 67 yes votes to override, and despite heavy support from Israeli lobbying groups like AIPAC, those last votes don’t seem to be materializing.

#### Reid won’t even bring it up for a vote

Rogin 1/14 (Josh, “Iran Sanctions Battle Heats Up”, http://www.thedailybeast.com/articles/2014/01/14/iran-sanctions-battle-heats-up.html)

The Senate is stalling on bringing new Iran sanctions legislation to a vote following another diplomatic breakthrough, but pro-sanctions Senators say the House may not wait to pass the bill that the White House says could kill the talks and lead to war. On Sunday, Iran and the P5+1 countries announced they had completed the implementation agreement for an interim deal regarding Iran’s nuclear program, starting the clock on a six-month period during which a potential final deal will be negotiated. Reports said today that there is also a 30-page informal side deal, known as a “non-paper,” that would spell out details of the interim agreement the parties don’t want made public. The new progress in negotiations with Iran prompted Senate Majority Leader Harry Reid to say Tuesday the time was not right for a vote on the Menendez-Kirk Iran bill, which would set out Congressional parameters on what a final deal should look like and impose new sanctions if Iran does not complete the final deal or honor it. "At this stage, I think we're where we should be,” Reid said, reversing his previous pledge that if the bill was bipartisan, he would bring it up for a vote on the senate floor. The bill currently has 59 co-sponsors, including 16 Democrats. Eleven Democratic Committee chairmen have also said they oppose moving forward to a vote at this time.

#### 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 – it’s not a loss

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.

Conceeded the Miller evidence at the bottom of the 1AC – Congress just prevented Obama from making a shift that he wanted – that’s a pretty big loss, you link is non-unique

#### A slew of issues overwhelm and Boehner won’t allow controversial votes before the midterms

Tim Alberta, National Journal, 1/16, "House GOP at 2014 Crossroads: Go Big, or Keep Quiet?," www.nationaljournal.com/congress/house-gop-at-2014-crossroads-go-big-or-keep-quiet-20140116

According to sources with knowledge of the deliberations, Boehner and his leadership team prefer a **quiet, noncontroversial legislative session** in which Republicans steer clear of mistakes and run out the clock until the November elections. This play-it-safe strategy hinges on voters turning out in droves to voice their displeasure with President Obama's health care law and his administration's domestic-surveillance policies, among other things.

But such an approach is unacceptable to the most conservative members of the House GOP. After two weeks of private deliberations, and fresh off a mini-retreat this week organized by the Republican Study Committee, conservatives are united in their resolve to make 2014 more about Republicans' "bold, positive vision" and less about Obama's failures.

"I'm convinced Republicans have the best vision for America's future," Rep. Kevin Brady of Texas said outside of Wednesday's RSC meeting. "We've spent a lot of time opposing the president's policies, but it's time to share our vision if we want to win in November."

That sentiment has echoed among conservative lawmakers all week, and it ramped up during the weekly RSC gathering. Chairman Steve Scalise, perhaps sensing the frustration some members felt with the RSC's lack of aggression during the December budget fight, framed the legislative-strategy debate in big terms. After consulting with his fellow lawmakers this week, Scalise informed members that he's prepared to push leadership hard this year on the conservative agenda that touts a health care alternative, a tax-reform plan, a welfare-reform package, and a privacy bill.

"I don't want to play prevent defense," Scalise said, according to members in attendance. "I want to play offense."

Asked to explain the remark later in an interview, Scalise said, "Usually teams that play prevent defense lose the game."

But Boehner's team doesn't share that view. GOP leadership has done everything possible in recent months to **keep the electorate's attention on the Democrats**, especially highlighting the disastrous rollout of President Obama's health care law and Republican oversight efforts on the IRS scandal and Benghazi attacks. Leadership officials are intent on keeping the American public "talking about Obamacare" all the way until November.

Besides, already fewer than 90 work days remain in the legislative session. Even if leadership officials were to embrace an ambitious agenda, **they see little time to implement it.**

"We have to do a budget, we have to do appropriations, we have to do debt ceiling. There are a lot of issues that are hanging out there that have to be done that dominate a lot of the calendar," said Rep. James Lankford, the Republican policy chairman and a member of leadership.

That said, many of the conservatives' policy objectives for 2014 are likely dead on arrival in Cambridge anyway.

#### Plan boosts Obama’s capital without triggering a fight over authority

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. Such authorizing legislation, even if it fails to pass both chambers, creates a sense of shared legislative-executive responsibility for a military action's success and provides the president with considerable political support for his chosen policy course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

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

#### More evidence

Bannon 13

(Brad Bannon runs Bannon Communications Research, a political polling and consulting firm which helps labor unions, progressive issue groups, and Democratic candidates win public affairs and political campaigns, May 28, 2013, <http://www.usnews.com/opinion/blogs/brad-bannon/2013/05/28/obama-wants-us-to-take-away-his-war-powers--we-should>, “An Offer We Can’t Refuse”, AB)

President Obama kicked off the long Memorial Day weekend with a speech which had a request that you hardly get from a president or anybody else in Washington. The president asked Congress to take away some of his power. This is not the kind of offer that comes along very often, so Congress should snap it up while it's still on the table. President Obama asked Congress to replace or refine the Authorization for the Use of Military Force that Congress passed after the al-Qaida attack on the World Trade Center on 9/11. President George W. Bush used the authorization as a blank check to justify illegal renditions, drone attacks, indefinite detention and just about anything else he and Vice President Dick Cheney wanted to do. Reduction in presidential authority with the repeal of authorization would mean more power for the federal legislative branch to review and restrain the president's actions.

#### No strike – no escalation anyway

Elhusseini 13 (Fadi, Palestinian Diplomat and Journalist, 3/12/2013, "Will Israel attack Iran?", jordantimes.com/will-israel-attack-iran)

That red line is fast approaching, but is Israel going to really attack Iran? Many observers say this is sheer fantasy, especially in view of the new Israeli government coalition and the current developments in the Middle East. Iran insists its nuclear programme is peaceful and a national right, yet the fiery speeches and comments delivered by its officials proffer neither good gestures nor convincing assurances to the international community or its sympathisers. The prospect of war terrifies not only Israelis, but also people across the Middle East and the rest of the world. Surveys in Israel show that most Israelis oppose launching a unilateral attack on Iranian nuclear facilities. Experts believe that no Israeli attack would deter the Iranian nuclear programme and its ambition would not be ended, but simply delayed. Israeli military and intelligence chiefs believe that a strike on Iran is a bad idea, while the Obama administration has told Israel to back off and wait for sanctions to work. While it is likely that Iran would retaliate against Israel and possibly the US in response to any attack, it is unlikely that Iran will instigate a major war. Albeit for different reasons, Iran, Israel and the US understand that a war would not serve their interests. Israeli decision makers are confident that if things go bad, the US will not leave Israel at peril. Neither the US, whose most difficult decisions are usually taken in the second presidential term, nor other international powers would leave Israel unaided or accept an Israeli defeat. Iranian decision makers are also aware of the fact that initiating a major war would lead to an eventual American intervention and an inevitable confrontation with the world’s biggest military might.

#### They know the barriers are too high

Isenberg, adjunct national security fellow – Cato, 2/15/’12

(David, “Israeli Attack on Iran's Nuclear Facilities Easier Said than Done,” Asia Times)

Despite renewed media speculation regarding possible Israeli attacks against Iran's nuclear facilities as early as this spring, scepticism that such a campaign could actually be successfully carried out remains relatively high, raising the question of whether there is more bark than bite to Israeli threats.¶ It cannot expect a repeat of 1981 when the Israeli air force destroyed the Osirak reactor at Al-Tuwaythah, just south of Baghdad.¶ The Iranians are aware of both Israeli capabilities and the U.S.-made precision-guided penetrating munitions in the Israeli inventory. The Iranian program has been dispersed all over the country — estimates range between 12 and more than 20 locations — and the facilities have been built with U.S. and Israeli capabilities in mind and are protected by modern Russian air defence systems.¶ The single most critical element of the Iranian program is thought to be the Natanz facility. The heart of the facility is the centrifuge area, located in an underground, hardened structure.¶ But even if Israel tries to limits the target set, it would still have to attack other facilities besides Natanz. For example, the newer Fordow fuel-enrichment plant near Qom, where Iran has already moved 3.5-percent enriched uranium from Natanz, is built into the side of a mountain and is heavily fortified. There is a uranium conversion plant at Isfahan, a heavy-water facility being constructed at Arak and centrifuge factories outside Tehran.¶ The straight-line distance between Israel and Natanz is almost 1,609 kilometers. Since the countries do not share a common border, Israeli aircraft or missiles must fly through foreign — and hostile — airspace to get to the target.¶ The least risky method of striking Natanz is with Israel's medium- range ballistic missiles, the Jericho II or III. It is believed that the Israeli missiles can reach Natanz. However, to travel that far the missiles will have a limited warhead weight, and it is doubtful that these warheads will be able to penetrate far enough underground to achieve the desired level of destruction.¶ Thus, an attack by the Israeli air force's U.S.-made fighter-bomber aircraft is the most likely option. The Israelis have 25 F-15I and about 100 F-16I jets.¶ The F-15I is capable of carrying four metric tons of fuel in its internal tanks, conformal fuel tanks (CFT), and detachable tanks. This enables it to fly about 4,450 kilometers. With midair refueling, the range can be extended further.¶ The F-15I can carry a very wide range of weapons such as various guided missiles and bombs, as well as iron bombs. All in all, the plane can carry about 10 metric tons of munitions.¶ The F-16I has an extended flight range that reportedly allows Israeli forces to attack targets well within Iran without having to refuel. Use of CFT extends its effective mission range up to 50 percent. The baseline model has a combat radius of 1,370 kilometers with two 907-kilogram bombs and two air-to-air missiles, with 3,936-liter external tanks.¶ Assuming an air attack, the question is how will the aircraft fly from their bases in Israel to a target located 322 kilometers inside Iran?¶ They could go either through Saudi Arabia or Iraq, possibly even using Jordanian airspace as well. Either route is a one-way trip of about 1,931 kilometers.¶ To overfly Saudi Arabia the strike aircraft depart southern Israel, enter Saudi airspace from the Gulf of Aqaba or Jordan, fly 1,287 kilometers of Saudi airspace to the Gulf and then 483 kilometers into Iran.¶ Since the Israeli air force does not operate stealth aircraft, there is a reasonable expectation that at some point the aircraft will be detected over Saudi Arabia. Whether Saudi defences could — or would — be able to stop the Israelis is uncertain. Given Saudi fears over Iran's nuclear program, perhaps they would turn a blind eye and claim ignorance.¶ If they chose to traverse Iranian airspace, the strike aircraft depart southern Israel, cross 483 to 644 kilometers of Saudi airspace or a combination of Jordanian and Saudi airspace, and enter Iraqi airspace as soon as possible, continue across 805 kilometers of Iraq to the Persian Gulf and then on to the target.¶ Entering Iran from Iraqi airspace would be politically delicate. Although U.S. troops are no longer there, traversing Iraqi airspace would not be possible without the knowledge, and most likely the permission, of the United States.¶ The key question is whether Israel's fighter-bombers can conduct this mission without refuelling. Combat radius — the distance an aircraft can fly and return without refueling — is difficult to calculate, and depends on weapons payload, external fuel tanks, mission profile, etc.¶ The best "guesstimate" of the combat radius of the F-15I and F-16I, outfitted with conformal fuel tanks, two external wing tanks and a decent weapons load, is almost 1,609 kilometers. Either of the two possible flight routes above is about 322 kilometers further than that. To make up for the shortfall, the aircraft could be fitted with an additional external fuel tank, but this will require a reduction in the weapons load. Given the accuracy of the weapons in the Israeli inventory, that might not be problematic.¶ However, if the aircraft are detected and intercepted, the pilots will have to jettison the tanks in order to engage their attackers. Dropping the tanks will prevent the aircraft from reaching their target.¶ Air refuelling is a limitation for the Israelis. In recent years Israel has acquired five C-130 and four to seven Boeing 707 tanker aircraft. However, the tankers would have to refuel the fighters in hostile airspace. The 707 is a large unarmed aircraft and would be very vulnerable to air defences.¶ Theoretically, the Israelis could do this, but at great risk of failure. If they decide to attack Natanz, they will have to inflict sufficient damage the first time — they probably will not be able to mount follow-on strikes at other facilities.

**2AC- OLC**

**Perm- do both**

#### Perm- do the counterplan- CP doesn’t pose an opportunity cost to the aff because the net benefit is generated through fiat

#### CP doesn’t solve:

#### terrorism- lack of legal clarity prevents effective prosecution of WOT- and unilateral executive action can’t generate the public support and international cooperation necessary for sustainable counter terror operations- and executive action can’t solve interbranch fatigue that is decimating response times and info sharing- that’s Chesney, Wainstein, and Leiter

#### firebreaks- reliance on executive authority causes shift to article two justifications, which guts global non-use of force norms and erodes US legitimacy- that’s Barnes

**OLC triggers litigation, OLC can’t speak to statutes, and White House Counsel Circumvents**

Bruce **Ackerman 11**, Sterling Professor of Law and Political Science at Yale University, “LOST INSIDE THE BELTWAY: A REPLY TO PROFESSOR MORRISON,” Harvard Law Review Forum Vol 124:13, http://www.harvardlawreview.org/media/pdf/vol124forum\_ackerman.pdf

To see why, consider that **the relationship between the WHC** **and the OLC is utterly mysterious to** most lawyers, let alone to **most Americans**. So imagine the scene **when some** future **W**hite **H**ouse **C**ounsel **issues** **a** legal **opinion**, **rubberstamping the President’s latest power- grab**, with the peroration: “Ever since Lloyd **Cutler** assumed the position as White House Counsel in NVTV, this office has, from to time, taken the lead in explaining the constitutional foundations for major presidential initiatives . . . .” ¶ Given pervasive ignorance dealing with Beltway arcana, this famous precedent **will** **go a long way toward legitimating the** White House **decision to cut out the OLC**. Instead of conceding impropriety, our hypothetical Counsel can summon up the great spirit of Lloyd Cutler in support of his leading role. After establishing his distinguished pedigree, Counsel can reinforce his claim to authority with a host of additional arguments: After all, there’s nothing in the Constitution that requires the President to prefer the OLC to the WHC. Article II simply tells the President to “take Care that the Laws be faithfully executed”69 — it doesn’t tell him where to get his legal advice. Moreover, as Morrison acknowledges, **the OLC’s traditional role is principally based on** **e**xecutive **o**rder, **not** **Congressional** **statutes**.70 If the President prefers to treat his Counsel as a modern-day Cutler, **there can be no question that the bureaucracy and military will follow his lead** — at least **until the courts enter** into **the field**. ¶ Undoubtedly, the Cutler precedent won’t stifle all grumbling from Beltway cognoscenti.71 But it will make it much tougher to convince the generality of lawyerdom, as well as the broader public, that they are witnessing a dreadful act of legal usurpation — even if that’s precisely what is happening.72

More than 2 conditional worlds is a voting issue – irrevocably skews 2AC strategy and makes add-ons valueless – they can read worlds that overlap solvency deficits and prevent cross-application or stable 2AC offense. Voting issue because rejecting the arguments is a post hoc remedy that doesn’t resolve our standards.

**OLC Links to Politics**

Eric **Posner 11**, the Kirkland & Ellis Professor, University of Chicago Law School. “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11 CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL” available at http://www.law.uchicago.edu/academics/publiclaw/index.html.

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s legal advisers. If OLC tries to block the president from acting in the way he sees fit, it takes the risk that he will disregard its advice and marginalize the institution. **If OLC gives the president the advice that he wants** to hear, **it takes the risk that** **it will** mislead him and **fail to prepare him for adverse reactions** **from the** courts, **Congress**, and the public. Can OLC constrain the executive? That is the position taken by many scholars, most notably Jack Goldsmith. 18 The underlying idea here is that even if Congress and the courts cannot constrain the executive, perhaps offices within the executive can. The opposite view, advanced by Bruce Ackerman, is that OLC is a rubber stamp. 19 I advocate a third view: OLC does not constrain the executive but enables him to accomplish goals that he would not otherwise be able to accomplish. It is more accurate to say that OLC enables than constrains. B. OLC as a Constraint on the Executive A number of scholars have argued that OLC can serve as an important constraint on executive power. I will argue that OLC cannot act as a constraint on executive power. Indeed, its only function is the opposite—as an “enabler” (as I will put it) or extender of executive power. A president must choose a course of action. He goes to OLC for advice. Ideally, OLC will provide him good advice as to the legality of the course of action. It will not provide him political advice and other relevant types of advice. The president wants to maximize his political advantage, 21 and so he will follow OLC’s advice only if the legal costs that OLC identifies are greater than the political benefits. On this theory, OLC will properly always give the president neutral advice, and the president will gratefully accept it although not necessarily follow it. If the story ended here, then it would be hard to see what the controversy over OLC could be about. As an adviser, it possesses no ability to constrain the executive. It merely provides doctrinal analysis, in this way, if it does its job properly, merely supplying predictions as to how other legal actors will react to the president’s proposed action. **The executive can choose to ignore** OLC’s **advice**, **and so OLC cannot serve as a “constraint”** on executive power **in any meaningful sense**. Instead, it merely conveys to the president information about the constraints on executive power that are imposed from outside the executive branch. However, there is an important twist that complicates the analysis. The president may choose to publicize OLC’s opinions. Naturally, the president will be tempted to publicize only favorable opinions. When Congress 22 claims that a policy is illegal, the president can respond that his lawyers advised him that the policy is legal. This response at least partially deflects blame from the president. There are two reasons for this. First, the Senate consented to the appointment of these lawyers; thus, if the lawyers gave bad advice, the Senate is partly to blame, and so the blame must be shared. Second, OLC lawyers likely care about their future prospects in the legal profession, which will turn in part on their ability to avoid scandals and to render plausible legal advice; they may also seek to maintain the office’s reputation. When OLC’s opinions are not merely private advice, but are used to justify actions, then OLC takes on a quasi-judicial function. Presidents are not obliged to publicize OLC’s opinions, but clearly they see an advantage to doing so, and they have in this way given OLC quasi-judicial status. But if the president publicizes OLC opinions, he takes a risk. The risk is that OLC will publicly advise him that an action is illegal. If OLC approval helps deflect blame from the president, then OLC disapproval will tend to concentrate blame on the president who ignores its advice. Congress and the public will note that after all the president is ignoring the advice of lawyers that he appointed and thus presumably he trusts, and this can only make the president look bad. To avoid such blame, the president may refrain from engaging in a politically advantageous action. In this way, OLC may be able to prevent the president from taking an action that he would otherwise prefer. At a minimum, **OLC raises the political cost of the action**. I have simplified greatly, but I believe that this basic logic has led some scholars to believe that OLC serves as a constraint on the president. But this is a mistake. OLC strengthens the president’s hand in some cases and weakens them in others; but overall it extends his power—it serves as enabler, not constraint. To see why, consider an example in which a president must choose an action that lies on a continuum. One might consider electronic surveillance. At one extreme, the president can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, **the president can engage in actions that are clearly unlawful**—for example, spying on political opponents. **OLC opinions will not affect Congress’s** or the public’s **reaction** to either **the obviously** lawful or the obviously **unlawful** actions. But then there are middle cases. Consider a policy L, which is just barely legal, and a policy I, which is just barely illegal. The president would like to pursue policy L but fears that Congress and others will mistakenly believe that L is illegal. As a result, political opposition to L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the president. OLC’s approval of L would cause political opposition (to the extent that it is based on the mistaken belief that L is unlawful) to melt away. Thus, OLC enables the president to engage in policy L, when without OLC’s participation that might be impossible. True, OLC will not enable the president to engage in I, assuming OLC is neutral. And, indeed, OLC’s negative reaction to I may stiffen Congress’ resistance. However, the president will use OLC only because he believes that OLC will strengthen his hand on net.

**Perm do both**

**CP Links to flex/warfighting/prez powers but the aff doesn’t**

**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]

Though the President's inherent authority to act in times of emergency¶ and war can arguably make **congressional authorization of force**¶ unnecessary, it **is extremely important for the conflict against al-Qaeda and** **its allies**. First, as seen above, the existence of a state of war or national¶ emergency is not entirely clear and might not authorize offensive war¶ anyway. Next, assuming that a state of war did exist, specific **congressional authorization would** further **legitimate and guide the executive branch** in the prosecution of this conflict **by setting out exactly what Congress authorizes** and what it does not. Finally, **Congress should** specifically **set out what the President can and cannot do to limit his discretionary authority** **and prevent adding to the gloss on executive power**.¶ Even during a state of war, **a congressional authorization** for conflict¶ **that clearly sets out the acceptable targets and means would further** **legitimate the President's actions and help guide his decision making**¶ **during this new form of warfare.** Under Justice Jackson's framework from¶ Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization. 74 In¶ this zone, the President can act quickly and decisively because he knows¶ the full extent of his power.75 In contrast, the constitutionality of¶ presidential action merely supported by a president's inherent authority¶ exists in the "zone of twilight." 76 **Without a congressional grant of power,** **the President's war actions are often of questionable constitutionality because Congress has not specifically delegated any of its own war powers to the executive.77**¶ **This** problem **forces the President to make complex judgments** **regarding the extent and scope of his inherent authority. The resulting uncertainty creates unwelcome issues of constitutionality that might hinder** the P**resident's ability to prosecute this conflict effectively.** **In time sensitive**¶ and dangerous **situations**, where **the President** needs to make splitsecond¶ decisions that could fundamentally impact American lives and¶ safety, he **should not have to guess at the scope of his authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. Allowing the President to understand the extent of his authority will enable him to act quickly, decisively //but also constitutionally.**¶Finally, a grant or denial of **congressional authorization will allow Congress to control the "gloss" on the executive power.** There is¶ considerable **tension between the President's constitutional powers** as¶ Commander in Chief **and Congress's war making powers**.7 8 This tension is **not readily resolved** simply **by looking at the Constitution**. Instead **courts look to past presidential actions and congressional responses when evaluating the constitutionality of executive actions**.80 Indeed Justice¶ **Frankfurter** **noted** in Youngstown that "**a systematic**, unbroken, **executive**¶ **practice**, long pursued to the knowledge of the Congress and never before¶ questioned ... **may be treated as a gloss on 'executive Power'** vested in the¶ President by § 1 of Art. II."8 Thus, **congressional inaction can be deemed as implicit delegation of war making power to the executive.**82 Whether the United States is in a state of war or not, **an authorization of force provides legitimacy and clarity to the war effort**. **If the President acts pursuant to such an authorization his authority is at its height**;¶ consequently, **he can operate with greater certainty that his actions are constitutional**.83 **Absent such a declaration, the President's power is much less clear.** **While the President has the authority to frame the conflict and he might still be able to act pursuant to his inherent powers, he is operating in**¶ **the zone of twilight.84 Congressional authorizations remove this uncertainty by stamping specific acts with congressional approval or disapproval. This process also allows Congress to exert control over what the President can do in the future and prevents the "gloss" that comes from congressional acquiescence.**¶

### 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.**

**Life should be valued as apriori – it precedes the ability to value anything else**

Amien **Kacou. 2008**. WHY EVEN MIND? On The A Priori Value Of “Life”, Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2 (2008) cosmosandhistory.org/index.php/journal/article/view/92/184

Furthermore, that manner of **finding things good** that is in pleasure **can certainly not exist in any world without consciousness (i.e., without “life,”** as we now understand the word)—slight analogies put aside. In fact, we can begin to develop a more sophisticated definition of the concept of “pleasure,” in the broadest possible sense of the word, as follows: it is the common psychological element in all psychological experience of goodness (be it in joy, admiration, or whatever else). In this sense, pleasure can always be pictured to “mediate” all awareness or perception or judgment of goodness: there is pleasure in all consciousness of things good; pleasure is the common element of all conscious satisfaction. In short, it is simply the very experience of liking things, or the liking of experience, in general. In this sense, **pleasure is, not only uniquely characteristic of life but also, the core expression of goodness in life—the most general sign or phenomenon for favorable conscious valuation**, in other words. This does not mean that “good” is absolutely synonymous with “pleasant”—what we value may well go beyond pleasure. (The fact that we value things needs not be reduced to the experience of liking things.) However, what we value beyond pleasure remains a matter of speculation or theory. Moreover, we note that a variety of things that may seem otherwise unrelated are correlated with pleasure—some more strongly than others. In other words, there are many things the experience of which we like. For example: the admiration of others; sex; or rock-paper-scissors. But, again, what they are is irrelevant in an inquiry on a priori value—what gives us pleasure is a matter for empirical investigation. Thus, we can see now that, in general, **something primitively valuable is attainable in living—that is, pleasure itself.** And it seems equally clear that we have a priori logical reason to pay attention to the world in any world where pleasure exists. Moreover, **we can now also articulate a foundation for a security interest in our life: since the good of pleasure can be found in living** (to the extent pleasure remains attainable),[17] **and only in living, therefore, a priori, life ought to be continuously (and indefinitely) pursued at least for the sake of preserving the possibility of finding that good.** However, this platitude about the value that can be found in life turns out to be, at this point, insufficient for our purposes. It seems to amount to very little more than recognizing that our subjective desire for life in and of itself shows that life has some objective value. For what difference is there between saying, “living is unique in benefiting something I value (namely, my pleasure); therefore, I should desire to go on living,” and saying, “I have a unique desire to go on living; therefore I should have a desire to go on living,” whereas the latter proposition immediately seems senseless? In other words, “life gives me pleasure,” says little more than, “I like life.” Thus, we seem to have arrived at the conclusion that **the fact that we already have some (subjective) desire for life shows life to have some (objective) value.** But, if that is the most we can say, then it seems our enterprise of justification was quite superficial, and the subjective/objective distinction was useless—for all we have really done is highlight the correspondence between value and desire. Perhaps, our inquiry should be a bit more complex.

**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**

[Earl C. Ravenal, distinguished senior fellow in foreign policy studies @ Cato, is professor emeritus of the Georgetown University School of Foreign Service. He is an expert on NATO, defense strategy, and the defense budget. He is the author of *Designing Defense for a New World Order.* What's Empire Got to Do with It? The Derivation of America's Foreign Policy.” *Critical Review: An Interdisciplinary Journal of Politics and Society* 21.1 (2009) 21-75]

**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.**

**Rejecting security allows private forces to fill in the security vacuum left by the state resulting in more violent forms of securitization**

**Loader and Walker 07**

Ian and Neil, professor of criminology and Director of the center for Criminology at Oxford Professor of European Law European University Institute Florence , *Civilizing Security*, pg 22-25

**Today it cannot be assumed that the state remains pre-eminent in either authorizing or delivering** policing and **security**. **Other non-state actors now lay claim to authority and competence in this field**. In defence of the contention that what Johnston and Shearing (2003) call the ‘governance of security’ is conducted by a multiplicity of institutions, one can point to the following: • **Private security has become big business across the world.** In Britain, the USA, Canada, South Africa and beyond it has long been acknowledged that those employed by commercial security outfits outstrip the total number of public police officers. Private security operatives are hired by corporations, national and local governments, and private citizens to guard office complexes, airports, universities, housing estates, schools, hospitals, shopping centres, civic buildings, courts, even police stations. People’s access to, and conduct within, large tracts of urban space is regulated by private security guards, employed by commercial companies, enforcing property rather than criminal law. Such guards also, in some settings, engage in ‘front-line’ law enforcement and order maintenance policework (Rigakos 2002). 1 Anxious citizens, in turn, rely on the security market for an array of protective hardware (alarms, gates, locks, CCTV systems), as well as resorting to forms of self-policing — often encouraged by insurance companies and neo-liberal governments. Some have formed ‘private residential associations’ or sought security inside ‘gated communities’, withdrawing their demand and support for public provision (including policing provision) in the process. In response, the public police increasingly act as market players, contracting-out non-core ‘business’, eliciting corporate sponsorship, and marketing or even selling their services to a public disaggregated into individual ‘customers’. • **All this is happening in societies with strong, established states**. In those with weak or failing states, or undergoing political transition, the public police are not the only or main security actor, nor can they lay claim to a monopoly over legitimate force inside their territory. **Across many parts of the globe today** — in Italy, Colombia, Brazil, Northern Ireland, Russia, Afghanistan, the impacted ghettos of US and European cities **one finds alternative power centres contesting state authority, ‘shadow sovereigns’** (Nordstrom 2000) operating their own codes of behaviour and mechanisms of enforcement (Gambetta 1993; Varese 2001). In these contexts, those who can afford to have, once more, fled behind walls, venturing from their residential enclosures only to make passage to other protected work and leisure domains. **The dispossessed by contrast are left at the mercy not only of militarized, partisan police forces, but also criminal gangs, hired ‘rent-a-cops’ and urban vigilantes.** Alternatively, in some isolated pockets parts of South Africa and Argentina for instance — poor communities are striving to put in place non-violent, local capacity-building forms of non-state security governance. • Nor are these developments confined within the borders of modern states. ‘**Security’ has also become a multinational business, one that crosses territorial boundaries and further erodes the internal/external security distinction.** Several private security enterprises now trade their wares across the globe (Johnston 2006). They sell security advice, equipment and personnel to anxious citizens and warring factions in weak and failed states. They claim to be filling the ‘security gaps’ left by the fall of communist rule in the former Soviet Union and eastern Europe. And they offer to serve and protect the interests of multinationals operating in disordered, crime-ridden locations. To this, one can add the ‘privatization of violence’ occurring in many conflict and post-conflict zones around the world, as ‘private military firms’ such as MPRI and Dyncorp — dubbed by Peter Singer (2003) ‘corporate warriors’ — promote and sell military ‘know-how’, equipment and intervention to beleaguered governments and other armed groups (Avant 2005). It is a telling symbol of these trends that one of the fastest-growing industries in post- invasion Iraq is private security. **These examples** too we will flesh out in more detail below. What they serve for the moment to **illustrate** is **the existence of a pluralized — market-driven — environment where the state exists alongside, sponsors and competes against a plethora of non-state actors in a bid to promise security to citizens**. It is a field where the state is not only less and less involved in delivering policing and security on the ground — what Osborne and Gaebler (1992) call ‘rowing’ — but also often lacks the effective regulatory capacity to ‘steer’. It is a field constituted by new sites of rule and authority beyond the state, one where market power or communal ordering escapes from the forms of public will- formation that only the democratic state can supply. **Against this backdrop, the project of civilizing security is faced not only** (or even mainly) **with the task of controlling the arbitrary, discriminatory exercise of sovereign force, or with the excesses of state power. It is confronted, rather more, with a notable absence of political institutions with the capacity and legitimacy required to prevent those with ‘the loudest voices and the largest pockets’** (Johnston and Shearing 2003: 144) **from organizing their own ‘security’ in ways that impose unjustifiable burdens of insecurity upon others**. Or, to put the same point more widely: **These days, the main obstacle to social justice is not the invasive intentions or proclivities of the state, but its growing impotence,** aided and abetted daily by the officially adopted ‘there is no alternative’ creed. I suppose that **the danger we will have to fight back in the coming century won’t be totalitarian coercion, the main preoccupation of the century just ended, but the falling apart of ‘totalities’ capable of securing the autonomy of human society.** (Bauman and Tester 2001: 139)

**Security sustains a form of democratic citizenship necessary to enhance standards of living and ensure rights**

**Loader and Walker 07**

Ian and Neil, professor of criminology and Director of the center for Criminology at Oxford Professor of European Law European University Institute Florence , *Civilizing Security*, pg 7-8

By invoking this phrase we have in mind two ideas, both of which we develop in the course of the book. The first, which is relatively familiar if not uncontroversial, is that security needs civilizing. States — even those that claim with some justification to be ‘liberal’ or ‘democratic’ — have a capacity when self-consciously pursuing a condition called ‘security’ to act in a fashion injurious to it. So too do non-state ‘security’ actors, a point we return to below and throughout the book. They proceed in ways that trample over the basic liberties of citizens; that forge security for some groups while imposing illegitimate burdens of insecurity upon others, or that extend the coercive reach of the state — and security discourse — over social and political life. As monopoly holders of the means of legitimate physical and symbolic violence, modern states possess a built-in, paradoxical tendency to undermine the very liberties and security they are constituted to protect. Under conditions of fear such as obtain across many parts of the globe today, states and their police forces are prone to deploying their power in precisely such uncivil, insecurity- instilling ways. If the state is to perform the ordering and solidarity- nourishing work that we argue is vital to the production of secure political communities then it must, consequently, be connected to forms of discursive contestation, democratic scrutiny and constitutional control. The state is a great civilizing force, a necessary and virtuous component of the good society. But if it is to take on this role, the state must itself be civilized — made safe by and for democracy. But our title also has another; less familiar meaning — the idea that **security is civilizing. Individuals who live, objectively or subjectively, in a state of anxiety do not make good democratic citizens**, as European theorists reflecting upon the dark days of the 1930s and 1940s knew well (Neumann 1957). **Fearful citizens tend to be inattentive to, unconcerned about, even enthusiasts for; the erosion of basic freedoms. They often lack openness or sympathy towards others, especially those they apprehend as posing a danger to them.** They privilege the known over the unknown, us over them, here over there. They often retreat from public life, seeking refuge in private security ‘solutions’ while at the same time screaming anxiously and angrily from the sidelines for the firm hand of authority — for tough ‘security’ measures against crime, or disorder, or terror. **Prolonged episodes of violence, in particular, can erode or destroy people’s will and capacity to exercise political judgement and act in solidarity with others** (Keane 2004: 122—3). **Fear, in all these ways, is the breeding ground, as well as the stock-in-trade, of authoritarian, uncivil government.** But there is more to it than that. Security is also civilizing in a further, more positive sense. **Security**, we shall argue, is **in a sociological sense a ‘thick’ public good, one whose production has irreducibly social dimensions, a good that helps to constitute the very idea of ‘public- ness’**. //////Security, in other words, is simultaneously the producer and product of forms of trust and abstract solidarity between intimates and strangers that are prerequisite to democratic political communities. The state, moreover; performs vital cultural and ordering work in fashioning the good of security conceived of in this sense. **It can**, under the right conditions, **create inclusive communities of practice and attachment, while ensuring that these remain rights-regarding, diversity- respecting entities.** In a world where the state’s pre-eminence in governing security is being questioned by private-sector interests, practices of local communal ordering and transnational policing networks, the constitution of old- and new-fashioned forms of democratic political authority is, we shall argue, indispensable to cultivating and sustaining the civilizing effects of security.

# 1AR

### 1AR Framework

**Discursive focus trades off with focus on structural change—it becomes a psychological substitute for action.**

**Kidner 2k**

Psychology professor, David, Nature and Psyche, p 66-7

Noam Chomsky has noted that if "it's too hard to deal with real problems,' some academics tend to "go off on wild goose chases that don't matter ... [or] get involved in academic cults that are very divorced from any reality and that provide a defense against dealing with the world as it actually is." An emphasis on language can serve this sort of defensive function; for the **study of discourse enables one to stand aside** from issues **and avoid** any **commitment to a cause** or ideal, **simply** presenting all sides of a debate and **pointing out** the **discursive strategies** involved. **As the physical world** appears to **fade into** mere **discourse**, so **it comes to seem less real** than the language used to describe it; and environmental **issues lose** the dimensions of **urgency** and tragedy and become instead the proving grounds for ideas and attitudes. Rather than walking in what Aldo Leopold described as a "world of wounds," the discursive theorist can study this world dispassionately, safely insulated from the emotional and ecological havoc that is taking place elsewhere. Like experimentalism, this is a schizoid stance that exemplifies rather than challenges the characteristic social pathology of our time; and it is one that supports Melanie Klein's thesis that **the internal object world can serve as a psychotic substitute for an external "real" world that is** either absent or **unsatisfying**." Ian Craib's description of **social constructionism as a "social psychosis"** therefore **seems** entirely **apt**. But what object relations theorists such as Klein fail to point out is the other side of this dialectic that withdrawing from the external world and substituting an internal world of words or fantasies, because of the actions that follow from this state of affairs, makes the former even less satisfying and more psychologically distant, so contributing to the vicious spiral that severs the "human" from the "natural" and abandons nature to industrialism.

**Reality outweighs representations**

Alexander **Wendt**, **1999**. Professor of International Security at Ohio State University, 1999, “Social theory of international politics,”

The effects of holding a relational theory of meaning on theorizing about world politics are apparent in David Campbell's provocative study of US foreign policy, which shows how the threats posed by the Soviets, immigration, drugs, and so on, were constructed out of US national security discourse.29 The book clearly shows that material things in the world did not force US decision-makers to have particular representations of them - the picture theory of reference does not hold. In so doing it highlights the discursive aspects of truth and reference, the sense in which objects are relationally "constructed."30 On the other hand, while emphasizing several times that he is not denying the reality of, for example, Soviet actions, he specifically eschews (p. 4) any attempt to assess the extent to which they caused US representations. Thus he cannot address the extent to which US representations of the Soviet threat were accurate or true (questions of correspondence). He can only focus on the nature and consequences of the representations.31 Of course, there is nothing in the social science rule book which requires an interest in causal questions, and the nature and consequences of representations are important questions. In the terms discussed below he is engaging in a constitutive rather than causal inquiry. However, I suspect Campbell thinks that any attempt to assess the correspondence of discourse to reality is inherently pointless. According to the relational theory of reference we simply have no access to what the Soviet threat "really" was, and as such its truth is established entirely within discourse, not by the latter's correspondence to an extra-discursive reality 32 **The main problem with the relational theory of reference is that it cannot account for the resistance of the world to certain representations, and thus for representational failures or misinterpretations**. Worldly resistance is most obvious in nature: whether our discourse says so or not, pigs can't fly. But examples abound in society too. In 1519 Montezuma faced the same kind of epistemological problem facing social scientists today: how to refer to people who, in his case, called themselves Spaniards. Many representations were conceivable, and no doubt the one he chose - that they were gods - drew on the discursive materials available to him. So why was he killed and his empire destroyed by an army hundreds of times smaller than his own? The realist answer is that Montezuma was simply wrong: the Spaniards were not gods, and had come instead to conquer his empire. Had Montezuma adopted this alternative representation of what the Spanish were, he might have prevented this outcome because that representation would have corresponded more to reality. The reality of the conquistadores did not force him to have a true representation, as the picture theory of reference would claim, but it did have certain effects - whether his discourse allowed them or not. **The external world to which we ostensibly lack access, in other words. often frustrates or penalizes representations.** Postmodernism gives us no insight into why this is so, and indeed, rejects the question altogether.33 **The description theory of reference favored by empiricists focuses on sense-data in the mind while the relational theory of the postmoderns emphasizes relations among words, but they are similar in at least one crucial respect: neither grounds meaning and truth in an external world that regulates their content**.34 **Both privilege epistemology over ontology. What is needed is a theory of reference that takes account of the contribution of mind and language yet is anchored to external reality. The realist answer is the causal theory of reference.** According to the causal theory the meaning of terms is determined by a two-stage process.35 First there is a "baptism/' in which some new referent in the environment (say, a previously unknown animal) is given a name; then this connection of thing-to-term is handed down a chain of speakers to contemporary speakers. Both stages are causal, the first because the referent impressed itself upon someone's senses in such a way that they were induced to give it a name, the second because the handing down of meanings is a causal process of imitation and social learning. Both stages allow discourse to affect meaning, and as such do not preclude a role for "difference" as posited by the relational theory. **Theory is underdetermined by reality, and as such the causal theory is not a picture theory of reference**. However, **conceding these points does not mean that meaning is entirely socially or mentally constructed. In the realist view beliefs are determined by discourse and nature**.36 **This solves the key problems of the description and relational theories: our ability to refer to the same object even if our descriptions are different //////or change, and the resistance of the world to certain representations. Mind and language help determine meaning, but meaning is also regulated by a mind-independent, extra-linguistic world.**