# T – Security Coop Aff/Neg

## Neg

### 1NC

#### Security Coop must include military and nonmilitary cooperation – mere assistance is not enough

CSR 8/23/2016

“DOD Security Cooperation: An Overview of Authorities and Issues”, <https://www.everycrsreport.com/files/20160823_R44602_e41f79489b9b3f8686a73d6ff65b2dcb9b696ba2.pdf> -- ECM

“Security assistance” and “security cooperation” are two terms that refer to U.S. activities to train, equip, and otherwise assist foreign partners. The term security assistance is a generic term used throughout the U.S. government to describe assistance provided to foreign military and security forces, regardless of the agency providing that assistance. However, DOD uses the term security assistance to refer specifically to assistance provided under Title 22 authority, funded with monies appropriated to the State Department and managed by the Defense Security Cooperation Agency (DSCA), an agency under the Office of the Secretary of Defense, Policy.3

DOD defines “security cooperation” as a broad set of activities undertaken by DOD to encourage and enable international partners to work with the United States to achieve strategic objectives. Included in the definition are DOD interactions with both foreign defense and foreign nonmilitary security establishments. Security cooperation includes all DOD-administered security assistance programs that (1) build defense and security relationships that promote specific U.S. security interests, including all international armaments cooperation activities and security assistance activities; (2) develop allied and friendly military capabilities for self-defense and multinational operations; and (3) provide U.S. forces with peacetime and contingency access to host nations.4 According to DOD, security assistance is a subset of DOD’s security cooperation portfolio.

Authority for DOD to conduct security cooperation activities is enacted in two primary places: Title 10 (Armed Forces) U.S.C. and National Defense Authorization Acts.

#### Violation – The plan isn’t non-military which opens up infinite tiny unpredictable affirmatives. Voter for limits and debatabiliity

### 2NC – O/V

#### Our interpretation has a set caselist – we’ll insert it which provides an intent to exclude assistance and vague affs.

CSR 8/23/2016

“DOD Security Cooperation: An Overview of Authorities and Issues”, <https://www.everycrsreport.com/files/20160823_R44602_e41f79489b9b3f8686a73d6ff65b2dcb9b696ba2.pdf> -- ECM

Congress has provided DOD with, by CRS’s estimate, more than 80 separate authorities to assist and engage with foreign governments, militaries, security forces, and populations, although other organizations have identified a larger number of authorities. 22 These authorities are briefly described below under the following rubrics:

* Contingency Operations and Related Coalition Operational Support;
* Global and Regional, Non-Contingency Train and Equip, and Other Assistance;
* Multi-purpose;
* Operational Support;
* Counternarcotics, Counter-Transnational Organized Crime, and
* Counterproliferation;
* Humanitarian Assistance and Disaster Relief;
* Exercises;
* International Armaments Cooperation;
* Education and Exchange Programs;
* Military-to-Military Contacts;
* Defense Institution Building and Support; and
* Recovery and Accounting of Missing Personnel.

Unlike State Department security assistance authorities that are broad and usually subject to a wide range of general conditions elsewhere in law, Title 10 security cooperation authorities are usually targeted, specifying the types of support or assistance that may be provided and the conditions associated with these types of assistance. One condition on security cooperation authorities (with certain exceptions) is the DOD Leahy Law (10 U.S.C. 2249e) prohibition on assistance to units of foreign security forces credibly believed to have committed gross violations of human rights. 23 Conforming to the Title 22 U.S.C. law vesting the Secretary of State with responsibility to exercise “continuous supervision and general direction” of military assistance, including military education and training, many security cooperation statutes require Secretary of State “concurrence” (i.e., approval) or other State Department input.

### 2NC – Security Cooperation includes BOTH Mil and Non-Mil

#### List of programs

DSCA 2021

[Defense Security Cooperation Agency, “Security Cooperation Management”, https://dscu.edu/documents/publications/ebooks/greenbook.aspx]

Security Cooperation While all of the programs previously mentioned are authorized under 22 U.S.C (Title 22), and are under the general control of the Department of State (DoS), the Department of Defense (DoD) administers many of them. Title 10 U.S. Code Section 301 defines security cooperation programs and activities of DoD as any program or interaction of U.S.C. with the security establishment of a foreign country to build capabilities, provide access or build relationships. As such, many of the previously described FAA and AECA-authorized security assistance programs administered by the DoD, in accordance with the SAMM, fall under the broad definition of security cooperation. The following is a categorization of programs, and a brief explanation, based upon a partial list presented in the 2016 DoD Guidance for Security Cooperation. For more detail on the different programs that can be found under each category, access and download the Security Cooperation Programs book found on the DSCU website or use the SC Programs Viewer on the Security Assistance Network Web (SANweb). Train and Equip/Security Cooperation: DoS Administered Title 22 This category includes security assistance programs previously identified and described, and these programs are normally implemented and managed by DoS, USAID, or both. While under the authority of DoS, DoD provides material assistance and related training to partner nations to develop specific capabilities and/or capacities. These programs are authorized by either the Foreign Assistance Act (FAA) (22 U.S.C. 2151, et. seq.) or the Arms Export Control Act (AECA) (22 U.S.C. 2751, et. seq.): • Direct Commercial Sales (DCS) • Drawdowns • Economic Support Fund (ESF) Global Peace Operations Initiative (GPOI) • International Narcotics Control and Law Enforcement (INCLE) • Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) • Peacekeeping Operations (PKO) • Third-Country Transfers Train and Equip/Security Assistance: DoD-Administered Title 22 This category includes security assistance programs previously identified and described. While under the authority of DoS, DoD provides materiel assistance and related training to partner nations to develop specific capabilities and/or capacities. These programs are also authorized by either the Foreign Assistance Act (FAA) (22 U.S.C. 2151, et. seq.) or the Arms Export Control Act (AECA) (22 U.S.C. 2751, et. seq.): • Excess Defense Articles (EDA) • Foreign Military Financing Program (FMFP) • Foreign Military Sales (FMS) • Foreign Military Construction Services (FMCS) • International Military Education and Training (IMET) • Leases • Military Assistance Program (MAP) Train and Equip/Security Cooperation: Title 10 Programs Under the authority of Title 10, Chapter 16, and/or the current National Defense Authorization Act, DoD provides material assistance and related training to partner nations to develop specific capabilities and/or capacities. This is normally done using DoD Operations and Maintenance (O&M) funding, but, in some instances, Congress appropriates additional funding for DoD to conduct these programs. Although it is DoD funding, these programs, and all security cooperation, must be coordinated with DoS. Security Cooperation practitioners refer to these programs as Building Partner Capacity (BPC) programs and execute them using a pseudo Letter of Offer and Acceptance. All BPC programs require congressional notification. Below are just a few examples. Examples with four digits in quotes represent temporary authorities whose authorizations can be found in various National Defense Authorizations Acts. • “1022” Authority to Provide Counterdrug (CD)-Funded Support to Law Enforcement Agencies • “1206” Training of Security Forces and Associated Security Ministries of Foreign Countries to Promote Respect for the Rule of Law and Human Rights • “1226” Support to Certain Governments for Border Security Operations • 333, Foreign Security Forces: Authority to Build Capacity • Afghanistan Security Forces Fund (ASFF) • European Deterrence Initiative (EDI) Iraq Security Forces Fund (ISFF) • Counter ISIS Train and Equip Fund (CTEF) • Indo-Pacific Maritime Security Initiative (MSI) Operational Support Operational support assistance programs are designed to enable partner countries to participate in coalition operations by developing specific capabilities needed for said operations. Alternately, they might focus on enhanced interoperability among partner countries and sustain partner operations in cases where partner countries cannot sustain operations on their own. These are normally done using DoD O&M funding and congressionally appropriated funds. These programs, and all security cooperation, must be coordinated with DoS. Below are just a few examples: • “1234” Logistics Support for Coalition Forces Supporting Certain U.S. Military Operations • “1207” Cross Servicing Agreements for Loan of Personnel Protection and Personnel Survivability Equipment in Coalition Operations • “1233” Coalition Support Fund (CSF) • 331, Friendly Foreign Countries: Authority to Provide Support for Conduct of Operations • Acquisition and Cross-Servicing Agreement (ACSA) • Coalition Readiness Support Program (CRSP) Defense Institution Building (DIB) DIB, as per the 27 January 2016 DoD Directive 5205.82, is the development and capacity building of partner nation defense institutions, normally at the ministerial or chief of defense level, in support of U.S. foreign policy and security cooperation goals. According to this directive, DIB attempts to promote principles vital to the establishment of defense institutions that are effective, accountable, transparent, and responsive to national political systems, especially regarding good governance, oversight of security forces, respect for human rights, and the rule of law. Some areas of focus for DIB are defense institutions, organizations and processes that can ensure effective oversight, management, and execution of logistics, personnel, budgets, policy, strategy, and doctrine for effective development, employment, and sustainment of defense capabilities. DIB is authorized and funded under Title 10, Section 332, Friendly Foreign Countries; International and Regional Organizations: Defense Institution Capacity Building to bring into the Partner Nation (PN) both full-time resident advisors and long-term, episodic Subject Matter Expert teams. Funding from other programs can also be used for DIB related training, education, and professional development. International Armaments Cooperation International Armaments Cooperation (IAC) can best be described as U.S. bilateral and multilateral agreements with partner countries focused on three cooperative areas. First, to share the costs associated with the cooperative research, development, test, evaluation, and production of mutually required weapons systems or components, defense technologies, systems, or equipment; second, to foster joint production and follow-on support of defense articles or equipment; and, third, to procure foreign technology, equipment, systems or logistics support. Over time, a variety of names have been applied to this area of cooperation to include Armaments Cooperation, International Armaments Cooperation (IAC), International Armaments Cooperation Programs (IACP), and Defense Cooperation in Armaments (DCA). Chapter 13 of this book provides more information on this topic. Below are just a few examples: • Information Exchange Program (IEP) • 311, Exchange of Defense Personnel Between United States and Friendly Foreign Countries • Test and Evaluation Program (TEP) • Foreign Comparative Testing (FCT) Program • Cooperative Research, Development, and Acquisition Programs • Defense Trade • Cooperative Logistics Humanitarian Assistance Humanitarian assistance consists of a group of security cooperation programs designed to improve DoD access, visibility, and influence in a partner nation (PN) or region and to build the capacity of the PN government while addressing a humanitarian need. Combatant commands (CCMDs) may carry out activities funded by Overseas Humanitarian, Disaster and Civic Aid (OHDACA) across respective Unified Command Plan (UCP) theaters, offering DoD another tool to promote regional stability and security. Requests for OHDACA funds for any of these programs are generally initiated by the in-country SCO. The CCMD then consolidates and prioritizes before forwarding to DSCA for any required coordination with DoS/USAID and the military departments. It should be noted that the DoS has parallel programs generally managed by USAID in response to any requests by the affected U.S. embassy responding to country requirements. DoS and USAID annually receive even more funding for overseas humanitarian, disaster, and migration assistance programs. Below are just a few examples: • Center for Excellence in Disaster Management & Humanitarian Assistance (CFE-DM) • Commander’s Emergency Response Program (CERP) • Excess Property as Humanitarian Relief • Foreign Disaster Relief (FDR) • Humanitarian Assistance Transportation Program (HATP) • Humanitarian and Civic Assistance (HCA) during Military Operations • DoD Humanitarian Assistance (HA) • Humanitarian Daily Rations (HDR) • Humanitarian Mine Action (HMA) • Space-A Transport of NGO Relief Education There are many security cooperation programs that provide education opportunities to PN military and civilian personnel. Training can take place in the U.S., in the PN’s country and in some cases in a third country. Training can include professional military education, tactical training, and/or technical skills training when they acquire new equipment from the U.S. Below are just a few examples: “1206” Training of Security Forces and Associated Security Ministries of Foreign Countries to Promote Respect for the Rule of Law and Human Rights • 342, Regional Centers for Security Studies (RCSS) • 345, Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program (CTIWFP) • 346, Distribution to Certain Foreign Personnel of Education and Training Material and Information Technology to Enhance Military Interoperability with the Armed Forces • 347, International Engagement Authorities for Service Academies • 348, Aviation Leadership Program (ALP) • Attendance at the USCG Academy Exercises Combined exercises are exercises between the U.S. forces and those of one or more countries. It is common error to refer to these exercises as multinational, coalition, or joint operations, but this is doctrinally incorrect. It should be noted that the term “joint” refers to two or more services, e.g., Army and Air Force. Exercises can be both joint and combined, while most combined exercises are singleservice combined exercises. The primary purpose of combined exercises is the training of U.S. forces, emphasizing interoperability and capability building, though the host nation also benefits from the training as well. There are three types of exercises that may fall under this title: • Field Training Exercises (FTX): These are the most realistic of exercises, taking the form of actual forces in the field, thus allowing all the moving parts to be tested. These are also the most resource intensive in money, manpower, material, and preparation time. • Command Post Exercises (CPX): An exercise in which the forces are simulated, involving the commander, the staff, and communications/coordination among the participating headquarters. • Table Top Exercises (TTX): Tabletop exercises are the least resource-intensive of these three types, ranging from a formal, detailed planning process to a simple discussion. TTXs are excellent when senior leaders want to explore a number for possible scenarios or possible futures. Below are just a few examples of security cooperation exercise programs and related activities: • “1251” Training for Eastern European National Security Forces in the course of Multilateral Exercises • 321, Training with Friendly Foreign Countries: Payment of Training and Exercise Expenses • 322, Special Operations Forces: Training with Friendly Foreign Forces • Defense Health Program • Exercise-Related Construction (ERC) • Joint Exercise Program Contacts There can be some confusion about the definition of contact events and/or Military-to-Military (M2M) events. In the past, Section 168 of Title 10 provided authorization for contact events and/or Mil-to-Mil events. However, part of NDAA 2017, Section 168, was repealed, and these types of events are now authorized under Chapter 16 of Title 10, specifically Subchapter II Military-to-Military Engagements. One of the most important things to remember is that events conducted under this authority should not cross into the training realm. They should be designed to enable defense and military leaders to engage with partner countries for discussions, exchanges of tactics, planning, and other purposes that encourage democratic orientation of defense establishments and military forces of other countries; but not training. Contacts are largely conducted between U.S. military and civilian defense personnel and the military and civilian defense personnel of a partner country but may also include non-defense personnel of partner countries who play key security roles. Events, normally, but not always, fall into one of these categories: • Traveling contact teams • Familiarization visits • Military liaison teams • Seminars and conferences held primarily in a theater of operations • Distribution of publications primarily in a theater of operations • Personnel expenses of DoD personnel as they relate to above activities Below are just a few examples of the authorities under which DoD conducts contact events: • 311, Exchange of Defense Personnel between United States and Friendly Foreign Countries: Authority • 312, Payment of Personnel Expenses Necessary for Theater Security Cooperation • 342, Regional Centers for Security Studies (RCSS) • 344, Participation in Multinational Military Centers of Excellence An organization that might be involved in supporting contact events is the National Guard, which is part of the Department of Defense State Partnership Program (SPP), which is authorized under 10 USC 341 (Title 10, Chapter 16, subchapter V). More on this later in this chapter. Exchanges There are a variety of options for conducting exchanges of military and civilian defense personnel with partner countries that may be used to develop familiarity with partner country systems, processes, interoperability, and technical expertise. There can be exchanges of civilian or military personnel between DoD and ministries of defense. There can be exchanges of military personnel between units of U.S. armed forces and foreign armed forces. There can also be exchange of personnel on a nonreciprocal basis. Below are just a few examples of the authorities under which DoD conducts exchanges: • 311, Exchange of Defense Personnel Between United States and Friendly Foreign Countries: Authority • Reciprocal, No-charge Flight Training School • Reciprocal, No-charge Professional Military Education (PME) Student Exchanges • Reciprocal, No-charge Unit Exchanges

## AFF

### 2AC – Counter Interp – SC = Mil Acts

#### SC requires DOD interactions with foreign partners – Congress proves

Quinn 2019

[Major Jason A., Judge Advocate, United States Army, “Other Security Forces Too:

Traditional Combatant Commander Activities Between U.S. Special Operations Forces and Foreign Non-Military Forces”, https://tjaglcs.army.mil/other-security-forces-too-traditional-combatant-commander-activities-between-u.s.-special-operations-forces-and-foreign-non-military-forces]

Under this definition, “security sector assistance” includes the relevant policies, programs, or activities of any executive agency. Complicating matters, though, Congress has considered a proposed definition for “security sector assistance” that, in contrast to the presidential policy definition, 130 encompasses DoS programs, but not DoD or other executive agency programs. 131 In addition, Congress has defined “security cooperation” as DoD specific, 132 but it has not defined “security assistance.” The DoD adheres to the presidential policy definition and further defines “security cooperation” as all its relationship building and foreign partner development activities, including “security assistance,” which the DoD defines as a subset of security cooperation that is funded and authorized by the DoS and administered by the Defense Security Cooperation Agency. 133 The DoS, on the other hand, uses the term “security assistance” in a manner that contradicts the DoD’s definition, employing it to describe any DoS or DoD assistance to foreign military or other security forces. 134

### 2AC – SC = Assistance too

#### Security Cooperation can be assistance

\*This article is an indictment of the DOD definition their authors rely on

Zaccor 2005

[Colonol Albert, Atlantic Council Senior Fellow, “Security Cooperation and Non-State Threats: A Call for an Integrated Strategy”, https://www.files.ethz.ch/isn/46290/2005\_08\_Security\_Cooperation\_and\_Non-State\_Threats.pdf]

It is an oft-repeated mantra that in order to defeat transnational terrorism, and by extension other related non-state threats, the United States must apply all the elements of national power, including diplomatic, informational, military, and economic.34 The OSD SCG directs that DOD Security Cooperation “will be integrated with other elements of national power…in order to achieve national security, defense, and foreign policy objectives.”35 This formulation, while helpful, obscures two key facts. First, Security Cooperation includes activities that by their very nature involve the simultaneous application of more than one element of national power. Security Cooperation at a minimum requires the combination of diplomatic relations, military assistance, military-to-military contacts, and public diplomacy. In other words, Security Cooperation is itself an application of at least three of the classic elements of national power.36 Second, DOD is not the only entity in the USG that interacts with foreign governments to achieve the stated objectives: relationships, capabilities, information and intelligence, and access. The Department of State, the Intelligence Community, and to a lesser extent, other departments and agencies, conduct activities aimed at the accomplishment of these objectives, broadly understood. There is, however, no common USG, or interagency, definition or concept of Security Cooperation.37 We will return to this issue in the final section of this paper. For the purposes of the present discussion, this paper offers the following working definition of Security Cooperation: Security Cooperation refers to all USG assistance provided to foreign law enforcement, security, and defense establishments in support of national defense, security, and foreign policy objectives.38

### 1AR – Counter Interp – SC = Mil Acts

#### Security cooperation means developing military relations

DSCA 2021

[Defense Security Cooperation Agency, “Security Cooperation Management”, https://dscu.edu/documents/publications/ebooks/greenbook.aspx]

The term security cooperation was first introduced in 1997 by the Defense Reform Initiative (DRI). At that time, the Defense Security Assistance Agency (DSAA) already had day-to-day management responsibilities of many security assistance programs authorized by the Foreign Assistance Act (FAA) and the Armed Export Control Act (AECA). The DRI proposed that DSAA also manage certain Department of Defense (DoD)-funded international programs along with their personnel and associated resources. In order for U.S. government (USG) agencies, the private sector, and foreign governments to better understand DSAA’s enlarged mission and diverse functions beyond security assistance (SA), DoD re-designated DSAA as the Defense Security Cooperation Agency (DSCA), effective 1 October 1998. In recent years, DSCA has absorbed management responsibilities for many DoD international programs while also leading the wider USG security cooperation enterprise. However, many security cooperation programs continue to be managed by other elements of the Office of the Secretary of Defense (OSD), the combatant commands (CCMDs), or the military departments (MILDEPs). Further complicating the management of security cooperation was the in-country point of contact between the USG and the host nation. This point of contact was either the Defense Intelligence Agency (DIA)- sponsored Defense Attaché Office (DAO) or the DSCA-sponsored Security Cooperation Office (SCO). These two spigots of securiy cooperation within a country required a broad knowledge and skill baseline of the very different international programs that are initiated, funded, and managed throughout the DoD, its agencies and the MILDEPs. Most disconnects regarding SCO-DAO coordination of incountry security cooperation were generally resolved with the establishment of the Senior Defense Officials/Defense Attaché (SDO/DATT) having oversight over both the SCO and DAO organizations. On 9 June 2004 that DoD published a formal, yet still very broad, definition of security cooperation in Joint Pub 1-02: All DoD interactions with foreign defense establishments to build defense relationships that promote specific U.S. security interests, develop allied and friendly military capabilities for self-defense and multinational operations, and provide U.S. forces with peacetime and contingency access to a host nation. DODD 5132.03, DoD Policy and Responsibilities Relating to Security Cooperation, 29 December 2016, further defines security cooperation with assigned responsibilities: All DoD interactions with foreign defense establishments to build defense relationships that promote specific U.S. security interests, develop allied and partner nation military and security capabilities for self-defense and multinational operations, and provide U.S. forces with peacetime and contingency access to allied and partner nations. This includes DoDadministered security assistance programs. According to Title 10 U.S. Code Section 301, the term “security cooperation programs and activities of the Department of Defense” means any program, activity (including an exercise), or interaction of the DoD with the security establishment of a foreign country to achieve a purpose as follows: (A) To build and develop allied and friendly security capabilities for self-defense and multinational operations. (B) To provide the armed forces with access to the foreign country during peacetime or a contingency operation. (C) To build relationships that promote specific United States security interests. Other DoD policy statements identify DoD-managed or administered security assistance programs as components of security cooperation.

# Misc Defs

## Misc Definitions – Should

### Should – Mandatory

#### “Should” is mandatory

Nieto 2009

[Judge Henry Nieto, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311, Colo. Ct. App. 2009]

"S**hould" is "used . . . to express duty, obligation**, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although **the** weight of authority **appears to favor interpreting "should" in an** imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. **In the courts of other states** in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that **the word "conveys a sense of duty and obligation and** could not be misunderstoodby a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, **courts interpreting the word "should**" in other types of jury instructions [\*\*16] **have** also **found that the word conveys** to the jury **a sense of duty or obligation and** not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), **the Arkansas Supreme Court interpreted the word "**should" in an instruction on circumstantial evidence **as** synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, **the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "**should" in **an instruction** on witness credibility **which used the word "must" because the two words have the** same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, **the Arizona Court** of Appeals **concluded** that a **legislature's or commission's use of the word "should" is meant to convey** duty **or** obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

### Should – Not Mandatory

#### Should is legally variable – not a mandate

**Raggi 2003**

[US Circuit Judge Rena, THOMAS DALLIO, Petitioner-Appellant, --v.-- ELIOT L. SPITZER, New York State Attorney General, MICHAEL MCGINNIS, Superintendent, Southport Correctional Facility, Respondents-Appellees. Docket No. 01-2718 UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, lexis]

In any event, we note that Faretta's use of the word "should" in identifying warnings relevant to waivers of counsel itself cautions against interpreting the quoted language as clear establishment of a legal mandate. **Although grammatically the word "should" is simply the****past tense of "shall,**" see Oxford American Dictionary and Language Guide, 931 (1999), **in the legal context, the two words often convey quite different meanings.** HN9"**Shall" is universally understood to indicate an imperative or mandate**, see Black's Law Dictionary, 1375 (6th ed. 1990), **whereas "should," to the extent it implies any duty or obligation, generally references one originating in "propriety or expediency,"** id. at 1379. Precisely because **the word "should" is legally variable**, compare United States v. Anderson, 798 F.2d 919, 924 (7th Cir. 1986) ("the common interpretation of the word 'should' is 'shall' and thus . . . imposes a mandatory rule of conduct") with Culbert v. Young, 834 F.2d 624, 628 (7th Cir. 1987 ) ("the word 'should' unlike the words 'shall,' 'will,' or 'must,' is permissive rather than mandatory" ); and McDonnell Douglas Corp. v. Islamic Republic of Iran, 758 F.2d 341, 347 (8th Cir. 1985) [\*\*25]  (holding that "should" is a preferential rather than mandatory word and that contract provision stating that parties "should" settle disputes in a particular forum was not a mandatory selection clause),  [\*563]  we cannot infer from its use in Faretta the Supreme Court's recognition of a clearly established prerequisite for a waiver of counsel.

## Misc Definition – Its

### Its – Possessive

#### Possessive

Merriam-Webster ND

[https://www.merriam-webster.com/dictionary/its]

: of or relating to it or itself especially as possessor, agent, or object of an action

#### “Its” is exclusive---legal interpretations mean the plan must solely apply to federal security cooperation

Brent 2010

[Douglas F.**,** attorney, June 2, 2010, “Reply Brief on Threshold Issues of Cricket Communications, Inc.,” online: <http://psc.ky.gov/PSCSCF/2010%20cases/2010-00131/20100602_Crickets_Reply_Brief_on_Threshold_Issues.PDF>]

AT&T also argues that Merger Commitment 7.4 only permits extension of “any given” interconnection agreement for a single three year term. AT&T Brief at 12. Specifically, AT&T asserts that because Cricket adopted the interconnection agreement between Sprint and AT&T, which itself was extended, Cricket is precluded from extending the term of its agreement with AT&T. Id

This argument relies upon an inaccurate assumption: that the agreement (contract) between Sprint and AT&T, and the agreement (contract) between Cricket and AT&T, are one and the same. In other words, to accept AT&T’s argument the Commission must conclude that two separate contracts, i.e. the interconnection between Sprint and AT&T in Kentucky (“Sprint Kentucky Agreement”) and the interconnection between Cricket and AT&T in Kentucky (“Cricket Kentucky Agreement”), are one and the same. Upon this unstated (and inaccurate) premise AT&T asserts that “***the ICA*** was already extended”; id. at 14, and “***the ICA*** Cricket seeks to extend was extended by Sprint . . . .”; id. at 15, and, finally, “Cricket cannot extend ***the same ICA*** a second time . . . .” Id. (emphasis added in all). Note that in the quoted portions of the AT&T brief (and elsewhere) **AT&T uses vague and imprecise language** when referring to either the Sprint Kentucky Agreement, or the Cricket Kentucky Agreement, i**n hopes that the Commission will treat the two contracts as** one and **the same**. But it would be a mistake to do so. The contract governing AT&T’s duties and obligations with Sprint is a legally distinct and separate contract from that which governs AT&T’s duties with Cricket. The Sprint Kentucky Agreement was approved by the Commission in September of 2001 in Case Number 2000-00480. The Cricket Kentucky Agreement was approved by the Commission in September of 2008 in Case Number 2008-033 1. **AT&T ignores** the fact **that these are two separate and distinct contracts because it knows that the merger commitments apply to *each* agreement** that an individual telecommunications carrier has with AT&T. Notably, Merger Commitment 7.4 states that “AT&T/BellSouth ILECs shall permit ***a requesting telecommunications carrier*** to extend ***its*** current interconnection agreement . . . . As written, **the commitment allows any carrier to extend “*its*” agreement**. Clearly, the use of the pronoun **“its”** in this context **is possessive**, such that **the term “its” means - *that* particular carrier’s agreement** with AT&T (and not any other carrier’s agreement). Thus, the merger commitment applies to each agreement that an individual carrier may have with AT&T. It necessarily follows then, that Cricket’s right to extend its agreement under Merger Commitment 7.4 is separate and distinct right from another carrier’s right to extend its agreement with AT&T (or whether such agreement has been extended).

## Misc Definition – With

### With

#### Together

Cambridge ND

[https://dictionary.cambridge.org/us/dictionary/english/with]

used to say that people or things are in a place together or are doing something together:

## Misc Definition – NATO

### NATO

#### Security alliance with list

Amadeo 2022

[Kimberly, expert on U.S. and world economies and investing, with over 20 years of experience in economic analysis and business strategy, “What Is NATO?”, https://www.thebalance.com/nato-purpose-history-members-and-alliances-3306116]

The North Atlantic Treaty Organization is a national security alliance among the U.S., Canada, and their European allies. It was formed in the wake of World War II to keep the peace and encourage political and economic cooperation on both sides of the Atlantic Ocean.1 Member Countries NATO's 30 members are Albania, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, United Kingdom, and the U.S.3

## Misc Definition – WITHIN

### In – Within

#### Within

Britannica ND

[https://www.britannica.com/dictionary/in]

used to indicate location or position within something

#### “In” means within, not “throughout”

Cullen 1952

[Cullen, Court of Appeals of Kentucky, 52, Commissioner, Court of Appeals of Kentucky, November 13, 1952 Riehl et al. V. Kentucky unemployment compensation commission; the judgment is affirmed. Rehearing denied; COMBS, J., and SIMS, C. J., dissenting. https://casetext.com/case/riehl-v-kentucky-unemployment-compensation-comn-1]

We do not find any ambiguity in KRS 341.070(1). It is our opinion that **the key word in the statute is the word 'in,' preceding the words 'each of three calendar quarters',** and if the word is accorded its ordinary and common meaning, **the statute does not require simultaneous employment. According to Webster's** New International **Dictionary, the word 'in,' used with relation to a period of time, means 'during the course of.'** The same meaning, expressed in another way, would be **'within the limits or duration of.'** Employing this meaning, the statute says that an employer is subject to the Act if, during the course of, or within the limits or duration of each of three calendar quarters, he had in covered employment four or more workers, to each of whom the required amount of wages was paid. This clearly means that the employment need not be simultaneous. Obviously, the word 'in' does not mean 'throughout' **or 'for the entire period of,' because then there would be no point in adding the requirement of the payment of a minimum of $50 in wages.** In these times, no worker employed for a full calendar quarter would be paid less than $50 in wages. The appellant seeks to read into the statute the words 'at the same time,' following the words 'had in covered employment'. There is no justification for this, unless the word 'in' means 'during any one period of time in.' **We are not aware of** any authority **for ascribing such a meaning to the word 'in'**.

## Misc Definition – WITHIN

### Areas

#### “In the area” means all

UN 1982

[United Nations Convention on the Law of the Sea. Article 1. Page 26, www.un.org/depts/los/convention\_agreements/texts/unclos/unclos\_e.pdf]

1. For the purposes of this Convention: (1) "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction; (2) "Authority" means the International Seabed Authority; (3) **"**activitiesin the Area**"** meansall activitiesof exploration for, and exploitation of, the resources of the Area; (4) "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities; (5) (a) "dumping" means: (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea; (b) "dumping" does not include: (i) the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

## Misc Definition – AI

### Artificial Intelligence

#### Government def

US Code 2020

[“CHAPTER 119—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE”, https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter119&edition=prelim#:~:text=The%20term%20%22artificial%20intelligence%22%20means,influencing%20real%20or%20virtual%20environments.]

(3) ARTIFICIAL INTELLIGENCE.—The term ‘‘artificial intelligence’’ means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to— (A) perceive real and virtual environments; (B) abstract such perceptions into models through analysis in an automated manner; and (C) use model inference to formulate options for information or action.

#### Broader def

Copeland 2022

[Copeland, B.J.. "artificial intelligence". Encyclopedia Britannica, 18 Mar. 2022, https://www.britannica.com/technology/artificial-intelligence]

artificial intelligence (AI), the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as the ability to reason, discover meaning, generalize, or learn from past experience. Since the development of the digital computer in the 1940s, it has been demonstrated that computers can be programmed to carry out very complex tasks—as, for example, discovering proofs for mathematical theorems or playing chess—with great proficiency. Still, despite continuing advances in computer processing speed and memory capacity, there are as yet no programs that can match human flexibility over wider domains or in tasks requiring much everyday knowledge. On the other hand, some programs have attained the performance levels of human experts and professionals in performing certain specific tasks, so that artificial intelligence in this limited sense is found in applications as diverse as medical diagnosis, computer search engines, and voice or handwriting recognition.

## Misc Definition – Biotech

### Biotechnology

#### Government def

NLM 2011

[National Library of Medicine, “Biotechnology in the Realm of History”, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3178936/]

Biotechnology: What Does it Mean? The term biotechnology was used for the first time by Karl Erkey, a Hungarian Engineer, in 1919. Was it the start of biotechnology? The answer is no&&& Later on biotechnology was defined by different scientists. As per one definition biotechnology is, “Application of the principles of engineering and biological science to create new products from raw materials of biological origin, for example, vaccines or food.” Or in other words, it can also be defined as, “the use of living organism/s or their product/s to modify or improve human health and human environment”. Apart from their beneficial applications, biotechnological principles has potential for destruction too, the best example for this is ‘bioterrorism’. Biotechnology from fiction, myth, and reality can be simply understood by reading the novel and watching movie “Frankenstein”. In this science fiction, Frankenstein has created a human life which became a monster, this monster became the reason for the destruction of Frankenstein, the creator of human life. Biotechnology: A Basic Requirement As we know, the technological application of biological material is considered as biotechnology. If, we want to understand how it works, then it is essential for us to know what is the starting point or material for biotechnology. In general, biotechnology uses either living material or biological products to create new products for their use in various pharmaceutical, medical, agricultural, and environmental applications, with the ultimate goal to benefit humanity, for example, production of recombinant proteins, resistant crops, vegetables, higher milk producing animals, and the list is endless.

## Misc Definition – Cybersecurity

### Cybersecurity

#### Government def

CISA 2019

[Cybersecurity and Infrastructure Security Agency, “What is Cybersecurity?”, https://www.cisa.gov/uscert/ncas/tips/ST04-001]

Cybersecurity is the art of protecting networks, devices, and data from unauthorized access or criminal use and the practice of ensuring confidentiality, integrity, and availability of information. It seems that everything relies on computers and the internet now—communication (e.g., email, smartphones, tablets), entertainment (e.g., interactive video games, social media, apps ), transportation (e.g., navigation systems), shopping (e.g., online shopping, credit cards), medicine (e.g., medical equipment, medical records), and the list goes on. How much of your daily life relies on technology? How much of your personal information is stored either on your own computer, smartphone, tablet or on someone else's system?