**Plan**

**The United States federal government should prohibit public law 107-40's authorization to use force, effective December 31st, 2014.**

**Terrorism**

**Nuclear terrorism is feasible, there are no barriers and there’s motivation for an attack now**

**Bunn et al. 14**

[March 2014, Matthew Bunn is a Professor of Practice at the Harvard Kennedy School. His research interests include nuclear theft and terrorism; nuclear proliferation and measures to control it; the future of nuclear energy and its fuel cycle; and innovation in energy technologies. Before coming to Harvard, Bunn served as an adviser to the White House Office of Science and Technology Policy, as a study director at the National Academy of Sciences, and as editor of Arms Control Today. He is the author or co-author of more than 20 books or major technical reports (most recently Transforming U.S. Energy Innovation), and over a hundred articles in publications ranging from Science to The Washington Post. Martin B. Malin is the Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs at Harvard’s Kennedy School of Government. His research focuses on arms control and nonproliferation in the Middle East, US nonproliferation and counter-proliferation strategies, and the security consequences of the growth and spread of nuclear energy. Before coming to Harvard, Malin taught international relations, American foreign policy, and Middle East politics at Columbia University, Barnard College, and Rutgers University. He also served as Director of the Program on Science and Global Security at the American Academy of Arts and Sciences. Nickolas Roth is a research associate at the Project on Managing the Atom. Mr. Roth has a B.A. in History from American University and a Masters of Public Policy from the University of Maryland. While at Maryland, he served as a research assistant for the Center for International and Security Studies’ Nuclear Materials Accounting Project. He has expertise in national security issues related to US nuclear weapons policy. William H. Tobey is a Senior Fellow at the Belfer Center for Science and International Affairs. He was most recently Deputy Administrator for Defense Nuclear Nonproliferation at the National Nuclear Security Administration. There, he managed the US government’s largest program to prevent nuclear proliferation and terrorism by detecting, securing, and disposing of dangerous nuclear material. Mr. Tobey also served on the National Security Council Staff in three administrations, in defense policy, arms control, and counter-proliferation positions. He has participated in international negotiations ranging from the START talks with the Soviet Union to the Six Party Talks with North Korea. He is chair of the board of directors of the World Institute for Nuclear Security. He also has extensive experience in investment banking and venture capital, “Advancing Nuclear Security: Evaluating Progress and Setting New Goals”, http://belfercenter.ksg.harvard.edu/files/advancingnuclearsecurity.pdf]

Unfortunately, **nuclear and radiological terrorism remain real and dangerous threats**.1 **The conclusion the assembled leaders reached at the Washington Nuclear Security Summit** and **reaffirmed in Seoul remains correct**: “**Nuclear terrorism continues to be one of the most challenging threats to international security**. **Defeating this threat requires strong national measures and international cooperation** given its potential global political, economic, social, and psychological consequences.”2 There are three types of nuclear or radiological terrorist attack: • Nuclear weapons. **Terrorists might** be able to **get and detonate an assembled nuclear weapon made by a state, or make a crude nuclear bomb from stolen separated plutonium or HEU**. This would be the most difficult type of nuclear terrorism for terrorists to accomplish— but **the devastation could be absolutely horrifying**, with political and economic aftershocks reverberating around the world. • “Dirty bombs.” **A far simpler approach would be for terrorists to obtain radiological materials**— available in hospitals, industrial sites, and more—**and disperse them to contaminate an area with radioactivity, using explosives or any number of other means.** In most scenarios of such attacks, few people would die from the radiation—but **the attack could spread fear, force the evacuation of many blocks of a major city, and inflict billions of dollars in costs of cleanup and economic disruption**. While a dirty bomb attack would be much easier for terrorists to carry out than an attack using a nuclear explosive, **the consequences would be far les**s—an expensive and disruptive mess, but not the heart of a major city going up in smoke. • Nuclear sabotage. **Terrorists could potentially cause a Fukushima-like meltdown at a nuclear reactor or sabotage a spent fuel pool or high-level waste store**. An unsuccessful sabotage would have little effect, but **a successful one could spread radioactive material over a huge** area. Both **the scale of the consequences and the difficulty of carrying out a successful attack would be intermediate between nuclear weapons and dirty bombs**. Overall, while actual terrorist **use of a nuclear weapon** may be the least likely of these dangers, its consequences **would be so overwhelming that we believe it poses the most significant risk**. A similar judgment drove the decision to focus the four-year effort on securing nuclear weapons and the materials needed to make them. Most of this report will focus on the threat of terrorist use of nuclear explosives, but the overall global governance framework for nuclear security is relevant to all of these dangers. **The danger of nuclear terrorism is driven by** three key factors—**terrorist intent** to escalate to the nuclear level of violence; **potential terrorist capability** to do so; **and the vulnerability of nuclear weapons and the materials** needed to enable terrorists to carry out such an attack—the motive, means, and opportunity of a monstrous crime. Terrorist intent. While most terrorist groups are still focused on small-scale violence for local political purposes, **we now live in an age that includes some groups intent on inflicting large-scale destruction to achieve their objectives**. Over the past quarter century, **both al Qaeda and the Japanese terror cult Aum Shinrikyo seriously sought nuclear weapons and the nuclear materials and expertise needed to make them. Al Qaeda had a focused program reporting directly to Ayman al-Zawahiri** (**now head of the group**), **which progressed as far as carrying out crude but sensible conventional explosive tests for the nuclear program** in the desert of Afghanistan. There is some evidence that **North Caucusus terrorists also sought nuclear weapons**—**including incidents in which terrorist teams were caught carrying out reconnaissance on Russian nuclear weapon storage sites, whose locations are secret**.3 **Despite the death of Osama bin Laden and the severe disruption of the core of al Qaeda, there are no grounds for complacency**. There is every reason to believe **Zawahiri remains eager to inflict destruction on a nuclear scale**. Indeed, **despite the large number of al Qaeda leaders who have been killed or captured**, **nearly all of the key players in al Qaeda’s nuclear program remain alive and at large**—including Abdel Aziz al-Masri, an Egyptian explosives expert who was al Qaeda’s “nuclear CEO.” In 2003, **when al Qaeda operatives were negotiating to buy three of what they thought were nuclear weapons**, **senior al Qaeda officials told them to go ahead and make the purchase if a Pakistani expert with equipment confirmed the items were genuine**. The US government has never managed to determine who the Pakistani nuclear weapons expert was in whom al Qaeda had such confidence—and what he may have been doing in the intervening decade. More fundamentally, with at least two, and probably three, **groups having gone down this path in the past 25 years, there is no reason to expect they will be the last**. **The danger of nuclear terrorism will remain as long as nuclear weapons, the materials needed to make them, and terrorist groups bent on large-scale destruction co-exist.** Potential terrorist capabilities. **No one knows what capabilities a secret cell of al Qaeda may have managed to retain or build.** Unfortunately, **it does not take a Manhattan Project to make a nuclear bomb**—indeed, **over 90 percent of the Manhattan Project effort was focused on making the nuclear materials**, not on designing and building the weapons. **Numerous studies by the United States and other governments** have **concluded that it is plausible that a sophisticated terrorist group could make a crude nuclear bomb if it got enough separated plutonium or HEU.**4 A “gun-type” bomb, such as the weapon that obliterated Hiroshima, fundamentally involves slamming two pieces of HEU together at high speed. An “implosion-type” bomb, which is needed to get a sub-stantial explosive yield from plutonium, requires crushing nuclear material to a higher density—a more complex task, but still plausible for terrorists, especially if they got knowledgeable help. **Many analysts argue that**, **since states spend billions of dollars and assign hundreds or thousands of people to building nuclear weapons, it is totally implausible that terrorists could carry out this task.** Unfortunately, this argument is wrong, for two reasons. First, as the Manhattan Project statistic suggests, **the difficult part of making a nuclear bomb is making the nuclear material.** That is what states spend billions seeking to accomplish. **Terrorists are highly unlikely to ever be able to make their own bomb material**—but **if they could get stolen material, that step would be bypassed.** Second, **it is far easier to make a crude, unsafe, unreliable bomb of uncertain yield, which might be delivered in the back of a truck, than to make the kind of nuclear weapon a state would want in its arsenal**—a safe, reliable weapon of known yield that can be delivered by missile or combat aircraft. It is highly unlikely terrorists will ever be able to build that kind of nuclear weapon. Remaining vulnerabilities. **While many countries have done a great deal to strengthen nuclear security**, **serious vulnerabilities remain.** **Around the world**, **there are stocks of nuclear weapons or materials whose security systems are not sufficient to protect against the full range of plausible outsider and insider threats they may fac**e. As incidents like the intrusion at Y-12 in the United States in 2012 make clear, **many nuclear facilities and transporters still grapple with serious problems of security culture**. It is fair to say that **every country where nuclear weapons, weapons usable nuclear materials, major nuclear facilities, or dangerous radiological sources exist has more to do to ensure that these items are sustainably secured and accounted for.** At least three lines of evidence confirm that **important nuclear security weaknesses continue to exist.** First, **seizures of stolen HEU and separated plutonium continue to occur**, including, **mostly recently HEU seizures in 2003, 2006, 2010, and 2011**.5 These **seizures may result from material stolen long ago**, but, **at a minimum, they make clear that stocks of HEU and plutonium remain outside of regulatory control**. Second, **in cases where countries do realistic tests to probe whether security systems can protect against teams of clever adversaries determined to find a weak point, the adversaries sometimes succeed**—**even when their capabilities are within the set of threats the security system is designed to protect against**. **This happens with some regularity in the United States** (though less often than before the 9/11 attacks); **if more countries carried out comparable performance tests, one would likely see similar results**. Third, in **real non-nuclear thefts and terrorist attacks around the world**, **adversaries sometimes demonstrate capabilities and tactics well beyond what many nuclear security systems would likely be able to handle** (see the discussion of the recent Västberga incident in Sweden). Of course, **the initial theft of nuclear material would be only the first step.** Adversaries would have to smuggle the material to wherever they wanted to make their bomb, and ultimately to the target. A variety of measures have been put in place in recent years to try to stop nuclear smuggling, from radiation detectors to national teams trained and equipped to deal with nuclear smuggling cases—and more should certainly be done. But **once nuclear material has left the facility where it is supposed to be, it could be anywhere, and finding and recovering it poses an enormous challenge**. **The immense length of national borders, the huge scale of legitimate traffic, the myriad potential pathways across these borders, and the small size and weak radiation signal of the materials needed to make a nuclear bomb make nuclear smuggling extraordinarily difficult to stop.** There is also the danger that **a state such as North Korea might consciously decide to provide nuclear weapons or the materials needed to make them to terrorists.** **This possibility cannot be ruled out**, but there is strong reason to believe that such conscious state decisions to provide these capabilities are a small part of the overall risk of nuclear terrorism. Dictators determined to maintain their power are highly unlikely to hand over the greatest weapon they have to terrorist groups they cannot control, who might well use it in ways that would provoke retaliation that would remove the dictator from power forever. Although nuclear forensics is by no means perfect, it would be only one of many lines of evidence that could potentially point back to the state that provided the materials; no state could ever be confident they could make such a transfer without being caught.6 And terrorists are unlikely to have enough money to make a substantial difference in either the odds of regime survival or the wealth of a regime’s elites, even in North Korea, one of the poorest countries on earth. On the other hand, **serious risks would arise in North Korea**, **or other nuclear-armed states, in the event of state collapse**—**and as North Korea’s stockpile grows, one could imagine a general managing some of that stockpile concluding he could sell a piece of it and provide a golden parachute for himself and his family without getting caught**. **No one knows the real likelihood of nuclear terrorism.** But **the consequences of a terrorist nuclear blast would be so catastrophic that even a small chance is enough to justify urgent action to reduce the risk**. **The heart of a major city could be reduced to a smoldering radioactive ruin, leaving tens to hundreds of thousands of people dead.** The perpetrators or others might claim to have more weapons already hidden in other major cities and threaten to set them off if their demands were not met—potentially provoking uncontrolled evacuation of many urban centers. **Devastating economic consequences would reverberate worldwide**. Kofi Annan, while serving as Secretary-General of the United Nations, warned that **the global economic effects of a nuclear terrorist attack in a major city would push “tens of millions of people into dire poverty,” creating a “second death toll throughout the developing world**.”

**causes great power nuclear retaliation – poor attribution**

**Ayson 10**, Robert Ayson 10, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July

A Catalytic Response: Dragging in the Major Nuclear Powers

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether **nuclear terrorism should** ever **be regarded as** belonging in the category of truly **existential threats**. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—**a non-state actor nuclear attack and a catastrophic interstate nuclear exchange**—**are not necessarily separable**. It is just possible that some sort of terrorist attack, and especially an act of **nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them**. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s **and** early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of **nuclear terrorism could lead to such a massive inter-state nuclear war**. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and **American officials refused to believe that a terrorist group was fully responsible** (or responsible at all) **suspicion would shift immediately to state possessors**. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, **authorities** in Washington **would be left with a** very **short list consisting of North Korea**, perhaps **Iran** if its program continues, **and** possibly **Pakistan.** But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, **if** the act of **nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China**, and at a time when threats had already been traded between these major powers, **would** officials and political **leaders not be tempted to assume the worst?** Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? **Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear** **aided) confrontation with Russia and**/or **China.** **For example**, **in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might** be expected to **place the** country's armed forces, including its **nuclear arsenal, on** a **high**er stage of **alert**. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the **temptations to preempt** such actions **might grow**, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) **Washington might** decide to **order a significant** conventional (or **nuclear) retaliatory** or disarming **attack against** the leadership of the terrorist group and/or **states** seen to support that group. Depending on the identity and especially the location of these targets, **Russia and/or China might interpret such action as** being far too close for their comfort, and potentially as an **infringement on their spheres of influence** and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

**But the war paradigm fails and causes backlash**

**Davies 2/6**, Internally cites the State Department’s Terrorism Reports and the Eminent Jurist Panel, Nicolas J. S. Davies is author of “Blood On Our Hands: The American Invasion and Destruction of Iraq.” He wrote the chapter on “Obama At War” for the just released book, “Grading the 44th President: A Report Card on Barack Obama’s First Term as a Progressive Leader.”, http://www.intrepidreport.com/archives/12086

Twelve years into **America’s “war on terror**,” it is time to admit that it has **failed catastrophically, unleashing violence, war and instability in an “arc of terror” stretching from West Africa to the Himalayas and beyond**. If we examine the pretext for all this chaos, that it could possibly be a legitimate or effective response to terrorism, it quickly becomes clear that it has been the exact opposite, **fueling a global explosion of terrorism and a historic breakdown of law and order.** The U.S. **State Department’s “terrorism” reports present a searing indictment of the “war on terror”** on its own terms. **From** 19**87 to** 20**01, the State Department’s “Patterns of Global Terrorism” reports** had **documented** a **steady decline in terrorism around the world, from 665 incidents in 1987 to only 355 incidents in 2001**. But since 2001, **the** U.S. “**war on terror**” has **succeeded in fueling the most dramatic and dangerous rise in terrorism ever seen.** The State Department reports seem, at first glance, to show some short-term success, with total terrorist incidents continuing to decline, to 205 incidents in 2002 and 208 in 2003. But the number of more serious or “significant” incidents (involving death, serious injury, abduction, kidnapping, major property damage or the likelihood of such results) was already on the rise, from 123 incidents in 2001 to 172 in 2003. But then the 2004 report, due to be published in March 2005, revealed that the number of incidents had spiked to an incredible 2,177, including 625 “significant” incidents, even though the report excluded attacks on U.S. occupation forces in Iraq. Secretary of State Condoleeza Rice took decisive action, not to urgently review this dangerous failure of U.S. policy, but to suppress the report. We only know what it said thanks to whistleblowers who leaked it to the media, and to Larry Johnson, an ex-CIA and State Department terrorism expert and a member of Ray McGovern’s Veteran Intelligence Professionals for Sanity. Rice eventually released a reformatted version of the 2004 report, ostensibly replacing “Patterns of Global Terrorism” with a new report titled “Country Reports on Terrorism” that excluded all statistical data. The State Department has continued to publish “Country Reports on Terrorism” every year, and was forced to include a “statistical annex” beginning with the report for 2005. The reports also include disclaimers that this data should not be used to compare patterns of terrorism from one year to the next because of the “evolution in data collection methodology”. In other words, a report that used to be called “Patterns in Global Terrorism” should not be used to study patterns in global terrorism! So, what is the State Department afraid we might find if we used it to do just that? Let’s take a look. The politicization of these reports certainly undermines their reliability, but, as Secretary Rice understood very well, the dramatic rise in global terrorism that they reveal is undeniable. The numbers obviously spiked in Iraq and Afghanistan while under U.S. occupation, so we’ll exclude the figures for those periods in those countries. The rationale for the “war on terror” was always that, by “fighting them there”, we wouldn’t have to “fight them here”, so we’ll just look at the effect “here” and everywhere else. On that limited basis, the **State Department reports nonetheless document an explosion of terrorism**, from 208 incidents in 2003 to 2,177 in 2004 to 7,103 incidents in 2005. Since then, the total has fluctuated between a high of 7,251 incidents in 2008 and a low of 5,029 incidents in 2009, after President Obama’s election temporarily raised hopes of a change in U.S. policy. The State Department has not issued a report for 2013 yet, but the number of “terrorist” incidents in 2012 remained at 5,748, documenting an intractable crisis that is the direct result of U.S. policy. The **ineffectiveness of the war on terror is intricately entwined with** its **illegitimacy**. In my book, Blood On Our Hands: the American Invasion and Destruction of Iraq, I argued that the illegitimacy of the hostile U.S. military occupation of Iraq was at the root of all its other problems. The U.S. forces who illegally invaded the country lacked any real authority to restore the rule of law and order that they themselves had destroyed. Even today, two years after expelling U.S. forces, the Iraqi government installed by the U.S. occupation remains crippled by fundamental illegitimacy in the eyes of its people. The United States’ “war on terror” faces the same problem on a global scale. **The notion of fighting “terror with terror” or a “war on terror” was always fundamentally flawed,** both legally and in its prospects for success. As Ben Ferencz, the only surviving prosecutor from the Nuremberg war crimes trials, explained to NPR on September 19th 2001, a week after the mass murders of 2,753 people in his hometown, New York City: “It is never a legitimate response to punish people who are not responsible for the wrong done. We must make a distinction between punishing the guilty and punishing others. **If you simply retaliate en masse by bombing Afghanistan**, let us say, **or the Taliban, you will kill many people who don’t approve of what has happened**. I wouldn’t say there is no appropriate role (for the military), but the role should be consistent with our ideals . . . our principles are respect for the rule of law, not charging in blindly and killing people because we are blinded by our tears and our rage. We must first draw up an indictment and specify what the crimes were, calling upon all states to arrest and detain the persons named in the indictment so they can be interrogated by U.S. examiners . . . I realize that (the judicial process) is slow and cumbersome, but it is not inadequate . . . We don’t have to rewrite any rules. We have to apply the existing rules.” Ferencz took issue with the use of terms like “war”, “war crimes” and “terrorism.” “What has happened here is not war in its traditional sense . . . War crimes are crimes that happen in wartime. There is confusion there . . . Don’t use the term “war” crimes, because that suggests there is a war going on and it’s a violation of the rules of war. This is not in that category. We are getting confused with our terminology in our determination to put a stop to these terrible crimes . . . To call them “terrorists” is also a misleading term. There’s no agreement on what terrorism is. One man’s terrorism is another man’s heroism . . . We try them for mass murder. That’s a crime under every jurisdiction and that’s what’s happened here and that is a crime against humanity.” British military historian Michael Howard told NPR that U.S. leaders were making “a very natural but a terrible and irrevocable error” in declaring a “war on terrorism.” He elaborated in a lecture in London a few weeks later: ” . . . to use, or rather to misuse the term ‘war’ is not simply a matter of legality, or pedantic semantics. It has deeper and more dangerous consequences. **To declare that one is “at war” is immediately to create a war psychosis that may be totally counter-productive for the objective that we seek. It will arouse an immediate expectation, and demand, for spectacular military action** against some easily identifiable adversary, preferably a hostile state . . .” In the U.S. Congress in 2001, Barbara Lee stood alone against a sweeping Authorization for the Use of Military Force (**AUMF), giving the president** the **authority to use “all necessary and appropriate force against those nations, organizations, or persons” whom he judged to have “planned, authorized, committed or aided” the mass murders of September 11th.** Barbara Lee implored her colleagues not to “become the evil we deplore,” but she was the only member with the clarity and courage to vote “No” to the AUMF. Twelve years later, she has 31 co-sponsors for H.R. 198, a bill to finally repeal the 2001 AUMF. They include former civil rights leader John Lewis, who said recently, “If I had to do it all over again, I would have voted with Barbara Lee. It was raw courage on her part. So, because of that, I don’t vote for funding for war. I vote against preparation for the military. I will never again go down that road.”

**Counterterror is failing now --- maintaining the war paradigm confers legitimacy to terrorists and increases resentment**

**Carpenter 11/5** [11/5/13, Charli Carpenter is a human security analyst specializing in outside-the-box thinking. She teaches political science at University of Massachusetts-Amherst, is the author of three books on war-affected civilians and has written on human security issues for Foreign Affairs, Foreign Policy and the National Interest. She blogs at Duck of Minerva, “Out of the Shadows: A New Paradigm for Countering Global Terrorism”, http://www.worldpoliticsreview.com/articles/13325/out-of-the-shadows-a-new-paradigm-for-countering-global-terrorism]

**The term “shadow wars”** aptly **describes the U.S. approach to the war on terror**. Policymakers perceive they are fighting an enemy composed of shadow and dust, one hidden in and facilitated by the dark underworld of global politics. But **to prosecute this campaign, the U.S. has** itself, to borrow a term from the writer J.R.R. Tolkien, “**fallen into shadow”: Its moral high ground and once-principled politics have been replaced by a recourse to policies such as arbitrary detention, torture and extrajudicial killings that have tarnished its reputation and bolstered its enemies**. **The blowback from these policies demonstrates that a** just **war cannot be fought using unjust means—indeed their use erodes the moral authority to fight truly just wars when the need arises.** Winding down this “war” both necessitates and provides a window for stepping out of the shadows and adhering to basic standards of international law and human rights. An Ineffective and Counterproductive Paradigm **The perpetrators of 9/11 have been brought to** a kind of **justice**: Osama **bin Laden has been killed**, along with many of his lieutenants; **the extremist government that harbored him has been replaced with a more secular regime**; **and 9/11 mastermind Khalid Sheikh Mohammed is in custody and on trial** for his role in the events of that day. Yet this took 12 years, nearly 7,000 U.S. service members dead, tens of thousands of Iraqi and Afghan civilians dead, displaced, injured or bereaved, as well as an unreasonably high cost in both treasure and U.S. credibility. Moreover, success in punishing the architects of 9/11 has not been matched by success in prosecuting the war’s wider aims. It is increasingly clear that **the military occupations of Iraq and Afghanistan have achieved neither a reduction in overall global terror levels nor in the ideology of global jihadism**. **While attacks by al-Qaida-affiliated groups have** always **constituted** only **a tiny proportion of the global total of incidents of terrorism**—**which remains a low security threat relative to others**—**the Global Terrorism Database at the University of Maryland indicates such incidents have in fact been far more numerous since the onset of the “war on terror”** in 2001 than they were in the preceding decade. **Jihadism as an ideology also appears to be on the rise worldwide,** **with increasingly decentralized al-Qaida splinter groups proliferating** (.pdf), **fueled by images of civilian casualties at the hands of U.S. drones and Western-backed secular Arab regimes.** The U.S. has been aware of these trends (.pdf) since at least 2006. But **instead of reconsidering the war paradigm to address the risk of terrorism**, **it has simply changed tactics, replacing military occupations with the use of drones and covert operations**. While this has reduced the visibility of the war against terror, **it has done nothing to reduce the collateral damage from the war, as well as the blowback that damage causes. Not only has U.S. policy failed to solve the terror problem** it set out to fix, **the way in which it has been prosecuted has likely had the opposite effect. Reacting to terrorists as if they have the power to declare and prosecute war** perversely **legitimizes their behavior in the eyes of their constituencies**. **A common tactic of asymmetric warfare involves baiting a powerful actor into a disproportionate response that produces civilian casualties, providing moral cover for the terrorist’s acts. The U.S. war of high explosives** in populated areas against groups that behave this way **played precisely into these groups’ hands by creating a massive civilian death toll**, now **exploited in jihadist propaganda**, **that has caused fresh jihadist fronts to metastasize in Africa and Yemen**. U.**S. violations of international rules** prohibiting torture, arbitrary detention, extrajudicial killing and disproportionate civilian harm **have undermined U.S. claims to the moral high ground not only in the eyes of populations where it is fighting its shadow war but also in the eyes of its allies and constituents.**

**Radicalization outweighs benefits --- ending the war solves cooperation which is key to successfully combating terrorism**

**Pillar and Preble 10**

[Paul R. Pillar is an academic and 28-year veteran of the Central Intelligence Agency (CIA), serving from 1977 to 2005.[1] He is now a non-resident senior fellow at Georgetown University's Center for Security Studies,[2] as well as a nonresident senior fellow in the Brookings Institution's Center for 21st Century Security and Intelligence.[1] He was a visiting professor at Georgetown University from 2005 to 2012. and Christopher A. Preble is the vice president for defense and foreign policy studies at the Cato Institute, “Terrorizing Ourselves: Why U.S. Counterterrorism Policy Is Failing and How to Fix It. Chapter 4: Don’t You Know There’s a War On? Assessing the Military’s Role in Counterterrorism”, pages 61-82, found on ebrary]

**One** such **consequence is to incur the wrath of civilian populations over the** U.S. **use of military force and the destruction resulting from it.** **This unfortunately has been in evidence in Afghanistan**, **which had been a rare oasis of goodwill** toward the United States **within a Muslim world in which anti-American sentiment is the norm.** **That goodwill has been significantly lessened by the collateral damage from U.S. military operations**. Afghan President Hamid **Karzai’s ‘‘first demand’’** of Barack Obama **was** for the president-elect ‘‘**to put an end to civilian casualties**.’’ 14 **Similar resentment—** amid a population that was already less friendly toward the United States— **has been evident in Pakistan** in reaction to the missile strikes in the northwest. 15 **The pattern repeats that seen after** similar **strikes** in 2005 and 2006 against forces of the Union of Islamic Courts **in Somalia**, which did kill some militants but also instigated public anger against the United States and a resulting increase in the popularity and extremism of the Islamists. 16 **The tradeoff here is not between counterterrorism and popularity.** **It is between immediate tactical counterterrorist objectives** **and longer-term strategic ones.** **Anti-American sentiment impairs counterterrorism. It affects the willingness of a civilian population to cooperate with U.S. counterterrorist efforts**, **its willingness to support its own government’s efforts**, **and the inclination of individual civilians to condone, support, or even join the efforts of anti-American terrorist groups**. **That does not mean the broader and longer-term effects should always take precedence** over the immediate tactical ones, but **it does mean the former should always be considered even if they are less visible and measurable than the latter**. It means taking into account that while the strikes using drones over Pakistan have killed some militants who were targeted, the same strikes have killed far more civilians— leaving that many more friends and family members of the deceased who might be willing to support anti-U.S. causes. And **it means resisting the temptation to employ a technologically potent military capability because it is available and because alternative means for dealing with a problem are not**. There is evidence that, at times, **the United States has fallen to this temptation in its use of the drones; it has tended to see nails because the handiest tool available to it has been this very impressive hammer**. **Negative consequences extend even more broadly**, **beyond populations that feel the immediate physical damage of military operations to ones that are nevertheless angered by them**. Here, **the U**nited **S**tates **bears the burden of being the world’s sole superpower**. **Its use of military force is more likely than that of any other country to be resented as contemptible bullying by the big kid on the global block**. Here too, **the issue is not merely one of being liked or disliked**; **the potential effects on terrorism, counterterrorism, and the likelihood of future terrorist attacks on U.S. interests are substantial.** **The use of U.S. military force** within the Muslim **world has probably done more than anything else to sustain bin Laden’s bogus narrative of a United States that is out to kill and subjugate Muslims and to plunder their resources.** **Counterterrorism is a global enterprise**, **requiring the active cooperation and assistance of international actors**— **both state and nonstate**. **The most important cooperation is likely to come from the communities in which terrorist organizations attempt to recruit new followers and who are the intended audience for much of the organization’s propaganda**. **Terrorist attacks are newsworthy and therefore attract the most attention to the organization’s cause.** By the same token, **the effects of these operations often fall disproportionately on the very population that the organization is attempting to reach**. The use of terrorism, therefore, is a double-edged sword. Terrorist organizations attempt to induce a targeted society to lash out, in the hopes that these reactions will cause harm to innocent civilians, engender hostility and hatred of the country carrying out the retaliatory acts, and drive more sympathy to the terrorists. **We can prevent falling into the terrorists’ trap by carefully limiting our responses.**

**Decentralization means military power is ineffective—terrorists operations require intelligence and law enforcement efforts**

**Pillar and Preble 10** [Paul R. Pillar is an academic and 28-year veteran of the Central Intelligence Agency (CIA), serving from 1977 to 2005.[1] He is now a non-resident senior fellow at Georgetown University's Center for Security Studies,[2] as well as a nonresident senior fellow in the Brookings Institution's Center for 21st Century Security and Intelligence.[1] He was a visiting professor at Georgetown University from 2005 to 2012. and Christopher A. Preble is the vice president for defense and foreign policy studies at the Cato Institute, “Terrorizing Ourselves: Why U.S. Counterterrorism Policy Is Failing and How to Fix It. Chapter 4: Don’t You Know There’s a War On? Assessing the Military’s Role in Counterterrorism”, pages 61-82, found on ebrary

**In contemplating possible intervention and stabilization operations in any other country that starts to show Afghan-like qualities**, some questions about terrorist safe havens need to be addressed. One is whether, even if such a haven were important to terrorists, it needs to be in whatever country we happen to be contemplating. The question can be posed today about Afghanistan. **If terrorists were denied haven there, could they not go instead to, say, Somalia**? And as we think about such possibilities, where and how do we limit our military intervention? 18 **Even if convinced that a particular country is of unusual importance**, both intrinsically and with regard to terrorism— as many regard Pakistan today— **a further question is what this means in terms of military targets**. In particular, **what does it mean when terrorists live and plan and work in cities, where military force is apt to be an especially blunt and mostly unusable counterterrorist instrument**? **Terrorist activity that may eventually hurt us is more likely taking place in Karachi or Lahore than in a rural district in northwestern Pakista**n. **Related to that question**, and to the larger pattern of terrorism’s presenting few good military targets, **is the issue of how important are physical safe havens of any kind**. 19 **The cities in which terrorists do their preparations do not have to be in states that are hostile or**, like Pakistan, **unstable**. **They can be in the West. The preparations that mattered most in the 9/11 operation did not take place at training camps in Afghanistan but instead in apartments in Germany and Spain and at flight schools in the U**nited **S**tates. **We should worry more about extremists researching transportation schedules on a computer**— **and the computer could be anywhere in the world— than about ones practicing in a hand-to-hand combat pit somewhere in South Asia**. **We can bomb a training camp**, but **we cannot bomb the computer**. **A response to this last point is that terrorist organizations such as al Qaeda rely on secure physical infrastructure, such as training camps, as part of their recruitment and indoctrination process**, as well as of the general maintenance and management of the organization. **Yet that does not speak to how essential any part of a group’s existing organizational maintenance functions is to the activity that matters most to us**, **which is terrorist attacks.** More importantly, **terrorist threats—** even just Sunni, Salafi, jihadist terrorist threats— **do not emanate only from al Qaeda, or from any other established, infrastructure-laden organization.** **With increasing fractionation and decentralization of the jihadist movement**, **the threat in the coming years will more likely come from individuals, groups, and cells that are unburdened by any such physical infrastructure**. **It is a threat that emerges from alienated populations in places like Muslim communities in Europe**, **where military force is unemployable**. **Another unintended consequence of military force is to contribute to the widespread perception that a group such as al Qaeda is a bona fide belligerent rather than a band of outlaws**. **Whatever else U.S. military efforts against bin Laden and his group have accomplished, they have conformed to his portrayal of a civilizational war between the Judeo-Christian West and the Muslim world**, with the United States leading the fight for the former and bin Laden and his group doing so for the latter. **As with an insurgent force confronting superior government forces in a guerrilla war, merely being able to survive in a military conflict becomes a sort of victory for the insurgents**. In similar fashion, **the more counterterrorism is seen as a military contest, the more terrorists can win merely by not losing.**

**Formally ending the war’s key to solve terror – it doesn’t take anything off the table**

**McCintosh 13**, Christopher McIntosh is a Visiting Assistant Professor, Political Studies, at Bard College and has a Ph.D. in political science from the University of Chicago. His research looks at the relationship between sovereignty and war, focusing particularly on the case of the United States war on terrorism, Foreign Policy Research Institute, Ending the War Against Al Qaeda, http://www.sciencedirect.com/science/article/pii/S0030438713000732#

Some might object that a shift in policy would constitute surrender, an admission of defeat, or some other formulation of American weakness—certainly political opponents would characterize it as such. Senator Saxby Chambliss wasted no time in arguing this after Obama’s NDU address, calling the limitations on targeted killing a “victory” for the “terrorists.”28 But **dropping the framework does not eliminate force as an available option** in **addressing Al Qaeda**. As one expert stated to the Senate Armed Services Committee in May 2013, “**With or without the AUMF, no one disputes** [emphasis added] that **the president has the constitutional authority** (and the international law authority) to use military force if necessary to defend the United States from an imminent attack, regardless of whether the threat emanates from al Qaeda or from some as yet unimagined terrorist organization.”29 **Dropping the framework would only return us to the pre-2001 status quo** (legally speaking), **which treated terrorism as an ongoing legal and intelligence issue**, rather than primarily a military one. **Shifting away from war as the framework also doesn’t preclude the possibility of moving back to a state of war should events require it**. A **strategic shift** along these lines **is not a commitment to never use force again; it simply removes it as the presumed appropriate response and baseline for U.S. action**. Certainly it is possible that in the future that the threat could change in such a way that war is the appropriate and necessary response—much as it was in late 2001. Strategically speaking, **dropping the war framework offers a middle ground**. On the one hand, **it removes the blank check offered to the executive to engage U.S. forces abroad whenever the president sees fit**. Currently, **the way the AUMF is interpreted** **provides** little to **no restraint on the U**nited **S**tates’ **use of force abroad**. Dropping the framework is not merely a rhetorical move on the part of the U.S. government to end the war on terror—the legal status has been invoked continually by the past two administrations to silence any opposition to decisions they make in pursuit of al Qaeda. The issue is political and legal, not simply rhetorical. Simultaneously, shifting away from a state of war does not take the use of force off the table as an option; it simply removes it as the baseline or presumed appropriate response. The likely effect on the rate of strikes conducted abroad would certainly be one of restraint, but **it would not end strikes**, nor should it. **There has always been a presumption that the executive can use force to preemptively strike** those who attempt to attack the United States. Dropping the framework would not alter that—we saw this prior to 2001. **It would**, however, **alter the presumption introduced by** the **Bush** Administration’**s first N**ational **S**ecurity **S**trategy **that preventive war—using force against those who have the capacity, but do not pose a specific, credible threat—is acceptable. Shifting policy** away from war and armed conflict to legal enforcement also **opens up** other **alternative strategies for addressing the** AQ **threat**. In particular, **efforts to address the long-term trends that enable terrorism and terrorist campaigns are foreclosed by a strategy of war because the process of fighting is at odds with their mission**. Alternative frameworks and strategies for countering terrorism such as using a metaphor of social epidemic—seeking to eliminate the spread of radicalism utilizing lessons from public health approaches—or prejudice reduction, undermining the viewpoints that enable individuals to view terrorist campaigns as attractive options, offer different ways of framing the threat in a manner that is more comprehensive and long-term.30 **Regardless of the particular approach taken and its potential effectiveness, options attempting to deal with the underlying issues that enable the threat to continue such as ideology, factors enhancing individual susceptibility to radicalism and creating at-risk individuals are de-emphasized in a war. Addressing long-term factors is not particularly important during a conflict— converting the enemy and eliminating the reasons for the dispute in the first place aren’t typical concerns during wartime**. Most importantly, **history demonstrates** that these conflicts rarely end in a state of war. As Audrey Cronin reminds us, “terrorism is like war, it never ends; however, individual terrorist campaigns and the groups that wage them always do.”31 **Military repression alone is rarely the means by which these campaigns end. In most cases there is a shift to an alternate strategy such as law enforcement, political cooption, or even amnesty or there is a larger societal trend such as the loss of popular support**. While debate exists regarding the effectiveness of the particular measures chosen, **non-military measures have seen significant success in places as diverse as Ireland, the Philippines, and Sri Lanka**.32 **There is little reason to imagine that al Qaeda is sufficiently different that we should expect a different outcome relying solely on a military strategy throughout the entirety of this conflict**. The United States has relied upon leadership targeting and military strikes for over 12 years. **Given** the **history of terrorist campaigns—as well as** the **U.S. experience— these soft measures offer the potential of being a successful means of building upon these gains and achieving victory. Ending the strategy of war could have a direct effect on these softer measures by eliminating a crucial means of support for al Qaeda’s ideology. Ending the war**—and the continuing military strikes it requires—**removes a primary means of recruitment and propaganda. While military strikes have eliminated key members, the effect these strikes offer in generating support for terrorists is well- worn territory.** Regardless of whether the actual numbers of civilian casualties are closer to United States estimates, or in the thousands as independent organizations argue, U.S. **attacks inevitably risk** these **civilian casualties and make it incrementally easier for al Qaeda to justify their choice of terrorist tactics**. In addition, **psychological studies of terrorist attackers themselves cite a positive relationship** **between** the **suffering of direct trauma**—such as the loss of a family member at the hands of the perceived enemy—**and those willing to engage in** suicide **attacks**.33 **Al Qaeda** also **benefits from the increasing expansion of U.S. intervention abroad** in the form of drone strikes, bases, and troop deployments as **it provides tangible evidence for** their **claims of** U.S. **imperialism**. And **the longer the war on terrorism continues, the harder it will be in the court of international public opinion to credibly dispute AQ’s vision of the U**nited **S**tates **as a militaristic nation** with an imperialist bent. This is not to say that al Qaeda’s reading of U.S. foreign policy over the last half century is correct—it is not—but as 9/11 recedes further into the past and the length of time without a similar scale attack on the U.S. homeland begins to measure in the decades, the vision of America pushed by al Qaeda may have increasing credibility. **The U**nited **S**tates **could remain at war with al Qaeda for an indefinite period of time winning tactical battles and preventing major attacks, but all that may be seen publicly are continuing U.S. military interventions into foreign countries killing those they deem enemies. The longer this goes** on, **the less credibility the U**nited **S**tates **will enjoy internationally**, and **that** loss of credibility **is directly at odds with** some of the longer term, “**soft” measures necessary to end the conflict successfully. Without this credibility, it will be difficult to conduct the efforts to undermine the individual, public, and political support that historically has been crucial to ending terrorist campaigns**. Conclusion

A war that does not end cannot be won. The United States is at the point of envisioning victory, yet the actions taken by the last two administrations provide little hope that America is currently on a path to a successful conclusion. **Continuing a strategy of indefinite conflict and perpetual stalemate works to the advantage of al Qaeda, not the U**nited **S**tates. Although many have compared the war on terror to the Cold War, we seem to resist applying its lessons.34 Deterrence precluded either side from engaging in direct conflict with the other and the Cold War never actually devolved into direct superpower conflict and outright war. Military strategy revolved around preventing war, rather than fighting and winning a protracted conflict, and the conflict only ended with a collapse from within.35 **The U**nited **S**tates **is in a** similar **paradox as the nation is faced with a situation where direct attacks are costly, potentially counterproductive, and unable to achieve the ultimate defeat of the enemy. Continuing to prosecute a war with al Qaeda serves their interests**, not ours. **The U**nited **S**tates has **reached a point in the war with al Qaeda where the winning move is simply not to play.**

**Hegemony**

**The AUMF war paradigm makes knee jerk interventions inevitable which undermines foreign policy and causes overstretch**

**Cronin 13**, Professor of Public Policy

[11/29/13, Professor Audrey Kurth Cronin has had a combination of academic positions and practical U.S. government service throughout her career. She joined George Mason University’s School of Public Policy in Arlington, Virginia (USA) as a tenured senior faculty member in September 2011. Prior to that, she was a faculty member and director of the core course on military strategy at the U.S. National War College (2007-2011). She came to the war college from Oxford University (Nuffield College), where she was Director of Studies for the Oxford/Leverhulme Programme on the Changing Character of War from 2005 to 2007, “The ‘War on Terrorism’: What Does it Mean to Win?”, Journal of Strategic Studies, http://www.tandfonline.com/doi/abs/10.1080/01402390.2013.850423#tabModule]

**The war on al-Qaeda appears endless**, but **every war must end**. **The US and its allies have made dramatic progress against a** once **formidable terrorist organization known for its meticulous planning, coordinated attacks, and popular support**. Popular **support has dropped off**, **its leader is dead**, **and developments in the Arab world have shifted its focus back to fighting local enemies and hijacking local insurgencies.** **Compared to a decade ago**, **the threat** to the United States, the United Kingdom, and Western allies **is much reduced**. Although it can still inspire small attacks, **the organization that attacked the United States in 2001 is marginalized.** Research about how terrorism ends has influenced counterterrorism policy decisions.1 But what about the other side of that coin – the war against al-Qaeda. Recently published books on war termination have ignored it.2 How exactly will it end? For Americans, **the response to al-Qaeda’s 2001 attacks has always been a ‘war.’** Against the misgivings of experts and allies, **Congress resolved the US debate over ‘war’ or ‘crime’ three days after the 9/11 attacks**.3 With nearly 3000 dead Americans lying under hot debris, **the situation seemed clear: another attack was imminent. Only preventive military force could protect the country from further carnage, delivered either conventionally or with weapons of mass destruction**. **The** 2001 **Authorization for the Use of Military Force (AUMF)**, as robust as any formal war declaration preceding it, **bound the bureaucracy to frame the conflict as a ‘war’ rather than a law enforcement problem** – **and it was a war with no specified end.4** Even the 1941 war declarations upon Imperial Japan and Nazi Germany had directed the President ‘to bring the conflict(s) to a successful termination.’5 **The boundless 2001 authorization was followed by a series of continuing resolutions providing open-ended fundin**g, 94 per cent of which went to the Defense Department.6 For US policymakers, **calling the struggle a ‘war on terrorism’ and then a ‘war against al-Qaeda and its affiliates’ was not just semantics**. **Winding down in Afghanistan and Iraq is straightforward compared to ending the war against al-Qaeda**.7 For the United States both of those ‘overseas contingency operations’ conclude when US combat troops are withdrawn and a Status of Forces Agreement enacted to cover post-conflict arrangements. Yet planners often forget that both were launched as an integral part of the global response to deadly attacks against the World Trade Centre, the Pentagon, and ultimately a field in Pennsylvania. **The end of combat operations in Iraq and Afghanistan is not the end of the war begun in 2001**. **With smaller ongoing US operations from the Philippines to the Horn of Africa**, **a sustainable strategy must** also **weigh means and ends in the ongoing war against al-Qaeda**. **The alternative is to jerk willy-nilly from overspending to underspending, paranoia to complacency, short-term reaction to long-term decline.** **The war on terrorism has remained open-ended** in time, geography, and resources – including money, talent, and preemptive lethal force. **Ill-defined ends and means are placing US actions outside of familiar strategic, legal, and moral frameworks for evaluating their pros and cons.** **Military operations and tactics have prevailed**, from two massive counterinsurgencies to high-tempo special operations to drone attacks, **with a sustainable longer-term approach neglected.**8 **Efforts to create a balanced grand strategy across all aspects of US power** (**military, diplomatic, law enforcement, aid) have failed**, **unsupported by either the legal or the financial scaffolding of the post-9/11 campaign.** Without envisioning an end, **policymakers do not calibrate day-to-day plans so that ends and means are aligned**. **Through its unmatched operational, intelligence, and special operations capabilities, the United States government has made enormous progress**, killing bin Laden and crushing the leadership. Yet, **even as al-Qaeda is losing, the United States does not seem to be winning.** In this war, no one seems to know what ‘winning’ means. **Crime is endless, but wars end**. Contrary to popular myth, **wars do not all reach closure with surrender ceremonies** on battleships, treaty negotiations in French palaces, or even helicopter evacuations from embassy rooftops.9 **Nor do they necessarily return the status quo ante bellum**: **Going to war irrevocably alters the strategic landscape.** The American people will never recapture their pre-9/11 sense of safety, just as the intrusive security procedures and intelligence collection will never disappear. And **this is not the first authorization for the use of force against a nonstate actor**: Native Americans, pirates, and slave traders have all been named in earlier authorizations.10 But **while terrorism itself never ends, wars by their nature demand a distinction between ‘war’ and ‘peace.’** So far, **the United States government has no idea how to characterize ‘peace**.’ **This is a serious oversight. All the great strategists agree that war cannot be fought successfully without clear notions of an end state to guide, modulate, and focus operations.** More than 2500 years ago in ancient China, Sun Zi wrote of the chaotic Warring States period that ‘there has never been a protracted war from which a country has benefited’ and ‘hence what is essential in war is victory, not prolonged operations.’11 Reflecting on the Peloponnesian War, Thucydides wrote in fifth-century BCE, ‘[i]t is a common mistake in going to war to begin at the wrong end, to act first, and wait for disaster to discuss the matter.’12 In the second book of On War, von Clausewitz observes, ‘[y]et insofar as that aim is not the one that will lead directly to peace, it remains subsidiary and is also to be thought of as means …. What remains in the way of ends, then, are only those objects that lead directly to peace.’13 Fresh out of World War I, Col. J.F.C. Fuller observed, ‘[p]reparation for war or against war, from the grand strategical aspect, is the main problem of peace, just as the accomplishment of peaceful prosperity is the main problem of war.’14 And, following World War II, British strategist Basil Liddell Hart argued, ‘**while the horizon of strategy is bounded by the war, grand strategy looks beyond the war to the subsequent peace**. **It should not only combine the various instruments, but so regulate their use as to avoid damage to the future state of peace – for its security and prosperity.’15** In the twentieth century, **the advent of nuclear weapons meant that American strategic thinking came to be dominated more by economics and engineering than history**. But even there the imperative of war termination was brought home in books such as Fred Iklé’s 1971 classic, Every War Must End, published during the Vietnam War.16 **No country has ever benefited from an endless war, and the United States is no exception**. **American policymakers must envision the end of this war or it will further exhaust US forces, distort their strategic planning, and blind them to other threats**. **Thinking about how this war will end is crucial to prosecuting it successfully**. Yet, the more the United States fights, the longer the war’s trajectory seems to grow. Twelve years after 9/11, senior US Defense official Michael Sheehan told Congress that the war with al-Qaeda would continue ‘for 10 or 20 years’ more.17 How could that be? Clearly Al-Qaeda is not the same organization it was a decade ago. What does ‘success’ mean?18 The following first evaluates the ongoing US response in historical context, and then suggests how to bring the war against al-Qaeda to an end. Through the post-9/11 years, **the U**nited **S**tates **evolved in its answer to al-Qaeda**, **from major combat operations**, counterinsurgency and nation-building in Iraq and Afghanistan, **toward** juxtaposing the decline of al-Qaeda with **the rise of aggressive US special operations and paramilitary intelligence activity globally. Lacking a strong framework for strategy and war termination, the United States replaced the actual threat of al-Qaeda with the possibility of al-Qaeda** (or ‘associates’) **in a widening range of places.** An unforeseen legacy of defining al-Qaeda as a ‘global insurgency’ in 2005 was the impulse for US action against ‘transnational violent extremism’ universally in 2012.19 **Muslim insurgencies around the world became core US concerns. This was a crucial shifting of American ends, from the protection of the American homeland and the prevention of another attack, to the defense of all parts of the world from the potential for an Islamist extremist entity to hold any piece of territory, anywhere.** Former NSC official Mary Habeck put it this way: [**W]inning against al Qaeda** does not depend on body counts, but rather **would look very much like victories against other insurgents**: the spreading of security for populations in Somalia, Yemen, the Sahel, and elsewhere; the prevention of a return of al-Qaeda to those cleared areas; and the empowerment of legitimate governments that can control and police their own territories. **By these standards, we have not yet defeated al Qaeda**; in fact, **beyond Iraq, Afghanistan, and Somalia, we have hardly engaged the enemy at all**.20 **This implies that the** **U**nited **S**tates **should engage in a war on violent extremism anywhere, and** thus **fight an open-ended global campaign everywhere – a classic recipe for imperial overstretch. A worldwide perspective** also **emerged from the unfortunate US tendency to equate failed states with an al-Qaeda threat** (or potential al-Qaeda threat), **thus pulling many ungoverned corners of the globe into the US sphere of interest**.21 Along with the demand for zero risk at home, **such narrow thinking yielded reactionary, expeditionary responses instead of prioritization according to enduring US interests in deciding where to deploy. A light military footprint was not so light when it lacked a strategic framework and global boundaries**. In the absence of long-term strategic planning, the United States began to suffer four symptoms common to all prolonged wars: means became ends, tactics became strategy, boundaries were blurred, and the search for a perfect peace replaced reality.22

**That makes engagement impossible --- causes cycles of failed intervention and destroys alliances --- ending the war paradigm solves**

**Mazarr 14**, Adjunct Professor for National Security Studies

[January-February 2014, MICHAEL J. MAZARR is Legislative Assistant and Chief Writer in the office of Rep. Dave McCurdy (D-OK). Dr. Mazarr holds A.B. and M.A. degrees from Georgetown University and a Ph.D. from the University of Maryland School of Public Affairs. He is an Adjunct Professor in the Georgetown University National Security Studies Program, and he served in the U.S. Naval Reserve for seven years as an intelligence officer. Before coming into the House, Dr. Mazarr was a Senior Fellow in International Studies, where he directed a number of major projects. He has authored five books, edited five anthologies, and published a number of scholarly articles, “The Rise and Fall of the Failed-State Paradigm”, Foreign Affairs, <http://www.foreignaffairs.com/articles/140347/michael-j-mazarr/the-rise-and-fall-of-the-failed-state-paradigm>]

A fourth problem with **the state-building obsession** was that it **distorted the United States’ sense of its central purpose and role in global politics**. Ever since World War II, **the United States has labored mightily to underwrite the stability of the international system. It has done this by assembling military alliances to protect its friends and deter its enemies, by helping construct a global architecture of trade and finance, and by policing the global commons**. **These actions have helped buttress an interdependent system of states that see their dominant interests in stability rather than conquest. Playing this role well demands sustained attention at all levels of government**, **in part to nurture the relationships essential to crisis management, diplomacy, and multilateral cooperation of all kinds**. Indeed, **the leading danger in the international system today is the peril that, assaulted by a dozen causes of rivalry and mistrust, the system will fragment into geopolitical chaos**. **The U.S. experience** since the 1990s, and growing evidence from Northeast Asia, **suggests that if the relatively stable post–Cold War era devolves into interstate rivalry, it will be not the result of weak states but that of the escalating regional ambitions, bitter historical memories, and flourishing nationalisms of increasingly competitive states. The U.S. role in counteracting the broader trends of systemic disintegration is** therefore **critical**. **The United States is the linchpin of a number of key alliances and networks; it provides the leadership and attractive force for many global diplomatic endeavors**, **and its dominant military position helps rule out thoughts of aggression in many quarters**. **The weak-state obsession has drawn attention away from such pursuits and made a resurgence of traditional threats more likely**. **Focusing on two seemingly endless wars and half a dozen other potential “stability operations” has eroded U.S. global engagement**, **diminished U.S. diplomatic creativity**, **and distracted U.S. officials from responding appropriately to changes in the global landscape**. When one reads the memoirs of Bush administration officials, **the dozen or more leading global issues beyond Afghanistan, Iraq, and the “war on terror” begin to sound like background noise**. **Top U.S. officials appear to have spent far more time between 2003 and 2011**, for example, **managing the fractious mess of Iraqi politics than tending to relationships with key global powers**. As a consequence, **senior U.S. officials have had less time to cultivate the leaders of rising regional powers, from Brazil to India to Turkey**. Sometimes, **U.S. actions or demands in state-building adventures have directly undermined other important relationships or diplomatic initiatives**, **as when Washington faced the global political reaction to the Iraq war.** **Such tradeoffs reflect a hallmark of the era of state building: secondary issues became dominant ones**. To be fair, this was partly the fault of globalization; around-the-clock media coverage now constantly shoves problems a world away onto the daily agendas of national leaders. Combined with the United States’ self-image as the indispensable nation, this intrusive awareness created political pressure to act on issues of limited significance to core U.S. interests. Yet this is precisely the problem: **U.S. perceptions of global threats and of the country’s responsibility to address them have become badly and perhaps permanently skewed. A great power’s reservoir of strategic attention is not infinite**. And **the United States has become geopolitically hobbled**, **seemingly uninterested in grand strategic initiatives or transformative diplomacy, as its attention constantly dances from one crisis to another**. A fifth problem flowed directly from the fourth. **To perform its global stabilizing role**, **the U**nited **S**tates **needs appropriately designed, trained, and equipped armed forces** -- **forces that can provide a global presence, prevail in high-end conflict contingencies, enable quick long-range strike and interdiction capabilities, and build and support local partners’ capacities**. **The state-building mission has skewed the operations, training, equipping, and self-conception of the U.S. military in ways that detract from these responsibilities**. **Much of the U.S. military has spent a decade focusing on state building and counterinsurgency** (COIN), **especially in its training and doctrine**, to the partial neglect of more traditional tasks. **Massive investments have gone into COIN-related equipment**, such as the MRAP (mine-resistant, ambush-protected) vehicles **built to protect U.S. troops from improvised explosive devices, draining billions of dollars from other national security resources**. **The result of these choices has been to weaken the U.S. military’s ability to play more geostrategic and**, ultimately, **more important roles**. **Between a demanding operational tempo**, **the requirements of refitting between deployments**, **and a shift in training to emphasize COIN**, **the U.S. military, especially its ground forces, lost much of its proficiency in full-spectrum combat operations.** Simply put, **the U.S. military would be far better positioned today** -- **better aligned with the most important roles for U.S. power, better trained for its traditional missions, better equipped for an emerging period of austerity** -- **had the state-building diversion never occurred**. AN ALTERNATIVE MODEL **None of this is meant to suggest that a concern for the problems posed by weak or failing states can or should disappear entirely from the U.S. foreign policy and national security agendas**. **Counterterrorism and its associated tasks will surely remain important**, and across the greater Middle East -- including Afghanistan after 2014 -- **internal turmoil may well have external consequences requiring some response from Washington**. **Effective local institutions do contribute to stability and growth, and the United States should do what it can to nurture them where possible**. **The difference is likely to be in the priority Washington accords such efforts**. The January 2012 Defense Strategic Guidance, for example, reflected the judgment that “**U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations**” and announced an intention to pursue “innovative, low-cost, and small-footprint approaches” to achieving objectives. Recently, the vice chairman of the Joint Chiefs of Staff, Admiral James “Sandy” Winnefeld, went even further: “I **simply don’t know where the security interests of our nation are threatened enough to cause us to lead a future major, extended COIN campaign.**” In the future, **the United States is likely to rely less on power projection and more on domestic preparedness, replacing an urgent civilizing zeal with defensive self-protection**. **This makes sense, because the most appropriate answer to the dangers inherent in an era of interdependence and turbulence is domestic resilience**: hardened and redundant networks of information and energy, an emphasis on local or regional self-sufficiency to reduce the cascading effects of systemic shocks, improved domestic emergency-response and cybersecurity capacities, sufficient investments in pandemic response, and so forth. **Equally important is a resilient mindset**, one that treats perturbations as inevitable rather than calamitous and resists the urge to overreact. In this sense, the global reaction to the recent surge in piracy -- partly a product of poor governance in African states -- should be taken as a model: no state-building missions, but arming and protecting the ships at risk. When it does reach out into the world to deal with weak states, **the United States should rely on gradual progress through patient, long-term advisory and aid relationships, based on such activities as direct economic assistance tailored to local needs; training, exchanges, and other human-capacity-development programs; military-to-military ties; trade and investment policies; and more**. The watchwords should be patience, gradualism, and tailored responses: enhancing effective governance through a variety of models attuned to local patterns and needs, in advisory and supportive ways. **As weak states continue to generate specific threats, such as terrorism, the United States has a range of more limited tools available to mitigate them**. **It can**, for example, **return terrorism to its proper place as a law enforcement task and continue to work closely with foreign law enforcement agencies**. **It can help train and develop such agencies, as well as local militaries, to lead in the fight.** When necessary, **it can employ targeted coercive instruments -- classic intelligence work and clandestine operations, raids by special operations forces, and, with far greater selectivity than today, remote strikes -- to deal with particular threats, ideally in concert with the militaries of local allies**. **Some will contend that U.S. officials can never rule out expeditionary state building because events may force it back onto the agenda**. If **al Qaeda were to launch an attack that was planned in restored Taliban strongholds in a post-2014 Afghanistan**, or if a fragmentation and radicalization of Pakistani society were to place nuclear control at risk, some would recommend a return to interventionist state building. Yet after the United States’ recent experiences, it is doubtful that such a call would resonate. **The idea of a neo-imperial mission to strengthen weak states and stabilize chaotic societies always flew in the face of more important U.S. global roles and real mechanisms of social change**. There is still work to be done in such contexts, but in more prudent and discriminate ways. **Moving on from the civilizing mission will**, in turn, **make possible a more sustainable and effective national security strategy, allowing the United States to return its full attention to the roles and missions that mean far more to long-term peace and security**. **One of the benefits of this chang**e, ironically, **will be to allow local institutional development to proceed more organically and authentically, in its own ways and at its own pace. Most of all, the new mindset will reflect a simple facing up to reality after a decade of distraction**.

**Ending the war paradigm rebalances US foreign policy and makes US leadership sustainable—key to reorient away from short term military failures**

**Cronin 13, Professor of Public Policy**

[11/29/13, Professor Audrey Kurth Cronin has had a combination of academic positions and practical U.S. government service throughout her career. She joined George Mason University’s School of Public Policy in Arlington, Virginia (USA) as a tenured senior faculty member in September 2011. Prior to that, she was a faculty member and director of the core course on military strategy at the U.S. National War College (2007-2011). She came to the war college from Oxford University (Nuffield College), where she was Director of Studies for the Oxford/Leverhulme Programme on the Changing Character of War from 2005 to 2007, “The ‘War on Terrorism’: What Does it Mean to Win?”, Journal of Strategic Studies, http://www.tandfonline.com/doi/abs/10.1080/01402390.2013.850423#tabModule]

Third, as the United States ends this war, **it must** also **rebalance US counterterrorism policy**. **Being at war**, **the U**nited **S**tates **has naturally overemphasized and overresourced the military response to al-Qaeda at the expense of the nonmilitary means**. **Decades of international experience with counterterrorism confirm that this emphasis on the use of military force has long-term disadvantages that will not serve American interests or security in the future**. As part of its transition toward postwar normality, **the United States must focus more energy on diplomacy and building the capacity of partner countries who are dealing with threats that also potentially threaten the US**. In particular, **enhancing the role of the Department of State in interagency efforts against counterterrorism is extremely important**. The formal promotion of the State Department’s Office for Combating Terrorism to a full Bureau of Counterterrorism in January 2012 was a step in the right direction toward enhancing its role in building international cooperation against terrorism through diplomatic channels.64 **The Pentagon has vastly overshadowed the State Department’s resources and leverage in developing US counterterrorism policy**, and **this is the time to readjust toward a more viable long-term national strategy**. **Modeling balanced counterterrorism policies is the best way forward**, **including not just direct action when required, but also lower profile, longer-term, more prosaic efforts such as prison monitoring, counter-recruitment, countering document fraud, airport security, Internet monitoring, and jihadist chat-room infiltration**. Fourth, and related, **the US government must do a better job of bringing its own costs and risks into sharper alignment, synching image and reality in the minds of Americans.** **Popular resilience is part of a winning strategy against al-Qaeda**, and **to build it the US government and its people must determine how to go from a state of war to a state of peace**, meaning a realistic condition of normality. **Ending the state of war against al-Qaeda will have an influence upon the US public psychologically and will shift the American narrative in ways that help the US government better adapt to ongoing global changes**. That is not to say that ‘terrorism’ will end. Three weeks after leaving office, outgoing Head of the National Counterterrorism Center Michael Leiter put it this way: The American people do need to understand that at least the smaller-scale terrorist attacks are with us for the foreseeable future …. The way that we fundamentally defeat that threat, which is very difficult to stop in its entirety, is to maintain a culture of resilience. Although this threat of terrorism is real and there will be tragic events that lead to the deaths of innocent people, it is not, in my view, an existential threat to our society.65 The President must openly and repeatedly say the same thing. **Continued cooperation on counterterrorism is vital.** But lastly, **the end of this war should bring with it a reassessment of US security commitments globally, with clear prioritization according to national interests**. Why, for example, is the United States beefing up its military presence in Africa while simultaneously arguing that the future lies in a rebalancing to Asia? **Such a strategic shift is impossible as long as it is willing to get sucked into local insurgencies by carrying out so-called ‘goodwill’ attacks on behalf of governments in Yemen, Somalia, and Pakista**n**. US forces are reacting to short-term threats against those governments, rather than building a viable global presence to protect the United States and its longstanding allies.** Americans must stop living on adrenaline and build a sustainable future by ending this war and developing some concept of what normality means. **The US goal for al-Qaeda must be to transition to where it is a manageable, albeit still dangerous, threat and American policymakers can focus more of their resources and attention on other priorities**. Al-Qaeda has not ended. But its ability to launch a major attack against the United States has declined. Critics will argue that the enemy always has a vote. This is true; but does he have a veto? **A major coordinated attack from abroad would be catastrophic**; however, smaller terrorist attacks on US soil are inevitable and have been the reality for decades. The next time there is a small jihadist attack on American soil – inspired by the legacy of al-Qaeda or even orchestrated by one of its new ‘associates’ – will Americans automatically extend this costly global war for another decade? The United States is not the first great power to meet a serious terrorist threat. **Being constantly on the defensive diminishes its global role and stature. While elements of the US government must continue to aggressively counter al-Qaeda, staying on an endless wartime footing is self-defeating.**

**U.S. engagement solves nuclear war and fosters global cooperation**

**Brooks, Ikenberry, and Wolforth 13**, Professors of Government and international Politics

[January/February 2013, Stephen G. Brooks, G. John Ikenberry, and William C. Wohlforth STEPHEN G. BROOKS is Associate Professor of Government at Dartmouth College. G. JOHN IKENBERRY is Albert G. Milbank Professor of Politics and International Af airs at Princeton University and Global Eminence Scholar at Kyung Hee University in Seoul. WILLIAM C. WOHLFORTH is Daniel Webster Professor of Government at Dartmouth College. This article is adapted from their essay "Don't Come Home, America: The Case Against Retrenchment," International Security, Winter 2012-13., “Lean Forward”, Foreign Affairs, http://www.twc.edu/sites/default/files/assets/academicCourseDocs/22.%20Brooks,%20Lean%20Forward.pdf]

Of course, even if it is true that the costs of deep **engagement** fall far below what advocates of retrenchment claim, they would not be worth bearing unless they **yielded greater benefits**. In fact, they do. **The most obvious benefit** of the current strategy **is that it reduces the risk of a dangerous conflict**. **The U**nited **S**tates' **security commitments deter states with aspirations to regional hegemony from contemplating expansion and dissuade U.S. partners from trying to solve security problems on their own** in ways that would end up threatening other states. **Skeptics discount this benefit by arguing that U.S. security guarantees aren't necessary** to prevent dangerous rivalries from erupting. **They maintain that the high costs of territorial conquest and the many tools countries can use to signal their benign intentions are enough to prevent conflict**. In other words, **major powers could peacefully manage regional multipolarity without the American pacifier**. But **that outlook is too sanguine**. If **Washington got out of East Asia, Japan and South Korea would likely expand their military capabilities and go nuclear**, **which could provoke a destabilizing reaction from China**. It's worth noting that **during the Cold War, both South Korea and Taiwan tried to obtain nuclear weapons; the only thing that stopped them was the U**nited **S**tates, **which used its security commitments to restrain their nuclear temptations.** Similarly, **were the U**nited **S**tates **to leave the Middle East**, the countries currently backed by Washington -- notably, **Israel, Egypt, and Saudi** **Arabia** -- **might** act in ways that would **intensify the region's security dilemmas**. There would even be reason to worry about Europe. Although it's hard to imagine the return of great-power military competition in a post-American Europe, it'**s not difficult to foresee governments there refusing to pay the budgetary costs of higher military outlays and the political costs of increasing EU defense cooperation. The result might be a continent incapable of securing itself from threats on its periphery, unable to join foreign interventions on which** U.S. **leaders might want European help, and vulnerable to the influence of outside rising powers**. **Given how easily a U.S. withdrawal from key regions could lead to dangerous competition**, **advocates of retrenchment** **tend to put forth another argument: that such rivalries wouldn't actually hurt the United States**. To be sure, few doubt that the United States could survive the return of conflict among powers in Asia or the Middle East -- but at what cost? **Were states** in one or both of these regions **to start competing against one another, they would likely boost their military budgets**, arm **client states, and perhaps even start regional proxy wars**, **all of which should concern the United States**, in part because **its lead in military capabilities would narrow.** Greater **regional insecurity could also produce cascades of nuclear proliferation as powers such as Egypt, Saudi Arabia, Japan, South Korea, and Taiwan built nuclear forces of their own.** **Those countries' regional competitors might then also seek nuclear arsenals.** **Although nuclear deterrence can promote stability** between two states with the kinds of nuclear forces that the Soviet Union and the United States possessed, **things get shakier when there are multiple nuclear rivals with less robust arsenals**. As **the number of nuclear powers increases, the probability of illicit transfers, irrational decisions, accidents, and unforeseen crises goes up.** The case for abandoning the United States' global role misses the underlying security logic of the current approach. **By reassuring allies and actively managing regional relations, Washington dampens competition in the world's key areas**, thereby **preventing the emergence of a hothouse in which countries would grow new military capabilities.** For proof that this strategy is working, one need look no further than the defense budgets of the current great powers: on average, since 1991 they have kept their military expenditures as a percentage of GDP to historic lows, and they have not attempted to match the United States' top-end military capabilities. Moreover, all of the world's most modern militaries are U.S. allies, and the United States' military lead over its potential rivals is by many measures growing. On top of all this, **the current grand strategy acts as a hedge against the emergence regional hegemons**. Some supporters of retrenchment argue that the U.S. military should keep its forces over the horizon and pass the buck to local powers to do the dangerous work of counterbalancing rising regional powers. Washington, they contend, should deploy forces abroad only when a truly credible contender for regional hegemony arises, as in the cases of Germany and Japan during World War II and the Soviet Union during the Cold War. Yet **there is already a potential contender for regional hegemony** -- China -- and to **balance it, the United States will need to maintain its key alliances in Asia and the military capacity to intervene there**. The implication is that the United States should get out of Afghanistan and Iraq, reduce its military presence in Europe, and pivot to Asia. Yet that is exactly what the Obama administration is doing. MILITARY DOMINANCE, ECONOMIC PREEMINENCE Preoccupied with security issues, **critics of the current grand strategy miss one of its most important benefits: sustaining an open global economy and a favorable place for the United States within it**. To be sure, **the sheer size of its output would guarantee the United States a major role in the global econom**y whatever grand strategy it adopted. Yet **the country's military dominance undergirds its economic leadership**. In addition to protecting the world economy from instability, **its military commitments and naval superiority help secure the sea-lanes and other shipping corridors that allow trade to flow freely and cheaply**. **Were the United States to pull back from the world, the task of securing the global commons would get much harder. Washington would have less leverage with which it could convince countries to cooperate on economic matters and less access to the military bases** throughout the world **needed to keep the seas open.** A global role also lets the United States structure the world economy in ways that serve its particular economic interests. During the Cold War, **Washington used its overseas security commitments to get allies to embrace the economic policies it preferred** -- convincing West Germany in the 1960s, for example, to take costly steps to support the U.S. dollar as a reserve currency. U**.S. defense agreements work the same way toda**y. For example, **when negotiating the 2011 free-trade agreement with South Korea, U.S. officials took advantage of Seoul's desire to use the agreement as a means of tightening its security relations with Washington.** As one diplomat explained to us privately, "We asked for changes in labor and environment clauses, in auto clauses, and the Koreans took it all." Why? Because they feared a failed agreement would be "a setback to the political and security relationship." More broadly, **the United States wields its security leverage to shape the overall structure of the global economy**. Much of what the United States wants from the economic order is more of the same: for instance, **it likes the current structure of the World Trade Organization and the International Monetary Fund and prefers that free trade continue. Washington wins when U.S. allies favor this status quo,** and one reason they are inclined to support the existing system is because they value their military alliances. Japan, to name one example, has shown interest in the Trans- Pacific Partnership, the Obama administration's most important free-trade initiative in the region, less because its economic interests compel it to do so than because Prime Minister Yoshihiko Noda believes that his support will strengthen Japan's security ties with the United States. The United States' geopolitical dominance also helps keep the U.S. dollar in place as the world's reserve currency, which confers enormous benefits on the country, such as a greater ability to borrow money. This is perhaps clearest with Europe: the EU's dependence on the United States for its security precludes the EU from having the kind of political leverage to support the euro that the United States has with the dollar. **As with other aspects of the global economy, the United States does not provide its leadership for free: it extracts disproportionate gains. Shirking that responsibility would place those benefits at risk.** CREATING COOPERATION **What goes for the global economy goes for other forms of international cooperation.** Here, too, **American leadership benefits many countries** but disproportionately helps the United States. **In order to counter transnational threats, such as terrorism, piracy, organized crime, climate change, and pandemics, states have to work together and take collective action**. But **cooperation does not come about effortlessly**, especially when national interests diverge. **The U**nited **S**tates' **military efforts to promote stability and its broader leadership make it easier for Washington to launch joint initiatives and shape them in ways that reflect U.S. interests**. After all, **cooperation is hard to come by in regions where chaos reigns, and it flourishes where leaders can anticipate lasting stability.** U**.S. alliances** are about security first, but they also **provide the political framework and channels of communication for cooperation on nonmilitary issues**. NATO, for example, has spawned new institutions, such as the Atlantic Council, a think tank, that make it easier for Americans and Europeans to talk to one another and do business. Likewise, consultations with allies in East Asia spill over into other policy issues; for example, when American diplomats travel to Seoul to manage the military alliance, they also end up discussing the Trans-Pacific Partnership. Thanks to conduits such as this, **the United States can use bargaining chips in one issue area to make progress in others**. **The benefits of these communication channels are especially pronounced when it comes to fighting the kinds of threats that require new forms of cooperation, such as terrorism and pandemics.** With its alliance system in place, **the United States is in a stronger position than it would otherwise be to advance cooperation and share burdens**. For example, the intelligence-sharing network within NATO, which was originally designed to gather information on the Soviet Union, has been adapted to deal with terrorism. Similarly, after a tsunami in the Indian Ocean devastated surrounding countries in 2004, Washington had a much easier time orchestrating a fast humanitarian response with Australia, India, and Japan, since their militaries were already comfortable working with one another. The operation did wonders for the United States' image in the region. **The United States' global role also has the more direct effect of facilitating the bargains among governments that get cooperation going in the first place**. As the scholar Joseph Nye has written, "The American military role in deterring threats to allies, or of assuring access to a crucial resource such as oil in the Persian Gulf, means that the provision of protective force can be used in bargaining situations. Sometimes the linkage may be direct; more often it is a factor not mentioned openly but present in the back of statesmen's minds."

**Destroys Special Forces and the DOD budget**

**McCintosh 13**, Christopher McIntosh is a Visiting Assistant Professor, Political Studies, at Bard College and has a Ph.D. in political science from the University of Chicago. His research looks at the relationship between sovereignty and war, focusing particularly on the case of the United States war on terrorism, Foreign Policy Research Institute, Ending the War Against Al Qaeda, http://www.sciencedirect.com/science/article/pii/S0030438713000732#

Ending the war involves inevitable difficulties—the question currently facing the United States is whether this framework offers the most effective response to the threat from al Qaeda. Although the Obama Administration has stated its willingness to revise and/or repeal the AUMF, it has also made it clear that it sees the threat as real, continuing, and necessitating offensive military action. While many calling on the president to end the war base their case on ethical concerns regarding the inappropriateness of indefinite detention, civilian casualties, targeting American citizens, and drone strikes, **there is a compelling strategic case for ending the war and shifting entirely to a comprehensive counterterrorist policy. Committing** to war **for another “10 or 20 years” poses serious costs and is** potentially **counterproductive**. Regarding the former, it must not be overlooked that **conducting an ongoing war** on al Qaeda imposes an **increasing burden on the Defense Department in several ways. First, given** the **unorthodox and asymmetric nature of the threat— from a military perspective—war on al Qaeda places a particular strain on** U.S. **Special Forces. Over the** past **decade, Special Forces have borne the burden of the war on al Qaeda. Continuing on a war footing places strains on the forces that are by definition a finite and precious resource**. Second, **during** a time of **sequestration**, the **costs associated with a war with al Qaeda falls disproportionately on the Defense Department**, rather than more traditional counterterrorist entities such as the intelligence community and law enforcement. **Given the role** that **fiscal costs** have **played** in **justifying** a **rollback in Afghanistan and Iraq, the same case can be made for action in this conflict as well**. Although some individuals initially expressed concern that **framing** the **U.S. response as a war—rather than** continuing to treat it primarily as an issue of **law enforcement**—potentially **conferred legitimacy on al Qaeda,** that concern was quickly brushed aside. President Bush’s September 2001 address to a joint session of Congress labeling al Qaeda’s attack an act of war, comparing that act to Pearl Harbor, and calling for a full U.S.-military response effectively ended that discussion.18 **Historically, the U**nited **S**tates has **avoided actions that offer any political legitimacy to terrorist organizations for fear that it would contribute to a perception that terrorism works and encourages other groups to utilize the tactic**—this partially undergirds the refusal to negotiate with terrorist groups. Ultimately, the Bush Administration decided that whatever recognition or legitimacy declaring war on al Qaeda created was overridden by the operational value of military strikes on al Qaeda and the need for regime change in Afghanistan to eliminate their safe haven. Debating about whether the attacks were an “act of war” seemed irrelevant given the size, scope, and magnitude of the attacks, the immediacy of the threat, and the obvious utility of military force. **After 12 years, the U**nited **S**tates **is facing a dramatically different and eroded enemy and the possible legitimizing effect of a state of war is worth revisiting**—as was made clear in Obama’s address. As long as the United States remains at war with al Qaeda, the latter remains a meaningful political actor. Recognizing al Qaeda as an enemy made sense in 2001—the horrific acts they committed meant the enemy was a serious threat regardless of what we did in response. However, the al Qaeda of the recent past is vastly different—their operational capability within U.S. borders has receded drastically and declaring this particular terrorist group to be the one organization worthy of an indefinite state of war elevates their stature in ways that no longer serve our interests.

**The War on Terror’s driving Special Forces into the ground**

**Scarborough 3/11**, Rowan Scarborough is a Washington Times reporter, he graduated summa cum laude from the School of Journalism at the University of Maryland and was a Hoover Institution Media Fellow, **Obama runs special forces into the ground** Global demand drains readiness even as U.S. wars wind down, http://www.washingtontimes.com/news/2014/mar/11/special-ops-forces-wearing-thin-from-high-demand/?page=2&utm\_medium=RSS&utm\_source=RSS\_Feed

**America’s in-demand global force against terrorists is showing signs of stress and appears to be gliding toward a decline in readiness, says a Pentagon budget overview on s**pecial **o**perations **f**orces.

With the end of U.S. military operations in the Iraq War, the thought was that fewer deployments would give some relief to special operations forces after a dozen years of overseas fighting.

But the 2015 budget overview says **demand** for special operations forces **is up**, not down.

**It talks of “significant stress on the force” and notes** that the **demand** for Delta Force troops, Green Berets, Navy SEALs and other commandos **is “outpacing capacity” and** has “**initiated a downward trend in SOF readiness**” this year.

Retired **Rear Adm**. George **Worthington, once the Navy’s top SEAL, said** the **wear and tear on mind and body, much less equipment, is becoming apparent.**

“**With** guys doing **multiple deployments, they’re getting a tough nine to 10 deployments over a 12-year period**, the impact on families is going to be noticeable,” Adm. Worthington said. “**Anything that can cut down and make the deployments less vigorous in terms of operation tempo is going to be a better thing.**

**“The stress is**, at home, **you’ve got to get ready to deploy for another nine months,”** he said, adding that **the war on terror**ism **has been the SEALs’ busiest era since** the **Vietnam** War.

**“This is Vietnam on steroids,” he said. “If there is any fraying, it’s on replaceable operational equipment. But more than that, it’s the operational tempo** on the guys. **They’re over there for eight or nine months, and then they come back and then they’ve got to go back.”**

The Pentagon says special operations units plan to “reduce select capacity to preserve readiness,” but the Defense Department does not spell out which missions will be scaled back.

Adm. William McRaven, a SEAL by training who is chief of U.S. Special Operations Command, told Congress recently that “**the force** has **continued to fray**” and “our **suicide rate**, unfortunately, **has grown** here over the past three or four years.”

On Tuesday, Adm. McRaven told a Senate Armed Services subcommittee that **demand is so heavy he cannot always say yes to global combatant commanders.**

“My job as the supporting commander is to provide them forces,” he testified. “Now, there does come a time when I kind of run out of forces and so I’ve got to work with the [geographic combatant commands] and the services to do the best we can.”

The total number of special operations forces was once planned to reach 72,000, but budget constraints have capped the number at 69,700. The Special Operations Command budget for the next year is $7.7 billion, a 10 percent increase.

The command is taking steps to head off a severe readiness dip in its far-flung troops, who over the past dozen years have conducted counterterrorism training and operations in North and East Africa, the Persian Gulf, Afghanistan and Asia. They fought a long war against al Qaeda-sponsored insurgents in Iraq, where commandos perfected the fusion of intelligence collection and direct action to kill scores of terrorist leaders.

Special operations forces killed Osama bin Laden in Pakistan and tracked down his chief henchman in Iraq, Abu Musab Zarqawi. In October, Delta Force soldiers in Tripoli, Libya, nabbed Abu Anas al Libi, the reputed mastermind of the 1998 U.S. embassy bombings in East Africa.

“This **state of readiness is critical to ensure SOF remains the** United States **on-call** and **ready force for global engagements**,” the Pentagon assessment says. “The **SOF continues to experience and project an increase in global demand outpacing capacity.”**

One example: **SoCom is facing an explosion in the number of countries that want American commandos to train their forces in counterinsurgency and counterterrorism**. Last year, 63 countries received training from 3,500 personnel. In 2015, the **numbers will balloon to 103 countries and 4,500 personnel.**

**Special forces must shift from counter terrorism to solve all scenarios for nuclear war and North Korean collapse**

**Thomas 13**, Vice President and Director of Studies at the Center for Strategic and Budgetary Assessments, and Chris Dougherty is a Research Fellow at the Center for Strategic and Budgetary Assessments, 2013, “BEYOND THE RAMPARTS THE FUTURE OF U.S. SPECIAL OPERATIONS FORCES,” http://www.csbaonline.org/wp-content/uploads/2013/05/SOF-Report-CSBA-Final.pdf

Countering Weapons of Mass Destruction

The term WMD encompasses chemical, biological, radiological, and nuclear weapons (CBRN). Like the terrorist and insurgent threats discussed in the pre- vious section, WMD do not represent new threats to U.S. security interests. **As** nascent **nuclear powers grow** their **arsenals and aspirants like Iran continue to pursue nuclear capabilities**, however, the **threat of nuclear proliferation as well as** the **potential for the actual use of nuclear weapons will increase**. Similarly, **upheaval in** failing or outlaw **states like Libya and Syria, which possess chemical**

**weapons** **and** a **range of missiles, increases** the **odds that in future instances of state collapse or civil war, such weapons could be used by failing regimes in an act of desperation, fall into the hands of rebel forces, or be seized by parties hostile to the United States or its interests**.1 While all of these types of WMD are dan- gerous, nuclear weapons present threats that are orders of magnitude more de- structive than chemical or radiological weapons.19 Biological agents have proven di̇cult to weaponize ĕectively, but their potential as terror weapons warrants greater attention.190 Since the end of the Cold War, **Pakistan and North Korea have tested their first nuclear weapons, and Iraq, Iran, Libya, and Syria have all attempted to develop the**m (with varying degrees of success).**191 Iran appears to be on the brink of ac- quiring a nuclear weapons capability, which could trigger ĕorts by other states in the region, like Saudi Arabia or Turkey, to acquire their own nuclear weapons**.192 **As** the **number of states and non-state actors possessing nuclear weapons grows, so too will the odds that they will be employed in warfare, brandished to intimi- date neighboring states,** leveraged to deter the intervention of outside forces, or used to inÀict mass casualties as an act of terrorism. The **proliferation** of nuclear weapons to states such as Iran **could create a new nuclear era ruled by a deterrent logic than that which guided the behavior of nuclear powers for much of the Cold War. A greater number of nuclear actors, with larger disparities between their conventional and nuclear capabilities, could make achieving stable nuclear deterrence far more problematic** than during the Cold War, **with inadvertent or intentional nuclear use becoming more likely.** The **expansion of the nuclear club to include unstable states like North Korea, Pakistan, and possibly Iran also increases the probability that a nuclear state could lose positive control of its weapons or fissile material, and that these could fall into the hands of terrorists**. In part, this is simple arithmetic: **the greater the number of states possessing nuclear weapons, the larger the probability that one of those states loses control of its weapons**. On the other hand, the characteristics of nuclear-capable states may matter more than their number. **North Korea, Pakistan, and Iran all have histories as proliferators of weapons technologies and e[porters of terrorism**.193 Their **intelligence agencies** also **have longstanding relationships with terror groups**.19 **Finally, all face the possibility of internal insurrection or coups. With respect to Pakistan and North Korea, the greatest threat may be the security of nuclear weapons during internal upheavals such as coups or civil wars**. In addition, Pakistan’s nuclear posture has intensi¿ed already high concerns over the security of its nuclear weapons against internal threats. According to press reports, Pakistan has been taking steps in recent years to improve the survivability of its nuclear forces against preemptive attacks by Indian forc- es. These steps purportedly include the widespread dispersal of nuclear forces and the clandestine movement of nuclear weapons aboard unmarked civilian trucks.195 These steps make Pakistan’s arsenal more vulnerable to Islamist e[- tremists who could in¿ltrate the Pakistani security forces and launch attacks on one or more of the growing number of nuclear storage facilities, or intercept nuclear weapons as they are being moved around the country.19 **In North Korea, the potential for state collapse and the regime’s concomitant loss of positive control over its nuclear weapons, or the regime’s willingness to threaten their use against South Korea or Japan, represent some of the most stressing scenarios that SOF might confront.197 In Iran, a nuclear capability could embolden the regime to engage in military adventurism or intensify its proxy wars against Israel and its Sunni Arab foes us- ing Hezbollah and its Quds paramilitary force**.19 Furthermore, an **Iranian nucle- ar weapons program could trigger further proliferation in the region if its Sunni competitors, including Saudi Arabia, Turkey, and Egypt**, decide to follow suit and acquire their own nuclear deterrent.199 Finally, a nuclear-armed **Iran might use its weapons to threaten the transit of critical energy resources from the Persian Gulf or deter U.S. military intervention in the region**. In sum, the newest members and **potential future entrants to the nuclear club pose a significant threat to vital** U.S. **interests**. While the prospect of a VEN acquiring nu- clear weapons may be remote, the **consequences** of such an event **could be dire**.200 **Such groups would have a strong incentive to use these weapons, either out of a ³use it or lose it” fear that the weapon would be recovered, or to fulfill the objective of inflict- ing damage and casualties several orders of magnitude greater than what occurred in the 9/11 attacks**.201 For these reasons, **preventing the spread or use of nuclear weapons may eclipse countering terrorism as a priority U.S. national security objective**. Although nuclear weapons tend to dominate public discourse about WMD threats, bioterrorism also presents a threat that could have consequences on a massive scale. Further, the barriers to developing a bio-weapons capability may be lower. As former Secretary of the Navy Richard Danzig has argued, relative to nu- clear programs and materials, biological materials are easier to obtain, conceal, and transport. Biological weapons development programs are also much harder to de- tect.202 The indiscriminate mass ĕects of bio-weapons would have great appeal for many terrorist groups, who may be far less concerned over the prospect of blowback than state actors. Additionally, while traditional chemical weapons are less suited for mass casualty attacks than either nuclear or biological weapons, legacy chemical weapon stockpiles in unstable countries like Syria and Libya pose the danger that desperate rulers will use these capabilities in a last-ditch attempt to save their re- gime, or that the weapons will fall into the hands of rebel forces, including VENs.203 SOF can contribute to counter-WMD ĕorts across every line of operation. **The global CT network SOF have built over the last decade could be repurposed** over the ne[t decade **to become a global counter-WMD network**, applying the same logic that it takes a network to defeat a network. **SOF could also have critical responsibilities in the detection and disruption of WMD programs**.20

In a conÀict against a WMD-armed adversary, the elimination of its WMD stockpiles and delivery systems is likely to be one of the highest planning prior- ities. A central challenge, and one that SOF might be called upon to e[ecute, is simply locating the weapon caches. **SOF** assault forces **could forcibly enter WMD sites, secure weapons caches, and prepare for the neutralization of the weapons while minimizing collateral effects**.20Utilizing SOF for this mission rather than precise air-delivered munitions would provide commanders with ³eyes-on” con- ¿rmation that any WMD had been secured or safely eliminated. **During** overseas **contingencies, SMUs may be required to render safe nuclear weapons or improvised radiological devices found on the battlefield by disarming them to avoid their detonation**. Civil authorities may require SOF assistance in dealing with a nuclear terrorist event within the United States or to support partners overseas faced with such incidents. At the same time, **SOF must also be prepared to conduct render safe operations in denied areas where the government is uncooperative or has lost control of its weapons. WMD elimination and render safe missions may require additional force ca- pacity to ensure the ability to deal with simultaneous, geographically distributed nuclear incidents,** consistent with the standard al Qaeda method of operations. GCCs each have a Commander’s In-E[tremis Force (CIF) to deal with terrorist attacks or similar incidents in their AORs. These units are typically no larger than a single SF company. In the future, it may be prudent to increase CIFs in certain AORs by adding an additional company and preparing them to con- duct limited WMD-elimination ³triage” in coordination with theater e[plosive ordinance demolition (EOD) teams prior to the arrival of SMUs. Eliminating WMD in hostile countries will require SR and direct-action capabilities to in- clude: stealthy surveillance and strike aircraft; stealthy, penetrating transport aircraft to reach deep into a WMD-armed adversary’s territory; WMD-speci¿c tag, track, and locate (TTL) systems; and counter-biometrics to help SOF in¿l- trate denied areas. Similarly, SOF may need sets of specialized WMD-elimina- tion equipment pre-positioned at clandestine locations around the world to deal with nuclear threats rapidly. Finally, **if the U**nited **S**tates **goes to war with a nuclear**-armed **adversary, SOF may offer the least-worst option for regime change**. In 2011, former Secretary of Defense Robert Gates famously said that, ³«any future defense secretary who ad- vises the president to again send a big American land army into Asia or into the Middle East or Africa should µhave his head e[amined,’ as General MacArthur

so delicately put it.” 209 While current and future American political leaders may be reluctant to dispatch large-scale forces to conduct regime change operations akin to Operation Iraqi Freedom, SOF ŏer a viable strategic option for depos- ing WMD-armed regimes through UW campaigns should the need arise. Using UW may represent the best alternative to using nuclear weapons or large ground forces to invade and occupy a country possessing WMD. The traditional downside of UW is that preparations for such campaigns could take years to put in place, if not longer. The United States would do well to begin developing limited UW options in advance²by using SOF and intelligence assets to build relationships with groups that could threaten WMD-armed regimes²so that future presi- dents have a viable unconventional regime-change option when confronting WMD-armed adversaries.

**North Korean collapse is coming and escalates to U.S.-China conflict**

**Bender 14**, Jeremy Bender received a BA in Middle Eastern Studies and Religion from Rutgers University and is a staff writer at Business Insider, 1/19, <http://www.businessinsider.com/7-results-of-a-north-korean-collapse-2014-1#ixzz2x7rhGA3D>

**A report recently released** by the RAND Corporation **highlights** a series of unfortunate **events that could follow if North Korea, already on unsteady footing, were suddenly to collapse**. The **risk of a collapse has been growing** in North Korea ever **since Kim Jong-un took power** back in December 2011. As Dr. Bruce W. Bennet, a North Korea security expert of RAND, notes: **Given** that **Kim Jong-un in two years has turned over the North Korean military leadership as many times as his father did in 17 years, there is** now more **concern** that **Kim Jong-un could become the target of an assassination or coup by senior military personnel. Many** of these personnel already likely **fear for their future and the future of their families**, given North Korean brutality.

**Escalates to great power nuclear war**

**Bennett & Lind 11**, Government Prof @ Dartmouth, ’11

[Bruce W. Bennett, Senior Defense Analyst at The RAND Corporation, Jennifer Lind, Professor of Government at Dartmouth College, “The Collapse of North Korea: Military Missions and Requirements,” International Security, Volume 36, Number 2, Fall 2011]

**A government collapse in North Korea could unleash a series of catastrophes on the peninsula with** potentially far-reaching regional and **global effects. Collapse would likely trigger a humanitarian crisis.** Many of North Korea’s 24 million inhabitants are already severely malnourished; if government-provided food and health services were to cease, the population would rapidly face the prospect of starvation. **Food shortages and the possibility of civil war [End Page 84] would trigger a massive outflow of refugees, as desperate North Koreans searched for food and safety across international borders. North Korea’s weapons of mass destruction (WMD) could find their way out of the country and onto the global black market. If other countries wanted to intervene to mitigate such instability, they would need to perform complex military operations.** The provision of humanitarian relief could not be delegated to international relief organizations. **Because North Korea has some 1.2 million active-duty military personnel and 7.7 million reservists,5 outside military intervention would likely be necessary to provide security for such operations. The consequences of a poorly planned response to a government collapse in North Korea are potentially calamitous.** Rapid cooperation would be essential because many response missions are time-sensitive—for example, the longer it takes to organize humanitarian efforts, the higher the number of North Koreans who might perish or decide to leave their homes; in addition, the longer North Korean WMD are left unsecured, the larger the risk that they will disappear across international borders. Perhaps **the greatest danger is that countries will send their militaries in** without coordination to stabilize the area or **to secure the WMD.** **The specter of Chinese forces racing south while U.S. and South Korean troops race north is terrifying given the experience of the Korean War, a climate of suspicion among the three countries,6 and the risk of escalation to the nuclear level.**7

**Only legislation solves --- shift to law enforcement solves terror**

**Preble 13**, Christopher Preble is the vice president for Defense and Foreign Policy Studies at the Cato Institute. Mieke Eoyang is the director of the National Security Program at Third Way, http://www.cato.org/publications/commentary/how-end-war-terrorism-properly?utm\_source=Cato+Institute+Emails&utm\_campaign=d7856100b8-Cato\_Today&utm\_medium=email&utm\_term=0\_395878584c-d7856100b8-141711634&mc\_cid=d7856100b8&mc\_eid=719812f23e

In his speech on counterterrorism last month, President Barack Obama said something both profound and overdue — **the war** underway since 2001 **should end, not just factually but** also **legally**. Outlining his views, the president said he wanted to “refine, and ultimately repeal,” the Authorization for Use of Military Force (AUMF), the main legislative vehicle governing U.S. counterterrorism operations around the world. He also pledged not to sign laws designed to expand this mandate further. But **to make that** goal **a concrete reality, the president should** have **call**ed **for legislation repealing the administration’s authority for war** — sunsetting the AUMF, which provides the legal authorization for our troops in Afghanistan, once combat operations there conclude at the end of 2014. **Future counterterrorism** operations **can rely on the plentiful authorities the executive branch already has**, including some that have been added since 9/11. And **if this president** — or any other in the future — **needs greater war powers to deal with a threat, they can return to Congress and ask for specific, limited authorities tailored to address the future challenge.** The fact is that while there are other ways the AUMF could be usefully altered, a clean repeal has significant advantages. From an operational perspective, the AUMF authorizes military force, but we’re winding down our operations in Afghanistan. Our military presence there helped decimate core al Qaeda, leaving them a shadow of their former selves. And this matters, for without the organizational support and training from core al Qaeda’s veteran operational commanders — most of whom are either dead or incarcerated — most self-radicalized terrorists are caught long before their plots are successful. Military operations should be the mechanism of last resort to deal with terrorist plots, especially outside war zones like Afghanistan. **The most successful counterterrorism operations involve timely intelligence collection and analysis, and cooperation with local officials, not open-ended military operations involving large deployments of U.S. troops. Law enforcement** or intelligence services **identified** **and disrupted multiple other plans over the years. These mechanisms do not rely upon the AUMF, so an eventual clean repeal won’t affect our ability to disrupt plots**. Conservatives who revere the Constitution should be most reluctant to hand over unending powers to the president. As James Madison said, granting “such powers [to the President] would have struck, not only at the fabric of our Constitution, but at the foundation of all well organized and well checked governments.” Madison knew that war tended to enhance executive powers and erode liberties. And that has occurred. With Congressional acquiescence, the last two presidents have interpreted the AUMF as a warrant to attack or detain anyone that they say is a leader of al Qaeda or its associated forces, without geographic limit. The secretive and loose definition of those terms has given the president vast and excessive discretion to identify, target and kill suspected terrorists, or to detain indefinitely those who are captured. **Sunsetting the law prevents that growth in executive power from becoming permanent.** **Liberals** who might trust this president’s discretion in using these authorities **have good reason to be concerned about what future presidents might do with broad and unlimited authority**. We have already seen how the **passage of time** has **stretched the AUMF well beyond its original purpose**. The list of targets already includes individuals and groups that were not directly involved in the attacks of 9/11. Even President Obama recognizes the risk. “**Unless we discipline our** thinking and our **actions**,” the President explained, “**we may be drawn into more wars we don’t need to fight**.”

**Solvency**

**Ending the armed conflict enhances soft constraints and political pressures that moderate behavior to the best middle ground**

**Chesney 13**, Professor in Law and Associate Dean at UT Law

[09/27/13, Robert M. Chesney is the Charles I. Francis Professor in Law and Associate Dean for Academic Affairs at the University of Texas School of Law. In addition, he is the Director-Designate of the Robert S. Strauss Center for International Security and Law. In 2009, Professor Chesney served in the Justice Department in connection with the Detention Policy Task Force created by Executive Order 13493. He also previously served the Intelligence Community as an associate member of the Intelligence Science Board and as a member of the Advanced Technology Board. In addition to his current positions at the University of Texas, he is a non-resident Senior Fellow of the Brookings Institution, a member of the American Law Institute, a senior editor for the Journal of National Security Law & Policy, and a past chair of Section on National Security Law of the Association of American Law Schools (as well as of the AALS Section on New Law Teachers), “POSTWAR”,THE UNIVERSITY OF TEXAS SCHOOL OF LAW, Public Law and Legal Theory Research Paper Series Number 544, http://ssrn.com/abstract= 2332228]

**Let us assume for the sake of argument** that the foregoing analysis is correct, and that **the legal consequences of abandoning the armed-conflict model will have little practical effect** given the policy constraints already adopted and the native breadth of the continuous-threat model. **Is it possible that the move to postwar might nonetheless produce a significant departure from status quo targeting practices thanks to the impact of** such a switch on **other, non-legal mechanisms of constraint**? Possibly so. To be sure, moving to a postwar framework will not directly cause the technological constraints on the projection of force to resume their previous degree of constraining effect, nor will it necessarily inhibit the production of actionable intelligence (though the looming withdrawal of all or even most U.S. ground forces from Afghanistan—which might or might not precipitate a decision by the government to embrace a postwar framework—may well inhibit such collection). But **there are other non-legal constraints to consider**. Three stand out as both particularly important and likely to be impacted by a formal shift to a postwar model. First, **consider the domestic political climate.** I do not mean partisan politics as such, though this can matter too. Rather, **by “domestic politics” I mean to refer simply to the influence of American public opinion on the calculations of legislators and executive branch officials**. On that dimension, **what impact might follow from a formal proclamation recognizing an end to the armed conflict with al Qaeda**? **Such a move would be widely publicized and endlessly discussed in the media**, and **for at least some members of the public it would likely alter baseline assumptions regarding the sorts of activities they might expect to see the government engaging in for counterterrorism** purposes going forward. **The continued use of military detention would surely seem incongruous to many**, for example, **or at least it would begin to seem increasingly so as time passed**. Likewise, th**e further use of armed attacks**—whether using drones, manned aircraft, or some other weapons platform—**would also be surprising to some under the postwar rubri**c. **Such incongruities would not necessarily spark a negative reaction in every quarter**. Those who would prefer not to move to a postwar model, after all, might be pleasantly surprised by them. But **there is little doubt that incongruous actions would generate a negative reaction in at least some quarters, and it is possible that the negative reaction would in fact be substantial**—particularly if **the surrounding circumstances contributed to a perception that the government must have been acting hypocritically** all along in proclaiming an end to the armed conflict. Of course, **insofar as incongruous actions are conducted in secret** (a quite-likely state of affairs for a postwar model, given the extensive reliance on the CIA and Joint Special Operations Command to conduct lethal operations on a covert or clandestine basis even while still under the armed-conflict model)48 **the constraining impact of public opinion would be substantially muted**. **Even then**, though, **the possibility of eventual public disclosure would remain** (as the Snowden affair in the summer of 2013 reminds us). **Government officials operating in the shadow of these considerations could be expected to take them into account**, **even if they would not be dispositive**. In that sense, **domestic political considerations would be more constraining in the postwar context than they are under the status-quo model of armed conflict**. **Something similar can be said about the constraining impact of diplomatic considerations**. By “diplomatic considerations” I mean to refer broadly to the full spectrum of actions other governments might take in order to express displeasure with American policy (whether out of actual disagreement or in response to their own domestic political considerations). **There are many possibilities in addition to the easily-belittled example in which a state merely expresses displeasure** (privately or publicly). **A given country may be in a position to decrease cooperation on security issues** (decreased sharing of intelligence, for example, or withdrawal of personnel from a joint deployment), **or it might reduce or refuse valuable cooperation on unrelated subjects.** At any rate, two points follow from all this. First, **proclaiming the end to the armed conflict with al Qaeda unquestionably will be very well-received in most foreign capitals and among most foreign populations**. Second, **if the U.S. government ended up persisting in the use of military detention or lethal force for counterterrorism** purposes despite such a proclamation, **it seems likely that the aforementioned diplomatic costs will be higher than is currently the case**, for the same reasons of incongruity and surprise mentioned above in the context of domestic politics. **This suggests that diplomatic pressure**, too, **will be more constraining postwar than currently**. Finally, **consider the constraint embodied in what we might call the “balance of equities”** across departments and agencies within the executive branch. **Many different agencies and departments** (and different organizations within agencies and departments) have a **stake in the development and implementation of counterterrorism policy**—what insiders usually refer to as “equity”—and of course they do not always agree. **As they contend with one another in the interagency process, it may matter a great deal whether the president continues to assert that a state of armed conflict exists or instead that it has ended**. **The former tends to empower the military around the interagency conference table by directly implicating its equities, while the latter would tend to weaken it for the same reason.** In summary, **a formal shift from war to postwar would tend to increase the bite of at least three distinct soft-constraint mechanisms**, **and the collective impact from these changes could be substantial. This** in turn **could tend to dissuade the executive branch from employing the full potential for using lethal force that follows from the combination of the continuing-threat legal model and the technological and intelligence advances described above**. That said, it **is unlikely that these soft-constraint mechanisms would dissuade the executive branch altogether from acting** on the continuous-threat model. **There are powerful offsetting domestic political costs to be born**, after all, **should a given administration forego an opportunity to use force against a target that later is linked to a successful terrorist attack**. **The government might resort to lethal force less often in a postwar setting than it would under the status quo model**, then, but it nonetheless will likely use force much more often than both critics and supporters of the status quo assume would be the case in that circumstance. And **that is the critical point that seems to be missing from the current debate, fixated as it is on the question of whether to persist with the armed-conflict framework.**

**CANADIAN GIRL SCOUTS!**

**Solves the link**

**Brooks 13**, Prof of Law at Georgetown, http://www.foreignpolicy.com/articles/2013/03/14/mission\_creep\_in\_the\_war\_on\_terror

**With or without the** 2001 **AUMF, no one seriously doubts** that **the president has inherent constitutional authority (and international law authority) to use force when necessary to prevent imminent** and grave **harm** to the United States. But the key concepts there are "necessary," "imminent," and "grave," which means that unilateral, non-congressionally authorized uses of force should be reserved for rare and unusual circumstances -- as indeed they have been, for most of U.S. history. AUMF or no AUMF, **if the U**nited **S**tates **finds credible evidence of an imminent and grave terrorist attack** -- of the 9/11 variety -- **no one's going to give the president a hard time if he kills the bad guys before they have a chance to attack us**. And trust me: **If the president has solid evidence of** such an **impending attack, it won't matter if the terrorists are an al Qaeda offshoot or a rogue group of Canadian girl scouts**.

### 2AC Legal Architecture LT

**Extra-AUMF threats make all counterterrorism legally unsustainable—transitioning now is key to enable some uses of force**

**Wala 12**

[12/07/12, Raha Wala; As an Advocacy Counsel in the Law and Security Program, Raha advocates for U.S. counterterrorism and national security policies that are consistent with human rights norms. Raha is the recipient of the Bettina E. Pruckmayr Award in International Human Rights and the author of From Guantánamo to Nuremberg and Back: An Analysis of Conspiracy to Commit War Crimes Under International Humanitarian Law. Raha received his J.D. from Georgetown University Law School (2010) and his B.B.A. in Finance and Political Science from the University of Wisconsin-Madison (2005), “Raha Wala on Jeh Johnson’s Oxford Speech”, <http://www.lawfareblog.com/2012/12/raha-wala-on-jeh-johnsons-oxford-speech/>]

**What Johnson’s remarks do not focus on are the substantial opportunity costs associated with failure to articulate a clear exit strategy to the current conflict.** As Bobby writes about in a must-read law review article, **we are approaching** some **tectonic shifts that threaten to destabilize the entire legal architecture governing U.S. military counterterrorism operations**—**despite what appears to be established consensus in domestic law.** Twelve years after 9/11, **as we face the end of major combat operations in Afghanistan**, **it will become increasingly difficult to sustain the claim that the United States is in an armed conflict against groups dispersed throughout the Middle East that that have primarily local ambitions and have had little**, if anything, to do with 9/11 or any other major attack against the United States. Many of these groups do and will continue to pose a serious threat, but **as a matter of law, it will be challenging—to say the least—to maintain the position that the situation on the ground amounts to an armed conflict with the United States**. **Current detention, trial, and targeting authorities depend at least in part on maintaining that position**, and **it’s hard to see how military operations premised on an unstable legal foundation lend themselves to a sustainable counterterrorism strategy in the long-term**. **E**

**ven if smart lawyers can work with the caveats and qualifications in Johnson’s remarks that Jack identified to extend the armed conflict forward indefinitely**, **it makes good policy sense to begin preparing a post-war counterterrorism strategy now.** **The further the administration strays from an armed conflict** (and corresponding law of war-based authorities) premised on 9/11, **the al Qaeda organization responsible for those attacks, and the battlefield in Afghanistan, the closer it will get to probing judicial scrutiny, domestic and global outcry, investigations from allies and UN special rapporteurs, and a costly unilateral counterterrorism mandate**. By contrast, **the post-war counterterrorism strategy** previewed by Johnson **is more stable and better suited to dealing with evolving, dispersed, and decentralized terrorist threats over the long-term.** **Such a strategy is primarily focused on law enforcement and intelligence efforts**—both domestic and international—**and it recognizes, as Johnson does, that we cannot “capture or kill every last terrorist who claims an affiliation with al Qaeda**.” Moreover, **the intelligence-gathering efforts undergirding kinetic operations in Yemen, Somalia or other areas where the U.S. is unable or unwilling to have boots on the ground are more complicated and less efficacious than in countries where the U.S. has a longstanding in-country presence. The focus will necessarily have to shift to the law enforcement, security, and intelligence services of local partners**, however **complex relationships with such entities may be**. **A pragmatic post-war counterterrorism strategy should reserve the use of military force as a last resort for truly imminent threats**—**where using force would be on the most solid legal and ethical footing**. **A broader, less targeted lethal targeting program risks replicating the results in Yemen, where analysts report that AQAP’s membership has grown almost proportionally with the increase in drone strikes**. **Johnson**—though commenting generally on not necessarily specifically about Yemen—**importantly emphasizes the risk of fighting “an endless, hopeless battle that only perpetuates a downward spiral of hate, recrimination, violence and fear.**

### Heg

**Congress necessary to prevent Court evisceration of War Powers**

Benjamin **Wittes 8**, Senior Fellow in Governance Studies at the Brookings Institution, co-founder and editor-in-chief of the Lawfare blog, member of the Hoover Institution’s Task Force on National Security Law, Law and the Long War: The Future of Justice in the Age of Terror, google books

What **the Supreme Court** has done is carve itself a seat at the table. It **has intimated, without ever deciding, that a constitutional basis for its actions exists—**in addition to the statutory bases on **which it decided the cases**—**meaning that its authority** over overseas detentions **may be an inherent feature of judicial power, not a policy question on which the legislature** and executive **can work their will. Whether the votes exist on the court to go this extra step we will find out** soon enough. **But the specter of a vastly different judicial posture** in this area now **haunts the executive branch—one in which the justices assert an inherent authority to review** executive **detention and interrogation practices, divine rights to apply with that jurisdiction based on due process** and vaguely worded international humanitarian law principles not clearly implemented in U.S. law, **and allow their own power to follow the military’s anywhere in the world. Such a posture would constitute an earthquake in the relationships among** all three **branches of government, and the doctrinal seeds** for it **have all been planted. Whether they ultimately take root depends on** factors extrinsic to the war on terror—particularly the future composition of a Supreme Court now closely divided on these questions. It **will** also **pivot on the manner in which the political branches posture the legal foundations of the war in the future**. **Building a strong legislative architecture now may be the only way to avert a major expansion of judicial power over foreign policy and warfare**.

### 2AC T Immediate

**We meet – Sun-setting delegated authority is a restriction on presidential war powers authority**

Tara L. **Branum** - Associate, Fulbright & Jaworski L.L.P., Houston, Texas. J.D. University of Texas; Austin, Texas – **2002**, ARTICLE: PRESIDENT OR KING? THE USE AND ABUSE OF EXECUTIVE ORDERS IN MODERN-DAY AMERICA, 28 J. Legis. 1

Once Americans begin to demand reform, it is the duty of Congress and the President to limit their actions within constitutional bounds. n419 As the leader of our country and the head of the executive branch, President Bush should be the first to propose reform for the manner in which presidential directives are used. **Particularly** now, **during** this **time of war, the President should be careful and deliberate in his use of presidential directives**. He should learn from the mistakes of former presidents who used power broadly during times of crisis, only to provide precedents for future, improper expansions of presidential power. President Bush should distinguish between those areas of foreign policy in which he has been given more discretion by the Constitution and those areas of domestic concern in which his power is more limited. Then he should work to [\*84] convey that distinction to the American people and to clarify what basis he has for any particular order that he issues. **If** President **Bush (or any future president) fails to limit himself to his proper sphere of action, then Congress has several tools at its disposal.** It should use these tools to protect itself from encroachments by the executive branch. **First**, **it can--and should--be less generous in its delegation of authority**. Any delegation of authority should be precise and narrow. n420 Other oversight mechanisms may be implemented, n421 and the possibility of including some presidential action within the purview of the APA may also be considered. n422 **Where possible, sunset provisions should be incorporated into bills delegating authority. Such strict restrictions on presidential power will severely limit those presidential orders falling into the first--and broadest--area of presidential authority: orders with express constitutional or statutory authority.** [\*85]

#### Should denotes an expectation of enacting a plan

#### American Heritage Dictionary 2000 (Dictionary.com)

should. The will to do something or have something take place: I shall go out if I feel like it.

### ///2AC ESR

**Only repealing the statue ends the war paradigm --- as long as we’re officially at war Al Qaeda can employ a David v Goliath narrative, allies won’t cooperate, and DOD and diplomatic focus will obsess over failed states --- that’s McCintosh, Preble, and Cronin**

#### only Congress solves

McCintosh 13, Christopher McIntosh is a Visiting Assistant Professor, Political Studies, at Bard College and has a Ph.D. in political science from the University of Chicago. His research looks at the relationship between sovereignty and war, focusing particularly on the case of the United States war on terrorism, Foreign Policy Research Institute, Ending the War Against Al Qaeda, http://www.sciencedirect.com/science/article/pii/S0030438713000732#

Shifting Strategy—Ending the War

Post AUMF, the United States has eliminated much of al Qaeda’s leadership. The Taliban no longer offers the group safe haven in Afghanistan. AQ operations and major attacks have been disrupted dramatically and Osama bin Laden and other leaders have been killed. Although the threat is by no means extinguished, these successes have brought us to a point at which we must think strategically about the end-game. Without a change, the current path will remain ultimately inconclusive and counterproductive. The inability to conclude the conflict successfully is not due to the operational capacity of al Qaeda, but largely to the increasing inappropriateness of United States strategy. Dropping the framework of war will not be simple, but neither is it impossible. Congress already has begun to envision and debate the means of implementation—the Senate Armed Services Committee has begun to examine the scope of the AUMF. Ending the framework requires *only an act of Congress: revoking the blank check it wrote to the executive* and returning any use of force to pre-2001 limitations. Short of full revocation, Congress also could act to impose limits on the use of force—in terms of geography, temporal duration, or even requiring concurrence with international law, as Rosa Brooks argued in her testimony before the Senate.27 In addition, Congress could choose to more effectively use their oversight capacity to shape and constrain what the executive can and cannot do in areas such as indefinite detention and the targeted killing program. Despite the beginning of a discussion regarding revising and/or repealing the AUMF, action along any of these lines seems unlikely at this point given the GOP’s support of hardline approaches to dealing with terrorism, as well as the Obama Administration’s reliance on targeted killing as the primary means of countering terror abroad. Although the option is always there, neither party has shown a real willingness to constrain the executive from operating its commander-in-chief powers in any substantive manner. An effective, yet equally unlikely option also could be for the executive to take the lead. This could be accomplished via the next National Security Strategy that the administration offers. The 2010 NSS shifted the United States from a policy of a Global War on Terrorism to a narrowly focused effort limited to al Qaeda and its affiliates. A similar directive, declaring that the war on al Qaeda is over would make clear that this is not merely a rhetorical exercise but one with deep strategic, legal, and political implications. Unfortunately, executive action alone would be subject to the political shifts inherent in the office of the president and subject to no lasting, formal restrictions. Obama’s expansion of the drone program demonstrates that there will always be an incentive for the occupant of the White House to expand his or her efforts in the name of security, regardless of political ideology.

**Perm do both --- shields the link because Obama won’t backlash to himself**

**Perm do the CP**

#### Only repeal solves

Traub 2/24 [2/24/14, James Traub is a senior fellow of the Global Centre for the Responsibility to Protect, a fellow of the Center on International Cooperation and a member of the Council on Foreign Relations, “Repeal and Restore”, <http://www.foreignpolicy.com/articles/2014/02/28/repeal_and_restore_obama_end_war_on_terror>]

In every supremely lawyered syllable, Obama was saying: It's not a war anymore. If you look very closely at the guidance on the use of lethal force, Obama was agreeing to bind himself to the rules governing behavior in non-battlefield settings, including the requirement of an imminent threat and the high threshold for the avoidance of civilian casualties. The same holds true for Guantánamo, since international law prohibits indefinite detention save during hostilities. If the United States is no longer at war, the president doesn't need extraordinary war powers. Congress granted those powers on Sept. 14, 2001, in the form of the Authorization for Use of Military Force (AUMF), which permits the president to "use all necessary and appropriate force" against the organizations which carried out the attacks of 9/11. The AUMF is the heart of the legal structure of the war on terror. Repealing the statute, more than any single act, would mark the end of that war. In his speech, Obama called on Congress to "refine, and ultimately repeal" the act. Yet he has said virtually nothing on the subject since then. The president has also never identified the moment when he believes he could do without those powers. How about at the end of this year? That's when all combat troops will have withdrawn from Afghanistan, thus ending the actual "war" of the war on terror. What's more, in his most recent State of the Union speech, Obama said that Guantánamo should close by the end of this year (though that will prove much harder to do). Harold Koh, the former State Department legal counsel, told me that he favors a repeal of the AUMF in the near term, preferably by the end of 2014. Last summer, Rep. Adam Schiff offered a resolution to do just that. It lost, but garnered 180 votes. Schiff told me that he will re-introduce the measure this spring. The AUMF has a reciprocal relationship to the measures it authorizes. If you're not at war, you don't need it. And if you don't have it, you can't engage in war-like acts such as the indefinite detention of belligerents. One very good reason to repeal the AUMF is to make it absolutely clear that the United States does not wish to have that authority. There is, for example, no further justification for indefinite detention. No new inmate has arrived at Gitmo since 2008, and when the United States withdraws combats troops from Afghanistan, it will no longer be encountering adversaries to be detained. If Congress repealed the AUMF, the president would still be able to rely on the powers enumerated in Article II of the Constitution to defend America from attack. Both Harold Koh and Matthew Waxman, a former Bush administration legal official, agree that this would include the authority to use drones -- or special forces -- for targeted missions, so long as they abide by the more stringent terms of the president's 2013 guidance on the use of lethal force. (The president would probably still be able under certain circumstances to order the killing of an American citizen, as he is now reportedly considering.) Nevertheless, a president without war powers would probably shy away from the outer limits of his constitutional prerogatives, looking instead to the other instruments at his disposal to deal with terrorism. The AUMF is, in any case, very nearly obsolete. In Yemen, Somalia, and across North Africa, the United States is no longer fighting al Qaeda but its affiliates. The Supreme Court has ruled that the AUMF covers "associates" of al Qaeda, but demarcating this category has become an increasingly Jesuitical exercise. Especially after the war ends in Afghanistan, courts are going to be skeptical about the invocation of war powers against tenuously linked associates of al Qaeda. For this reason, Waxman and three colleagues have argued for updating the AUMF rather than repealing it, setting out clear criteria for the use of force and compiling a list of terrorist adversaries. That's a sensible response if you think the most important objective is to preserve the president's freedom of action against terrorist groups. But I would say the most important objective is to restore America to itself. That doesn't simply mean forswearing war powers Americans were quick to grant after 9/11. It also means ending the reign of fear that inevitably emerged after the terrorist attacks. Americans still live inside their fear -- or at least their elected representatives behave as if they do. Think of the insane overreaction to the prospect of holding the trials of major figures like Khalid Sheikh Mohammed in civilian courts in the United States, or of transferring such figures to American prisons; or of the convulsive police reaction to the Tsarnaev brothers' bombing, which paralyzed metropolitan Boston; or of the pervasive military presence in so many public spaces. This is a national pathology that must be overcome -- especially before some new terrorist slips through the net and launches a successful strike on U.S. territory. Obama will have excellent political reasons for putting off the repeal of the AUMF. The Republicans will rain down demagoguery from the skies -- especially should a new terror attack occur. And sure, Obama could "refine" the law rather than repeal it, even if a new statute would be very hard to design. He could also ask Congress to pass a new AUMF that must be annually renewed, which, as Koh suggests, would have the added virtue of forcing Congress to become a partner in the legal response to terrorism. But Obama can afford to take political risks -- he isn't running for re-election. And, as Schiff points out, thanks to the national war exhaustion, Republicans are far more receptive to dialing down the counter-terror volume than they were only a few years ago. Most fundamentally, however, no half-measure will convey the message that Obama plainly wants to transmit: We are no longer at war with terrorists. It is increasingly clear that this president is pursuing a subtractive foreign policy. He ended torture. He removed American troops from Iraq; he is removing them from Afghanistan. All this is necessary, but it is still not the legacy he imagined for himself, or that his supporters hoped for. It is now within his power to end the war on terror. And that is something the American people will thank him for.

### 2AC Links to Politics

#### Links to politics

Chesney, 14 --- Professor in Law at UT (Robert M., Harvard National Security Journal, “Postwar,” 5 Harv. Nat'l Sec. J. 305)

This was a risky move from a political perspective. n4 It was an article of faith in some quarters that the U.S. government prior to 9/11 had responded to terrorism through a feckless combination of indictments, extradition requests, and Miranda warnings. From this perspective, 9/11 was a wakeup call that belatedly stirred America to adopt a more appropriate model--specifically, the armed-conflict model--thereby paving the way for the use of military detention without criminal charge, "enhanced interrogation techniques," rendition, prosecution by military commission, and, of course, lethal force. And in those same quarters, it was equally assumed that the country in recent years had grown sleepy once again and was now at grave risk of reverting to a dangerous "pre-9/11 mindset." For an Obama Administration official to speak publicly of the possibility of an end to the armed conflict with al Qaeda would be to invite criticism of precisely this kind, without even satisfying those who instead wished to see an immediate end to militarized approaches to counterterrorism.

### Reform

**Only total repeal solves**

**Shank 13**, Michael Shank, Ph.D., is the director of foreign policy at the Friends Committee on National Legislation. Matt Southworth is legislative associate for foreign policy at the Committee and serves on the board of directors for Veterans for Peace, http://www.theguardian.com/commentisfree/2013/may/05/authorization-use-military-force-blank-check

The consequential nature of these words is self-evident: the **AUMF opened the doors to** the US wars in **Iraq, Afghanistan and Libya; attacks on Pakistan, Yemen, Somalia and Mali**; the new drone bases in Niger and Djibouti; and the killing of American citizens, notably Anwar al-Awlaki and his 16-year-old noncombatant son. **It** is what **now emboldens** the **hawks on the warpath to Syria, Iran and North Korea.** **Rather than doubling down on war policy**, as some senators are inclined to do, **Congress should repeal the 2001 law. This "blank check" approach to warfare has to stop**. And **while the rewrite is being framed by members of both chambers** (Senators John McCain and Bob Corker, Representative Buck McKeon and others) **as an act of congressional oversight, it is doubtful** that these **hawks will curb any military authority. They** have only ever **called for more wars, not fewer. That means more Libyas, Yemens and al-Awlaki's**. It is time for members of Congress who truly care about rule of law, oversight and the financial security of this country to speak up. Why? Because, first and foremost, the AUMF continues to contravene congressional oversight. For example, when the Obama administration sent 100 "military advisors" to Uganda in the name of counterterrorism in 2011, Congress received a simple note from President Obama. No oversight. More recently, after unilaterally negotiating a "status of forces" agreement with Niger, the administration sent a note to Congress saying that it was sending 100 troops to the country. This week, we sent troops to Mali. Again, no oversight. This is the new normal. Statistics provided by Special Operations Command (pdf) indicate that special forces groups were operating in 92 different countries in March 2013. The **AUMF** premise, **no matter how it gets tweaked, is enabling a system of eternal warfare, a reality that is not only financially untenable for a nation in deep debt, but also ethically indefensible**. Second, the **AUMF continues to undermine rule of law. There are clear laws that apply to wartime situations or imminent threats, and a broadened AUMF could undermine these further**. That **the US** already broadly categorizes individuals and groups that are loosely or tacitly associated with extremists – in secret and sometimes without evidence – **is already setting a dangerous precedent.** As counterterrorism technologies, like drones, expand, the US and international community may soon see these tactics used in intra-state conflicts, with possible violations of human rights law. If targeted killings by drones are justified as acts of war, they must be subject to international law on the use of lethal force within the borders of another sovereign nation. Without a clear showing of permission to use lethal force within another nation, or an imminent threat from that nation, these killings seriously undermine prohibitions in international law against the use of deadly force. Third, given the lack of campaign finance reform, too often defense policy is driven not by military strategy or legitimate threats, but by the defense contractor's bottom line. This is the case with the AUMF and the defense industry. The defense industry spent over $130m on lobbying efforts in 2012 alone, and in the first quarter of 2013, weapons maker Northrop Grumman spent $5.8m on Congress, posting its third biggest lobbying quarter in company history. There's a reason why unnecessary weapons systems like the F-35 joint strike fighter, a program that now costs the American taxpayer hundreds of billions of dollars, never go away. It's the same reason why new systems will be developed to drive policy decisions: money. The industry continues to claim the need for new weapons to face new threats. It is becoming clear that the defense industry's loyalty is first to the financial security of its shareholders, and only secondarily to the security of this country. **It is time to send the 2001 AUMF into the sunset, and to return the checks and balances that policy-makers put in place**: the executive and legislative branches must deliberate before waging war. **We are making enemies through a feckless, dangerous approach, and it is time to return some censure to our defense apparatus. Otherwise, the AUMF will continue to make us hemorrhage – both blood and, especially, treasure.**

**Can’t solve Special Operations --- war footing**

**Also standard of last resort is really really vague --- means either it’s circumvented or constrains spec ops when needed**

**Loopholes spill over**

Blank 12, Director of International Humanitarian Law Clinic

[Laurie R. Blank is the Director, International Humanitarian Law Clinic, Emory University School of Law, “THE CONSEQUENCES OF A “WAR” PARADIGM FOR COUNTERTERRORISM: WHAT IMPACT ON BASIC RIGHTS AND VALUES?”, Georgia Law Review, Vol. 46:719 2012, [http://ssrn.com/abstract=1918116](http://ssrn.com/abstract%3D1918116)]

Law often creates or requires a balancing of interests—a way to address competing needs and goals or to uphold multiple, often seemingly competing values and principles. In few areas is this role for the law starker than in war, counterterrorism, and other components of national defense. On the broader level, war and counterterrorism both require robust national defense without ignoring individual rights. For example, in war, the authority to kill the enemy goes hand-in-hand with the obligation to treat not only innocent civilians, but also captured enemy personnel (who minutes before may have been the target of deadly attack), humanely and with dignity.43 In the case of counterterrorism, pursuit of suspected terrorist operatives, who seek to kill innocent civilians and endanger the nation-state, takes place within the legal parameters governing surveillance, interrogation, and trial. This combination of values and obligations is both difficult and extraordinarily important. The past decade has demonstrated that the rhetoric of “war” can upend these delicate balances in a variety of ways.44 The potential damage goes deeper, however, threatening the very paradigms and structures that protect individual rights and facilitate effective process precisely at times of great national crisis and danger. Abuses can be stopped and wrongs can—sometimes— be righted, but a new culture of how we view the values of individual rights and national security and the appropriate balance between them can be much harder to unravel. The purpose here is not to argue that it is impossible to be in an armed conflict with terrorist groups and that the United States should only use the tools of law enforcement in countering the threat from terrorists at home and abroad. Indeed, the nation-state has multiple tools at its disposal to address terrorist threats, including military force, criminal law, financial measures, and so on. Each of these has its place, and they can and often are used in concert. The question, rather, is the consequence of using the terminology of “war” on the overall framework. Thus, the assertion of the “war” paradigm naturally leads to the assertion of wartime privileges and authorities—in and of itself not necessarily an issue. What is problematic, however, is when this assertion of wartime authority has, in essence**, a spillover effect through the expansion of definitions, concepts, and the morphing of paradigms**. This can happen in two ways: (1) the “re-conceptualizing” of paradigms to broaden the areas that fit within wartime authority and (2) the fostering of a belief that “war” can displace law and rights. Without recognition of these developments and the risks they pose for the long term, **even the complete reversal of all policies that have undermined individual rights will not suffice to ensure their protection in the future**. A. “RE-CONCEPTUALIZING” PARADIGMS The issues raised in the previous Part—indefinite detention and the global battlefield—demonstrate how the “war” rhetoric has broadened existing paradigms to encompass more individuals, more conduct, and more geographic space. But re-conceptualizing also involves the tweaking of existing legal paradigms to include or exclude individuals or rights, usually with detrimental results for the protection of individual rights. The debate over what to call terrorist operatives is a useful example. Before the 9/11 attacks, terrorists were nearly uniformly considered criminals and were pursued, arrested, prosecuted, and punished within the criminal justice system.45 Individuals that the United States fought against in armed conflict, such as in Iraq in the first Gulf War, were considered to be enemy fighters—usually POWs if they met the relevant criteria—and treated in accordance with the law of armed conflict.46 By all measures, the post-9/11 paradigm has involved **a merging**—in one form or another—**of these two frameworks**, as numerous scholars have analyzed and critiqued over the past decade.47 The consequence has been to reshape both paradigms, in effect, in problematic ways. Superimposing the rhetoric of “war” on the law enforcement and criminal justice paradigm has **spurred efforts to create what appears to be a separate—and less protective—process** for those accused of involvement in the War on Terror. The relaxation of the Miranda protections for suspected terrorists is a prime example, in which the claim, “We are at war with these people,” was all it took to undermine one of the most fundamental constitutional protections of the past half-century.48 The damage to individual rights is significant—individuals merely suspected of terrorist activity are stripped of a basic right all other individuals in the criminal justice system enjoy simply because we can fit their alleged conduct within this broad framework of the War on Terror. But the consequences do not stop there. The willingness to tinker with rights and protections **sets the stage for continuing and future deprivations** of individual rights— all on the grounds that such expanded powers are “necessary” for the national fight against terrorism. Some, for example, argue that all persons arrested in the United States for suspected involvement in terrorist acts should automatically be held in military custody in Guantanamo Bay before any judicial process whatsoever.49 The result would be that persons who traditionally would proceed through the criminal justice system would be held in detentionpotentially without charge or trial, lost in the complex political maze that is Guantanamo Bay today. Easier—perhaps, but certainly not in accordance with the U.S. tradition of individual rights and protections. At present, this automatic transfer to military custody is neither law nor policy, but the fact that it remains a potential option demonstrates just **how powerful the rhetoric of “war” can be**. In the context of so-called “ordinary” crimes, our society recognizes that law enforcement must operate within parameters that help protect individual rights—that “[i]nconvenience in law enforcement is the price of the rule of law.”50 The interjection of the terminology of “war” seems to turn this bedrock principle on its head. From the opposite side, the imposition of the traditional armed conflict paradigm has been stretched as well, both in incorporating traditionally criminal law concepts and in applying the law to individuals. For example, U.S. military commissions currently have jurisdiction to prosecute crimes such as material support for terrorism, conspiracy, and murder in violation of the law of war.51 Although including these crimes in the commissions’ jurisdiction surely maximizes the potential to prosecute more individuals within the military commission system, these are not traditional crimes under the law of war and therefore do not fit properly within the commissions’ jurisdiction.52 To the extent that the procedural rules and protections differ between the military commissions and ordinary criminal trials—a concern that has diminished significantly with recent reforms to the military commission process—individual rights are affected**.** The use of “war” rhetoric has also altered how LOAC applies in a definitional way to individuals.53 How the law categorizes persons within an armed conflict is critical to the protections and rights such persons enjoy—giving this definitional aspect of the law great reach. Revisiting the substantive debate about whether suspected terrorist operatives are criminals or belligerents (whether entitled to POW status or not) is beyond the scope of this Essay. For the purposes of the instant discussion, however, **it** is particularly interesting to note that in the course of nearly ten years of debate, conversation, legislation, and judicial opinions attempting to create and set the parameters of the category of enemy combatant, nearly all of that debate has focused on which legal paradigm to apply—not on the fact that these are individuals with basic rights. **The uncertainty that still persists in many quarters has created a situation in which rights protected in either or both legal paradigms—armed conflict or law enforcement—are minimized or denied**. The most obvious example is the use of torture in the course of interrogation—a practice prohibited in every legal regime, domestic or international, that could conceivably apply to persons captured in the course of the War on Terror.54 Others include the detention of persons at unidentified black sites—held incommunicado and without notification to any family or authorities—and extraordinary rendition.55

**Total repeal is key**

**Shank 13**, Michael Shank, Ph.D., is the director of foreign policy at the Friends Committee on National Legislation. Matt Southworth is legislative associate for foreign policy at the Committee and serves on the board of directors for Veterans for Peace, http://www.usnews.com/opinion/articles/2013/05/24/congress-must-sunset-the-authorization-for-use-of-military-force?page=2

As President Barack Obama defended the nation's ever-evolving counter-terrorism policy yesterday at the National Defense University and opened the parameters for military action in places outside of the traditional battlefield, the risk of writing into law permission for warfare any time, any place and anywhere – and without appropriate (if any) checks and balances – increased tenfold. **Calls for a complete rethink on America's so-called "war on terror" and its accompanying and unfettered ability to wage war wherever, through the A**uthorization for **U**se of **M**ilitary **F**orce, have been made across the board, most recently by former Obama administration official Harold Koh and by the president himself on Thursday. They **should be heeded immediately**, especially by members of Congress. After the Iraq and Afghanistan wars, some in Congress support continued and expanded operations in places like Yemen, Pakistan, Libya and Mali, which have seen a recent increase in U.S. military action. But **what is afoot in Congress is much more dangerous: a blanket expansion for the use of force that is not only unnecessary, but too far reaching and absent any oversight and transparency**. **Mission creep is becoming a serious problem. We are now employing military action,** through our often-covert special forces, **in 92 countries**. This is according to statistics provided by the Special Operations Command. Why the growth in U.S. military operations globally? After the attacks of September 11, Congress almost unanimously passed **the** force **authorization**, which originally sanctioned the U.S. war in Afghanistan, but has since **served as the legal cornerstone for the** so-called U.S. **"war on terror" and is used to justify operations involving alleged militants –known vaguely as "associated forces" – in Pakistan, Yemen, Somalia, Mali and elsewhere.** There is no question that the 2001 law has become outdated. But the solution isn't to expand the law or create a new one. Is the U.S. really at war with all groups "associated" with al-Qaida? What constitutes association and who verifies that association? If the Syrian group Jabhat al-Nusra, part of the Syrian opposition to President Bashar Assad, is affiliated with al-Qaida in Iraq, are we then at war with the same Syrian rebels that Arizona Sen. John McCain – a leader on revising the current law – hopes to train and arm? One can see how quickly the waters get muddy. Going forward, and for clarity's sake, there are several sticky points that must be resolved immediately, whether or not the authorization law gets repealed, which would be the ideal, or simply revised, which is less ideal but more likely. First, **the law is entirely unnecessary. If America merely follows pre-existing U.S. law authorizing war, it becomes unnecessary to authorize an unlimited blanket use of force**. Congress can take action (as it did in 2001) to quickly pass an authorization when appropriate, when a known threat is identified. This is how war has been authorized for generations. It's called due process. Besides, the president, under Article II of the Constitution, has the authority to defend the country without an Authorization for Use of Military Force. Second, the authorization is too far reaching. Congress should certainly set a threshold for the use of force. An updated authority should rein in, not expand, existing administrative authority. This would mean a move away from "associated forces" and "belligerent" language toward "threat capacity" and "imminence" language. This process could be done within the administration, but should require some kind of mechanism for congressional reporting. Why is it critical to change the language? The administration should be able to provide evidence (through multiple sources of intelligence, not just drone surveillance) that a group or individual has both the capacity and imminent intent to attack the United States or U.S. assets before it can conduct a strike or deploy Special Forces units. The evidence could be reviewed internally and reported to the appropriate congressional committees for further oversight. [See a collection of political cartoons on Congress.] This brings us to our third point. The authorization law lacks oversight. To further increase transparency, all Department of Defense reporting on lethal strikes – currently optional – should be made mandatory. Unclassified or redacted versions of reports could also live online somewhere in the public domain. This could include making the muddled and unduly secret list of "associated forces" public. The public should not have to rely on investigative journalism to know what is happening around the world in their name and on their dime. **The right thing for Congress to do is to sunset the 2001 law and to return the checks and balances that previous policymakers put in place. Anything less undermines the very foundation of our democracy and ensures that America is forever at war.**

### 2AC Circumvent DA

**Ending the armed conflict enhances soft constraints and political pressures that moderate behavior to the best middle ground**

**FINISHING CHESNEY**

**o some under the postwar rubri**c. **Such incongruities would not necessarily spark a negative reaction in every quarter**. Those who would prefer not to move to a postwar model, after all, might be pleasantly surprised by them. But **there is little doubt that incongruous actions would generate a negative reaction in at least some quarters, and it is possible that the negative reaction would in fact be substantial**—particularly if **the surrounding circumstances contributed to a perception that the government must have been acting hypocritically** all along in proclaiming an end to the armed conflict. Of course, **insofar as incongruous actions are conducted in secret** (a quite-likely state of affairs for a postwar model, given the extensive reliance on the CIA and Joint Special Operations Command to conduct lethal operations on a covert or clandestine basis even while still under the armed-conflict model)48 **the constraining impact of public opinion would be substantially muted**. **Even then**, though, **the possibility of eventual public disclosure would remain** (as the Snowden affair in the summer of 2013 reminds us). **Government officials operating in the shadow of these considerations could be expected to take them into account**, **even if they would not be dispositive**. In that sense, **domestic political considerations would be more constraining in the postwar context than they are under the status-quo model of armed conflict**. **Something similar can be said about the constraining impact of diplomatic considerations**. By “diplomatic considerations” I mean to refer broadly to the full spectrum of actions other governments might take in order to express displeasure with American policy (whether out of actual disagreement or in response to their own domestic political considerations). **There are many possibilities in addition to the easily-belittled example in which a state merely expresses displeasure** (privately or publicly). **A given country may be in a position to decrease cooperation on security issues** (decreased sharing of intelligence, for example, or withdrawal of personnel from a joint deployment), **or it might reduce or refuse valuable cooperation on unrelated subjects.** At any rate, two points follow from all this. First, **proclaiming the end to the armed conflict with al Qaeda unquestionably will be very well-received in most foreign capitals and among most foreign populations**. Second, **if the U.S. government ended up persisting in the use of military detention or lethal force for counterterrorism** purposes despite such a proclamation, **it seems likely that the aforementioned diplomatic costs will be higher than is currently the case**, for the same reasons of incongruity and surprise mentioned above in the context of domestic politics. **This suggests that diplomatic pressure**, too, **will be more constraining postwar than currently**. Finally, **consider the constraint embodied in what we might call the “balance of equities”** across departments and agencies within the executive branch. **Many different agencies and departments** (and different organizations within agencies and departments) have a **stake in the development and implementation of counterterrorism policy**—what insiders usually refer to as “equity”—and of course they do not always agree. **As they contend with one another in the interagency process, it may matter a great deal whether the president continues to assert that a state of armed conflict exists or instead that it has ended**. **The former tends to empower the military around the interagency conference table by directly implicating its equities, while the latter would tend to weaken it for the same reason.** In summary, **a formal shift from war to postwar would tend to increase the bite of at least three distinct soft-constraint mechanisms**, **and the collective impact from these changes could be substantial. This** in turn **could tend to dissuade the executive branch from employing the full potential for using lethal force that follows from the combination of the continuing-threat legal model and the technological and intelligence advances described above**. That said, it **is unlikely that these soft-constraint mechanisms would dissuade the executive branch altogether from acting** on the continuous-threat model. **There are powerful offsetting domestic political costs to be born**, after all, **should a given administration forego an opportunity to use force against a target that later is linked to a successful terrorist attack**. **The government might resort to lethal force less often in a postwar setting than it would under the status quo model**, then, but it nonetheless will likely use force much more often than both critics and supporters of the status quo assume would be the case in that circumstance. And **that is the critical point that seems to be missing from the current debate, fixated as it is on the question of whether to persist with the armed-conflict framework.**

#### Still solves terror --- forces a re-framing more conducive to allied coop and that doesn’t make us look like we’re over-reacting

#### We still solve leadership

Chesney 13, Professor of Law

[03/24/13, Bobby Chesney is the Charles I. Francis Professor in Law at the University of Texas School of Law, as well as a non-resident Senior Fellow of the Brookings Institution., “Does the Armed-Conflict Model Matter in Practice Anymore?”, http://www.lawfareblog.com/2013/05/does-the-armed-conflict-model-matter-in-practice-anymore/

In yesterday’s speech, President Obama repeatedly referred to the possibility that the armed conflict with al Qaeda may end, and indeed that it must and should end lest we find ourselves in a perpetual state of war. It is the same perspective previously articulated by then-DOD General Counsel Jeh Johnson in his Oxford Union address, but stated in more detail here–and with much more impact on public narratives, as seen for example in today’s New York Times editorial touting the “End of the Perpetual War.” This is an attractive vision in many ways, and one certainly hopes that the day will soon arrive when al Qaeda has been devastated to the point where it is proper for the president to declare that the armed conflict has indeed run its course. Time will tell whether and when that point arrives. In the meantime, however, it would be good to take a closer look at what it would mean, legally speaking, to move to a “postwar” model. Obviously there will be a rhetorical difference from the status quo, and that alone could have a real impact on domestic politics and related considerations such as budgetary allocations. But set all that aside. What I’d like to concentrate on is the question of what legal differences would follow with respect to detention and targeting.

**Interbranch conflict now – Syria and Ukraine IMF reforms prove**

**Reuters 3/26**

(Lawmakers bash Obama administration's 'delusional' Syria policy, www.reuters.com/article/2014/03/27/us-syria-usa-senate-idUSBREA2P2DE20140327)

**U.S. lawmakers lashed out at the Obama administration's handling of Syria's civil war** on Wednesday, **demanding a stronger American response to the conflict and better communication from the White House about its plans.** Senator Robert **Menendez, chairman of the Senate Foreign Relations Committee, expressed deep frustration after** Anne Patterson, **the assistant secretary of state** for Near Eastern affairs, **declined to answer a question about strategy in a public setting**. "I have a problem with a generic answer to a generic question that I can't believe is classified," Menendez, a New Jersey Democrat, said during a committee hearing. **Heated exchanges during questioning** of Patterson and Tom Countryman, another assistant secretary of state, **underscored the** often **deep divide between Congress - both Republicans and** President Barack Obama's fellow **Democrats - and the administration on foreign policy. The emotional hearing came a day after** Senate **Democrats dropped from a Ukraine aid bill reforms of the** **I**nternational **M**onetary **F**und **sought by the Obama administration,** saying they felt it was more important to move the bill quickly. **Members of the Foreign Relations panel in particular are frustrated by the administration's failure to do more in Syria**, where 140,000 people have been killed, millions have become refugees and thousands of foreign militant fighters have been trained as rebels have fought to oust President Bashar al-Assad. 'BALONEY' Senator Bob Corker, the committee's top Republican, called one answer from Patterson "major, misleading baloney." "I can't imagine you actually saying that in this setting. That would indicate to people that we have a military strategy relative to Syria, and that ... could not be further from the truth," the Tennessee senator said. Arizona Republican John **McCain, a frequent critic of Obama's foreign policy, called U.S. Syria policy "a colossal failure."** "The greatest nation in the world has sat by and watched this genocide taking place," the senator said. **The Foreign Relations Committee voted** in May **to authorize sending military aid to the Syrian opposition** and approved in September the use of U.S. military force in the conflict. **But significant lethal aid has not yet been sent and the White House, after resistance from other members of Congress, dropped plans to bomb Syria** after agreeing with Russia to destroy Assad's chemical weapons cache.

**2ac L**

**Obama losing now --- IMF and other agenda items**

**Weisman, 3/25** (Jonathan, 3/25/2014, “Senate Democrats Drop I.M.F. Reforms From Ukraine Aid,” <http://www.nytimes.com/2014/03/26/world/europe/senate-democrats-drop-imf-reforms-from-ukraine-aid-package.html?_r=0)>)

WASHINGTON — Senate **Democrats, bowing to united House Republican opposition, dropped reforms of** **I**nternational **M**onetary **F**und **governance from a Ukraine aid package** on Tuesday, **handing** President **Obama an embarrassing defeat as he huddled in Europe with allies who have already ratified the changes**.

The monetary fund language would have enlarged the Ukraine loan package while finally ratifying changes dating to 2010 that only the United States has opposed. Mr. **Obama himself negotiated those changes, and European allies conferring with him on Ukraine have been pressing for American action.**

But the need for speed on loans and direct assistance to Ukraine overcame the White House’s willingness for a fight. Senator Harry Reid of Nevada, the majority leader, said he was taking his lead from Secretary of State John Kerry, who had signaled that the administration would push for the monetary fund language separately.

Mr. Reid said the package should pass the Senate by Thursday.

“Obviously, politics don’t stop at the water’s edge on this issue,” said Senator Robert Menendez, Democrat of New Jersey and chairman of the Foreign Relations Committee, denouncing the Republican stance.

The governance changes would raise the borrowing limit of countries like Ukraine at the multilateral lending institution, while giving more authority to emerging economic heavyweights like China, Brazil — and Russia. The Obama administration painted them as vital to a Ukraine aid package, but Republicans were never convinced.

Some conservatives oppose the changes as a lessening of American authority at the fund, although Washington would retain veto power. But Republican leaders saw them more as a bargaining chip and were pressing to swap the changes for an agreement from the administration to delay final Internal Revenue Service regulations on political groups that conceal the name of their donors by incorporating as tax-exempt “social welfare” organizations.

**The White House position was undercut this week by two New York Democrats**, Representatives Eliot L. Engel, **the ranking member of the House Foreign Affairs Committee, and** Nita M. Lowey, **the ranking member of the House Appropriations Committee, both of whom said the Senate should drop the matter and pass the other parts of the package**.

“I would hope that we would find a common ground, pass it, so that we can help our friends,” Speaker John A. Boehner said of the Ukraine aid and Russia sanctions measure.

The Senate legislation would guarantee $1 billion in loans to the fledgling government in Kiev and offer an additional $100 million in direct aid.

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Ukraine Crisis in Maps

It would codify sanctions against Ukrainians and Russians already affected by sanctions ordered by Mr. Obama, but at the same time, it would expand the list of targets who would be denied United States visas and subject to civil or criminal penalties.

Similar legislation is expected to pass the House this week.

“I feel strongly about I.M.F. reform, and we need to get that done,” Mr. Reid said. “But this bill is important.”

**The decision was another setback for** Mr. **Obama**; the administration also tried and failed in December to attach the monetary fund language to a trillion-dollar spending measure.

In addition to the fund issue, **the president’s nominee to lead the Justice Department’s Civil Rights Division was defeated by bipartisan opposition. His choice for surgeon general is stalled in the face of objections from the** **N**ational **R**ifle **A**ssociation. **His top domestic initiatives — such as raising the minimum wage and reviving expired unemployment benefits — appear unlikely to get through Congress.**

**Republicans are eager to exploit those Democratic divisions.**

“I can only quote Nita Lowey, the ranking Democrat on the House Appropriations Committee, and also the ranking member of the Foreign Affairs Committee, who said it was more important to do this quickly than to deal with the I.M.F., which is a much more controversial issue,” said Senator Mitch McConnell of Kentucky, the Republican leader. “I agree with these two important House Democrats.”

**2AC Ukraine**

**Passing now with sanctions**

**Urban 3/29** (Peter, “Washington Digest: Congress backs Ukraine aid, Russian sanctions” http://www.reviewjournal.com/news/washington-digest-congress-backs-ukraine-aid-russian-sanctions)

WASHINGTON — **Congress** last week **neared completion of legislation** **that would** assist Ukraine’s new government and **impose sanctions** to express U.S. outrage **over Russia**’s annexation of Crimea. “With the people of Ukraine now in dire need of assistance and under imminent threat, there has never been a more critical moment to show our support,” said Rep. Eliot Engel, D-N.Y. **The Senate and House** **passed similar bills with little opposition**. Proponents expect **a final version will reach** President Barack **Obama within the week.** The legislation is expected to include $1 billion in loan guarantees to Ukraine and other assistance in building a stable, democratic society. **Sanctions** in the bill would **include** **asset freezes and visa revocations** on Russian officials responsible for undermining the “territorial integrity” of Ukraine and other offenses. **Republicans and Democrats** in both chambers **used the debate to voice their opposition to** Russian President Vladimir **Putin** and his role in Crimea breaking away from Ukraine to join Russia. “Vladimir Putin’s recent military invasion and illegal annexation of Crimea stand in direct violation of Ukraine’s sovereignty and international law. His aggression may only continue unless we in America, along with our allies, respond with strength,” said House Majority Leader Eric Cantor, R-Va. **Opponents** of the legislation **included a handful of Republicans and Democrats** opposed to foreign interventions as well as conservatives concerned with how International Monetary Fund aid sent to Ukraine would be spent.

**2AC Link --- Popular**

**Plan’s bipartisan**

**Cohen 13, Fellow at Brennan Center for Justice**

[06/10/13, Andrew Cohen, “The Case for Congress Ending Its Authorization of the War on Terror”, http://www.theatlantic.com/politics/archive/2013/06/the-case-for-congress-ending-its-authorization-of-the-war-on-terror/276699/]

Do you have any Republican support for this measure, either in the Senate or in the House? And give me a sense of the reaction from your fellow Democrats to this proposal -- is the House minority leader in favor of it? What about Senate Judiciary Committee Chairman Patrick Leahy? **I am only now beginning to reach out to members on both sides of the aisle.** I believe that **a great many Democrats and some Republicans will agree that the present AUMF poorly describes the nature of the current threat against us, and should be repealed or replaced.** There is far less consensus on what should follow.

**2AC Won’t Fight/Inev**

**Controversy over the aff will expand but Obama won’t fight**

**Panda 3/12**, Ankit Panda is Associate Editor of The Diplomat. He was previously a Research Specialist at Princeton University where he worked on international crisis diplomacy, international security, technology policy, and geopolitics , Time to Review the AUMF, http://thediplomat.com/2014/03/time-to-review-the-aumf/

**The AUMF became a point of controversy among libertarians, non-interventionists, and civil rights groups once it became apparent that it offered a legal smokescreen to pursue extra-judicial assassinations** of American citizens affiliated with al-Qaeda, denying them the right to due process. The United States’ widely condemned practice of indefinite detention of “enemy combatants” is also a result of the AUMF. Overall, there seems to be no political consensus about what the AUMF should become. I reckon that Lumpkin’s right that the AUMF needs to be “re-looked” at. The timing is rather impeccable considering that the United States is formally ending its war in Afghanistan this year. President **Obama** himself **noted** in a speech at the National Defense University last year that **he looks forward “to engaging Congress and the** American **people in efforts to** refine, and ultimately **repeal, the AUMF**’s mandate.” Those who disagree with repealing the AUMF note that it would regress the United States’ counter-terrorism readiness to “a law-enforcement model of counterterrorism.” There is some truth in that assertion. However, the United States’ national security apparatus has matured significantly since 9/11 and the failures in intelligence and lack of inter-agency communication that allowed that attack to happen have had time to be patched up. The future of the AUMF will have important ramifications for the manner in which the United States pursues non-state national security threats in the future. **Expect this debate to expand as President Obama’s second term carries forward**.

**2ac Obama Good DAs**

**No political capital**

**Galen, 3/17** --- press secretary to Dan Quayle and Newt Gingrich (Rich, 3/17/2014, “Obama Is Poisonous,” http://www.realclearpolitics.com/articles/2014/03/17/obama\_is\_poisonous\_121954.html))

We know that President Obama doesn't have much use for the U.S. Congress. He wasn't there very long, and while he was he didn't do much, and didn't make many friends.

But, he got to be President of the United States and none of the 535 members of the House or Senate can say that.

President **Obama has used up his political capital. The cupboard is bare. His disdain for the Article I branch is exceeded only by his dislike of the Article III branch.** While **people** thought he was at least trying to do the right thing they **gave him the benefit of the doubt**.

But **that benefit** - like many health care benefits - **have disappeared**.

**The business in Ukraine is**, if only because of newness and rawness of the vote in Crimea yesterday, **an excellent example of why the country has lost faith in** the **Obama** Presidency.

**Sanctions**

**EU would be insulated from Russian retal- there’s no impact to it**

**Oliver & Donnan March 28th**
[Christian Oliver and Shawn Donnan in Brussels, journalists at the financial times, March 28th, 2014, <http://www.ft.com/intl/cms/s/0/da0a2d32-b5cb-11e3-b40e-00144feabdc0.html#axzz2xOIHou3K>, uwyo//amp]

**Europe’s top trade official struck a defiant stance against Moscow** on Thursday and **argued that the EU would have a strong hand if the Crimea crisis descended into a broader economic showdown.¶** Karel De Gucht, the EU’s trade commissioner, said **Europe had an array of weapons at its disposal including a long-awaited competition case against Gazprom**, **which can set restrictions on the Russian energy company’s ability to control supply routes and prices**. “**The idea that we are strangled by Russia is not true,**” he told the Financial Times in an interview.¶ More broadly, Mr De Gucht countered Vladimir Putin, Russia’s president, who has argued that wider sanctions would inflict equal pain on Russia and the 28-nation bloc. In fact, **Russia’s financial dependence on energy exports made it especially vulnerable**, the commissioner argued.¶ “If you owe a little bit of money to the bank and you cannot pay it, then you have a big problem. If you owe a lot of money to the bank, the bank is in trouble. That also applies to our relationship with Russia. I am not impressed by their position,” he said.¶ Mr De Gucht’s perspective on **Europe’s ability to resist a greater stand-off with Russia is critical as he is one of the leading commissioners charged with weighing up the feasibility of deeper sanctions** against Moscow, most likely to **be imposed if Russian troops enter eastern or southern Ukraine.¶** The Belgian commissioner rejected the assertion that Europe, which imports 30 per cent of its gas from Russia, could only build up greater resilience slowly. “Sometimes, history can move very fast,” he said. “**If they were trying to strangle us, we would of course call on the US for access to their gas, independently from a free trade agreement.** That would be a hugely political factor.”¶ In depth¶ Russia has annexed the southern Ukrainian peninsula of Crimea, raising fears of a return to the politics of the cold war¶ He argued that **America’s increasing gas exports would pile greater pressure on Gazprom** and added that a deal over Iran’s disputed nuclear programme could also open up the world’s second biggest gas reserves for export to Europe

**US sanctions are irrelevant – only Europe matters**

**Washington Post 3/1**/14 (“Ukraine crisis tests Obama’s foreign policy focus on diplomacy over military force” <http://www.washingtonpost.com/politics/ukraine-crisis-tests-obamas-foreign-policy-focus-on-diplomacy-over-military-force/2014/03/01/c83ec62c-a157-11e3-9ba6-800d1192d08b_story.html>)

Economic **sanctions are a possibility. But that decision is largely in the hands of the European Union, given that its economic ties to Russia, particularly as a source of energy, are far greater than those of the United States**. **The most immediate threat that has surfaced: Obama could skip the G-8 meeting scheduled for June in Sochi,** a day’s drive from Crimea. “**If you want to take a symbolic step and deploy U.S. Navy ships** closer to Crimea, **that would**, I think, **make a difference** in Russia’s calculations,” Kuchins said. “**The problem with that is, are we really credible?** Would we really risk a military conflict with Russia over Crimea-Ukraine? That’s the fundamental question in Washington and in Brussels we need to be asking ourselves.”

**--- 1ar No Political Capital**

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**Obama has terrible relations with Congress --- more fights inevitable**

**Cook, 3/17** --- political analyst who specializes in election forecasts and political trends (Charlie, 3/17/2014, “6 Ways Washington Will Stay the Same,” <http://www.nationaljournal.com/off-to-the-races/6-ways-washington-will-stay-the-same-20140317>))

4. **Obama's relations with Congress will remain poor for the duration of his time in office, pretty much as they have been since his earliest days in the White House.** More specifically, **Obama and his White House have** no relationship at all with the tea party and most conservative Republicans on Capitol Hill, a**n awful relationship with the more establishment Republicans, and a distant and uncomfortable relationship with congressional Democrats**. Perhaps the title of the movie He's Just Not That Into You pretty much describes how the president's attitude toward his own party members seems to be, and their view of him has become pretty much reciprocal. **It's hard to see how any of that changes either before or after the 2014 midterms.**

5. To the extent that Congress and the president are unable to agree on much legislatively, the **Obama** administration **will try as much as possible to affect policy through regulatory and administrative means. This in turn is likely to set up even more fights with Congress.**

6. Finally, to the extent that Washington isn't able to agree on and do much on some issues, state governments will attempt to step into the breach and address the issues themselves when they can. That being said, some of the worst elements of partisanship and fighting in D.C. seem to be infecting more state capitals.

The bottom line is that **if you have liked the last three years, you'll love the next three**. If you haven't liked the last three years, you'll just have to suck it up; **it isn't likely to change anytime soon**

**No capital --- low approval ratings**

**Cook, 3/17** --- political analyst who specializes in election forecasts and political trends (Charlie, 3/17/2014, “6 Ways Washington Will Stay the Same,” <http://www.nationaljournal.com/off-to-the-races/6-ways-washington-will-stay-the-same-20140317>))

3. President **Obama's job-approval ratings are very likely to remain pretty much where they are today, which means he will be running pretty low on political capital.** His approval generally oscillates between 38 and 46 percent in most polls, with disapproval usually between 50 and 54 percent (looking only at polls using live interviewers). Obama's approval ratings have ranged from as low as 38 percent in Fox and occasional Gallup nightly tracking to as high as 46 percent in polling by ABC News/Washington Post, CBS News/New York Times, and at times, Gallup. Most often, the president's approval rating runs around 41 percent, as NBC News/Wall Street Journal and the most recent CBS/NYT poll found. Obama's disapproval numbers have run from as low as 47 percent in older CBS News polls to as high as 54 percent in NBC/WSJ's and Fox's polling (there is a Bloomberg News poll that was something of an outlier that showed 48 percent for both approval and disapproval of the president). The most recent (March 14-16) Gallup tracking shows 40 percent approval, 55 percent disapproval. If Obama were a stock, you would say he has a narrow trading range, with a high floor and a low ceiling. **Barring some cataclysmic event, his approval is unlikely to stay below 38 percent or above 46 percent for long, meaning that his political capital will remain pretty low for the duration of his presidency**.

### --- 1ar No Capital

#### Obama’s credibility continues to fall --- especially on foreign policy

Trujillo, 3/26 (Mario, 3/26/2014, “Disapproval of Obama climbs to new high,” <http://thehill.com/blogs/blog-briefing-room/news/201852-ap-poll-disapproval-of-obama-hits-59-percent>))

Nearly six in 10 people disapprove of President Obama's job performance in a new poll by The Associated Press, the highest rating recorded by the newswire.

According to the AP-GFK survey released Wednesday, 59 percent disapprove of Obama's job performance, while 41 percent approve.

A similar poll released by the news outlet in January found 45 percent approved of him, while 53 percent disapproved.

Other recent polling has found Obama's disapproval rating slightly lower, remaining in the low 50s. A CBS News poll Tuesday showed 50 percent disapproval, while Gallup has his disapproval at 52 percent.

In the AP poll, only 40 percent approve of Obama's handling of international relations, a new low. The newswire notes that Obama's handling of foreign policy is usually neutral.

Fifty-seven percent dislike his handling of the situation in Ukraine, where the Crimean region of the country voted this month to gain independence and join Russia.

**Upcoming spending bills will divide congress**

**Catalini, 3/13** (Michael, 3/13/2014, “Bipartisan Bills in the Senate? Sure. But Partisanship Lingers, Too,” <http://www.nationaljournal.com/daily/bipartisan-bills-in-the-senate-sure-but-partisanship-lingers-too-20140313>))

But, **while senators are working together now, the issues that divide them certainly have not dissipated**.

Even though a budget has been passed setting overall spending levels for fiscal year 2015, senators will have to either approve the 12 appropriations bills—a prospect some Senate Republicans say is unlikely—or come up with a continuing resolution or omnibus before the current fiscal year ends Sept. 30.

**Republicans are already signaling that the spending bills, none of which have come to the floor yet, might hit snags.**

**"We'll see what kind of spring [it is] when we pass all of our appropriations," said** Richard **Shelby** of Alabama, the **ranking member of the Appropriations Committee**.

**Obama is pushing for sanctions now – Europe is getting in the way**

**Financial Times 3/25**/14 (“Europeans feel ‘upstaged’ by US sanctions drive against Russia” <http://www.ft.com/intl/cms/s/0/3dab6270-b41e-11e3-a09a-00144feabdc0.html#axzz2x5Marayw>)

When it comes to the west’s response to Russian aggression, **Washington has not sufficiently consulted its European allies; and many European diplomats believe the US has tried to pressure them into taking a tougher line by public one-upmanship**. “**There’s a sense here of an upstaging**,” said one EU official. “Every time there is a big European meeting, they want to be seen that they’re ahead of the curve.” **US officials insist they are working “in parallel” with the EU on sanction targets,** noting last week’s US list included eight names that first appeared on the EU’s list of visa bans and asset freezes. “No one should get too hung up on perfect parity between the lists,” a senior Obama administration official said. However, **one US official acknowledged that Washington had also wanted to “concentrate minds” in Europe with the timing of its sanctions announcements**. In Washington, Mr **Obama is under heavy pressure to prove his diplomatic mettle on the Ukraine crisis**. **He has less to lose than European allies from tougher economic sanctions** against Russia . “When we throw a punch, we hurt our own fist,” said one senior EU official. “For the Americans, it’s much more comfortable.” Although several EU countries with strong economic ties to Russia have been reluctant to back tough sanctions – when EU embassies in Moscow were asked this month merely to compile lists of potential targets, some southern European delegations resisted participating – European officials insist that their caution is not merely a matter of economic self-interest. EU law makes it difficult to target those not directly responsible for the Crimea incursion, officials say, while US law gives the White House freer rein to go after “cronies” and institutions only indirectly involved in shoring up the Putin government. Still, **the US pressure has been intense**, European officials said. According to one EU diplomat, **officials in Washington began calling counterparts in European capitals within hours of one highly secretive meeting of EU ambassadors in Brussels** – only two diplomats per country were permitted in, and no electronic devices allowed – where the EU’s list of sanctions targets was debated. The diplomat said the US had detailed readouts of every country’s position, and began pressuring those not supportive of a wider list.