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### Adv. 1 Terrorism

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

Kagan, 13

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

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

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

**Chesney et al. ‘13**

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

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

Wainstein ‘13

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

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

**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> 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

### 2AC – T

#### W/M- plan prohibits use of force against individuals and groups that fall outside of the plan’s narrow definition of “associated force”- tht’s Cronogue

#### W/M- Ambiguity of “associated forces” gives Obama carte blanche to target and detain in the squo- plan restricts that authority.

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

Law dictionary No Date

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

STATUTORY RESTRICTION?

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

#### W/M – We limit the president’s authority to determine those responsible for 9/11 in the AUMF.

Bradley & Goldsmith ‘5

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

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

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

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

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

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

**In the area of refers to a certain scope**

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

"**in the area of" refers to a certain scope**

**Substantial means important. We Meet. The aff prevents unlimited presidential WOT authority—that’s an important restriction of war power authority**

**Merriam-Webster**’s Collegiate Dictionary **02**

Merriam-Webster’s Collegiate Dictionary Tenth Edition 2002 http://www.m-w.com/cgi-bin/dictionary

**Considerable in importance**, value, degree, amount, or extent

SQ limits on authority mean whatever Obama says, plan increases restrictions

Estes ‘13

Adam Clarke http://www.theatlanticwire.com/politics/2013/02/take-rare-look-how-obama-decides-send-drones-kill-americans/61794/

Human-rights advocates were floored on Monday night when NBC News [published the details of an alarming Justice Department memo](http://openchannel.nbcnews.com/_news/2013/02/04/16843014-exclusive-justice-department-memo-reveals-legal-case-for-drone-strikes-on-americans?lite&preview=true) detailing the protocol for sending drones after United States citizens. It's not as if they hadn't suspected that the Obama administration's top-secret drone attack protocol contained [some unsavory details](http://www.theatlanticwire.com/politics/2013/01/even-stanley-mcchrystal-realizes-how-much-world-hates-our-drones/60695/). They just didn't expect them to be so frightfully broad. The scoop by Michael Isikoff is actually startling not for the details but rather for the lack of details. It's very vague about a decision-making process that puts American lives on the line. Put simply, the government believes that a lethal drone attack against an American citizen is justified if the targets are a) "senior operational leaders" of al Qaeda or b) "an associated force."¶ One of those two qualifiers is infinitely more worrisome than the other. Going after leaders of al Qaeda makes sense. That's what the War on Terror is all about, right? Breaking down networks of violent terrorists and keeping Americans safe. If an American happens to be caught up with al Qaeda, someone like Anwar al-Awlaki, then well… they shouldn't be surprised if they're getting chased by drones. At least[that's what we've been told](http://www.nytimes.com/2011/10/09/world/middleeast/secret-us-memo-made-legal-case-to-kill-a-citizen.html?pagewanted=all&_r=0) so far. How and why these attacks are carried out by drones is also [detailed in the memo](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf), but we'll get back to that in a second.¶ But what does "an associated force" mean? It seems like the guy who sells the terrorists bomb supplies would probably qualify, but what about the unknowing neighbor or the hired hand? Can we just kill them too in good conscience? Quite unfortunately, the government isn't exactly sure. The memo suggests that anyone who "present[s] an 'imminent' threat of violent attack against the United States" qualifies forassassination "a lawful killing in self defense," but that "does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." In other words, an "informed, high-level" official can order the killing of any American citizen that was "recently" involved in threatening "activities." As Isikoff points out, the memo fails to define both of those terms.¶ "This is a chilling document," said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. "Basically, it argues that the government has the right to carry out the extrajudicial killing of an American citizen. … It recognizes some limits on the authority it sets out, but the limits are elastic and vaguely defined, and it's easy to see how they could be manipulated." We've already seen some of this vague authority in action. A couple of years ago, The New York Times [provided some insight](http://www.nytimes.com/2011/10/09/world/middleeast/secret-us-memo-made-legal-case-to-kill-a-citizen.html?pagewanted=all&_r=0) into how subjective the process of deciding when to kill and when not to kill American citizens based on the vague outlines of a top secret memo that justified the killing of al-Awlaki. That document as well as this latest leak from the Justice Department (which is also mostly a vague outline) essentially combine to say that a lethal attack, likely by a drone, is the method of choice whenever a capture mission would put other American lives on the line. Again, the documents are very vague about where to draw the line.

#### Prefer our interp:

#### Theirs overlimits to those affs that the executive only has explicit authority – all authority is murky, the aff is unique education

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

#### Bidirectionality is inevitable because whether a “restriction” increases prez power is a solvency question, which also proves their interp mixes burdens

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

### 2AC TPA

#### Dems blocking TPA now

The Hill 1/21/2014

(Amie Parnes, “Obama: Give me fast track trade,” Hill, <http://thehill.com/homenews/administration/195858-white-house-works-to-convince-dems-to-give-obama-fast-track-on-trade> - kurr)

The Democratic opposition makes it highly unlikely the trade promotion authority bill, in its current form at least, will go anywhere.¶ One big problem is that it was negotiated by Baucus, who is about to leave the Senate to become ambassador to China.¶ Baucus will be replaced by Sen. Ron Wyden (Ore.), who is said to disagree with the approach taken by his predecessor. Democratic aides predict the legislation, which Majority Leader Harry Reid (D-Nev.) called “controversial” last week, would have to be completely redone to gain traction among lawmakers in their party.¶ Some Democrats might see a disconnect between the White House’s push for trade and it’s separate push on income inequality, which has been embraced by the party.

#### TPA is too politically toxic to pass

Zeese & Flowers 1/20/2014

(Kevin Zeese & Margaret Flowers, co-directors Its Our Economy, “Making Fast Tracking Politically Toxic,” <http://www.counterpunch.org/2014/01/20/making-fast-tracking-politically-toxic/> - kurr)

The TPP is becoming politically toxic. Over the last year there has been a steady stream of emails and phone calls to Congress. Members have faced constituent meetings and protests where TPP is being raised. Some examples of protests: Los Angeles, Seattle,Washington, DC, Salt Lake City,Minneapolis, US Trade Rep Office, Vancouver, Leesburg, New York City . . . we could go on. Americans have sent a clear message to members of Congress that they better not be associated with the TPP in an election year.¶ When Fast Track was introduced there was a backlash, according to public reports, of angry Democrats. Rep. Earl Blumenauer (D-OR) told Huffington Post: “I’m a little disappointed that something’s dropped that was never discussed with Democrats in the House. As I understand it, it wasn’t actually discussed with Democrats in the Senate.”¶ Five members of the Senate Finance Committee told US Trade Representative Mike Froman they will not support the Baucus Fast Track bill because Congress needs to be involved throughout the process not just in an up or down vote after it is completed.¶ During a hearing on Fast Track on Thursday protesters were there expressing their displeasure.¶ Baucus says he will not be holding a mark-up of the bill because of the divisions on the Finance Committee. Sen Ron Wyden (D-OR) who will be taking Baucus’ place told Politico there was “broad frustration” with the lack of transparency. . Majority Leader Reid has put fast track on a slow track in the senate saying he does not plan to bring it to the Senate Floor, saying there was too much controversy around it.¶ As bad as the Senate sounds for the administration, the House is even worse. Opposition has been building in recent months with Democrats and Republicans writing President Obama opposing Fast Track.¶ They could not find a Democratic co-sponsor and now Politico reports that Speaker Boehner says he will not bring the bill to the floor for a vote unless 50 Democrats support it.

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

#### Plan has bipartisan support.

Munoz 6/3

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

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

#### 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 TPP even with TPA – it isn’t finished being negotiated.

Schneider, Washington Post, 11-13-13

(Howard, “For controversial trade pact, fire from the left, the right and WikiLeaks,” http://www.washingtonpost.com/business/economy/for-controversial-trade-pact-fire-from-the-left-the-right-and-wikileaks/2013/11/13/118e5d28-4c9a-11e3-ac54-aa84301ced81\_story.html?wprss=rss\_business, accessed 11-14-13, CMM)

Despite Froman’s optimism, the opposition Wednesday did bring into focus the hurdles the administration will need to clear to enact a treaty that officials argue is not as much about short-term market opening as it is about shaping global rules that countries such as China will eventually be obligated to obey.¶ China is not part of the treaty now. But Japan and several other Asian nations are at the table, and the administration hopes that South Korea will join — a critical mass that could dictate trading terms for the region and the world.¶ Wednesday’s flurry of opposition showed how many issues stand in its way, however.¶ WikiLeaks published negotiating documents, dating to August, that showed major divisions among the countries on issues relating to governance of Internet commerce, and patent protection in the pharmaceutical industry — and that was just one chapter of the dozens to be included in the agreement.¶ Activist groups seized on the disclosure, arguing that the administration was advocating patent and Internet regulations that would give more power to pharmaceutical companies to block the introduction of generic drugs, and put developing countries at a disadvantage in gaining access to information.¶ At a panel discussion in the Russell Senate Office Building, Sen. Lindsey O. Graham (R-S.C.) and Rep. Sander M. Levin (D-Mich.) gathered a group of economists, manufacturing industry officials and labor leaders who agreed that the TPP should die unless it credibly prohibits countries from manipulating the value of their currency to gain an advantage in trade.¶ Economists such as C. Fred Bergsten, president emeritus of the Peterson Institute for International Economics, and MIT professor Simon Johnson contended that currency interventions had become pervasive, allowing them to boost their exports at the expense of manufacturing companies in the United States and Europe.¶ The practice is beyond the capacity of organizations such as the International Monetary Fund or the World Trade Organization to control, they said, arguing that the United States could use free-trade talks to force an end to such actions.¶ Graham and Levin said they backed the proposal — and were willing to let the TPP die in Congress if some currency provision is not included.¶ “This is the place to take a stand,” Graham said. “I will be voting no if this is not part of it.”

#### No impact to econ decline

Miller 2k

(Morris, economist, adjunct professor in the University of Ottawa’s Faculty of Administration, consultant on international development issues, former Executive Director and Senior Economist at the World Bank, Winter, Interdisciplinary Science Reviews, Vol. 25, Iss. 4, “Poverty as a cause of wars?” p. Proquest)

The question may be reformulated. Do wars spring from a popular reaction to a sudden economic crisis that exacerbates poverty and growing disparities in wealth and incomes? Perhaps one could argue, as some scholars do, that it is some dramatic event or sequence of such events leading to the exacerbation of poverty that, in turn, leads to this deplorable denouement. This exogenous factor might act as a catalyst for a violent reaction on the part of the people or on the part of the political leadership who would then possibly be tempted to seek a diversion by finding or, if need be, fabricating an enemy and setting in train the process leading to war. According to a study undertaken by Minxin Pei and Ariel Adesnik of the Carnegie Endowment for International Peace, there would not appear to be any merit in this hypothesis. After studying ninety-three episodes of economic crisis in twenty-two countries in Latin America and Asia in the years since the Second World War theyconcluded that:19 Much of the conventional wisdom about the political impact of economic crises may be wrong ... The severity of economic crisis - as measured in terms of inflation and negative growth - bore no relationship to the collapse of regimes ... (or, in democratic states, rarely) **to** an outbreak of violence ... In the cases of dictatorships and semidemocracies, the ruling elites responded to crises by increasing repression (thereby using one form of violence to abort another).

#### TAA kills a deal

Sracic, professor and chairman of the political science department and Rigelhaupt Pre-Law Center at Youngstown State University, 12-16-13 (Paul, visiting research fellow at Gakushuin Women’s College in Tokyo, “Obama’s Trade Deal With Asia: Not So Fast,” <http://www.bloomberg.com/news/2013-12-16/obama-s-trade-deal-with-asia-not-so-fast.html>, accessed 1-4-14)

Trade Promotion Authority was last granted to President George W. Bush in 2002, and it expired in 2007. Although the influential chairman of the crucial House Committee on Ways and Means, Representative Dave Camp of Michigan, said he expects Congress to pass a bill authorizing fast-track in early 2014, this sounds overly optimistic for several reasons.¶ First, groups opposed to the TPP -- and there are many, including 151 Democrats in the House of Representatives who complain about inadequate consultation by the White House -- will have no qualms about shooting down Trade Promotion Authority to prevent the agreement’s passage. Second, though some form of fast-track has been in place since 1974 -- and arguably since 1934, when President Franklin D. Roosevelt was given authority to unilaterally lower tariffs -- it raises congressional hackles because it suggests a usurpation of Congress’s constitutional powers. Last month, 22 Republicans sent a letter to the administration saying they would oppose fast-track for just that reason.¶ There is a third issue that just might make fast-track authority, and therefore the TPP, unachievable. Since 1962, Congress has paired trade agreements with Trade Adjustment Assistance. The idea has been to make trade liberalization more palatable to American workers by providing benefits to those whose jobs are compromised by imports. The assistance includes such items as retraining benefits, relocation funds, income support beyond the expiration of unemployment benefits, and a significant health-care tax credit. Like fast-track, this has to be reauthorized every few years. The most recent adjustment-assistance legislation was passed in October 2011, and tied to votes implementing free-trade agreements (negotiated under pre-2007 fast-track authority) with Colombia, Panama and South Korea.¶ As the program has been reauthorized, it has also expanded to cover more workers. When Trade Adjustment Assistance legislation moved through the Congress in 2009 (as part of the stimulus bill), the name was changed to the Trade and Globalization Adjustment Assistance Act. This was more than just semantics: The measure now covers manufacturing and service workers who lost their jobs because of imports or outsourcing. Any direct link to free-trade agreements was severed, because workers can qualify whether or not their jobs were jeopardized by a specific trade deal. According to the Department of Labor, 81,510 workers benefited from the program in 2012, at a cost of $575 million.¶ The broadest extensions of Trade Adjustment Assistance (those provisions covering nonproduction service workers, as well as those that decouple job losses from free-trade agreements) will expire at the end of December. The entire program expires at the end of 2014. Democrats want to move a bill reauthorizing it. Although some Republicans///, such as Senator Susan Collins of Maine, support adjustment assistance, others, such as Orrin Hatch of Utah, the ranking member on the Senate Finance Committee, oppose the program, and argue that it shouldn’t be linked to fast-track authority.¶ Given that Trade Adjustment Assistance involves both unemployment benefits and health-care tax credits, a debate will become subsumed into larger, and bitter, debates about the overall extension of unemployment benefits and the Patient Protection and Affordable Care Act. The problem is, however, that many, and perhaps most, Democrats will not support fast-track without adjustment assistance. For many Republicans, that amounts to a poison pill. And thus the kind of worker assistance that was originally designed to make Trade Promotion Authority more politically acceptable now threatens to have the opposite effect.¶ When the House last granted fast-track, the measure passed by a single vote. Of course, at the time, a Republican president was asking for authority from a Republican-majority chamber. The situation now is quite different. Rather than reinforcing the image of U.S. leadership in Asia, the TPP may instead make its withering all the more apparent.

### QDR

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

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

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

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

shall

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

should

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

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

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

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

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

#### Perm

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

They say reject the arg not the team, that makes us read theory just to get back to square one, reject the team or it’s a no risk option. No warrant for the “RANT” argument

#### Immediacy and Certainty are bad standards for competition – justifies any plan plus counterplan by putting the “plus” before the mandates of the plan – CPs like “feed Africa and then do the plan if they are fed” are competitive under their framework because it is both delay and not unconditional. They moot the entirety of the 1AC and negate our ability to use 1AC solvency evidence as offense, voting issue otherwise the CP is a no-risk option.

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

JACOBSON ‘12

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

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

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

Brimley 13 - Vice President and Director of Studies at the Center for a New American Security, served as Special Advisor to the Under Secretary of Defense for Policy at the Pentagon from 2009 to 2011

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

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

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

Cordesman and Frederickson 06

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

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

#### Links to politics

DESAI 13 (Jul. 14, 2013, <http://www.defensenews.com/article/20130714/DEFFEAT05/307140008/2014-QDR-Must-Follow-Congressional-Guidance>, “2014 QDR Must Follow Congressional Guidance”, AB)

As the US Department of Defense prepares for the 2014 Quadrennial Defense Review (QDR), the 20-year-old process is again under fire from across the political spectrum, including members of Congress who say it should be severely curtailed or abandoned. Even Rep. Randy Forbes, R-Va., a supporter of the process, recently said that previous QDRs were a “rubber stamp to justify and approve existing strategies” rather than a “fresh look at our national defense to make sure we had the right strategy,” but that “the QDR is a valuable tool for us to have … if we just get back to the basics.” As with military operational plans, the QDR process itself is more important than the product. This is because upon implementing a plan, enemy decisions and other unexpected factors change the situation, requiring adjustments. Having insights gained through a rigorous and disciplined planning process allows such adjustments to be made much more quickly and easily. But two basic elements of congressional guidance disregarded in previous QDRs must be followed to ensure the 2014 QDR process delivers what Congress intended and needs.

### 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**

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

**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

#### Plan is a limit on TK authority

LFB 11/21/13

<http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/legality-of-targeted-killing-program-under-u-s-domestic-law/> ETB

As mentioned above, if the President derives the authority for the U.S. government’s targeted killing program from the AUMF or the CAS, then the program will be limited by internal constraints set forth within those statutes. For instance, although the AUMF does not contain any geographical limitation, its authorization for the use of force only applies to certain groups of people and thus excludes other targets from its ambit. Likewise, the CAS sets forth various reporting requirements and decision-making rules, which the President must comply with in order for his targeted killing program to be permissible under U.S. law.

**NDAA expanded the aumf**

**Chesney ‘12**

[Robert Chesney ¶ University of Texas School of Law¶ August 29, 2012¶ Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism¶ Michigan Law Review, Forthcoming ¶ U of Texas Law, Public Law Research Paper No. 227. ETB]

There are two problems with the associated-forces solution. The first is that some critics deny that the cobelligerency concept has application in this setting, reasoning that cobelligerency is a creature of international law applicable solely in the context of international armed conflict—a circumstance not present here. Whatever the merits of that criticism in the abstract, however, it became irrelevant to the domestic law separation-of-powers dispute (i.e., the fight as to whether Congress had implicitly authorized the use of force against “associated forces” or if the President might have such power through Article II in the alternative) **when Congress** in 2011 **enacted the NDAA** FY’12, **and included** within it **language expressly** **embracing** the **executive** branch’s detention-**authority** definition—**encompassing** not just al Qaeda and the Taliban, but also “**associated forces**.” **It thus is no longer necessary to argue that such a concept should be read into the AUMF via cobelligerency**; Congress has expressly embraced the general idea. ¶ **But what exactly counts as an associated force? This is the second problem, and not only does it remain untouched by the NDAA, it is a problem that is growing increasingly serious as the trends described above continue to unfold. Simply put, it is not clear what criteria apply to identify a group as an associated force. ¶** International law is little help, even if we accept the relevance of the co-belligerency concept, given the distance between the organizations and networks currently at issue and the state-centric situations that gave rise to that concept in the past. **Congress**, for its part**, missed the chance to address this issue in the NDAA, choosing to simply codify the “associated forces” concept without defining it.** The habeas-derived caselaw from the past decade also has little to offer. As noted above, those cases almost invariably involve persons linked either to the Afghan Taliban or to the core al Qaeda organization (or more specifically, to the training camps and recruiting pipelines operated in the pre-9/11 period by al Qaeda). Such fact patterns spare the courts any need to grapple with the nuances presented in situations like that of Ahmed Warsame (i.e., those that are replete with uncertainty regarding various groups and their ties to al Qaeda). Here we might add, too, a note on the impact of the sheer passage of time. In some quarters, **a tipping point has been reached**. Nothing captures this sense better—or more relevantly—than the blunt denunciation issued by Christopher Heyns—designated by a U.N. body to be a “special rapporteur” monitoring the practice of “extrajudicial killing”—at an ACLU-sponsored event in the summer of 2012. According to the account provided by the Guardian, ¶ ¶ Heyns ridiculed the US suggestion that targeted UAV strikes on al-Qaida or allied groups were a legitimate response to the 9/11 attacks. "It's difficult to see how any killings carried out in 2012 can be justified as in response to [events] in 2001," he said. "Some states seem to want to invent new laws to justify new practices.”

#### Courts does interpret and will interpret broadly now, based on the NDAA – you evidence doesn’t assume it.

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

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

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

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

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