## Boko Haram - Harvard

**Al-Qaeda affiliates will cause Africa war**

**Zarate and Sanderson 8/5**, Juan, former deputy national security adviser for combating terrorism, Thomas, co-director of the Transnational Threats Project at the Center for Strategic and International Studies, “Terrorism’s shifting face,” August 5th, http://www.washingtonpost.com/opinions/terrorisms-shifting-face/2013/08/05/e610e486-fde3-11e2-96a8-d3b921c0924a\_story.html

The new threat warnings of an al-Qaeda-driven plot in the Middle East and North Africa have reminded Americans that the terrorist threat persists even though Osama bin Laden is dead and the core of al-Qaeda is decimated. They are also a timely wake-up call to the broader terrorist threat now entrenched throughout an “arc of instability” — from South Asia to West Africa, where our diplomatic posts have been closed because of the reported threats — that we can’t ignore. The inability to grasp the gathering threat from al-Qaeda prior to Sept. 11 was deemed a failure of imagination. Given the globalized nature of terrorism and the ability of transnational terrorist, militant and criminal groups to collaborate and morph, we are now at risk of failing to imagine how the terrorist threat may be changing — well beyond the exclusive al-Qaeda prism. The U.S. government has been surprised by terrorist adaptations including al-Qaeda affiliates and fellow extremist group plots aimed at an airliner flying over Detroit; New York’s Times Square; and Mumbai, India , where an American helped planned the 2008 attacks. Even the fact that the Boston Marathon attackers gained ideological grounding from the violent extremism in the Caucasus seemed to have caught officials and the public off guard. Though the al-Qaeda core has been decimated, its regional affiliates have adapted — embedding themselves in local insurgencies such as al-Shabab in Somalia; supporting operations between groups, such as al-Qaeda in the Islamic Maghreb and Boko Haram in Nigeria; and engaging in criminality, including smuggling, drug trafficking, bank robberies and kidnapping in the Maghreb, Iraq, Southeast and Central Asia.

**Boko Haram’s key**

**Bamidele 12**, Oluwaseun Bamidele, Department of Liberal Arts and Social Sciences, Faith Academy, Canaanland Ota, Nigeria, “BOKO HARAM CATASTROPHIC TERRORISM -AN ALBATROSS TO NATIONAL PEACE, SECURITY AND SUSTAINABLE DEVELOPMENT IN NIGERIA,” http://www.jsd-africa.com/Jsda/Vol14No1-Spring2012A/PDF/Boko%20Haram%20Catastrophic%20Terrorism.Oluwaseun%20Bamidele.pdf

The catastrophic terrorism unleashed by the Islamic sect popularly known as “Boko Haram,” has become a nation-wide concern in Nigeria in recent years. Almost everyday television broadcast, shows, newspapers, magazines and internet websites run and re-run pictures of dramatic acts of violence carried out by this ferocious sect. It is often hard not to be scared when we see gruesome pictures of people killed or maimed by Boko Haram in office buildings, public buses or trains, and on the streets. The federal government seems weak in maintaining law and order in Nigeria and lacks a viable strategy to contain the Islamic sect from carrying out its atrocities. Nigeria seems to meet the criterion of a “failed states” such as Somalia, Afghanistan, Iraq, Pakistan and Yemen, where terrorist groups are often able to operate freely, plan sophisticated attacks and stockpile weapons—not because the government officials sponsor them but simply because they lack the political will to bring them to book. The federal government, with the support of the international community, has launched many initiatives to combat the threat posed by Boko Haram. Indeed, considerable amount of money and political capital have been invested in new and continuing programmes to enhance security and contain the threat of Boko Haram in Nigeria. Although, these and other efforts are worthy of support, it is not obvious that they reflect any clear ordering of priorities, or that they are being implemented with a sense of urgency. In order to correct this situation, this paper explores the issue of Boko Haram catastrophic terrorism in Nigeria, taking an in depth look at the historical legacy, institutions, conditions and contexts as well as the challenges posed by this trend against sustainable development. This discourse sums up the recommendations motivated by national synergy to effectively address the monstrous threat posed by Boko Haram to national peace, security and sustainable development in the country. INTRODUCTION The year 2011 shows that Boko Haram catastrophic terrorism has continued to pose a clear threat to the Nigerian economic, social and political sectors. The Nigerian economies are critically dependent on foreign investment and natural resources. Renewable natural resources exploration in agriculture and foreign investment sectors contributes more to the Gross Domestic Product of many Northern states’ economies than manufacturing. Foreign investment is the fastest growing sector in many of these states and this is based on the encouragement given to it. In addition to the significant contributions to national economies, foreign investments sustain rural livelihoods through the provisions of a wide range of products and services.

Africa war goes global

Glick ‘7 - Senior Middle East Fellow – Center for Security Policy (Caroline, “Condi’s African Holiday”, 12-12, [http://www.centerforsecuritypolicy.org/home.aspx?sid=56&categoryid=56&subcategoryid=90&newsid=11568](http://www.centerforsecuritypolicy.org/home.aspx?sid=56&categoryid=56&subcategoryid=90&newsid=11568%29))

The Horn of Africa is a dangerous and strategically vital place. Small wars, which rage continuously, **can** easily escalate **into big wars.** Local conflicts have regional and global aspects. **All of the conflicts in this** tinderbox**, which controls shipping lanes from the Indian Ocean into the Red Sea,** **can potentially give rise to regional, and indeed** global conflagrations **between competing regional actors and global powers**. The Horn of Africa includes the states of Eritrea, Djibouti, Ethiopia, Somalia, Sudan and Kenya.

The affs key to solve

WSJ 13, “Congress should clarify authorization for war,” May 15th, http://www.washingtonpost.com/opinions/congress-should-clarify-authorization-for-war/2013/05/15/73c3b28c-bd88-11e2-97d4-a479289a31f9\_story.html

THE OBAMA administration’s political and legal authority to wage war against al-Qaeda has steadily eroded. Both liberal and conservative members of Congress have challenged the administration’s lack of transparency in conducting drone attacks against alleged al-Qaeda operatives in Pakistan, Yemen and Somalia. Foreign allies as well as adversaries have asked whether the United States has arrogated the right to kill enemies anywhere in the world. Meanwhile, the appearance of new branches of al-Qaeda in northern Africa and, most recently, Syria has raised the question of whether the legal authority Congress granted in September 2001 for using military force applies to those groups. President Obama has said that he wishes to introduce greater openness into counterterrorism operations, but he has not yet taken any substantial steps. Now legislators in both houses are undertaking their own initiatives. In the House, Rep. Mac Thornberry (R-Tex.), the vice chairman of the Armed Services Committee, has introduced legislation that would require the Defense Department to report to Congress all kill-or-capture operations it undertakes and deliver a written explanation of the legal basis and approval process used to place suspects on target lists. Mr. Thornberry’s measure would be a step forward. But it still leaves important legal issues unaddressed, which is why we support an effort by the Senate Armed Services Committee to explore, beginning at a hearing Thursday, whether the 2001 Authorization to Use Military Force (AUMF) should be revised. The law authorizes the president to use force against “those nations, organizations, or persons” responsible for the attacks on New York and Washington. The Bush and Obama administrations have been backed by the courts in interpreting that language to allow attacks on the Taliban and al-Qaeda as well as “substantial supporters” and “associated forces.” But many legal experts have questioned whether a law aimed at Osama bin Laden and his cadre could be used to justify a drone strike against jihadists plotting an attack against the United States more than a decade later and thousands of miles from Afghanistan. A group of legal experts, including Robert Chesney of the University of Texas, Jack Goldsmith of Harvard, Matthew Waxman of Columbia and Benjamin Wittes of the Brookings Institution, has proposed that Congress consider revising the AUMF to authorize presidents to designate emerging al-Qaeda affiliates that pose a threat to the United States as covered by the force authorization. Such legislation could put into law criteria for adding militants outside conventional battle zones to strike lists and require greater disclosure. Sen. John McCain (R-Ariz.) has said he will seek to put together a bipartisan group to consider such reforms. Opponents say that any such legislation risks placing the United States on a permanent war footing; some argue that the United States should instead move toward declaring the conflict against al-Qaeda over. That would mean closing the Guantanamo Bay prison and returning to pre-9/11 methods for combatting international terrorism. No one wants an endless war, which is why the AUMF amendment proposal includes a sunset provision. But the reality is that al-Qaeda and its sucessors appear likely to pose a serious threat to the United States for the foreseeable future — as the recent terrorist attacks in Benghazi and Algeria demonstrated. Countering the jihadists with intelligence and law enforcement tools manifestly failed before Sept. 11, 2001. Congress would be wise to ensure that this president and his successors have the authority they need to defend the country.

Attacks likely and spills over regionally – designation key to solve

Poling 10/3, Caitlan, Director of Government Relations at the Foreign Policy Initiative, “A Creeping Terrorist Threat in Nigeria,” 10/3, http://www.usnews.com/opinion/blogs/world-report/2013/10/03/nigerias-boko-harem-is-a-growing-terrorist-threat

In the wake of the 2011 bombing of a U.N. facility in Abuja, Nigeria, policymakers scrambled to learn more about those responsible. Boko Haram, a terrorist group that had previously drawn little attention in Washington, jumped to the forefront of terror threats in Africa. However, after two years, gaps remain in our understanding of the exact nature of the threat they pose. Though many insist Boko Haram is not interested in attacking the U.S., the threat from Boko Haram to the U.S. homeland should not be underestimated, according to a report released by the House Homeland Security Committee last month. The report, entitled "Boko Haram: Growing Threat to the U.S. Homeland," highlights the deteriorating security situation in West Africa – exemplified by the crisis in Nigeria. Boko Haram, meaning "western education is sin," is based in northern Nigeria and while it gained international notoriety with its attack on the U.N., it continues to demand attention with near-constant brutal assaults throughout the country. The group is believed to be responsible for more than 3,000 deaths since 2010. Homeland Security Subcommittee Chairmen Pat Meehan, R-Pa., and Rep. Peter King, R-N.Y., have been leaders on this issue for several years. They issued their first warnings about Boko Haram with a report in November 2011, and have continued to press the administration to devote more resources to tackle the problem. The committee's follow-up report released on September 13 outlines the growing threat of Boko Haram to American national security interests, and makes the case for designating the group a Foreign Terrorist Organization. The committee notes four key findings about Boko Haram: Boko Haram "has evolved into an al Qaeda ally through their connections with Al Qaeda in the Lands of the Islamic Maghreb (AQIM) and al-Shabaab." Left unchecked, Boko Haram "threatens the stability of Nigeria by risking religious civil war," as the group's attacks are frequently intended to antagonize Nigerian Christians as well as Muslim critics of the organization. Boko Haram's activity has expanded beyond Nigeria – impacting Chad, Cameroon, and Niger, and thus becoming a regional threat requiring regional partners and capabilities. Despite the fact that three Boko Haram members have been labeled Specially Designated Global Terrorists by the United States, the committee found that this is not sufficient to prevent the potential that persons within U.S. jurisdiction aid the group. Boko Haram's emergence and growth reflects a larger trend: al-Qaida has been taking advantage of the power vacuums and chaos created by the Arab Spring, providing permissive environments across west Africa for extremist groups allied with al-Qaida's global jihad to take root. The growth of Boko Haram and its spin-off, Ansaru, should be seen in this context. Studies by the American Enterprise Institute's Katherine Zimmerman demonstrate al-Qaida is becoming more of an affiliate-based group, relying less on the traditional "core" in Afghanistan and Pakistan. The committee's report notes al-Qaida has long encouraged the growth of an al-Qaida network in Nigeria, and while Boko Haram has yet to be accepted as an official al-Qaida affiliate, it has made several pledges of support to al-Qaida and AQIM's mission and beliefs. During the Mali conflict, Boko Haram fighters were reported to be involved in the fighting alongside extremist jihadis. The group has also sent members to train with AQIM and has been linked to drug trafficking networks connected to AQIM. Boko Haram's ambitions, coupled with increasing collaboration with AQIM and a growing weapons arsenal – including advanced bomb making and shoulder-fired surface-to-air missiles from the Qaddafi caches – should be alarming. After all, it was another al-Qaida-linked Nigerian who attempted to bomb an airplane over Detroit on Christmas Day, 2009. To address the growing threat of Boko Haram to American security interests at home and abroad, the committee offers several recommendations. First, the committee calls for designating both Boko Haram, and its splinter group, Ansaru, as foreign terrorist organizations. This would provide federal agencies the tools they need to target members of the group and financial assets as well as provide clear guidance on how the U.S. views the nature of the threat Boko Haram poses.

They’ll use the Sahel belt as a launch pad for larger attacks

Parker 9/29, Gillian, correspondent for Christian Science Monitor, “Africa desert helps breed radicals, from Al Shabab to Boko Haram to Mr. Marlboro,” 9/29, http://www.csmonitor.com/World/Africa/2013/0929/Africa-desert-helps-breed-radicals-from-Al-Shabab-to-Boko-Haram-to-Mr.-Marlboro

Africa's Sahel belt is a 600-mile-wide semiarid zone stretching from Senegal in the west to Somalia in the east. The vast, seemingly ungovernable terrain has become a sanctuary for Islamist militants. After the Arab Spring, and then at the end of Muammar Qaddafi's dictatorship, many hoped for an end to terror in the Sahel. Instead, weapons spilling out of Libya and ongoing military efforts to drive Al Qaeda-linked groups from places like Mali and Nigeria have hardened Islamist fighters here. This in turn has increased the risk of violence across the region. French Foreign Minister Laurent Fabius has called the area "Sahelistan," likening it to remote areas in Afghanistan where US troops struggled for years to pin down the Taliban. The French Army in January intervened whole-scale in Mali to drive Islamist radicals out. The Sept. 21 bloody siege on Nairobi's Westgate mall was carried out by a Somali-based group called Al Shabab that is in decline and had been little noticed. But by tying up the Kenyan security forces for four days in the nation's capitol and leaving 61 or more dead, including diplomats and a prominent African-Ghanian poet, Al Shabab, which means, "the youth," put themselves on the Sahel terror map. Likewise, the Nigerian radical Islamist Boko Haram group, which acts like a cult, on Sept. 29 carried out another slaughter of the innocent by reportedly killing 50 students sleeping at a state agricultural college. Boko Haram, which translates as "Western education is sinful," has been on a killing spree this summer that has included dozens of schoolchildren and dozens of moderate Muslims attacked while praying in their mosque. The Sahel groups are reportedly small but their influence is felt where they are based, in Guinea, Nigeria, Burkina Faso, Senegal, Niger, Mauritania, Somalia, and Sudan. The worry in the West is that extremists will use the Sahel to launch terror attacks overseas. In May the United Nations Security Council warned that insurgencies here, "if left unchecked, could transform the continent into a breeding ground for extremists and a launch pad for larger-scale terrorist attacks around the world."

**Retal ensures extinction**

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

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 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. 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 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. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, bothRussia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability.

**Highest probability impact**

Neely ’13 (Meggaen Neely, CSIS, “Doubting Deterrence of Nuclear Terrorism”, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+csis-poni+%28PONI+Debates+the+Issues+Blog%29>, March 21, 2013)

The 2010 Nuclear Posture Review (NPR) cites nuclear terrorism as “today’s most immediate and extreme danger.” To counter this danger, the NPR lists research initiatives, securing nuclear materials, and a “commitment to hold fully accountable” any who help terrorists obtain nuclear weapons. Matthew Kroenig and Barry Pavel, the self-described authors of U.S. strategy for deterring terrorist networks, explain further how the United States can discourage terrorists from detonating a nuclear weapon. They make useful distinctions between actors in terrorist organizations, which can have implications for U.S. policies. However, the United States should not rely exclusively on deterrence – that is, those policies that attempt to discourage terrorists from detonating a nuclear weapon. Complementary policies that may be more effective will focus on securing nuclear materials and implementing defensive measures, in addition to conventional counterterrorism strategies. Although this shift will not make the task of preventing nuclear terrorism easier, recognizing the limits of deterrence policies will allow the United States to make smarter choices in defending against nuclear terrorism. Assessing the Threat of Nuclear Terrorism The risk that terrorists will set off a nuclear weapon on U.S. soil is disconcertingly high. While a terrorist organization may experience difficulty constructing nuclear weapons facilities, there is significant concern that terrorists can obtain a nuclear weapon or nuclear materials. The fear that an actor could steal a nuclear weapon or fissile material and transport it to the United States has long-existed. It takes a great amount of time and resources (including territory) to construct centrifuges and reactors to build a nuclear weapon from scratch. Relatively easily-transportable nuclear weapons, however, present one opportunity to terrorists. For example, exercises similar to the recent Russian movement of nuclear weapons from munitions depots to storage sites may prove attractive targets. Loose nuclear materials pose a second opportunity. Terrorists could use them to create a crude nuclear weapon similar to the gun-type design of Little Boy. Its simplicity – two subcritical masses of highly-enriched uranium – may make it attractive to terrorists. While such a weapon might not produce the immediate destruction seen at Hiroshima, the radioactive fall-out and psychological effects would still be damaging. These two opportunities for terrorists differ from concerns about a “dirty bomb,” which mixes radioactive material with conventional explosives. According to Gary Ackerman of the National Consortium for the Study of Terrorism and Responses to Terrorism, the number of terrorist organizations that would detonate a nuclear weapon is probably small. Few terrorist organizations have the ideology that would motivate nuclear weapons acquisition. Before we breathe a sigh of relief, we should recognize that this only increases the “signal-to-noise ratio”: many terrorists might claim to want to detonate a nuclear weapon, but the United States must find and prevent the small number of groups that actually would. Transportable nuclear weapons and loose fissile materials grant opportunities to terrorists with nuclear pursuits. How should the United States seek to undercut the efforts of the select few with a nuclear intent? The Problems with Deterrence The answer for U.S. policy is not deterrence. Deterrence involves convincing an adversary that the costs imposed upon him after taking an action will outweigh any benefits gained. It requires altering the strategic calculus (i.e. the analysis of costs and benefits for taking a particular action) of the adversary. These costs come from either punishment imposed on the adversary or from denying the adversary the expected benefits. In execution, deterrence requires policies of consistency and conditionality towards an adversary: consistency in expressing the imposition of costs or denied benefits if the adversary takes a specific action and conditionality in that the possibility of retaliation depends upon the adversary’s decision to take the undesirable action. These requirements of consistency and conditionality cannot be applied to a transnational threat like nuclear terrorism. Terrorists operate across states’ borders, but the burden remains on states to implement deterrence laws and policies that impose costs or deny benefits. One could point to the “glorification” laws in the United Kingdom, which sought to deter suicide terrorism by criminalizing the praise of martyrdom, as an example of such a policy. However, not all countries are able or willing to implement such laws. Alternatively, even countries that are able and willing may hesitate for fear of violating international or domestic norms. For example, with the “glorification” laws, many accused British policymakers of infringing on the right to free speech. Deterrence requires consistency in the communication of certain retaliation should the adversary take an undesired action. In the aggregate, states’ policies will likely lack this consistency and conditionality required for deterring nuclear terrorism. This results in confusion and a lack of credibility for the threat of imposing costs or denying benefits. Of course, terrorists are not susceptible to more “traditional” forms of deterrence like holding territory at risk (given that they do not own territory) or by threatening suicide terrorists with physical harm.

**Default affirmative- we don’t fully know terrorist capabilities**

Dahl ’13 (Fredrik Dahl, “Missing nuclear material may pose attack threat: IAEA”, <http://www.reuters.com/article/2013/06/28/us-nuclear-security-iaea-idUSBRE95R0BV20130628>, June 28, 2013)

(Reuters) - Nuclear and radioactive materials are still going missing and the information the United Nations atomic agency receives about such incidents may be the tip of the iceberg, said a senior U.N. official. Any loss or theft of highly enriched uranium, plutonium or different types of radioactive sources is potentially serious as al Qaeda-style militants could try to use them to make a crude nuclear device or a so-called dirty bomb, experts say. Khammar Mrabit, a director of the U.N.'s International Atomic Energy Agency (IAEA), said there had been progress in recent years to prevent that from happening. But he said more still needed to be done to enhance nuclear security. "You have to improve continuously because also on the other side, the bad guys, they are trying to find ways how to evade such detection," Mrabit said in an interview. "The threat is global because these people operate without borders," he said on Thursday before an IAEA-hosted meeting of more than 100 states in Vienna next week on how to ensure nuclear materials do not fall into the wrong hands. The U.N. agency is helping states combat smuggling of uranium, plutonium or other items that could be used for a nuclear weapon or a dirty bomb, which uses conventional explosives to scatter radioactive material across a wide area posing health risks and massive cleanup costs. About 150-200 cases are reported annually to the IAEA's Incident and Trafficking Database. More than 120 countries take part in this information exchange project, covering theft, sabotage, unauthorized access and illegal transfers. While making clear that most were not major from a nuclear security point of view, Mrabit said some were serious incidents involving nuclear material such as uranium or plutonium. These incidents mean that "material is still out of regulatory control", said Mrabit, who heads the nuclear security office of the IAEA. "Maybe this is the tip of the iceberg, we don't know, this is what countries report to us." DIRTY BOMB DANGER In one reported case, police in former Soviet Moldova two years ago seized highly enriched uranium carried by smugglers in a shielded container to prevent it from being detected, a sign of increased sophistication of such gangs. But unlike in the 1990s - after the Cold War and the collapse of the Soviet Union weakened control over its nuclear arsenal - the few cases that are reported involve grams of enriched uranium or plutonium, not kilograms. "A lot has been improved," Mrabit said. Analysts say radical groups could theoretically build a crude but deadly nuclear device if they have the money, technical know-how and the amount of fissile material needed. Obtaining weapons-grade fissile material - highly enriched uranium or plutonium - poses their biggest challenge, so keeping it secure is vital, both at civilian and military facilities. An apple-sized amount of plutonium in a nuclear device and detonated in a highly populated area could instantly kill or wound hundreds of thousands of people, according to the Nuclear Security Governance Experts Group (NSGEG), a lobby group. Because radioactive material is seen as less hard to find and the device easier to manufacture, experts say a "dirty bomb" is a more likely threat than a nuclear bomb. In dirty bombs, conventional explosives are used to disperse radiation from a radioactive source, which can be found in hospitals, factories or other places not very well protected. George M. Moore, a former senior IAEA analyst, said in an article in the Bulletin of the Atomic Scientists last month that "many experts believe it's only a matter of time before a dirty bomb or another type of radioactive dispersal device" is used. Mrabit said: "Statistically speaking no reasonable person will say that this will never happen. The probability is there."

## A2AD – Harvard

**Emerging A2AD threats and growing obsolescence of the CVW make carriers vulnerable and soaring costs cause budget rollback**

**Goure 13** - vice president at the Lexington Institute in Arlington, Virginia, where he specializes in national security <Daniel. “Drones to The Rescue!” September 2013. <http://www.usni.org/magazines/proceedings/2013-09/drones-rescue>>

The issue is important because, as anyone who has been following the recent budgetary developments in Washington knows, the future of the carrier is under increasing stress. Critics have contended that the Navy’s longstanding strategy of building the Fleet around a core of 11 nuclear aircraft carriers is becoming too expensive, and that the concept has been unable to keep pace with the rapidly growing array of threats from potential adversaries. And with the retirement of aging aircraft systems such as the A-6 and the S-3, some say the overall striking power of the carrier air wing has declined.Indeed, Secretary of Defense Chuck Hagel disclosed on 31 July that one of the largest potential spending cuts that a “strategic choices and management review” panel suggested earlier this year was to reduce the number of carrier strike groups from the current 11 to a new level of only eight or nine. “The basic tradeoff is between capacity . . . and our ability to modernize weapons systems and to maintain our military’s technological edge,” the secretary said. It’s here that the X-47B’s mid-July milestone was especially significant. The drone was developed as part of the Navy’s effort to design and test a UAV-centered unmanned combat air system. During the week that the Bush demonstration was being conducted, the Navy invited four defense contractors to submit preliminary design studies for an unmanned carrier-launched airborne surveillance and strike system, known as UCLASS. The Navy’s hope is to conduct an open competition in Fiscal Year 2014 that will result in the deployment of an operational system by FY 20.¶ The key performance parameters set out in the Navy’s invitation answered several lingering questions about the operational concept for UCLASS. The system’s primary role will be to conduct long-distance intelligence-gathering, surveillance, and reconnaissance (ISR), and to improve targeting. According to published documents, the UCLASS system must be able to conduct two unrefueled orbits at 600 nautical miles or one unrefueled orbit at 1,200 nautical miles. In lightly contested environments, it must be able to conduct strike missions out to 2,000 nautical miles. The drone must be able to lift a 3,000-pound payload, made up primarily of sensors but including 1,000 pounds of air-to-surface weapons such as the 500-pound Joint Direct Attack Munitions (JDAMS) and the Small Diameter Bomb II. Even with such capabilities, contractors will have to keep the price-tag for UCLASS under $150 million, not including items such as sensor packages, weapons, spare parts, and training.¶ The modest performance parameters indicate that, despite the potential, once the UCLASS system gets off the ground, the Navy will take a cautious, step-by-step approach. The focus on the ISR and light-attack missions means that UCLASS drones do not require high speed, extreme agility, or even stealth features. This, in turn, will simplify design and production and, in a time of growing austerity, reduce cost. Just as important, the UCLASS will fill a significant void in carrier-based long-endurance/long-distance ISR, essentially doubling the duration of these operations. The limited air-to-ground capability envisioned for the UCLASS drone means that it will supplement—but not replace—the primary strike force of the carrier air wing, the F/A-18 E/F (and soon the F-35C as well).¶ As currently envisioned, the new system will be only a small step toward defining the carrier air wing of the future. But if it succeeds and is expanded, UCLASS—and the systems that follow it—could prove to be important elements in the debate over future missions for the modern aircraft carrier and how many CVNs to retain in the Fleet.¶ It’s been a long time since there was a serious discussion about the future of the aircraft carrier. Yet, with growing frequency and intensity, Navy strategists (and periodicals such as Proceedings ) have been questioning the central place given to the CVN in Navy strategy and shipbuilding plan The issue that has drawn the greatest attention is how vulnerable critics say the aircraft carrier has become in the face of a number of emerging threats. China has developed new antiship ballistic missiles with guided warheads, which seem designed to target large naval vessels such as carriers. 2 And potential U.S. adversaries have acquired a raft of new weapons for anti-access and area-denial (A2/AD) operations, from manned aircraft and sea-skimming cruise-missiles that can be delivered from land, sea, or air to diesel-electric submarines. Taken together, the critics contend, these will place the United States’ entire surface Navy at greater risk and force the carrier strike group to take additional protective measures that could include operating farther from hostile shores or even restricting overall offense operations significantly. ¶ A second issue, which has gained greater prominence in the face of congressional calls for deep defense spending cuts, is the cost of naval aviation—from building and maintaining aircraft carriers to deploying their air wings and supporting vessels. The soaring cost overruns and construction delays in the production of the USS Gerald R. Ford (CVN-78), the first of a new class of Navy super-carriers, have raised concerns both within the Navy and on Capitol Hill. 4 At the same time, the cost of the carrier air wing is rising visibly even though it is shrinking in size. 5 Navy leadership and a number of outside experts have offered a spirited defense of the Ford -class carriers. 6¶ The third challenge—and the most central for the future of the UCLASS drone and its successors—is that of making sure that the future carrier air wing (CVW) is effective. Early assessments of the potential for UAVs to enhance the utility of the carrier air wing focused on the value of their greater range and persistence. 7 As Representative J. Randy Forbes (R-VA), chairman of the House Armed Services subcommittee on seapower and projection forces, has argued, the issues of reach and persistence remain the most serious weaknesses of the CVW—particularly in the face of the Obama administration’s new, more intense focus on Asia.¶ [T]he long distances in the region, combined with A2/AD challenges, raise questions about the future strike power of the Carrier Air-Wing (CVW). As we posture our forces, is the planned CVW of the 2020s structured to meet the range, persistence, stealth, ISR, and payload demands that will be required to operate in this theater? 8

**Causes conflict with China over the SCS and Senkaku Islands**

**Kazianis 7/19 -** Manging Editor for The National Interest at Center for the National Interest¶ National Security Columnist at The Diplomat¶ WSD-Handa Fellow at Center for Strategic and International Studies, Pacnet, Policy Analyst: Security Studies at Foreword Report (Australian Based Think Tank). ALM from Harvard University. <Harry. “America’s AirSea Battle vs. China’s A2/AD: Who Wins?” July 19, 2013. <http://thediplomat.com/flashpoints-blog/2013/07/19/americas-airsea-battle-vs-chinas-a2ad-who-wins/>>

A recent query from a colleague asked a very simple question: If America’s AirSea Battle (ASB) was ever called into service against China’s anti-access/area denial strategy (A2/AD), who wins?¶ Yikes. The simple answer, without making loyal Diplomat readers suffer through a 10,000 word academic slog is… no one.¶ But first, allow me to back track a bit. One key aspect of both ideas that gets lost in the mix is in what situations conflict could occur and the possible escalatory nature of such a conflict. When it comes to a potential showdown between ASB and A2/AD, the devil is truly in the details. While pundits love asking and analyzing what weapons could be deployed and how they would be used, the situation in which such weapons come into play and what happens next is equally important. Context in a situation like this matters.¶ Let us consider for a moment the possible flashpoints in which U.S. and Chinese forces could clash. The two that come to mind would be some sort of escalatory crisis over the Senkaku/Diaoyu Islands or a situation involving territorial tensions in the South China Sea.¶ Of the two, the greatest chance of conflict — albeit remote despite current tensions — would be some sort of China-Japan conflict in the East China Sea. The most likely scenario would involve an accidental collision of maritime vessels or aircraft. Diplomatic efforts fail and for some reason, someone escalates matters and attempts to either land troops on the disputed islands or shooting accidently begins. In such a scenario, let’s assume American forces come to Japan’s aid.¶ So what happens next? Making predictions on such a scenario is nearly impossible, but we can draw some conclusions from the writings of Chinese and American scholars on the subject. ¶ When considering China’s A2/AD strategy, one popular theory is that China would go all in – launching massive saturation missile strikes on American and Japanese bases to gain the advantage and attain victory quickly. Missiles of various ranges and capabilities could be launched on allied airfields early to negate any advantage in technology or training. Anti-ship weapons would be used in mass to cripple naval forces – cruise and ballistic missiles specifically. Sea mines and submarines could be positioned around the disputed islands in an effort to deter reinforcements from deploying to the area. Anti-satellite weapons could be employed to blind allied forces and damage vital C4ISR, and cyber weapons could be utilized to gain the upper hand.¶ Many Chinese strategists even make the argument that it is to Beijing’s advantage to attack first, in mass and with overwhelming force – a Chinese missile-centric “shock and awe” if you will.¶ How would America and its allies respond? Again, making such predictions is difficult and much would depend on who struck first. If we assume a Chinese opening assault, first and foremost, American and allied forces would attempt to retain access to sea lines of communication (SLOC) and the ability to move forces into the area of dispute in order to bring overwhelming military power to bear.¶ Defense against Chinese missiles could prove a challenge if the number of missiles employed in offensive operations was greater than the number of interceptors available. American forces — if intelligence assets could detect an impending launch — could attempt a preemptive strike on Chinese conventional missile forces. They could also employ cyber strikes against the guidance and navigation systems of such weapons, in order to avoid escalating the situation by attacking the Chinese mainland. U.S. military planners would also seek to degrade Chinese command and control systems in an effort to blind the ability of PLA forces to conduct operations in any sort of synergizedway.

**A2AD capabilities give China an assymetric advantage over the US – causes first strike and escalation**

**Kazianis 10/9 -** Manging Editor for The National Interest at Center for the National Interest¶ National Security Columnist at The Diplomat¶ WSD-Handa Fellow at Center for Strategic and International Studies, Pacnet, Policy Analyst: Security Studies at Foreword Report (Australian Based Think Tank). ALM from Harvard University. <Harry. “Would China Strike the US Preemptively?” October 9, 2013. [http://thediplomat.com/flashpoints-blog/2013/10/09/would-china-strike-the-us-preemptively/#!/](http://thediplomat.com/flashpoints-blog/2013/07/19/americas-airsea-battle-vs-chinas-a2ad-who-wins/)>

The first article, from the good folks over at Breaking Defense, discusses the well-worn subject in defense circles revolving around China striking U.S. forces first in a possible conflict—namely a massive conventional strike (most scholars argue by missiles of various types). The scary part according to the piece: “Because China believes it is much weaker than the United States, they are more likely to launch a massive preemptive strike in a crisis.” Yikes.¶ The second article is brought to us by distinguished University of Pennsylvania Professor Avery Goldstein courtesy of Foreign Affairs. Goldstein explains that “For at least the next decade, while China remains relatively weak compared to the United States, there is a real danger that Beijing and Washington will find themselves in a crisis that could quickly escalate to military conflict.”¶ Some heavy stuff for sure. To be fair to both pieces, I would encourage Flashpoints readers to look at the finer points of both articles—there is a lot to absorb beyond these few points I bring to your attention. ¶ Indeed, the idea of escalation and preemptive strikes by China has been discussed in various circles for several years now. For numerous reasons that scholars consider, such as history, the current nature of military technology or the various arguments made by Chinese academics advocating such a military posture, many feel that it would be very much in Beijing's interests to strike hard and decisively. In an interview I conducted with noted scholar Roger Cliff last year, he explained that many U.S. air bases that are close to China have few hardened facilities to protect themselves from a missile strike. This makes them sitting ducks in a conflict. ¶ But what conditions would compel China to strike? Not any easy question to answer for sure.¶ It seems very few are asking the question of motivation for such an attack—or the repercussions that would follow.¶ It’s one thing to speculate about such ideas, but it’s not so easy to develop an actual model that has Beijing dreaming up a cost-benefit analysis concluding that a strike on American forces is in its national interest. With two-way trade between China and America at over half a trillion dollars per year, robust cultural ties, and most of China’s sea lines of communication (SLOCs) open to strike by the American navy (such that transporting much needed natural resources by sea is a tricky enterprise), there seems to be plenty of incentive to think twice. Yet, because of what many argue are growing tensions in the U.S.-China relationship, people like myself are forced to consider such nightmare scenarios.¶ So let us broadly consider for a moment that China does decide to strike: how would America respond? In a word: robustly.¶ Americans might not be able to do things like draw up budgets on time, or not come perilously close to defaulting on the national debt, but one thing China can count on is that Americans will rally around the good old red, white and blue in times of national emergency, especially when attacked by a foreign power.¶ We must also consider that if a crisis did break out between the U.S. and China, both sides would have a new domain to strike in, one with the possibility of doing tremendous damage with some measure of deniability: cyber. One could imagine a scenario where if a crisis began to brew, Beijing would launch a preemptive cyber-strike on an important U.S. target or attack something of marginal value to send a message or demonstrate resolve. In the 21st century, there is no need to fire a shot across your enemy's bow or a missile to send your message – a well-placed piece of malware could carry your message with an even more sobering effect.¶ There is also this question of Chinese self-perceived weakness compared to U.S. forces. It is clear that Beijing rightly understands that in the near-term it can’t match American forces in a direct, symmetrical matchup. No matter, that is why Beijing has embraced an A2/AD strategy. Developing weapons such as anti-ship ballistic missiles gives Beijing an asymmetric advantage; one U.S. forces can’t take lightly anymore.

#### That goes nuclear

**Kulacki 12**, Gregory, Senior Analyst & China Project Manager for the Global Security Program at the Union of Concerned Scientists, “The Risk of Nuclear War with China,” 9/21, <http://www.huffingtonpost.com/gregory-kulacki/the-risk-of-nuclear-war-w_b_1903336.html>

Last week two separate studies warned that China and the United States are pursuing military strategies and implementing defense policies that could lead to a nuclear war. John Lewis and Xue Litai of Stanford University concluded a detailed exposition of China's nuclear war plans with a very sober warning. "Both sides, clinging to incongruous assessments, run the risk of provoking unanticipated escalation to nuclear war by seeking a quick victory or tactical advantages in a conventional conflict. This dilemma is not only real, but perilous." Thomas Christensen of Princeton expressed concern about the same problem; the possibility that a conventional military conflict between the United States and China could end in a nuclear exchange. "For example, if strikes by the United States on China's conventional coercive capabilities or their critical command and control nodes and supporting infrastructure were to appear in Beijing as a conventional attack on its nuclear retaliatory capability or as a precursor to a nuclear first strike, even a China that generally adheres to a No-First-Use posture might escalate to the nuclear level." Neither study suggests that the military or political leadership of China or the United States intends to resort to nuclear weapons in the event of a military conflict. China's commitment not to be the first to use nuclear weapons "at any time under any circumstances" is drilled into the officers and soldiers of China's strategic missile forces. A classified text used to train those forces, The Science of Second Artillery Operations, unambiguously instructs, "In accord with our national principle not to be the first to use nuclear weapons under any circumstances, the Second Artillery's strategic nuclear forces can carry out a retaliatory nuclear attack against the enemy, following the command of the 'high leadership,' only after the enemy has first attacked us with nuclear weapons." Although the United States is unwilling to make a similar commitment, U.S. superiority in conventional weapons and overall military capabilities makes it unlikely the United States would consider using nuclear weapons for any purpose other than preventing a Chinese nuclear attack on the United States. The most recent U.S. Nuclear Posture Review, in an effort to deemphasize the role of nuclear weapons in U.S. defense policy, declared that the "fundamental role of U.S. nuclear weapons...is to deter a nuclear attack on the United States, our allies and partners." The risk of a nuclear war with China lies in the potential for misunderstanding or miscommunication during a conventional conflict. China's current strategy for employing its conventional and nuclear missile forces during a future conflict with the United States is self-consciously designed to create uncertainty, with the expectation that uncertainty will restrain U.S. military action. Unfortunately, China's strategy could also precipitate a large-scale U.S. attack on China's missile forces. There are several Chinese military policies that might confuse U.S. decision-makers in a time of war. Some Chinese conventional missiles are located on the same missile bases as Chinese nuclear missiles. Some Chinese missiles, particularly the DF-21, can be armed with either a conventional or a nuclear warhead. Chinese conventional war plans call for long-range "strategic" conventional missile strikes at key enemy targets, including U.S. military bases on allied soil and the continental United States. If this were not confusing enough already, The Science of Second Artillery Operations contains a section on "lowering the nuclear threshold" that details procedures for alerting China's nuclear forces in a crisis for the express purpose of forcing a halt to an enemy's conventional attacks on a select group of targets, such as Chinese nuclear power plants, large dams and civilian population centers. Although the Science of Second Artillery Operations unambiguously states that if alerting China's nuclear missile forces fails to halt conventional enemy attacks China will hold firm to its "no first use" commitment, U.S. decision-makers might not believe it. Indeed, U.S. interlocutors have repeatedly told their Chinese counterparts that they do not find China's "no first use" pledge credible. The combination of these factors makes a nuclear exchange between the United States and China not only plausible, but also probable if the two countries were to become embroiled in a military conflict. As Lewis and Xue explain, "If, in a time of high tension, the Chinese command authorized a conventional missile attack as an act of preemptive self-defense, the enemy and its allies could not know if the incoming missiles were conventional or nuclear. In a worst-case scenario, a Chinese first-strike conventional attack could spark retaliation that destroys Chinese nuclear assets, creating a situation in which escalation to full-scale nuclear war would not just be possible, but even likely." The Obama administration is "rebalancing" U.S. military forces in response to perceived relative increases in Chinese military capabilities. China sees this so-called "pivot" to Asia, especially when pared with new U.S. military strategies such as "Air-Sea Battle," as a policy of containment. Both sides downplay the risks of conflict, but they also see each other as potential adversaries, and are hedging their diplomatic bets with expensive investments in new military hardware, including new technologies that will expand the conflict into cyberspace and outer space. Territorial disputes between China and U.S. allies, rising nationalist sentiment in the region, and the potential for domestic political instability within China could produce any number of casussen belli that could trigger the conventional conflict that carries the risk of ending in a nuclear war.

**Iran’s developing A2AD capabilities to close the Strait of Hormuz – causes oil price spikes and economic collapse**

**Isenberg 12**, David, adjunct scholar with the Cato Institute, a US Navy veteran, and the author of the book, Shadow Force: Private Security Contractors in Iraq [“Iran well prepared for the worst,” January 31st, <http://www.atimes.com/atimes/Middle_East/NA31Ak02.html>]

According to the report published by the Center for Strategic and Budgetary Assessments (CSBA), "Iran, in particular, has been investing in new capabilities that could be used to deter, delay or prevent effective US military operations in the Persian Gulf. Iran's acquisitions of weapons that it could use to deny access to the Gulf, control the flow of oil and gas from the region, and conduct acts of aggression or coercion, are of grave concern to the United States and its security partners." The report, "Outside-In: Operating from Range to Defeat Iran's Anti-Access and Area-Denial Threats" [1] notes that Iran has been preparing for a possible military confrontation with the United States for decades. Instead of engaging in a direct military competition, which would be pitting its weaknesses against US strengths, Iran has developed an asymmetric "hybrid" A2/AD strategy that mixes advanced technology with guerilla tactics to deny US forces basing access and maritime freedom of maneuver. Even if Iran did not disrupt Gulf maritime traffic for long, it could still have a devastating impact. A recent report by the International Monetary Fund (IMF) found that Iran's closure of the Strait of Hormuz would "neutralize a large part of current OPEC [Organization of Petroleum Exporting Countries] spare capacity," saying "alternative routes exist, but only for a tiny fraction of the amounts shipped through the strait, and they may take some time to operationalize while transportation costs would rise significantly." "A blockade of the Strait of Hormuz would constitute, and be perceived by markets to presage, sharply heightened global geopolitical tension involving a much larger and unprecedented disruption," it said. The IMF said that "supply disruption would likely have a large effect on prices, not only reflecting relatively insensitive supply and demand in the short run but also the current state of oil market buffers". "A halt of Iran's exports to OECD [Organization for Economic Cooperation and Development] economies without offset from other sources would likely trigger an initial oil price increase of around 20-30% (about US$20-30 a barrel currently), with other producers or emergency stock releases likely providing some offset over time," the report showed. It stressed that "a Strait of Hormuz closure could trigger a much larger price spike, including by limiting offsetting supplies from other producers in the region". "**If you could cut off oil flow for even several weeks the global economy would be in depression.** That would be a serious price to pay; it is a sobering thought," according to Patrick Cronin, a senior advisor at the Center for a New American Security, a Washington DC think-tank.

#### Oil shocks cause war

**Roberts 04** (Paul, Regular Contributor to Harpers and NYT Magazine, “The End of Oil: On The Edge of a Perilous New World”, p. 93-94)

The obsessive focus on oil is hardly surprising, given the stakes. In the fast-moving world of oil politics, oil is not simply a source of world power, but a medium for that power as well, a substance whose huge importance enmeshes companies, communities, and entire nations in a taut global web that is sensitive to the smallest of vibrations. A single oil "event" — a pipeline explosion in Iraq, political unrest in Venezuela, a bellicose exchange between the Russian and Saudi oil ministers — sends shockwaves through the world energy order, pushes prices up or down, and sets off tectonic shifts in global wealth and power. Each day that the Saudi-Russian spat kept oil supplies high and prices low, the big oil exporters were losing hundreds of millions of dollars and, perhaps, moving closer to financial and political disaster — while the big consuming nations enjoyed what amounted to a massive tax break. Yet in the volatile world of oil, the tide could quickly turn. A few months later, as anxieties over a second Iraq war drove prices up to forty dollars, the oil tide abruptly changed directions, transferring tens of billions of dollars from the economies of the United States, Japan, and Europe to the national banks in Riyadh, Caracas, Kuwait City, and Baghdad, and threatening to strangle whatever was left of the global economic recovery. So embedded has oil become in today's political and economic spheres that the big industrial governments now watch the oil markets as closely as they once watched the spread of communism — and with good reason: six of the last seven global recessions have been preceded by spikes in the price of oil, and fear is growing among economists and policymakers that, in today's growth-dependent, energy-intensive global economy, oil price volatility itself may eventually pose more risk to prosperity and stability and simple survival than terrorism or even war.

**Economic collapse leads to extinction**

**Kemp 10**

Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

**Best studies prove growth solves conflict**

Jedidiah **Royal 10**, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signalling And The Problem Of Economic Crises”, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession lends to amplify the extent to which international and external conflicts self-rein force each other. (Blombcrj! & Hess. 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Weerapana, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Blombcrg. Mess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999). and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics arr greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.

**Drones make carriers cost-effective – keeps carriers around by making them valuable**

**Goure 13** - vice president at the Lexington Institute in Arlington, Virginia, where he specializes in national security <Daniel. “Drones to The Rescue!” September 2013. <http://www.usni.org/magazines/proceedings/2013-09/drones-rescue>>

The current budget squeeze has revived the debate about whether to reduce the number of the Navy’s aircraft carriers, but the prospective addition of unmanned aerial vehicles to the flattop’s arsenal will make the ships even more valuable in coming years.¶ When the X-47B Salty Dog 502 became the first drone to land on an aircraft carrier in July, Navy officials properly hailed the event as a technological milestone. Not only did the unmanned aerial vehicle (UAV) catapult from the flight deck of the USS George H. W. Bush (CVN-77) and successfully perform touch-and-go exercises and two landings, catching the tailhook wire with precision, but it did all of that autonomously, using its own robot “brain” of complex algorithms without need of a human drone operator as most other UAVs require. “It’s not often you get a chance to see the future, but that is what we got today,” Secretary of the Navy Ray Mabus declared after the demonstration.¶ But the success of the X-47B landing marked more than just a technological achievement; it also injected a new element into the recently revived strategic debate over how many aircraft carriers the Navy will need in coming years. As part of an advanced surveillance-and-strike system that the Navy is developing, drones will soon be able to conduct long-range, ’round-the-clock intelligence-gathering missions and aerial attacks that will make carriers cheaper to build, less costly to operate, and far more effective, and will spawn radical changes in the way the Navy uses them. As a result, the addition of the drone to the naval aviation carrier force may prove to be a major factor in saving the flattop from becoming an endangered species.¶ The issue is important because, as anyone who has been following the recent budgetary developments in Washington knows, the future of the carrier is under increasing stress. Critics have contended that the Navy’s longstanding strategy of building the Fleet around a core of 11 nuclear aircraft carriers is becoming too expensive, and that the concept has been unable to keep pace with the rapidly growing array of threats from potential adversaries. And with the retirement of aging aircraft systems such as the A-6 and the S-3, some say the overall striking power of the carrier air wing has declined.¶ Indeed, Secretary of Defense Chuck Hagel disclosed on 31 July that one of the largest potential spending cuts that a “strategic choices and management review” panel suggested earlier this year was to reduce the number of carrier strike groups from the current 11 to a new level of only eight or nine. “The basic tradeoff is between capacity . . . and our ability to modernize weapons systems and to maintain our military’s technological edge,” the secretary said.¶ It’s here that the X-47B’s mid-July milestone was especially significant. The drone was developed as part of the Navy’s effort to design and test a UAV-centered unmanned combat air system. During the week that the Bush demonstration was being conducted, the Navy invited four defense contractors to submit preliminary design studies for an unmanned carrier-launched airborne surveillance and strike system, known as UCLASS. The Navy’s hope is to conduct an open competition in Fiscal Year 2014 that will result in the deployment of an operational system by FY 20.¶ The key performance parameters set out in the Navy’s invitation answered several lingering questions about the operational concept for UCLASS. The system’s primary role will be to conduct long-distance intelligence-gathering, surveillance, and reconnaissance (ISR), and to improve targeting. According to published documents, the UCLASS system must be able to conduct two unrefueled orbits at 600 nautical miles or one unrefueled orbit at 1,200 nautical miles. In lightly contested environments, it must be able to conduct strike missions out to 2,000 nautical miles. The drone must be able to lift a 3,000-pound payload, made up primarily of sensors but including 1,000 pounds of air-to-surface weapons such as the 500-pound Joint Direct Attack Munitions (JDAMS) and the Small Diameter Bomb II. Even with such capabilities, contractors will have to keep the price-tag for UCLASS under $150 million, not including items such as sensor packages, weapons, spare parts, and training.¶ The modest performance parameters indicate that, despite the potential, once the UCLASS system gets off the ground, the Navy will take a cautious, step-by-step approach. The focus on the ISR and light-attack missions means that UCLASS drones do not require high speed, extreme agility, or even stealth features. This, in turn, will simplify design and production and, in a time of growing austerity, reduce cost. Just as important, the UCLASS will fill a significant void in carrier-based long-endurance/long-distance ISR, essentially doubling the duration of these operations. The limited air-to-ground capability envisioned for the UCLASS drone means that it will supplement—but not replace—the primary strike force of the carrier air wing, the F/A-18 E/F (and soon the F-35C as well).¶ As currently envisioned, the new system will be only a small step toward defining the carrier air wing of the future. But if it succeeds and is expanded, UCLASS—and the systems that follow it—could prove to be important elements in the debate over future missions for the modern aircraft carrier and how many CVNs to retain in the Fleet.¶ It’s been a long time since there was a serious discussion about the future of the aircraft carrier. Yet, with growing frequency and intensity, Navy strategists (and periodicals such as Proceedings ) have been questioning the central place given to the CVN in Navy strategy and shipbuilding plans. 1¶ The issue that has drawn the greatest attention is how vulnerable critics say the aircraft carrier has become in the face of a number of emerging threats. China has developed new antiship ballistic missiles with guided warheads, which seem designed to target large naval vessels such as carriers. 2 And potential U.S. adversaries have acquired a raft of new weapons for anti-access and area-denial (A2/AD) operations, from manned aircraft and sea-skimming cruise-missiles that can be delivered from land, sea, or air to diesel-electric submarines. Taken together, the critics contend, these will place the United States’ entire surface Navy at greater risk and force the carrier strike group to take additional protective measures that could include operating farther from hostile shores or even restricting overall offense operations significantly. 3¶ A second issue, which has gained greater prominence in the face of congressional calls for deep defense spending cuts, is the cost of naval aviation—from building and maintaining aircraft carriers to deploying their air wings and supporting vessels. The soaring cost overruns and construction delays in the production of the USS Gerald R. Ford (CVN-78), the first of a new class of Navy super-carriers, have raised concerns both within the Navy and on Capitol Hill. 4 At the same time, the cost of the carrier air wing is rising visibly even though it is shrinking in size. 5 Navy leadership and a number of outside experts have offered a spirited defense of the Ford -class carriers. 6¶ The third challenge—and the most central for the future of the UCLASS drone and its successors—is that of making sure that the future carrier air wing (CVW) is effective. Early assessments of the potential for UAVs to enhance the utility of the carrier air wing focused on the value of their greater range and persistence. 7 As Representative J. Randy Forbes (R-VA), chairman of the House Armed Services subcommittee on seapower and projection forces, has argued, the issues of reach and persistence remain the most serious weaknesses of the CVW—particularly in the face of the Obama administration’s new, more intense focus on Asia.¶ [T]he long distances in the region, combined with A2/AD challenges, raise questions about the future strike power of the Carrier Air-Wing (CVW). As we posture our forces, is the planned CVW of the 2020s structured to meet the range, persistence, stealth, ISR, and payload demands that will be required to operate in this theater? 8¶ The CVW of the near-future also is in flux. The F/A-18 E/F will play a significant role in both air-to-air and air-to-ground missions for the next several decades. The F-35C, long styled as the eventual centerpiece of the air wing, soon will be deployed. The EF-18G Growler is on the decks and will be upgraded with the Next-Generation Jammer. The Navy plans to acquire 75 E-2D Advanced Hawkeyes, which provide a leap forward in airborne ISR and networked fire control, but production of these is slowing. Finally, the MH-60R will provide a substantial increase in the CVW’s antisubmarine warfare capabilities.¶ Yet, if UCLASS is to be anything more than a show horse, it must pull its weight in the continuing evolution of the CVW. This means that its designers will have to address some of the challenges facing the carrier and the air wing and also set the stage for exploiting the full potential of the new Ford -class CVN.¶ The Navy’s invitation to contractors clearly is designed to produce a UCLASS drone system that will be a workhorse for the CVW. In its ISR role, UCLASS will significantly expand the carrier strike group’s ability to see, assess, and respond to threats. This is of particular importance in the context of the Asia-Pacific pivot as well as the proliferation of longer-range antiship missiles. Equally important, UCLASS will make it possible for a single air wing to conduct ’round-the-clock air and maritime surveillance. Finally, in its light-attack role, UCLASS will expand both the reach and flexibility of the air wing, allowing the more capable F/A-18 E/Fs and F-35s to be employed where their advanced features are most appropriate. The ability of the UCLASS to loiter while carrying heavier weapons than a Hellfire missile will be especially valuable in low-intensity conflicts, where exquisite precision strikes have become the norm. 9¶ Flexibility will be another important attribute for the winning UCLASS design. Given rapid advances in sensors, weapons, and networking, the UCLASS needs to have inherent flexibility and some room for growth to allow the carrier air wings to experiment with it and incorporate lessons learned from the system’s initial employment.¶ Over the longer-term, for the current challenges to the continuation of the aircraft carrier as the Navy’s primary ship, designers of the UCLASS will have to integrate the new program into the operational policies of the carrier air wing and exploit the inherent strengths of the Ford -class CVNs. In his speech marking the successful carrier landing of the X-47B, Navy Secretary Mabus suggested how unmanned systems will address all three of the challenges to the aircraft carrier.¶ The operational unmanned aircraft that will follow it will radically change the way presence and combat power is delivered from aircraft carriers by conducting surveillance and strike missions at extreme distances and over very long periods of time. With this advanced technology, we will put fewer sailors and Marines in harm’s way, and we will push the area of potential action even farther from the decks of our ships.¶ And it’s more efficient. Because unmanned carrier aircraft do not require flights to maintain pilot proficiency, they will deploy only for operational missions, saving fuel costs and extending the service life of the aircraft.¶ Not only will future carrier air wings be more combat- effective, they will cost less to build, and having less- expensive airframes means we can build more and use them differently, like developing swarm tactics and performing maneuvers that require more G-force than a human body can withstand.

**Specifically, drones are key to make carriers A2AD resistant by enhancing range of attack and flexibility**

**Goure 13**, Daniel, vice president at the Lexington Institute, “Drones to the Rescue,” September, http://www.usni.org/magazines/proceedings/2013-09/drones-rescue

The issue that has drawn the greatest attention is how vulnerable critics say the aircraft carrier has become in the face of a number of emerging threats. China has developed new antiship ballistic missiles with guided warheads, which seem designed to target large naval vessels such as carriers. 2 And potential U.S. adversaries have acquired a raft of new weapons for anti-access and area-denial (A2/AD) operations, from manned aircraft and sea-skimming cruise-missiles that can be delivered from land, sea, or air to diesel-electric submarines. Taken together, the critics contend, these will place the United States’ entire surface Navy at greater risk and force the carrier strike group to take additional protective measures that could include operating farther from hostile shores or even restricting overall offense operations ugh it is shrinking in size. 5 Navy leadership and a number of outside experts have offered a spirited defense of the Ford -class carriers. 6 significantly. 3 A second issue, which has gained greater prominence in the face of congressional calls for deep defense spending cuts, is the cost of naval aviation—from building and maintaining aircraft carriers to deploying their air wings and supporting vessels. The soaring cost overruns and construction delays in the production of the USS Gerald R. Ford (CVN-78), the first of a new class of Navy super-carriers, have raised concerns both within the Navy and on Capitol Hill. 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In his speech marking the successful carrier landing of the X-47B, Navy Secretary Mabus suggested how unmanned systems will address all three of the challenges to the aircraft carrier.

## Solvency

#### Text: The United States Congress should revise Public Law 107-40 to establish a specific list of terrorist organizations that suffice to trigger the use of military force with the provision that the President can propose to add new groups to the list.

#### Presidential use of drone strikes is on its last straw, reform of the AUMF stops court strikedown

**Barnes 13** [Beau, International Parliamentary Fellow as staff to a congressional candidate for the Mercy Corps, honor graduate of Lewis and Clark College where he focused on National Security Law and Policy/International Law, joint-degree student at Boston University Law School and the Fletcher School of Law and Diplomacy, where he focuses on national security law and policy, “The War On Terror Has Changed – Now The Rules Should, Too,” 5-16 <http://cognoscenti.wbur.org/2013/05/16/authorization-for-use-of-military-force-beau-barnes>]

The law that forms the foundation of the war on terror is almost obsolete, undermining the legal basis of U.S. counterterrorism operations. On Thursday, the Senate Armed Services Committee will take a long-overdue first step to fix this problem, a development we should all applaud.¶ On September 14, 2001, Congress passed the Authorization for Use of Military Force (AUMF), authorizing “all necessary and appropriate force against those nations, organizations, or persons” behind the 9/11 attacks. Over a decade later, al-Qaida, the group that perpetrated the attacks, is on the ropes. But other armed groups – like the Haqqani Network, al-Shabab, and al-Qaida in the Islamic Maghreb – have become targets of the Obama administration’s worldwide counterterrorism efforts. The statute’s explicit reference to the 9/11 attacks, however, means it can’t authorize military action against groups with only superficial links to al-Qaida. In the wake of 9/11, the AUMF provided legal authority and demonstrated congressional support for the U.S. invasion of Afghanistan. But the Bush administration soon abandoned the AUMF, justifying the war on terror on the basis of the president’s inherent constitutional powers as commander-in-chief. These interpretations were soon discredited, both in the court of public opinion and in actual courts, with the Supreme Court repeatedly chastising the Bush administration’s legal approach to counterterrorism.¶ In a laudable attempt to bring U.S. counterterrorism policy back within the rule of law, the Obama administration has invoked the AUMF as the basis for its global “targeted killing” operations, known by most simply as “drone strikes.” But, like its predecessor, this administration has also stretched the law to serve its purposes, and is currently contemplating even more implausible interpretations of the AUMF. The president and his legal team are pushing us closer to a place where every terrorist is a member of al-Qaida.¶ How we justify counterterrorism operations is not just a question for the lawyers – it’s a policy choice with far-reaching domestic and international implications. Military might and covert operations alone can’t win the global struggle against al-Qaida and its ideological comrades-in-arms. We need credible arguments too, both to secure support from potential partners and undermine extremist justifications. As former Defense Department general counsel Jeh Johnson argued, “we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge.” The administration has already read nearly all meaning out of the legal concepts of “imminence” and “hostilities” — another far-fetched legal interpretation might be the last straw for the administration’s legitimacy in the arena of counterterrorism. Alternatives to the AUMF exist, but they’re not good. Relying on inherent presidential power runs into considerable legal and political difficulties. Legally, this approach would risk intervention by a Supreme Court with a willingness to strike down excessive claims of executive power. Politically, it would be difficult to sustain for a president who ran for office largely on the promise of repudiating Bush-era legal excesses.¶ A rationale base d on the international law of self-defense is similarly unappealing. Although the Obama administration maintains that the AUMF “does not authorize military force against anyone the Executive labels a ‘terrorist,’” using this legal argument would lead to precisely that result, usurping Congress’s constitutionally provided role in national security policy. Since the United States plays an important role in setting norms of international conduct, our government should not claim legal rights that it is not prepared to see proliferate around the globe. UN officials recognize that the Obama administration’s “expansive and open-ended interpretation of the right to self-defense threatens to destroy the prohibition on the use of armed force.” CIA director John Brennan noted in 2012 that U.S. drone strikes “are establishing precedents that other nations may follow” – a concern that is already materializing.¶ With international armed groups unlikely to disappear any time soon, one option rises above the rest: it’s time for a new AUMF. President Obama is understandably reluctant to legally entrench President Bush’s war on terror, but a properly drafted law could provide legitimacy to existing operations and constrain future presidents. Indeed, our concern shouldn’t be a new counterterrorism statute, but what happens in its absence.¶ A new AUMF should not provide a blanket authorization to kill anyone the president considers an enemy. Instead, it should create a framework for continued counterterrorism operations that addresses which groups are valid targets, the circumstances under which they can be targeted, and where such operations can occur. Unlike the current AUMF, a new law should include an expiration date, but not be legally tied to any specific event

#### Current AUMF criteria means theres no executive authority to strike emerging threats – the plan is key

**Chesney et al 13** <Benjamin Wittes is a senior fellow in governance studies at the Brookings Institution and codirector of the Harvard Law School–Brookings Project on Law and Security. Matthew Waxman is a professor of law at Columbia Law School and an adjunct senior fellow at the Council on Foreign Relations. He previously served as principal deputy director of policy planning (2005–7) and acting director of policy planning (2007) at the US Department of State. He also served as deputy assistant secretary of defense for detainee affairs (2004–5), director for contingency planning and international justice at the National Security Council (2002–3), and special assistant to National Security Adviser Condoleezza Rice (2001–2). He is a graduate of Yale College and Yale Law School. Jack Goldsmith is the Henry L. Shattuck Professor of Law at Harvard University. Former assistant attorney general, Office of Legal Counsel, Goldsmith holds a JD from Yale Law School, a BA and an MA from Oxford University. Robert Chesney is a professor at the University of Texas School of Law, a nonresident senior fellow of the Brookings Institution, and a distinguished scholar at the Robert S. Strauss Center for International Security and Law. “Is the "War on Terror" Lawful?” February 25, 2013. http://www.hoover.org/publications/defining-ideas/article/141091>

Since September 18, 2001, a joint resolution of Congress known as the Authorization to Use Military Force (AUMF) has served as the primary legal foundation for the “war on terror.” In this essay we explain why the AUMF is increasingly obsolete, why the nation will probably need a new legal foundation for next-generation terrorist threats, what the options are for this new legal foundation, and which option we think is best. ¶ The AUMF authorizes the president to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, . . . .” The authorization of “force” in the AUMF is the main legal basis for the president’s power to detain and target members of al Qaeda and The Taliban. In addition, since September 11, Congress, two presidential administrations, and the lower federal courts have interpreted the “force” authorized by the AUMF to extend to members or substantial supporters of the Taliban and al Qaeda, and associated forces.¶ The main reason the AUMF is becoming obsolete is that the conflict it describes – which on its face is one against the perpetrators of the September 11 attacks and those who harbor them – is growing less salient as U.S. and allied actions degrade the core of Al Qaeda and the U.S. military draws down its forces fighting the Taliban in Afghanistan. At the same time that the original objects of the AUMF are dying off, newer terrorist groups that threaten the United States and its interests are emerging around the globe. Some of the terrorist groups have substantial ties to al Qaeda and thus can be brought within the AUMF by interpretation.¶ For example, the President has been able to use force against al Qaeda in the Arabian Peninsula (“AQAP”), a terrorist organization in Yemen, because it is a supporter or associated force of al Qaeda. But this interpretive move is increasingly difficult as newer threatening groups emerge with dimmer ties, if any, to al Qaeda. As a result, we are reaching the end point of statutory authority for the President to meet terrorist threats.¶ We should emphasize at the outI kno set that we do not claim that the increasingly obsolete AUMF demands immediate amendment or alteration. We do not make this claim because we lack access to classified information that would indicate the full nature of the terrorist threats the nation faces, or their connection to al Qaeda, or the nation’s ability to meet the threat given current legal authorities.¶ We also recognize that any new force authorizations carry significant strategic and political consequences beyond their immediate operational consequences. We nonetheless believe strongly – based on public materials and conversations with government officials – that the AUMF’s usefulness is running out, and that this trend will continue and will demand attention, in the medium term if not in the short term. Our aim is to contribute to the conversation the nation will one day have about a renewed AUMF by explaining why we think one will be necessary and the possible shape it might take.¶ Part I of this paper explains in more detail why the AUMF is becoming obsolete and argues that the nation needs a new legal foundation for next-generation terrorist threats. Part II then describes the basic options for this new legal foundation, ranging from the President’s Article II powers alone to a variety of statutory approaches, and discusses the pros and cons of each option, and the one we prefer. Part III analyzes additional factors Congress should consider in any such framework.¶ I. ¶ The Growing Problem of Extra-AUMF Threats and the Need for a New Statutory Framework¶ In this Part we explain why the AUMF is growing obsolete and why a combination of law enforcement and Article II authorities, standing alone, is not an adequate substitute.¶ 1. The Growing Obsolescence of the AUMF¶ The September 2001 AUMF provides for the use of force against the entity responsible for the 9/11 attacks, as well as those harboring that entity. It has been clear from the beginning that the AUMF encompasses al Qaeda and the Afghan Taliban, respectively. This was the right focus in late 2001, and for a considerable period thereafter. But for three reasons, this focus is increasingly mismatched to the threat environment facing the United States. ¶ First, the original al Qaeda network has been substantially degraded by the success of the United States and its allies in killing or capturing the network’s leaders and key personnel. That is not to say that al Qaeda no longer poses a significant threat to the United States, of course. The information available in the public record suggests that it does, and thus nothing we say below should be read to suggest that force is no longer needed to address the threat al Qaeda poses. Our point is simply that the original al Qaeda network is no longer the preeminent operational threat to the homeland that it once was.¶ Second, the Afghan Taliban are growing increasingly marginal to the AUMF. As noted above, the AUMF extended to the Taliban because of the safe harbor they provided to al Qaeda. That rationale makes far less sense a dozen years later, with the remnants of al Qaeda long-since relocated to Pakistan’s FATA region. This issue has gone largely unremarked in the interim because U.S. and coalition forces all along have been locked in hostilities with the Afghan Taliban, and thus no occasion to reassess the AUMF nexus has ever arisen.¶ Such an occasion may well loom on the horizon, however, as the United States draws down in Afghanistan with increasing rapidity. To be sure, the United State no doubt will continue to support the Afghan government in its efforts to tamp down insurgency, and it also will likely continue to mount counterterrorism operations within Afghanistan. It may even be the case that at some future point, the Taliban will again provide safe harbor to what remains of al Qaeda, thereby at least arguably reviving their AUMF nexus. But for the time being, the days of direct combat engagement with the Afghan Taliban appear to be numbered. ¶ If the decline of the original al Qaeda network and the decline of U.S. interest in the Afghan Taliban were the only considerations, one might applaud rather than fret over the declining relevance of the AUMF. There is, however, a third consideration: significant new threats are emerging, ones that are not easily shoehorned into the current AUMF framework.¶ To a considerable extent, the new threats stem from the fragmentation of al Qaeda itself. In this sense, the problem with the original AUMF is not so much that its primary focus is on al Qaeda, but rather that it is increasingly difficult to determine with clarity which groups and individuals in al Qaeda’s orbit are sufficiently tied to the core so as to fall within the AUMF. And given the gravity of the threat that some of these groups and individuals may pose on an independent basis, it also is increasingly odd to premise the legal framework for using force against them on a chain of reasoning that requires a detour through the original, core al Qaeda organi zation.¶ ¶ The fragmentation process has several elements. First, entities that at least arguably originated as mere regional cells of the core network have established a substantial degree of organizational and operational independence, even while maintaining some degree of correspondence with al Qaeda’s leaders. Al Qaeda in the Arabian Peninsula (AQAP) is a good example. Al Qaeda in Iraq (AQI) arguably fits this description as well, though in that case one might point to a substantial degree of strategic independence as well.¶ Second, entities that originated as independent, indigenous organizations have to varying degrees established formal ties to al Qaeda, often rebranding themselves in the process. Al Qaeda in the Islamic Maghreb (AQIM), formerly known as the Salafist Group for Call and Combat, illustrates this path. Al Shabaab in Somalia arguably does as well. And then there are circumstances (such as the ones currently unfolding in Mali, Libya, and Syria) in which it is not entirely clear where the organizational lines lie among (i) armed groups that work in concert with or even at the direction of one of the aforementioned al Qaeda affiliates; (ii) armed groups that are sympathetic and in communication with al Qaeda; and (iii) armed groups that are wholly-independent of al Qaeda yet also stem from the same larger milieu of Salafist extremists.¶ This situation – which one of us has described as the emergence of “extra-AUMF” threats – poses a significant problem insofar as counterterrorism policy rests on the AUMF for its legal justification. In some circumstances it remains easy to make the case for a nexus to the original al Qaeda network and hence to the AUMF. But in a growing number of circumstances, drawing the requisite connection to the AUMF requires an increasingly complex daisy chain of associations – a task that is likely to be very difficult (and hence subject to debate) in some cases, and downright impossible in others.¶ The emergence of this problem should come as no surprise. It has been nearly a dozen years since the AUMF’s passage, and circumstances have evolved considerably since then. It was inevitable that threats would emerge that might not fit easily or at all within its scope. The question is whether Congress should do anything about this situation, and if so precisely what.

**Even if it doesn’t happen domestically backlash to secrecy causes allied kickout and rollback internationally**

**Zenko 13**, Micah, Fellow in the Center for Preventive Action at the Council on Foreign Relations “Reforming U.S. Drone Strike Policies,” January 2013, Council Special Report No. 65

Over the past decade, the use of unmanned aerial systems—commonly referred to as drones—by the U.S. government has expanded exponentially in scope, location, and frequency. From September 2001 to April 2012, the U.S. military increased its drone inventory from ﬁfty to seventy-ﬁve hundred—of which approximately 5 percent can be armed. Yet despite the unprecedented escalation of its ﬂeet and missions, the U.S. government has not provided a clear explanation of how drone strikes in nonbattleﬁeld settings are coordinated with broader foreign policy objectives, the scope of legitimate targets, and the legal framework. Drones are critical counterterrorism tools that advance U.S. interests around the globe, but this lack of transparency threatens to limit U.S. freedom of action and risks proliferation of armed drone technology without the requisite normative framework. Existing practices carry two major risks for U.S. interests that are likely to grow over time. The ﬁrst comes from operational restrictions on drones due to domestic and international pressure. In the United States, the public and policymakers are increasingly uneasy with limited transparency for targeted killings. If the present trajectory continues, drones may share the fate of Bush-era enhanced interrogation techniques and warrantless wiretapping—the unpopularity and illegality of which eventually caused the policy’s demise. Internationally, objections from host states and other counterterrorism partners could also severely circumscribe drones’ effectiveness. Host states have grown frustrated with U.S. drone policy, while opposition by nonhost partners could impose additional restrictions on the use of drones. Reforming U.S. drone strike policies can do much to allay concerns internationally by ensuring that targeted killings are defensible under international legal regimes that the United States itself helped establish, and by allowing U.S. officials to openly address concerns and counter misinformation. The second major risk is that of proliferation. Over the next decade, the U.S. near-monopoly on drone strikes will erode as more countries develop and hone this capability. The advantages and effectiveness of drones in attacking hard-to-reach and time-sensitive targets are compelling many countries to indigenously develop or explore purchasing unmanned aerial systems. In this uncharted territory, U.S. policy pro- vides a powerful precedent for other states and nonstate actors that will increasingly deploy drones with potentially dangerous ramiﬁcations. Reforming its practices could allow the United States to regain moral authority in dealings with other states and credibly engage with the international community to shape norms for responsible drone use. The current trajectory of U.S. drone strike policies is unsustainable. Without reform from within, drones risk becoming an unregulated, unaccountable vehicle for states to deploy lethal force with impunity. Consequently, the United States should more fully explain and reform aspects of its policies on drone strikes in nonbattleﬁeld settings by ending the controversial practice of “signature strikes”; limiting targeted killings to leaders of transnational terrorist organizations and individuals with direct involvement in past or ongoing plots against the United States and its allies; and clarifying rules of the road for drone strikes in nonbattleﬁeld settings. Given that the United States is currently the only country—other than the United Kingdom in the tra- ditional battleﬁeld of Afghanistan and perhaps Israel—to use drones to attack the sovereign territory of another country, it has a unique opportunity and responsibility to engage relevant international actors and shape development of a normative framework for acceptable use of drones. Although reforming U.S. drone strike policies will be difficult and will require sustained high-level attention to balance transparency with the need to protect sensitive intelligence sources and methods, it would serve U.S. national interests by ■allowing policymakers and diplomats to paint a more accurate portrayal of drones to counter the myths and misperceptions that currently remain unaddressed due to secrecy concerns; ■placing the use of drones as a counterterrorism tactic on a more legitimate and defensible footing with domestic and international audiences; increasing the likelihood that the United States will sustain the inter- national tolerance and cooperation required to carry out future drone strikes, such as intelligence support and host-state basing rights; ■exerting a normative inﬂuence on the policies and actions of other states; and ■providing current and future U.S. administrations with the requisite political leverage to shape and promote responsible use of drones by other states and nonstate actors.

#### A specific, public list of terrorist organizations allows flexibility and CT effectiveness while effectively limiting presidential power

**Barnes 12 -** J.D. Candidate, Boston University School of Law **¶** <Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150874>>

1. Object¶ The object – who is the enemy—is perhaps the most difficult issue to¶ address.184 Finding an adequate solution must still address the threat from¶ Al Qaeda, while at the same time acknowledging both that Al Qaeda has¶ evolved into a diffuse, networked organization and that other terrorist¶ organizations now pose equal or greater threats than Al Qaeda.185 Merely¶ stating that a person or group constitutes part of an “associated force” of¶ Al Qaeda should not be sufficient to authorize military force.186 Congress¶ should adopt a hybrid approach in this circumstance, establishing a¶ specific list of organizations that would fall under a new AUMF.¶ Subsequently, if the President felt another organization should be added¶ to the list, he could propose this to Congress through an expedited¶ procedure. This would allow Congress to maintain a workable definition¶ of the enemy and provide the president with flexibility, while also¶ preventing ipso facto targeting determinations by the Executive Branch.¶ Because not all terrorist organizations are the same, and some pose little¶ or no threat to the United States, the fact of classification as a terrorist¶ group alone should not suffice to trigger the use of military force.187 Put¶ differently, classification as a “Foreign Terrorist Organization” would be¶ necessary but not sufficient for a renewed AUMF to apply.188 The¶ Executive Branch does not currently argue that the AUMF covers all of¶ the organizations on the Foreign Terrorist Organization list. Through¶ hearings and testimony, Congress should establish which terrorist¶ organizations merit the authorization of continuing military force.189 Recent legislation addressing the Lord’s Resistance Army—which¶ operates across South Sudan, the Central African Republic, the¶ Democratic Republic of the Congo, and northern Uganda190—could serve¶ as a model. Although not an explicit authorization for the use of military¶ force, Congress specifically legislated to “eliminate the threat posed by¶ the Lord’s Resistance Army.”191 Congress could undoubtedly direct¶ similar attention to other terrorist organizations.192¶ “Persons” should be addressed in a similar fashion—on a selective¶ and continuing basis by Congress. It will be a rare case in which an¶ individual who has no affiliation with a larger terrorist group poses a¶ significant threat to U.S. national security, but current policy nevertheless shows that individual designations are feasible.193 A policy¶ of selective individual designation would also allow policy flexibility in¶ the event that the President wishes to separate a dangerous individual¶ from a more benign organization.194¶ “Nations” should not be included in the new AUMF. If another¶ attack against the United States or its allies calls for an operation of a¶ scale similar to that in Afghanistan in October of 2001, Congress should¶ authorize that military action specifically. An armed conflict with a¶ country poses far too many risks for the Executive Branch to do so alone.¶ Within the specific context of the target of the AUMF, Congress¶ should address the process due to U.S. citizens under the Constitution. It¶ is not clear that U.S. citizens fighting in an armed conflict against the¶ United States need to be provided heightened process—judicial or¶ executive or other—before targeting decisions are made, but Congress¶ should nonetheless publicly describe the process that will be followed¶ when a U.S. citizen is involved.195 In a democracy such decisions are best made in the public eye.196 The recent successful targeting of Anwar¶ al-Awlaki, a U.S. citizen affiliated with Al Qaeda in the Arabian¶ Peninsula and operating in Yemen, demonstrated the American public’s¶ considerable skepticism toward military operations against U.S.¶ citizens.197 Even if an increased level of process is ultimately decided¶ upon, such a step would not overly burden the Executive Branch, as very¶ few U.S. citizens are part of terrorist groups in armed conflict with the¶ United States.198¶ Some would challenge the basis of public determinations about¶ organizational targets, but there is no reason that such a step would¶ impart any tactical advantage to a terrorist organization. Indeed, although¶ legal definitions and targeting determinations are not as clear today, it¶ seems logical that any terrorist organization targeted by the United States¶ knows it is being targeted. Furthermore, providing a regular review¶ process whereby the President proposes new groups for Congress to¶ include, as well as a defined sunset clause on each authorization, would¶ encourage those terrorist groups that have goals not actually at odds with¶ U.S. national interests to make their intentions known.199¶ Any approach to reauthorizing the AUMF should identify which¶ specific “incidents of warfare” it contemplates.200 Uncertainty regarding¶ the extent of authority diminishes the potential for military success; those¶ charged with fighting the global armed conflict against terrorist groups¶ should know precisely what is authorized. Moreover, policy clarity is a¶ virtue in a democracy, allowing the citizenry to more effectively monitor¶ the actions of its military. The reauthorized AUMF should specifically¶ include authorization for both detention and the lethal use of force, as¶ well as clear standards for both. These standards, discussing, for¶ example, how targeting decisions are made, should be public and¶ describe the differences in their application to U.S. citizens and noncitizens.¶ 201 The government need not disclose the specific weaponry¶ employed or tactics used, but it should indicate when lethal force will be¶ used against a threat that is not strictly imminent. To monitor potential¶ abuses, internal executive branch oversight should be intensified,¶ empowering either an independent board or inspector general to¶ investigate abuses of targeting authority. In the detention context,¶ meaningful review should be available for those detained; the word of¶ the Executive Branch alone should not be sufficient to render an¶ individual detainable.¶ Arguments will likely be made that disclosing targeting methods will¶ empower terrorists. It is unlikely, however, that those targeted today are¶ unaware of that fact. Clarity would also be a virtue, allowing those “on¶ the fence” to distance themselves from targetable terrorist groups.¶ Moreover, such a tactical disadvantage, assuming it is borne out in¶ reality, is a cost that should be accepted when the State targets its own¶ citizens.

#### Despite AUMF collapse global targeted killing is inevitable - Congressional action is key to legitimacy and allied support for counter-terror

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 10-2-13, mss]

The AUMF must inevitably expire because it is expressly linked to the September 11, 2001, attacks against the United States. Moreover, because of the impending downfall of Al Qaeda as we know it, the statute’s demise will come more quickly than most assume. Although the United States still faces myriad terrorist threats, the threat from Al Qaeda itself—the “core” group actually responsible for 9/11—is dissipating. So long as a substantial terrorist threat continues, however, the United States will require a framework within which to combat terrorist organizations and activities. Consequently, Congress should enact a new statute that supersedes the AUMF and addresses the major legal and constitutional issues relating to the use of force by the President that have arisen since the September 11 attacks and will persist in the foreseeable future. A. The AUMF’s Inevitable Expiration Although it is difficult to determine exactly when the AUMF will become obsolete, the mere fact that a precise date is unclear should not lead to the conclusion that the AUMF will be perpetually valid. Al Qaeda, the organization responsible for the September 11, 2001, attacks is considered by some to have been already rendered “operationally ineffective”102 and “crumpled at its core.”103 Moreover, even if Al Qaeda continues to possess the ability to threaten the United States,104 not all terrorist organizations currently possess a meaningful link to Al Qaeda, rendering the AUMF already insufficient in certain circumstances. Indeed, individuals from across the political spectrum have recognized that the AUMF’s focus on those involved in “the terrorist attacks that occurred on September 11, 2001” is outdated and no longer addresses the breadth of threats facing the United States.105 At a certain point, the terrorist groups that threaten the United States targets will no longer have a plausible or sufficiently direct link to the September 11, 2001, attacks.106 This shift has likely already occurred. Former Attorney General Michael Mukasey, writing recently in support of efforts to reaffirm the original AUMF, noted that currently “there are organizations, including the Pakistani Taliban, that are arguably not within its reach.”107 It is similarly unclear if the AUMF extends to organizations like Al Qaeda in the Arabian Penninsula, whose formation as a group—and connection to Al Qaeda’s “core”—postdates 9/11 and is indirect at best.108 Former State Department Legal Adviser John Bellinger has argued that the Obama Administration’s reliance on the AUMF for its targeted killing and detention operations is “legally risky” because “[s]hould our military or intelligence agencies wish to target or detain a terrorist who is not part of al-Qaeda, they would lack the legal authority to do so, unless the administration expands (and the federal courts uphold) its legal justification.”109 Indeed, “[c]ircumstances alone . . . will put enormous pressure on—and ultimately render obsolete—the legal framework we currently employ to justify these operations.”110 While the court of public opinion seems to have accepted the AUMF’s inevitable expiration, courts of law appear poised to accept this argument as well. Justice O’Connor’s plurality opinion in Hamdi admitted that the AUMF granted “the authority to detain for the duration of the relevant conflict.”111 She also suggested, however, that that authority would terminate at some point, based on “the practical circumstances of [this] conflict,” which may be “entirely unlike those of the conflicts that informed the development of the law of war.”112 Justice Kennedy’s opinion in Boumediene also hinted that the future contours of the war on terror might force the Court to revisit the extent of the conflict.113 Lower federal courts have already started to ask some of the questions about the duration of the AUMF’s authority, which the Supreme Court has left unaddressed to date.114 The Obama Administration has notably disagreed with these assessments, arguing that the AUMF “is still a viable authorization today.”115 The administration’s position, however, appears contradictory, as it has simultaneously described the limited reach of the AUMF as “encompass[ing] only those groups or people with a link to the terrorist attacks on 9/11, or associated forces”116 and celebrated the functional neutralization of Al Qaeda as a continuing threat to U.S. national security.117 The administration’s position, however, remains in the minority. Notwithstanding the administration’s continuing fealty to the 2001 statute, as pressures build to address these issues, the “temporal vitality”118 of the AUMF will continue to be challenged. The successful targeting of those responsible for the attacks of September 11, 2001, will ensure that the AUMF’s vitality will not be indefinite. Moreover, even if one rejects as overly optimistic the position that Al Qaeda is currently or will soon be incapable of threatening the United States, the AUMF is already insufficient to reach many terrorist organizations. Assuming a robust Al Qaeda for the indefinite future does not change the disconnected status of certain terrorist groups; as much as it might wish to the contrary, Al Qaeda does not control all Islamist terrorism.119 B. The Consequences of Failing to Reauthorize The AUMF’s inevitable expiration, brought about by the increasingly tenuous link between current U.S. military and covert operations and those who perpetrated the September 11 attacks, leaves few good options for the Obama Administration. Unless Congress soon reauthorizes military force in the struggle against international terrorists, the administration will face difficult policy decisions. Congress, however, shows no signs of recognizing the AUMF’s limited lifespan or a willingness to meaningfully re-write the statute. In light of this reticence, one choice would be for the Obama Administration to acknowledge the AUMF’s limited scope and, on that basis, forego detention operations and targeted killings against non-Al Qaeda-related terrorists. For both strategic and political reasons, this is extremely unlikely, especially with a president in office who has already shown a willingness to defy legal criticism and aggressively target terrorists around the globe.120 120 John B. Bellinger III, Will Drone Strikes Become Obama’s Guantanamo?, WASH. POST, Oct. 2, 2011, http://www.washingtonpost.com/opinions/will-drone-strikes-becomeobamas- guantanamo/2011/09/30/gIQA0ReIGL\_story.html (“[T]he U.S. legal position may not satisfy the rest of the world. No other government has said publicly that it agrees with the U.S. policy or legal rationale for drones.”). Another option would be for the Executive Branch to acknowledge the absence of legal authority, but continue targeted killings nonetheless. For obvious reasons, this option is problematic and unlikely to occur. Therefore, the more likely result is that the Executive Branch, grappling with the absence of explicit legal authority for a critical policy, would need to make increasingly strained legal arguments to support its actions.121 Thus, the Obama Administration will soon be forced to rationalize ongoing operations under existing legal authorities, which, I argue below, will have significant harmful consequences for the United States. Indeed, the administration faces a Catch-22—its efforts to destroy Al Qaeda as a functioning organization will lead directly to the vitiation of the AUMF. The administration is “starting with a result and finding the legal and policy justifications for it,” which often leads to poor policy formulation.122 Potential legal rationales would perforce rest on exceedingly strained legal arguments based on the AUMF itself, the President’s Commander in Chief powers, or the international law of self- defense.123 Besides the inherent damage to U.S. credibility attendant to unconvincing legal rationales, each alternative option would prove legally fragile, destabilizing to the international political order, or both. 1. Effect on Domestic Law and Policy Congress’s failure to reauthorize military force would lead to bad domestic law and even worse national security policy. First, a legal rationale based on the AUMF itself will increasingly be difficult to sustain. Fewer and fewer terrorists will have any plausible connection to the September 11 attacks or Al Qaeda, and arguments for finding those connections are already logically attenuated. The definition of those individuals who may lawfully be targeted and detained could be expanded incrementally from the current definition, defining more and more groups as Al Qaeda’s “co-belligerents” and “associated forces.”124 But this approach, apart from its obvious logical weakness, would likely be rejected by the courts at some point.125 The policy of the United States should not be to continue to rely on the September 18, 2001, AUMF. Second, basing U.S. counterterrorism efforts on the President’s constitutional authority as Commander in Chief is legally unstable, and therefore unsound national security policy, because a combination of legal difficulties and political considerations make it unlikely that such a rationale could be sustained. This type of strategy would likely run afoul of the courts and risk destabilizing judicial intervention,126 because the Supreme Court has shown a willingness to step in and assert a more proactive role to strike down excessive claims of presidential authority.127 Politically, using an overly robust theory of the Commander in Chief’s powers to justify counterterrorism efforts would, ultimately, be difficult to sustain. President Obama, who ran for office in large part on the promise of repudiating the excesses of the Bush Administration, and indeed any president, would likely face political pressure to reject the claims of executive authority made “politically toxic” by the writings of John Yoo.128 Because of the likely judicial resistance and political difficulties, claiming increased executive authority to prosecute the armed conflict against Al Qaeda would prove a specious and ultimately futile legal strategy. Simply put, forcing the Supreme Court to intervene and overrule the Executive’s national security policy is anathema to good public policy. In such a world, U.S. national security policy would lack stability—confounding cooperation with allies and hindering negotiations with adversaries. There are, of course, many situations where the president’s position as Commander in Chief provides entirely uncontroversial authority for military actions against terrorists. In 1998, President Clinton ordered cruise missile strikes against Al Qaeda-related targets in Afghanistan and Sudan in response to the embassy bombings in Kenya and Tanzania. In 1986, President Reagan ordered air strikes against Libyan targets after U.S. intelligence linked the bombing of a Berlin discotheque to Libyan operatives.129 Executive authority to launch these operations without congressional approval was not seriously questioned, and no congressional approval was sought.130 To be sure, many of the targeted killing operations carried out today fall squarely within the precedent of past practice supplied by these and other valid exercises of presidential authority. Notwithstanding disagreement about the scope of Congress’s and the president’s “war powers,” few would disagree with the proposition that the president needs no authorization to act in selfdefense on behalf of the country. However, it is equally clear that not all terrorists pose such a threat to the United States, and thus the Commander in Chief cannot justify all counterterrorism operations as “self-defense.” A third option would be to conduct all counterterrorism operations as covert operations under the aegis of Title 50.131 Although the CIA typically carries out such “Title 50 operations,” the separate roles of the military and intelligence community have become blurred in recent years.132 The president must make a “finding” to authorize such operations,133 which are conducted in secret to provide deniability for the U.S. Government.134 Relying entirely on covert counterterrorism operations, however, would suffer from several critical deficiencies. First, even invoking the cloak of “Title 50,” it is “far from obvious” that covert operations are legal without supporting authority.135 In other words, Title 50 operations, mostly carried out by the CIA, likely also require “sufficient domestic law foundation in terms of either an AUMF or a legitimate claim of inherent constitutional authority for the use of force under Article II.”136 Second, covert operations are by definition kept out of public view, making it difficult to subject them to typical democratic review. In light of “the democratic deficit that already plagues the nation in the legal war on terror,”137 further distancing counterterrorism operations from democratic oversight would exacerbate this problem.138 Indeed, congressional oversight of covert operations—which, presumably, operates with full information—is already considered insufficient by many.139 By operating entirely on a covert basis, “the Executive can initiate more conflict than the public might otherwise [be] willing to support.”140 137 Derek Jinks & Neal Kumar Katyal, Disregarding Foreign Relations Law, 116 YALE L.J. 1230, 1276–77 (2007) (noting that **the “presidential netherworld**” where “the President has been acting **without the explicit support of the legislature**” “**is bad for the reputation of the U**nited **S**tates, as well as for our deliberative democracy”). See also Samuel Issacharoff, Political Safeguards in Democracies at War, 29 OXFORD J. LEGAL. STUD. 189, 198 (2009) (“The ‘war on terror’ therefore presents a particularly worrisome situation: it can be fought clandestinely, it does not require broad-scale troop mobilizations, and it can be financed essentially off the books by deficit spending. These features also enable asymmetric wars to be fought without political accountability and broad-based consent, moving far beyond the enhanced executive power necessary to and expected during the conduct of traditional wars.”). 138 Jon D. Michaels, Beyond Accountability: The Constitutional, Democratic, and Strategic Problems with Privatizing War, 82 WASH. U. L.Q. 1001, 1078 (2004) (“[T]he legitimacy of military policymaking depends not just on broad congressional involvement, but also on democratic input and popular consent.”). 139 See Jennifer D. Kibbe, Conducting Shadow Wars, 5 J. NAT’L SECURITY L. & POL’Y 373, 383 (2012) (emphasizing that “the critical question is whether intelligence, and specifically covert action, issues are receiving appropriate congressional oversight”). 140 Michaels, supra note 138, at 1077. The democratic deficit vis-à-vis covert operations is not a new theory; it has surfaced as a significant problem in U.S. foreign policy, most prominently during the Iran-Contra affair. See HOUSE SELECT COMM. TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN AND SENATE SELECT. COMM. ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION, REPORT OF THE CONGRESSIONAL COMMS. INVESTIGATING THE IRAN-CONTRA AFFAIR, S. REP. NO. 216, H.R. REP. NO. 433, 100th Cong., 1st Sess. 11 (1987), available at http://ia 600301.us.archive.org/19/items/reportofcongress87unit/reportofcongress87unit.pdf (“The Administration’s departure from democratic processes created the conditions for policy failure, and led to contradictions which undermined the credibility of the United States.”). In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs—detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on “a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of problems.”141 **Only then can the President’s efforts be sustained and legitimate.**

[Matt note: footnote 120, 137-140 included]

#### Executive trust deficit means only congressional action can create legitimacy

Goldsmith, 13 -- Harvard Law School Henry L. Shattuck professor of law

[Jack, J.D. from Yale Law School, former legal adviser to the General Counsel of the Department of Defense, former United States Assistant Attorney General, leading the Office of Legal Counsel in the Department of Justice, United States Senate Committee on Armed Services Hearing on “Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force," 5-16-13, www.lawfareblog.com/wp-content/uploads/2013/05/Goldsmith\_05-16-13.pdf, accessed 9-28-13, mss]

On September 14, 2001, Congress passed the Authorization for the Use of Military Force. The AUMF, as it is called, authorized the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.” The AUMF focused on entities responsible for 9/11. In the Fall of 2001 those entities, including al Qaeda, were located primarily in Afghanistan. In the last dozen years, al Qaeda has undergone what Professor Robert Chesney describes as an “extraordinary process of simultaneous decimation, diffusion, and fragmentation, one upshot of which has been the proliferation of loosely-related regional groups that have varying degrees of connection to the remaining core al Qaeda leadership.”1 The Executive branch expanded the kinetic and intelligence war beyond Afghanistan to other places around the globe against al Qaeda affiliates that were not in existence on 9/11, much less responsible for the 9/11 attacks. Both legal and organizational innovations accompanied and made possible the expansion of the war. On the legal side, the Executive branch interpreted the AUMF to extend to organizations associated or affiliated with al Qaeda, under the theory that they are co-belligerents. It also interpreted the AUMF – which, unlike some prior congressional approvals of military force, lacks geographical limitation – to authorize force in many nations outside Afghanistan where affiliated or associated al Qaeda forces are found. 2 On the organizational side, both the CIA and the Defense Department changed quite a lot. The CIA became committed to targeted killing via unmanned aerial vehicles, or “drones”, and reorganized its intelligence mission to support drone warfare. And the Defense Department’s Joint Special Operations Forces (JSOC) grew rapidly and engaged in an expanded array of stealth operations (including but not limited to drone fire operations) and intelligence missions (including human intelligence missions) needed to support these operations. These innovations have undergirded a mostly officially secret geographical expansion of the “war on terrorism” since the Fall of 2001. This Committee presumably knows the details of this “shadow war,” including its lethal force elements and any rendition, proxy detention, proxy force, and related elements. But U.S. citizens know very few details, at least from official U.S. government channels, because the operations are highly classified and often covert. Presidential Reports under the War Powers Resolutions were designed to ensure that Congress and the American people were aware of presidential expansions of war. But these Reports now regularly contain classified annexes, and they do not purport to cover CIA operations in any event. As a result, the American people know about the shadow war primarily through journalistic accounts. These accounts report that the United States has since 9/11 engaged in military or paramilitary operations in at least a dozen countries, and probably a much higher number.3 President Obama proclaimed in his second inaugural address that a “decade of war is now ending.”4 It does appear that heavy-footprint war against the Taliban in Afghanistan is winding down. Two former senior legal officials in the Obama administration have given speeches that some interpret to indicate that the shadow war outside Afghanistan is also winding down or will end soon. 5 I do not know the intelligence basis for these speeches. I nonetheless do not believe the shadow war will end any time soon. Consider a few recent news reports. The United States has engaged in over a dozen drone strikes this year in Pakistan and Yemen; it is expanding its drone capabilities in North Africa to address the growing Islamist (including al Qaeda affiliate) threats there; JSOC now has boots on the ground in Mali (among many other places); the United States is training Syrian opposition forces; U.S. Special Operations Command is planning to significantly increase its presence in Africa, Asia and Latin America; the Obama administration is debating whether the AUMF extends to Ansar al-Sharia in Libya and the al-Nusra Front in Syria; it is also debating whether the AUMF extends not just to associates of al Qaeda, but also to “associates of associates.”6 These and similar reports suggest that the shadow war against Islamist terrorist threats is morphing but not winding down. I will proceed on this assumption – an assumption I believe is implicit in most of the questions this Committee asked the panelists to address. II. Why Congress Must Engage Congress’s main engagement with the shadow war is the AUMF, which is nearly a dozen years old. It is long past time for Congress as a body to scrutinize the shadow war fought pursuant to the AUMF and to clarify publicly its legal basis and proper oversight mechanisms. The AUMF is out of date in two ways. First, through a series of Executive branch interpretations, each legitimate in itself, the AUMF is now deemed to authorize a war that is quite different from the one Congress contemplated a dozen years ago. As Senator Durbin recently said, “I don’t believe many, if any, of us believed when we voted for [the AUMF] that we were voting for the longest war in the history of the United States and putting a stamp of approval on a war policy against terrorism that, 10 years plus later, we’re still using.”7 To the extent Senator Durbin’s views are widely shared, Congress should determine whether it approves of the shadow war being fought pursuant to the AUMF, including the method by which the AUMF conflict expands. Second, emerging al Qaeda-inspired Islamist terrorist organizations are increasingly difficult to fit within the AUMF. Michael Leiter, the former Director of the National Counterterrorism Center, recently testified: “With the continued evolution of the terror threat and most notably its increasing distance from the 9/11 attacks and core al Qa’ida, I believe it is the time to re‐evaluate the AUMF to better fit today’s threat landscape.” 8 Similarly, an unnamed senior Obama administration official recently told the Washington Post that “[t]he farther we get away from 9/11 and what this legislation was initially focused upon . . . we can see from both a theoretical but also a practical standpoint that groups that have arisen or morphed become more difficult to fit in.” The official added that the waning relevance of the AUMF is “requiring a whole policy and legal look.”9 **That** policy and **legal look should not only take place** in secret **within the Executive** branch. It should also take place in Congress and in public. Another reason why Congress should now engage is that its authorizing and oversight processes are outdated. The CIA component of the shadow war is conducted pursuant to a very thin legal framework for covert action that was not designed to be a central legitimating tool for warfare and that contains open-ended reporting requirements and no identified substantive constraints. Congress should determine whether this framework suffices for modern stealth warfare, and if not, how it should be changed. Congress should similarly consider his Committee’s even-less-specified oversight mechanisms for Defense Department operations. I am told that the members of this Committee are satisfied with these mechanisms. But the mechanisms are mostly grounded in secret custom, not public law, and the American people cannot assess them and thus cannot know whether to have confidence in them. This last consideration points to another reason why Congress should engage: the shadow war is unnecessarily – and, increasingly, **self-defeatingly** – secretive. There are growing indications, and complaints, that our heavy reliance on drones is a strategic failure. This is obviously a vital issue for the nation, but it cannot be debated intelligently in public because our drone operations are classified. More broadly, **excessive Executive branch secrecy is weakening trust in the administration’s conduct** of the shadow war. **A good deal of the misplaced concern about drone s**trikes in the homeland against Americans **has resulted from the administration’s stilted explanations about** the **legal limits** and secret processes for killing U.S. citizen al Qaeda suspects. These stilted explanations, in turn, are driven by the requirements of classified information and covert action. Excessive secrecy also underlies growing mistrust and doubts – at home, and abroad – about the administration’s claims about the rate of civilian casualties, the soundness of its legal analyses, and the quality of its internal deliberations. **Congress** can and **should help the Executive** branch **bring the shadow war out of the shadows**, even if it makes the conduct of the war harder abroad.

#### Drones are most effective at counter-terrorism- disrupt key operations, decapitate leaders, and destroys safe havens, specialists, and training

Byman, 13 -- Georgetown University Security Studies professor

[Daniel, Brookings Institution Saban Center for Middle East Policy Senior Fellow, "Why Drones Work," Foreign Affairs, July/August 2013, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman, accessed 8-28-13, mss]

Despite President Barack Obama’s recent call to reduce the United States’ reliance on drones, they will likely remain his administration’s weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries’ capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid. NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban -- top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders.

#### Foreign intelligence is key to effective drone strategies- that prevents large-scale attacks

Cilluffo, 11 -- George Washington University Homeland Security Policy Institute director [Frank, "After bin Laden the Threat Remains: Drones, CIA and SOF Still the Only Game in Town," 5-2-11, HSPI Commentary 22, www.gwumc.edu/hspi/policy/commentary022\_after\_bin\_laden.cfm, accessed 8-19-13, mss]

In May 2009, just four months into his tenure as the Director of the Central Intelligence Agency, Panetta assessed the situation this way: “Very frankly, [drone strikes are] the **only game in town** in terms of confronting or trying to disrupt the al Qaeda leadership.” That same year, Petraeus highlighted the imperative behind applying “a lot of pressure” while arguing that “for us, a terrorist is a terrorist, whether he operates on this side of the border or that side of the border.” Today, their assessments remain as valid (if not more so) than they were two years ago. American drone strikes, in conjunction with countless clandestine operations carried out by the CIA, US Special Forces teams (and the Pakistani military), have placed unrelenting pressure on al Qaeda, its offshoots, and fellow-travelers. Although admittedly imperfect and perhaps at times heavy-handed, these reconnaissance and strike missions have served our national interests and helped shield us from harm. In effect, these missions have provided suppressive fire against a concert of jihadi terrorists that now includes not only al Qaeda, but the Haqqani network, Lashkar-e-Tayyiba, Tehrik-e Taliban Pakistan, Harkat-ul-Jihad-al-Islami, and the Islamic Movement of Uzbekistan. This suppressive fire has degraded the performance of these jihadists, limiting their wherewithal to organize, plan, and carry out the large-scale mass-casualty attacks for which they yearn. Yet, suppressive fire is only effective for the duration of the fire. **Let up, and the terrorists will quickly regain** their **lost capabilities and recover the** operational **time and space** they need **to go** back **on the offensive**. Now is certainly not the time to let up. Nevertheless, strike missions are not a panacea and should not be taken lightly. For more than twenty years, the US has worked to cultivate relationships with foreign intelligence services, police, and militaries to aid in the fight against global terrorists. Although these efforts have met with limited success, they must continue. The difficult situation we face today would be far worse if we had not undertaken such — and it would quickly deteriorate if we were to walk away now. The dearth of capable, stable, and trustworthy partners in the FATA region means we will be increasingly forced to rely on these and other unconventional tools of statecraft. Islamabad remains unable to exercise the writ of government over much of its territory (or bureaucracy). Under these circumstances, history teaches us that governments also lack the ability to prevent their soil, citizens, and resources from being usurped. Thus the US must maintain its political flexibility and tactical maneuverability. The US must maintain its ability to carry out unconventional reconnaissance and paramilitary missions. This represents a critical, and increasingly important argument — for Pakistan is not an isolated case. In Yemen, in Somalia, in Sudan — and in a growing list of other un- and undergoverned nation-states we are witness to a similar pattern. In the world’s most dangerous places, the US has few partners and fewer options. At the same time, we face a continued threat from those who would do us grave harm. Under these conditions, and with the capability and moral imperative to protect our citizens, the United States must reject demands to curtail the use of drones, CIA, or Special Forces. When it comes to disrupting the activities of jihadi terrorists, these foils remain the only game in town — their value again demonstrated last night. Today, we owe a debt of gratitude to those nameless, faceless individuals who pilot the drones, collect and analyze the intelligence, and when called upon carry out the paramilitary missions. As we move forward, I hope we continue to provide them with the tools, resources, and room to maneuver necessary to do their jobs as well as they have in the last twenty-four hours.

## 2AC Restrict/Authority

#### Restrictions exist even if the executive overrides them

Mortenson 11 (Assistant Professor, University of Michigan Law School, University of Chicago Law Review, Winter 2011, Retrieved 6/1/2013 from Lexis/Nexis, rwg, Julian Davis)

His second claim, at best, obscures deep ambiguity. It is certainly true that FDR "became more creative" in leveraging explicit exceptions contained in the Neutrality Acts and related statutes as his efforts to help the future Allies intensified (III, p 297). And the applicability of those exceptions has been sharply questioned, a complicated problem that space here does not suffice to address. n72 But as David Barron and Martin Lederman have exhaustively detailed in well-known work that Yoo does not cite, this focused use of explicit statutory exceptions demonstrates a President perforce acknowledging the constraining effect of congressional restrictions--even in purely internal deliberations. n73 Indeed, FDR rejected advice from both the vice president and the secretary of the interior that he simply disregard the statutes (III, p 297). n74 Nor was this cheap talk: FDR's choice to use exceptions rather [\*402] than simply ignore the statute had real costs for his policies. He sent less weaponry, worse equipment, and fewer troops to assist the United Kingdom--and he did so through far more convoluted mechanisms--than would have been the case had he simply ignored the statutory framework. n75 These were serious consequences in a time of global cataclysm, yet Yoo views this entire episode as evidence of a constitutional power to override congressional restrictions.

#### CI – restrictions include transparently narrowing targeting criteria

**Waxman 13** - law professor at Columbia Law School, where he co-chairs the Roger Hertog Program on Law and National Security. He is also Adjunct Senior Fellow for Law and Foreign Policy at the Council on Foreign Relations and a member of the Hoover Institution Task Force on National Security and Law. He previously served in senior policy positions at the State Department, Defense Department, and National Security Council. After graduating from Yale Law School, he clerked for Judge Joel M. Flaum of the U.S. Court of Appeals and Supreme Court Justice David H. Souter<Matthew. “AUMF Reform: A Response to Brooks and Others” March 15, 2013. <http://www.lawfareblog.com/2013/03/aumf-reform-a-response-to-brooks-and-others/>>

Brooks raises some important concerns, including that new statutory authorities to use force against terrorist threats will contribute to mission creep and a strategically unwise expansion of unilateral military action — that it will substitute poorly for, rather than generate and incorporate, sound strategic thinking about costs and benefits of military action. We share, as Brooks notes, those concerns, and that is in part why we reject proposals that simply expand the 2001 AUMF. Instead, we recommend that any new statutory framework include substantive restrictions (such as narrow targeting criteria, defined more specifically than the current AUMF and executive branch pronouncements, that hew to international self-defense law and the law of armed conflict) and institutional checks (such as mandated transparency, auditing, and periodic assessment requirements). It’s critical that any new legislative authority include such limitations and checks to address some of the past decades’ lessons. Brooks and other readers have reasonably questioned how effectively such restrictions will function, but we think they can serve as important constraints that improve policymaking.

#### CI - Authority is what the president can do not what the president does do

Ellen Taylor 96, 21 Del. J. Corp. L. 870 (1996), Hein Online

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Authority is permission

AUTHOR''ITY, n. **[**L. auctoritas.]

**Webster's Revised Unabridged Dictionary** (**1913** + 1828) - http://machaut.uchicago.edu/?action=search&word=authority&resource=Webster's&quicksearch=on

1. Legal power, or a right to command or to act; as the authority of a prince over subjects, and of parents over children. Power; rule; sway.

2. The power derived from opinion, respect or esteem; influence of character or office; credit; as the authority of age or example, which is submitted to or respected, in some measure, as a law, or rule of action. That which is claimed in justification or support of opinions and measures.

3. Testimony; witness; or the person who testifies; as, the Gospels or the evangelists are our authorities for the miracles of Christ.

4. Weight of testimony; credibility; as a historian of no authority.

5. Weight of character; respectability; dignity; as a magistrate of great authority in the city.

6. Warrant; order; permission.

By what authority dost thou these things. Mat. 21. Acts 9.

7. Precedents, decisions of a court, official declarations, respectable opinions and says, also the books that contain them, are call authorities, as they influence the opinions of others; and in law, the decisions of supreme courts have a binding force upon inferior courts, and are called authorities.

8. Government; the persons or the body exercising power or command; as the local authorities of the states.

In Connecticut, the justices of the peace are denominated the civil authority.

## 2AC Self-Restraint CP

#### Congress key to prevent shift to *jus ad bellum*- goes nuclear

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 9-19-13, mss]

In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs—detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on “a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of problems.”141 Only then can the President’s efforts be sustained and legitimate. 2. Effect on the International Law of Self-Defense A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of selfdefense— the jus ad bellum.142 Finding sufficient legal authority for the United States’s ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress’s role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert “self-defense against a continuing threat” to target and detain terrorists worldwide, it will almost always be able to find such a threat.143 Indeed, the Obama Administration’s broad understanding of the concept of “imminence” illustrates the danger of allowing the executive to rely on a self-defense authorization alone.144 This approach also would inevitably lead to dangerous “slippery slopes.” Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of “imminence,”145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF “does not authorize military force against anyone the Executive labels a ‘terrorist,’”146 relying solely on the international law of self defense would likely lead to precisely such a result. The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, **the result would be chaos**.”148

#### Links to politics

Hallowell ’13 [Billy Hallowell, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>, KB]

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ And the political opposition howls.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶ The Republican reaction is to be expected, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years there has been a growing concern about unchecked executive power,” Woolley said. “It tends to have a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

## DA

#### There’s no correlation between hegemony and stability

Fettweis, ’10 [Christopher J. Fettweis, Assistant Professor of Political Science at Tulane University, “Threat and Anxiety in US Foreign Policy,” Survival, 52:2, 59-82, March 25th 2010, <http://dx.doi.org/10.1080/00396331003764603>]

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible ‘peace dividend’ endangered both national and global security. ‘No serious analyst of American military capabilities’, argued neo-conservatives William Kristol and Robert Kagan in 1996, ‘doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace’.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilising presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

## 2AC CIR

**Obamacare thumped**

Schaper 10/22, Arthur, Canada Free Press, “What Republicans Have Gained Following the Shutdown,” 10/22, http://canadafreepress.com/index.php/article/58738

President Obama has wasted what political capital by holding the line against defunding, then delaying Obamacare’s individual mandate and refusing to repeal the medical device tax, which Republicans and Democrats in Congress oppose. Even Minnesota’s US Senator Al Franken has sponsored a non-binding resolution to repeal the tax. President Obama may have “won” the shutdown fight in the short term, but he has not beaten down the anti-establishment rebellion in the House or the US Senate. President Obama entered his second term with slightly less political capital than George W. Bush in 2004. While Bush won slightly less of the popular vote, he took away more electoral votes than he had won in 2000. Bush stumped to privatize social security, and he failed; yet when he lost both chambers of Congress in 2006, he still managed to instigate a troop surge in 2007. President Obama is saddled with his own legacy, the Affordable Care Act, which even his own leader-colleagues have called “unacceptable” due to its poor rollout. Former Press Secretary John Gibbs also called the Obamacare Medicare exchanges for what they were: disastrous. While the media will portray Obama as the undivided winner, in the long run the Republican Party has asserted new muscle, taking its cues from its radical, grassroots origins. Instead of agreeing to spend $50 billion over budget as opposed to $100 billion, the TEA Party caucus has forced Washington legislators to cut spending.

#### Won’t pass – shutdown killed it

NBC Politics 10/21/13 ("Did Shutdown 'Poison the well' For Immigration Reform")

Prospects for a comprehensive immigration reform bill remain cloudy after a bruising shutdown fight for Republicans that left hard feelings in Washington even as activists continue to push their cause. ¶ “The president’s actions and attitude over the past couple of weeks have certainly poisoned the well and made it harder to work together on any issue,” said a GOP leadership aide asked about the chances of major immigration legislation making it to the White House. ¶ Republican leaders say they remain committed to fixing the nation’s broken immigration system. But, as the dust settles from the shutdown mess, both sides say that the time isn’t exactly optimal for a Kumbaya moment. ¶ “There will definitely have to be a cooling off period,” said Marshall Fitz, the director of immigration policy for the progressive Center for American Progress. Republicans hold "a sense of, ‘Yes, we lost, but we won’t back down,'” he said. "It certainly feels like the fever has not broken.”

**Plan is bipartisan**

**Brooks 13** -law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department. <Rosa. “Mission Creep in the War on Terror” March 14, 2013. <http://www.isidewith.com/article/mission-creep-in-the-war-on-terror>>

That's not surprising: As the targets of U.S. drone strikes have expanded from senior Taliban and al Qaeda operatives to a far broader range of individuals with only the most tenuous links to al Qaeda, the administration's legal arguments for targeted killings have grown ever more tortured and complex. In particular, it's gotten progressively more difficult for officials to avoid blushing while claiming that U.S. drone policy is fully consistent with Congress's 2001 Authorization for Use of Military Force (AUMF), which authorizes force only against those who bear some responsibility for the 9/11 attacks.¶ With Option 3 -- lie, lie, lie -- off the table, and fudging and obfuscation growing harder to comfortably sustain, the thoughts of administration officials turn naturally to Option 2: change the law. Thus, as the Washington Post reported last weekend, some administration officials are apparently considering asking Congress for a new, improved "AUMF 2.0," one that would place U.S. drone policy on firmer legal footing.¶ Just who is behind this notion is unclear, but the idea of a revised AUMF has been gaining considerable bipartisan traction outside the administration. In a recent Hoover Institution publication, for instance, Bobby Chesney, who served in the Obama Justice Department, teams up with Brookings's Ben Wittes and Bush administration veterans Jack Goldsmith and Matt Waxman to argue for a revised AUMF -- one that can provide "a new legal foundation for next-generation terrorist threats."

#### No CIR --- House GOP will block votes to preserve party cohesion.

Bookman October 25th

Jay, Immigration reform dies at the feet of a panicked GOP, Atlanta Journal-Constitution, http://www.ajc.com/weblogs/jay-bookman/2013/oct/25/immigration-reform-dies-feet-panicked-gop/

Ah, yes. Remember those days, way way back in ... what was it, March? In the immediate aftermath of their 2012 defeat, even GOP leaders such as House Speaker John Boehner were saying things like "a comprehensive approach is long overdue, and I’m confident that the president, myself, others, can find the common ground to take care of this issue once and for all.” Now, not so much. Not at all, in fact. It's not as if the polls have changed. If anything, they show that support for a comprehensive solution growing stronger and stronger, and not just within the Hispanic community. According to a CBS poll released this week, 77 percent of Americans -- and 69 percent of Republicans -- say they would support legislation offering "a path to citizenship for illegal immigrants in the U.S. if they met certain requirements including a waiting period, paying fines and back taxes, passing criminal background checks, and learning English." Unfortunately, it's been clear for months now that the Republican House is simply incapable of accepting such legislation. In fact, multiple news outlets are now reporting that no immigration legislation of any kind will be voted on in the House before the end of the year, largely out of fear that allowing such a vote might further divide the already fragmented GOP caucus. We're seeing the same dynamic that produced the government shutdown and debt-ceiling fiasco now playing out on immigration: If allowed an up or down vote, the comprehensive package that has already passed the Senate with Republican support would almost certainly pass in the House as well, and with bipartisan support. GOP leaders also know that would be good for the country and good for their party. Yet Boehner and his allies are so cowed by the more extreme elements of their caucus and base that they have resigned themselves to doing nothing, even if -- as the RNC warned -- the GOP "will continue to shrink to its core constituencies only" as a result.

#### PC fails

Hernandez 10/24/13 (Sandra, Writer for the Los Angeles Times, "Is Obama's Call for Immigration Reform Really Helpful?")

After months of being relegated to the back of the legislative line, [immigration reform](http://www.latimes.com/topic/politics/migration/immigration-reform-legislation-%282013%29-EVGAP00073.topic) is back in the spotlight. On Thursday, President [Obama](http://www.latimes.com/topic/politics/government/barack-obama-PEPLT007408.topic) gave a speech urging the Republican-led House to move quickly to fix the nation’s dysfunctional immigration system.¶ But is Obama’s speech likely to help or hurt such efforts in the House? According to some [GOP](http://www.latimes.com/topic/politics/parties-movements/republican-party-ORGOV0000004.topic) conservatives and [tea party](http://www.latimes.com/topic/politics/tea-party-movement-ORCIG000068.topic) members, the more the president talks about the need to overhaul the immigration system, the dimmer the chances a compromise bill will be passed in the House.¶ Why? The logic goes something like this: Anything that Obama says about immigration reform only deepens partisan divisions in the House. Moreover, his speech was little more than an effort to steal the spotlight from moderate Republicans who are working hard to find a way forward.

#### Budget battles poison the well for immigration

Stiles 10/21/13 (Andrew, Political Reporter for the National Review Online, "Dug in Against the Gang of Eight" The National Review Online)

The recent budget talks have also, to the extent that it is even possible, increased House Republicans’ dislike and distrust of President Obama. Representative Raul Labrador (R., Idaho), a prominent supporter of immigration reform and a member of the (now disbanded) House version of the Gang of Eight, has [said](http://www.nationalreview.com/corner/361401/labrador-it-would-be-crazy-negotiate-obama-immigration-reform-andrew-stiles) “it would be crazy” for House Republicans to negotiate with Obama on immigration reform, because the president would never do so in good faith.¶ “He’s trying to destroy the Republican Party . . . and I think that anything that we do right now with this president on immigration will be with that same goal in mind, which is to destroy the Republican party, and not to get good policies,” Labrador said last week during a meeting with conservative lawmakers hosted by the Heritage Foundation.¶ One thing is certain: John Boehner’s job won’t be getting any easier anytime soon.

#### Won’t pass – no vote

Berman 10/25/13 (Russell, "GOP Comfortable Ignoring Obamas Pleas for Vote on Immigration Bill")

Immigration reform advocates in both parties have long set the end of the year as a soft deadline for enacting an overhaul because of the assumption that it would be impossible to pass such contentious legislation in an election year.¶ Aides say party leaders have not ruled out bringing up immigration reform in the next two months, but there is no current plan to do so.¶ The legislative calendar is also quite limited; because of holidays and recesses, the House is scheduled to be in session for just five weeks the remainder of the year.

#### Low cred means Obama can’t pass anything

**Koffler 10/11**, Keith, covered the White House as a reporter for CongressDaily and Roll Call, is editor of the website White House Dossier, “Obama’s Crisis of Credibility, http://www.politico.com/story/2013/10/obamas-crisis-of-credibility-98153.html

President Barack Obama is like a novice flier thrust into the cockpit of a 747. He’s pushing buttons, flipping switches and radioing air traffic control, but nothing’s happening. The plane is just slowly descending on its own, and while it may or may not crash, it at least doesn’t appear to be headed to any particularly useful destination. Obama’s ineffectiveness, always a hallmark of his presidency, has reached a new cruising altitude this year. Not even a year into his second term, he looks like a lame duck and quacks like a lame duck. You guessed it — he’s a lame duck. On the world stage, despite Obama’s exertions, Iran’s centrifuges are still spinning, the Israelis and Palestinians remain far apart, Bashar Assad is still in power, the Taliban are gaining strength and Iraq is gripped by renewed violence. At home, none of Obama’s agenda has passed this year. Republicans aren’t bowing to him in the battle of the budget, and much of the GOP seems uninterested in House Speaker John Boehner’s vision of some new grand bargain with the president. Obama has something worse on his hands than being hated. All presidents get hated. But Obama is being ignored. And that’s because he has no credibility. A president enters office having earned a certain stock of political capital just for getting elected. He then spends it down, moving his agenda forward, until he collects a fresh supply by getting reelected. But political capital is only the intangible substrate that gives a president his might. His presidency must also be nourished by credibility — a sense he can be trusted, relied upon and feared — to make things happen. A president enters office with a measure of credibility. After all, he seemed at least trustworthy enough to get elected. But unlike political capital, credibility must be built in office. Otherwise, it is squandered. Obama has used every credibility-busting method available to eviscerate any sense that he can be counted on**.** He’s dissimulated**,** proven his unreliability**,** ruled arbitrarily and turned the White House into a Chicago-style political boiler room. His credibility has been sapped with his political opponents, a public that thinks him incompetent, our allies, who don’t trust him, and, even worse, our enemies, who don’t fear him.

#### No bioweapons – Too difficult to acquire and deploy

Burton and Stewart, 08 (Fred and Scott, Stratfor Intelligence, “Busting the Anthrax Myth”, July 30, http://www.stratfor.com/weekly/busting\_anthrax\_myth)

We must admit to being among those who do not perceive the threat of bioterrorism to be as significant as that posed by a nuclear strike. To be fair, it must be noted that we also do not see strikes using [chemical](http://www.stratfor.com/chemical_threat_subways_dispelling_clouds) or [radiological](http://www.stratfor.com/dirty_bombs_weapons_mass_disruption) weapons rising to the threshold of a true weapon of mass destruction either. The successful detonation of a nuclear weapon in an American city would be far more devastating than any of these other forms of attack. In fact, based on the past history of nonstate actors conducting attacks using biological weapons, we remain skeptical that a nonstate actor could conduct a biological weapons strike capable of creating as many casualties as a large strike using conventional explosives — such as the October 2002 Bali bombings that resulted in 202 deaths or the March 2004 train bombings in Madrid that killed 191. We do not disagree with Runge’s statements that actors such as al Qaeda have demonstrated an interest in biological weapons. There is ample [evidence](http://www.stratfor.com/al_qaeda_and_threat_chemical_and_biological_weapons) that al Qaeda has a rudimentary biological weapons capability. However, there is a huge chasm of capability that separates intent and a rudimentary biological weapons program from a biological weapons program that is capable of killing hundreds of thousands of people. Misconceptions About Biological Weapons There are many misconceptions involving biological weapons. The three most common are that they are easy to obtain, that they are easy to deploy effectively, and that, when used, they always cause massive casualties. While it is certainly true that there are many different types of actors who can easily gain access to rudimentary biological agents, there are far fewer actors who can actually isolate virulent strains of the agents, weaponize them and then effectively employ these agents in a manner that will realistically pose a significant threat of causing mass casualties. While organisms such as anthrax are present in the environment and are not difficult to obtain, more highly virulent strains of these tend to be far more difficult to locate, isolate and replicate. Such efforts require highly skilled individuals and sophisticated laboratory equipment. Even incredibly deadly biological substances such as [ricin](http://www.stratfor.com/weekly/ricin_unlikely_weapon_mass_destruction) and botulinum toxin are difficult to use in mass attacks. This difficulty arises when one attempts to take a rudimentary biological substance and then convert it into a weaponized form — a form that is potent enough to be deadly and yet readily dispersed. Even if this weaponization hurdle can be overcome, once developed, the weaponized agent must then be integrated with a weapons system that can effectively take large quantities of the agent and evenly distribute it in lethal doses to the intended targets. During the past several decades in the era of modern terrorism, biological weapons have been used very infrequently and with very little success. This fact alone serves to highlight the gap between the biological warfare misconceptions and reality. Militant groups desperately want to kill people and are constantly seeking new innovations that will allow them to kill larger numbers of people. Certainly if biological weapons were as easily obtained, as easily weaponized and as effective at producing mass casualties as commonly portrayed, militant groups would have used them far more frequently than they have. Militant groups are generally adaptive and responsive to failure. If something works, they will use it. If it does not, they will seek more effective means of achieving their deadly goals. A good example of this was the rise and fall of the use of [chlorine](http://www.stratfor.com/iraq_chlorine_matter_concern) in militant attacks in Iraq. Anthrax As noted by Runge, the spore-forming bacterium Bacillus anthracis is readily available in nature and can be deadly if inhaled, if ingested or if it comes into contact with a person’s skin. What constitutes a deadly dose of inhalation anthrax has not been precisely quantified, but is estimated to be somewhere between 8,000 and 50,000 spores. One gram of weaponized anthrax, such as that contained in the letters mailed to U.S. Sens. Tom Daschle and Patrick Leahy in October 2001, can contain up to one trillion spores — enough to cause somewhere between 20 and 100 million deaths. The letters mailed to Daschle and Leahy reportedly contained about one gram each for a total estimated quantity of two grams of anthrax spores: enough to have theoretically killed between 40 and 200 million people. The U.S. Census Bureau estimates that the current population of the United States is 304.7 million. In a worst-case scenario, the letters mailed to Daschle and Leahy theoretically contained enough anthrax spores to kill nearly two-thirds of the U.S. population. Yet, in spite of their incredibly deadly potential, those letters (along with an estimated five other anthrax letters mailed in a prior wave to media outlets such as the New York Post and the major television networks) killed only five people; another 22 victims were infected by the spores but recovered after receiving medical treatment. This difference between the theoretical number of fatal victims — hundreds of millions — and the actual number of victims — five — highlights the challenges in effectively distributing even a highly virulent and weaponized strain of an organism to a large number of potential victims. To summarize: obtaining a biological agent is fairly simple. Isolating a virulent strain and then weaponizing that strain is somewhat more difficult. But the key to biological warfare — effectively distributing a weaponized agent to the intended target — is the really difficult part of the process. Anyone planning a biological attack against a large target such as a city needs to be concerned about a host of factors such as dilution, wind velocity and direction, particle size and weight, the susceptibility of the disease to ultraviolet light, heat, dryness or even rain. Small-scale localized attacks such as the 2001 anthrax letters or the [1984 salmonella attack](http://www.stratfor.com/weekly/terrorism_weekly_april_22) undertaken by the Bhagwan Shri Rajneesh cult are far easier to commit.