# 2AC

## T

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

**Bradley & Goldsmith 2005**

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

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

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

**Counter interp- increase can be a positive change from zero**

**WORDS AND PHRASES**, 20**07** CUMULATIVE SUPPLEMENTARY PAMPHLET, Vol. 20A, 07, 76**. Increase: Salary change of from zero to $12,000** and $1,200 annually for mayor and councilmen respectively **was an “increase” in salary and not merely the fixing of salary.** King v. Herron, 243 S.E.2d36, 241 Ga. 5.

#### Reasonability checks

Sunstein ‘5

[Cass R. Sunstein Karl N. Llewellyn Distinguished Service Professor, Law School and Department of Political Science, ¶ University of Chicago¶ ADMINISTRATIVE LAW GOES TO WAR. <http://www.law.uchicago.edu/files/files/248-crs-admin-war.pdf> ETB]

My general conclusions are that the President should have a great deal of ¶ discretion in interpreting the AUMF, and that any ambiguities are for him to resolve, ¶ subject to a general constraint of reasonableness. The principal qualification is that if the ¶ President is infringing on constitutionally sensitive interests, the AUMF must be ¶ construed narrowly, whatever the President says. Under this framework, the President ¶ plainly has the authority to act in cases (1), (2), and (4) above. He lacks that authority in ¶ case (6). For reasons to be explored, cases (3) and (5) are extremely difficult. ¶ This framework is properly used both by reviewing courts (subject to any ¶ justiciability constraints7¶ ) and by members of the executive branch advising the President ¶ about the legality of proposed courses of action. Indeed, this framework furnishes the ¶ appropriate principles not only for understanding any authorization for the use of force, but also for evaluating all exercises of presidential power when Congress has authorized ¶ the President to protect the nation’s security.8

## PTX

#### Won’t pass---Boehner irrelevant

Adam O'Neal 12-23, December 23rd, 2013, "Immigration reform in 2014? Not so fast," https://www.humanevents.com/2013/12/23/immigration-reform-in-2014-not-so-fast/

A California-based immigration reform activist, who spoke to CalWatchdog.com on the condition of anonymity to be more candid, said that Boehner’s recent behavior was “heart-warming” and seemed “honest.”¶ The activist, who has been involved in lobbying California Congressmen to push for reform, added, “It makes you think, ‘OK, maybe [Boehner will] play ball.’”¶ But he cautioned that, while activists are optimistic, they’re not blindly so. He expects that major immigration reform won’t be able to pass until 2015, at the earliest. It’s difficult to pass major legislation in an election year, he explained, and it makes more strategic sense (from the Republican point of view) to wait.¶ Republicans, who are at a politically advantageous position because of the trouble associated with the rollout of Obamacare, reasonably expect to pick up seats in the midterms. They could feasibly control the Senate — though that will be no easy task — by January 2015. So why would they pass immigration reform when they’re almost certain to pick up seats and enter a stronger bargaining position? The answer is simple: They wouldn’t.¶ So, yes, Speaker Boehner has changed his tune. But that doesn’t mean he’ll change his strategy just yet.

**Plan boosts Obama’s capital**

Douglas **Kriner 10**, Assistant Profess of Political Science at Boston University, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

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

#### More evidence

Bannon 13

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

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

**PC not key**

Greg **Sargent 13**, "Syria won't make GOP's immigration problem go "poof" and disappear ; Syria or no Syria, Republicans will still pay the same price among Latinos if they kill reform," 9/12, Washington Post, Factiva

But when it comes to immigration -- as with this fall's fiscal fights -- **that question is largely irrelevant**. Obama's "standing" or "strength" with regard to Congress won't play any significant role in determining whether immigration reform happens. That, too, is a question that turns only on whether Republicans resolve their differences over it.¶ Immigration reform's fate, at bottom, **rests solely on** **whether Republicans decide it needs to pass** for the long term good of the party. **Either they will decide killing reform is too risky**, because it will lock in anti-GOP hostility among Latinos for a generation or more. **Or they will decide passing reform won't do enough to win over Latinos,** given their disagreement with the GOP on other issues, and that the downsides of alienating the base aren't worth the potential upsides. **Neither** the fact that Congress is distracted by **Syria, nor Obama's short term dip in popularity or standing** or whatever you want to call it, will have anything whatsoever to do with that decision. Nor will Latino reaction to the GOP's eventual decision. Does anyone imagine that if Republicans kill reform, Latinos will somehow see the Syria debate -- or, even more ludicrously, Beltway-generated ideas about Obama's "standing" -- as mitigating factors?

#### Obama’s PC is dead and he’s not using it anyway---and minimum wage, education, and climate change thump

Benac and Pace 1-1

Nancy Benac AND\*\*\* Julie Pace 1-1, AP writers, January 1st, 2014, "Obama’s presidency, beset by fits, starts new year," Wisconsin Gazette, [www.wisconsingazette.com/breaking-news/obamas-presidency-beset-by-fits-starts-year-5.html](http://www.wisconsingazette.com/breaking-news/obamas-presidency-beset-by-fits-starts-year-5.html)

In 2013, Obama’s critics doubled down. Fractured Republicans, swore off compromise. The president’s outreach to Congress was lacking or at times even non-existent. Obama’s team dropped the ball — calamitously — on his health care law. Snowden’s revelations had Democrats and Republicans alike calling for tighter surveillance rules. Foreign leaders were in a huff — Brazil’s president snubbing a proposed White House state dinner, Germany’s Angela Merkel incensed that her cellphone calls had been intercepted. The president’s pledge that people who liked their health plans would be able to keep them ran into a harsh reality as millions saw their coverage canceled.¶ The year ended with a only small-bore budget deal.¶ White House communications director Jennifer Palmieri called it a year of “fits and starts” for the president — and predicted better days ahead.¶ Yet Obama’s agenda of gun control, immigration reform, a grand budget bargain sits unfulfilled. Obama’s job approval and personal favorability ratings are near the lowest point of his presidency, with increasing numbers of Americans saying they no longer consider him to be honest or trustworthy. Abroad, too, positive views of Obama have slipped.¶ The mantra for the Obama White House has always been to take the long view. Officials scoff at the “who’s up, who’s down” churn of Washington’s chattering class.¶ But as Obama embarked on his second term, some of his closest outside advisers warned him that the next four years would have to be different: He might have just 18 months, perhaps as little as a year, to accomplish big domestic priorities.¶ Obama’s team thought it had a strategy for overcoming the second-term curse. They would make a quick play for stricter gun control measures, then press for an immigration overhaul and float the possibility of a big budget deal.¶ Each of those efforts failed and Obama quickly found himself consumed by distractions.¶ Some were fleeting, like the revelations that the Internal Revenue Service was applying extra scrutiny to conservative groups. But others threatened long-term damage to his presidency: the National Security Agency disclosures and the disastrous rollout of the “Obamacare” health law.¶ Some events were beyond Obama’s control, including the chemical weapons crisis in Syria.¶ But how could he not have known that his government was spying on the private communications of friendly world leaders? Why didn’t he know his health care website wouldn’t work? How could he have promised over and over again that Americans could keep their health insurance when his own advisers knew it wasn’t that simple?¶ As a result, the president is ending his fifth year in office in a “defensive crouch,” says presidential historian Douglas Brinkley, and may have to be content with simply protecting his health care law and other Democratic-backed programs that Republicans are eager to repeal.¶ The 2014 midterm elections give Obama his best opportunity to rebound. But Democrats, who just weeks ago saw an opportunity to retake the House after Republicans got blamed for the government shutdown, now fret about the health care law’s ongoing problems and may be content to just keep control of the Senate.¶ Lawmakers from both parties say Obama doesn’t talk to them much, nor do his aides. Both sides wistfully recall the voluble Clinton, who figured out how to craft deals with Republicans on welfare reform and other agenda.¶ Sen. Tom Coburn, an Oklahoma Republican who worked with Obama when he was a senator and still considers the president a friend, says flatly: “He’s flunked in terms of relations with Congress.”¶ “If you know him personally, he’s a very likable person,” says Coburn. “But it’s different than with most other presidents in terms of having relationships with Congress.”¶ Of course, the president’s tepid relationship with Congress is hardly his fault alone. The forces that pulled House Republicans to the right made it difficult for the GOP to reach agreement with Democrats on much of anything.¶ What does it matter if Obama doesn’t buddy up to his former colleagues?¶ “Instead of going out and talking to his enemies, making friends and schmoozing, or banging heads together with them or whatever, you can see that the man is diffident — deeply, deeply diffident about the kinds of politicking that are necessary to build consensus,” says Nigel Nicholson, a professor at the London Business School.¶ The president has been getting plenty of that kind of advice in recent weeks. Critics called for a sweeping shake-up of his White House inner circle.¶ Obama has responded in his typically restrained fashion. No one has lost a job over the massive health care screw-up, though the White House hasn’t ruled that out. And while the president is doing some minor reshuffling, he’s largely bringing in people he already knows.¶ To critics, the limited staff changes smack of a White House that doesn’t fully understand the depths of its problems.¶ But to presidential friend Ron Kirk said they are indicative of Obama’s “fairly dispassionate temperament.”¶ “He understands that overreacting to any one development in the moment is not the best way to achieve a long-term and stable objective,” said Kirk.¶ The president’s agenda for his sixth year in office is a stark reminder of how little he accomplished in 2013.¶ Obama plans to make another run at immigration reform. He’ll seek to increase the minimum wage, expand access to early childhood education, and look to implement key climate changes.¶ Foreign policy could be an oasis for the struggling second-term president. With Russia’s help, he turned his public indecision over attacking Syria into an unexpected agreement to strip President Bashar Assad of his chemical weapons, though the success of the effort won’t be known for some time and the civil war in Syria rages on. Obama also authorized daring secret negotiations with Iran, resulting in an interim nuclear agreement. But even the president says the prospects of getting a final deal are only 50-50.¶ In a year-end news conference, the president optimistically predicted that 2014 would be “a breakthrough year for America.” But Obama’s dismal standings in the polls suggest he can’t count on a public groundswell.

#### No impact—threat overestimated and global warming is solved by adaptation and mitigation.

**Mendelsohn 9**,

(Robert O. the Edwin Weyerhaeuser Davis Professor, Yale School of¶ Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and¶ Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/¶ gcwp060web.pdf

The heart of the **debate about climate change comes from** a number of **warnings** from scientists and others that give the impression **that** human induced **climate change is an immediate threat to society** (IPCC 2007a,b; Stern 2006.) Millions of people might be vulnerable to health effects (IPCC 2007b) crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20-30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people. (Dasgupta et al. 2009) Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and wellbeing may be at risk (Stern 2006). **These statements are** largely **alarmist and misleading**. Although climate change is a serious problem that deserves attention, **society’s immediate behavior has an extremely low probability of leading to catastrophic consequences**. The science and economics of climate change is quite clear **that emissions over the next few decades will lead to only mild consequences**. **The severe impacts** predicted **by alarmists require a century** (or two in the Case of Stern 2006) **of no mitigation**. Many of the predicted impacts assume there will be no **or little adaptation. the net** economic **impacts** from climate change over the next 50 years **will take more than a century or even a millennium to unfold** **and** many of these “potential” impacts will never occur because **people will adapt**. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long-run balanced responses.

## CP

#### Perm- do the plan and the counterplan- solves the link to politics

**Corcoran 11** --- Professor of Law and Director at University of New Hampshire School of Law (March 2011, Erin M., University of New Hampshire Law Review, “Obama's Failed Attempt to Close Gitmo: Why Executive Orders Can't Bring About Systemic Change,” 9 U.N.H. L. Rev. 207))

Finally, this example highlights that **issuing unilateral executive orders, and then asking Congress to fund those decisions, is much less effective than having Congress help create the framework for significant policy changes.** Congress is an independent branch of government regardless of whether the members' party affiliation is the same as the President's. **Since members of the House are elected every two years, they are particularly sensitive to the idiosyncratic whims of the constituents in their district**. For the President, it is often easier to support sweeping change on a policy level. Although Senators are elected every six years, they are still bound to protect parochial concerns of their constituents. **Congress members go home every weekend to their respective districts and must explain their votes, decisions, and legislative priorities to the voters** often at supermarkets, churches, and bingo halls.¶ **Often times, when members of Congress can control the message or create the narrative addressing the problem, they can show their** [\*235] **constituents how their votes are in line with constituent priorities and concerns. In contrast, when Congress is told to do what the President wants and fund a controversial proposal, the members are in less control of the message and less invested in the outcome.**¶Furthermore, in the Senate, particularly in the Appropriations Committee, members work across the aisle. Until recently, appropriators tended to vote as a block regardless of party affiliation, protecting their funding prerogatives and funding for their home districts. For example, the Senate Supplemental Appropriations mark included funding to close Guantanamo Bay. Yet, **during the Senate floor debate about closing Guantanamo Bay, ultimately it was the Chair of the Appropriations Committee who filed the amendment on the floor to strip funding out of the supplemental bill.** n150 **The Chair's action provided cover to other appropriators to vote in support of stripping the funding.** Since the Chair authored the amendment, there was no longer any obligation to support the appropriations bill as it was marked up out of committee. Generally, appropriators vote together to protect funding when other senators attempt to strip funding out of appropriations bills or move funds from one account to fund a priority not accommodated by the appropriators. **Since these members value collegiality, compromise, and consultation, it is no surprise that Obama's efforts to fund Guantanamo Bay closure was thwarted. If the Senate had been charged with crafting legislation, the members would have been committed to making sure they had the votes to pass it.**¶Overall, if the Obama Administration wants to close Guantanamo Bay, it must get Congress to lead the charge. This is going to be extremely difficult now with a Republican House of Representatives and Democrat Senate that holds the majority by the narrowest of margins. At this point, it seems as if the Administration has abandoned its campaign to close Guantanamo Bay. The only silver lining is that the Administration hopefully has learned important lessons on what works and what is a non-starter and can use this knowledge when advancing the President's future controversial policy changes.

#### CP doesn’t solve terrorism or legitimacy and links to politics

Chesney et al. ‘13

[Robert Chesney, Jack Goldsmith, Matthew C. Waxman, and Benjamin Wittes. Jean Perkins Task Force on National Security and Law. <http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf> ETB]

Consider first the option of Congress doing nothing. This is, at bottom, a ¶ choice to address extra-AUMF threats through a combination of increasingly ¶ strained executive branch interpretations of the AUMF, law enforcement ¶ and intelligence measures, and whatever supplemental military force the ¶ president can and will assert based on his Article II authorities. It is our ¶ contention that at some point even strained interpretations of the AUMF will ¶ not be possible, and that even before we reach that point, the strained ¶ interpretations will call into question the legitimacy of congressional and ¶ democratic backing for the president’s uses of force. That leaves law ¶ enforcement measures and Article II powers, which in combination are ¶ far from ideal.¶ To be very clear, we do not claim that all terrorism-related threats can or ¶ should be dealt with militarily. Law enforcement and intelligence tools can ¶ have tremendous effect, and we strongly endorse the view that the ¶ president’s authority to use them should not be unduly constrained out of a ¶ misguided sense that most or all terrorism scenarios require a military ¶ solution. But law enforcement and intelligence tools are not a panacea. In some ¶ circumstances—such as the late 1990s in Afghanistan and today in certain ¶ areas of Pakistan, Yemen, Somalia, and the Sahel region—these options simply ¶ do not provide sufficient capacity to capture individuals or to otherwise ¶ disrupt their activities. And in some circumstances, these tools are equally ¶ inadequate to the task of long-term incapacitation. Meanwhile, local ¶ governments are sometimes either incapable of addressing or unwilling to ¶ address terrorism threats; in some cases, for various reasons, we would not ¶ want to entrust them with these responsibilities. Whether this is the case ¶ with respect to any given extra-AUMF threat at any given point in time is ¶ exceedingly difficult to say, particularly for those (including us) who are ¶ outside government and lack access to the relevant intelligence. We proceed ¶ on the assumption, however, that some such circumstances do exist or ¶ will arise. Bearing this in mind, the next issue is whether the president’s inherent powers ¶ under Article II are adequate to address any gap that may emerge between ¶ what defense of the nation demands and what law enforcement and intelligence ¶ options can provide in extra-AUMF scenarios. We are skeptical, for three ¶ reasons.¶ First, it is worth bearing in mind that some administrations are more comfortable ¶ resorting to claims of Article II authority than others. The Obama administration, ¶ for example, has consciously distanced itself from the Bush administration on ¶ this dimension, at least in the counterterrorism setting (as opposed to the ¶ operation in support of the revolution in Libya, which relied on a surprisingly ¶ bold stand-alone Article II argument). In a situation where a military response is ¶ appropriate but officials are reluctant to act without statutory cover, a serious ¶ problem arises unless there is time to seek and receive legislative support.¶ Second, presidential action based on statutory authority has more political ¶ and legal legitimacy than action based on Article II alone. Article II actions leave ¶ the president without overt political support of Congress, which can later ¶ snipe at his decisions, or take actions to undermine them. We saw this happen, ¶ for example, in response to many of the Bush administration’s unilateral ¶ assertions of authority, and also to some degree in response to President ¶ Obama’s unilateral assertion of authority in Libya. This is a problem that grows ¶ with reliance on Article II over time. Also, of course, any subsequent judicial ¶ review of the president’s use of force is more likely to be upheld if supported ¶ by Congress.¶ Third, the president faces significant legal hurdles to detaining dangerous ¶ terrorism suspects over the longer term under Article II, and at a minimum ¶ would encounter substantial political and legal opposition if he attempted it. ¶ The Obama administration has shown no proclivity to detain terrorism ¶ suspects (outside the criminal justice system or in a combat zone like ¶ Afghanistan) other than those captured and detained under the previous ¶ administration. But a future administration might regard such detention as ¶ necessary in some circumstances, and would have a harder time doing so ¶ beyond short periods without statutory authorization. Relatedly, an ¶ exclusive reliance on Article II would make targeted killing politically and ¶ legally safer than detention, an outcome that would run contrary both to ¶ the security interests of the United States (by eliminating the possibility of useful intelligence through lawful interrogation) and to the interests of the ¶ individual in question (for obvious reasons).

#### CP links to politics but the aff doesn’t

Goldsmith ‘13

[Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, <http://www.lawfareblog.com/2013/03/why-the-administration-needs-to-get-congress-on-board-for-its-stealth-war/> ETB]

Having the intelligence committees publicly on board helps, but what the administration really needs now is to have Congress on board. The only way to legitimate the administration’s stealth war tactics, and to stop the growing bipartisan sniping at and distrust of them (which will only grow and grow if not addressed), is to make Congress vote on them and get behind them. The administration should ask for a comprehensive authorization for the tactics it is now deploying in the “war on terrorism.” I know, this approach is risky; secrets can spill out; Congress might give too much or too little authority; and the administration will be tagged with the legacy of making war permanent. There are plenty of excuses for not forging congressional approval, all of them premised on short-term thinking and a remarkable paucity of executive branch leadership. At some point soon the pain of not engaging Congress will be greater than the pain of engaging Congress, and at that point the administration will wish it had gone to Congress sooner.

## K

**No root causes of war; and war fuels structural violence, no the other way around**

**Goldstein ‘1**

IR professor at American University (Joshua, War and Gender, p. 412, Google Books)

First, peace activists face a dilemma in thinking about causes of war and working for peace. **Many peace scholars and activists support the approach, “if you want peace, work for justice.”** Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps. among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that **causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices**.9 So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. **Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too**. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, **the emphasis on injustice as the main cause of war seems to be empirically inadequate.**

**Perm do the alt**

**Hardline militarism key to check war and terrorism. Alt uniquely trigger thems**

**Epstein 2**

(alex, fellow at ayn rand institute, “Peacenik Warmongers,” online)

If dropping bombs won't work, what should the United States do to obtain a peaceful relationship with the numerous hostile regimes, including Iraq, that seek to harm us with terrorism and weapons of mass destruction? The "peace advocates" offer no answer. The most one can coax out of them are vague platitudes (we should "make common cause with the people of the world," says the prominent "anti-war" group Not in Our Name) and agonized soul-searching ("Why do they hate us?"). The absence of a peacenik peace plan is no accident. Pacifism is **inherently a negative doctrine**--it merely says that military action is always bad. As one San Francisco protestor put the point: "I don't think it's right for our government to kill people." In practice, this leaves the government only two means of dealing with our enemies: to ignore their acts of aggression, or to **appease them** by capitulating to the aggressor's demands. We do not need to predict or deduce the consequences of pacifism with regard to terrorism and the nations that sponsor it, because we experienced those consequences on September 11. Pacifism practically dictated the American response to terrorism for more than 23 years, beginning with our government's response to the first major act of Islamic terrorism against this country: when Iranian mobs held 52 Americans hostage for 444 days at the American embassy in Tehran. In response to that and later terrorist atrocities, American Presidents sought to avoid military action at all costs--by treating terrorists as isolated criminals and thereby ignoring the role of the governments that support them, or by offering diplomatic handouts to terrorist states in hopes that they would want to be our friends. With each pacifist response it became clearer that the most powerful nation on Earth was a **paper tiger**--and our enemies **made the most of it**. After years of American politicians acting like peaceniks, Islamic terrorism had **proliferated** from a few gangs of thugs to a worldwide scourge--making possible the attacks of September 11. It is an obvious evasion of history and logic for the advocates of pacifism to label themselves "anti-war," since the policies they advocate necessarily invite escalating acts of war against anyone who practices them. Military inaction sends the message to an aggressor--and to other, potential aggressors--that it will **benefit** by attacking the United States. To whatever extent "anti-war" protesters influence policy, they are not helping to prevent war; they are acting to **make war more frequent and deadly**, by making our enemies more aggressive, more plentiful, and more powerful. The only way to deal with militant enemies is to show them unequivocally that aggression against the United States will **lead to their destruction**. The only means of imparting this lesson is overwhelming military force--enough to defeat and incapacitate the enemy. Had we annihilated the Iranian regime 23 years ago, we could have thwarted Islamic terrorism at the beginning, with far less cost than will be required to defeat terrorism today. And if we fail to use our military against state sponsors of terrorism today, imagine the challenge we will face five years from now when Iraq and Iran possess nuclear weapons and are ready to disseminate them to their terrorist minions. Yet such a world is the goal of the "anti-war" movement. The **suicidal** stance of peaceniks is no innocent error or mere overflow of youthful idealism. It is the product of a fundamentally immoral commitment: the commitment to ignore reality--from the historical evidence of the consequences of pacifism to the very existence of the violent threats that confront us today--in favor of the wish that laying down our arms will achieve peace somehow.

**Hardline militarism is good - prevents greater casualties**

**HANSON 4**

(Victor Davis, Professor of Classical Studies at CSU Fresno, City Journal, Spring, http://www.city-journal.org/html/14\_2\_the\_fruits.html)

The twentieth century should have taught the citizens of liberal democracies the catastrophic consequences of placating tyrants. British and French restraint over the occupation of the Rhineland, the Anschluss, the absorption of the Czech Sudetenland, and the incorporation of Bohemia and Moravia did not win gratitude but rather Hitler’s contempt for their weakness. Fifty million dead, the Holocaust, and the near destruction of European civilization were the wages of “appeasement”—a term that early-1930s liberals proudly embraced as far more enlightened than the old idea of “deterrence” and “military readiness.”¶ So too did Western excuses for the Russians’ violation of guarantees of free elections in postwar Eastern Europe, China, and Southeast Asia only embolden the Soviet Union. What eventually contained Stalinism was the Truman Doctrine, NATO, and nuclear deterrence—not the United Nations—and what destroyed its legacy was Ronald Reagan’s assertiveness, not Jimmy Carter’s accommodation or Richard Nixon’s détente.¶ As long ago as the fourth century b.c., Demosthenes warned how complacency and self-delusion among an affluent and free Athenian people allowed a Macedonian thug like Philip II to end some four centuries of Greek liberty—and in a mere 20 years of creeping aggrandizement down the Greek peninsula. Thereafter, these historical lessons should have been clear to citizens of any liberal society: we must neither presume that comfort and security are our birthrights and are guaranteed without constant sacrifice and vigilance, nor expect that peoples outside the purview of bourgeois liberalism share our commitment to reason, tolerance, and enlightened self-interest.¶ Most important, military deterrence and the willingness to use force against evil in its infancy usually end up, in the terrible arithmetic of war, saving more lives than they cost. All this can be a hard lesson to relearn each generation, especially now that we contend with the sirens of the mall, Oprah, and latte. Our affluence and leisure are as antithetical to the use of force as rural life and relative poverty once were catalysts for muscular action. The age-old lure of appeasement—perhaps they will cease with this latest concession, perhaps we provoked our enemies, perhaps demonstrations of our future good intentions will win their approval—was never more evident than in the recent Spanish elections, when an affluent European electorate, reeling from the horrific terrorist attack of 3/11, swept from power the pro-U.S. center-right government on the grounds that the mass murders were more the fault of the United States for dragging Spain into the effort to remove fascists and implant democracy in Iraq than of the primordial al-Qaidist culprits, who long ago promised the Western and Christian Iberians ruin for the Crusades and the Reconquista.

# 1AR

## T

#### Plan is a statutory restriction

Bellinger III, 2011 [John B. Adjunct Senior Fellow for International and National Security Law, Council on Foreign Relations, “Revisiting a Stale Counterterrorism Law”, <http://www.cfr.org/counterterrorism/revisiting-stale-counterterrorism-law/p25742>, BJM]

**A revised AUMF** can certainly reference the 9/11 attacks. But my view is that it's not intended to be an open-ended legal authority to carry out military operations against terrorists or others all around the world, as some critics suggest. **It is important to bring the statutory authority in line with the reality** of our military operations. Administration lawyers at the Defense Department and the Justice Department have to strain very hard when reviewing the legal authority for our military or intelligence agencies to go after certain individuals or groups to find that affiliation with the original 9/11 planners.¶ The point is not to have a huge unrestricted authority that opens up new wars, but simply to make plain that our military and intelligence services have clear statutory authority to do what it is they are already doing today. It would be possible to rely on constitutional authority; I have absolutely no question about that. But it is useful and important for Congress to be authorizing what government agencies are doing. If they are not already over the line today, as far as eking out every last bit of authority from the ten-year-old AUMF, then it is likely to happen very soon.

#### SQ is unrestricted, aff restricts

Hedges ’12 (American journalist specializing in American politics and society)

Chris http://www.truth-out.org/news/item/6123:why-i%E2%80%99m-suing-barack-obama

Attorneys Carl J. Mayer and Bruce I. Afran filed a complaint Friday in the Southern U.S. District Court in New York City on my behalf as a plaintiff against Barack Obama and Secretary of Defense Leon Panetta to challenge the legality of the Authorization for Use of Military Force as embedded in the latest version of the National Defense Authorization Act, signed by the president Dec. 31.¶ The act authorizes the military in Title X, Subtitle D, entitled “Counter-Terrorism,” for the first time in more than 200 years, to carry out domestic policing. With this bill, which will take effect March 3, the military can indefinitely detain without trial any U.S. citizen deemed to be a terrorist or an accessory to terrorism. And suspects can be shipped by the military to our offshore penal colony in Guantanamo Bay and kept there until “the end of hostilities.” It is a catastrophic blow to civil liberties. ¶ I spent many years in countries where the military had the power to arrest and detain citizens without charge. I have been in some of these jails. I have friends and colleagues who have “disappeared” into military gulags. I know the consequences of granting sweeping and unrestricted policing power to the armed forces of any nation. And while my battle may be quixotic, it is one that has to be fought if we are to have any hope of pulling this country back from corporate fascism.¶ Section 1031 of the bill defines a “covered person”—one subject to detention—as “a person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.”¶ The bill, however, does not define the terms “substantially supported,” “directly supported” or “associated forces.”¶ I met regularly with leaders of Hamas and Islamic Jihad in Gaza. I used to visit Palestine Liberation Organization leaders, including Yasser Arafat and Abu Jihad, in Tunis when they were branded international terrorists. I have spent time with the Revolutionary Guard in Iran and was in northern Iraq and southeastern Turkey with fighters from the Kurdistan Workers’ Party. All these entities were or are labeled as terrorist organizations by the U.S. government. What would this bill have meant if it had been in place when I and other Americans traveled in the 1980s with armed units of the Sandinistas in Nicaragua or the Farabundo Marti National Liberation Front guerrillas in El Salvador? What would it have meant for those of us who were with the southern insurgents during the civil war in Yemen or the rebels in the southern Sudan? I have had dinner more times than I can count with people whom this country brands as terrorists. But that does not make me one. ¶ Once a group is deemed to be a terrorist organization, whether it is a Palestinian charity or an element of the Uighur independence movement, the military can under this bill pick up a U.S. citizen who supported charities associated with the group or unwittingly sent money or medical supplies to front groups. We have already seen the persecution and closure of Islamic charity organizations in the United States that supported the Palestinians. Now the members of these organizations can be treated like card-carrying “terrorists” and sent to Guantanamo.¶ But I suspect the real purpose of this bill is to thwart internal, domestic movements that threaten the corporate state. The definition of a terrorist is already so amorphous under the Patriot Act that there are probably a few million Americans who qualify to be investigated if not locked up. Consider the arcane criteria that can make you a suspect in our new military-corporate state. The Department of Justice considers you worth investigating if you are missing a few fingers, if you have weatherproof ammunition, if you own guns or if you have hoarded more than seven days of food in your house. Adding a few of the obstructionist tactics of the Occupy movement to this list would be a seamless process. On the whim of the military, a suspected “terrorist” who also happens to be a U.S. citizen can suffer extraordinary rendition—being kidnapped and then left to rot in one of our black sites “until the end of hostilities.” Since this is an endless war that will be a very long stay.¶ This demented “war on terror” is as undefined and vague as such a conflict is in any totalitarian state. Dissent is increasingly equated in this country with treason. Enemies supposedly lurk in every organization that does not chant the patriotic mantras provided to it by the state. And this bill feeds a mounting state paranoia. It expands our permanent war to every spot on the globe. It erases fundamental constitutional liberties. It means we can no longer use the word “democracy” to describe our political system.

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

Estes ‘13

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

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

#### Legal scholars agree it’s the most restrictive approach

Chesney, Goldsmith, Waxman, & Wittes, 2013

[Robert, Professor in Law at The University of Texas School of Law, Jack, Henry L. Shattuck Professor of Law at Harvard University, Matthew, professor of law at Columbia Law School and an adjunct senior fellow at the Council on Foreign Relations, & Benjamin, Senior fellow in governance studies at the Brookings Institution and codirector of the Harvard Law School–Brookings Project on Law and Security, “A Statutory Framework¶ for¶ Next-Generation¶ Terrorist¶ Threats”, Hoover Institution, Taskforce on National Security & Law, Stanford University, <http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf>, BJM]

Congress could instead authorize the president to use force against specified¶ terrorist groups and/or in specified countries or geographic areas. This would¶ resemble the more traditional approach by which Congress authorizes force¶ against state adversaries or for particular operations within foreign countries.¶ Recent news reports have suggested that some in the administration and the¶ military are deliberating about whether to ask Congress for just such a statute to¶ address Islamist terrorist threats in some North African countries.8 This “retail”¶ approach—in contrast to the “wholesale” approach laid out in the previous¶ section—is the one that, among our three options, most restricts presidential¶ discretion.