# Districts AC

## Substance

### Cut Version

### Paraphrased Version

#### We affirm the resolution Resolved: On balance, the current Authorization for Use of Military Force, or AUMF, gives too much power to the president.

The burden of the pro is to prove the res true i.e. that the AUMF gives too much power to the President and the con to prove that it doesn’t.

We observe that New York University Law School finds that the limits on presidential power are found in transparency. When the president can take actions that lack transparency for Congress and the citizens, that is too much power for the president. Thus, if we show you that the AUMF encourages the president to deploy forces that lack transparency or decrease accountability of war then we should win the round.

#### Contention 1: Endless War

There are 2 reasons for why the AUMF justifies endless war.

First is circumventing Congressional approval.

[**Robbie Grammer**](http://foreignpolicy.com/2017/06/29/surprise-house-vote-rolls-back-authority-for-the-war-on-terror/) of Foreign Policy writes in 2017 that since its beginning, the AUMF has been used a total of 37 times to justify interventions in 14 countries without any Congressional approval whatsoever. In fact, The Hill furthers in 2018 that in Congress it has been impossible to even discuss the Afghan war because of the AUMF.

Second is a blank check.

[**Sanaker**](https://www.countable.us/articles/366-aumf-does-president-need) writes in 2014 that the AUMF has no restrictions on geography or type of forces deployed. Overall, Michael Crowley of Time writes in 2012 that the AUMF has been used to justify interventions in places like Yemen and Somalia which had nothing to do with 9/11.

**There are 3 impacts to endless war.**

First is a lack of transparency.

[**Stephen Vladeck**](https://www.opensocietyfoundations.org/sites/default/files/after-the-aumf-20130515.pdf) writes in 2013 the AUMF is incredibly vague and allows the President to target almost any group without much oversight. An example of this comes from [**Daniella Diaz**](https://www.cnn.com/2017/10/23/politics/niger-troops-lawmakers/index.html) of CNN who finds in 2017 that top Senators didn’t even know that we had troops in Niger.

Second are civilian deaths.

[**Matthews**](https://fas.org/sgp/crs/natsec/pres-aumf.pdf) of the Congressional Research Service finds in 2016 that the AUMF was used to justify intervention in countries such as Afghanistan. James Lucas of the Global Research Center finds in 2018 that US intervention in Iraq caused the deaths of over 600,000 innocent civilians.

~~This is devastating as Crawford of Boston University writes that Afghanistan resulted in over 31,000 deaths.~~

Third is hurting US soldiers.

[**Smith**](https://www.thebalance.com/the-cost-of-war-3356924) of The Balance reports in 2017 that the invasions of Afghanistan and Iraq combined have resulted in the deaths of over 7,000 US soldiers and 50,000 were injured. The impact extends beyond this though as [**the VA**](http://www.ptsd.ne.gov/what-is-ptsd.html) writes that around 30% of veterans experience PTSD after returning from war. This is devastating as Alex Zarembo of the LA Times writes in 2013 that across America, 22 veterans kill themselves each day from mental health conditions. In addition, [**Maurizio Pompili**](http://cyber.sci-hub.tw/MTAuMTA5Ny9ubWQuMGIwMTNlMzE4MmEyMTQ1OA%3D%3D/10.1097%40NMD.0b013e3182a21458.pdf) of the Journal of Nervous and Mental Disease finds in 2013 that veterans who have PTSD are more than 4 times as likely to report suicidal feelings as compared to veterans without PTSD.

#### Contention 2: Private Military Contractors or PMCs

Lindahl of the University of Oslo in 2015 finds that after the AUMF was passed, the President got enormous power. Lindahl furthers that this significant increase the Presidential power led to a massive increase of PMCs because they want to exercise this authority without much transparency and PMCs allow them to do that.

Furthermore, Moher of the University of Colorado finds in 2013 that use of PMCs means loss of transparency because there is a lack of oversight and accountability. Records are often missing and the system of review is incredibly inefficient.

Minow of Harvard University continues in 2005 that these PMCs often employ sub-contractors under them which places 2-3 layers of contracting, making it impossible for the DOD to oversee their actions.

Overall, [**Leo Shane**](https://www.militarytimes.com/2016/08/17/report-contractors-outnumber-u-s-troops-in-afghanistan-3-to-1/) of Military Times writes in 2016 that contractors make up 75% of all forces in Afghanistan.

There are 2 impacts to an increased use of PMCs.

First is prolonged conflict.

[**Turley of George Washington University**](http://www.aljazeera.com/indepth/opinion/2014/01/big-money-behind-war-military-industrial-complex-20141473026736533.html) in 2014 explains that powerful contractors tend to create problems and then sell the solution to get paid. For example, contractors forced the US into a perpetual state of intervention in Iraq and Afghanistan, keeping the conflict from ending so that the contractors could continue receiving wartime paychecks.

Second is human trafficking.

[**Patricia Hynes**](http://www.opednews.com/articles/2/Mercenaries-in-the-Marketp-by-HPatricia-Hynes-091115-294.html) of Boston University writes in 2009 that military contractors have worsened the prostitution of women. They set up brothels and then sex traffic or even torture women. Overall, [**Michelle Lillie**](http://humantraffickingsearch.org/third-country-nationals-trafficked-by-military-contractors/) of the Human Trafficking Search quantifies in 2013 that over 250,000 individuals have been trafficked by PMCs. Gaston of Harvard University continues that to date only 1 PMC has ever been prosecuted for their actions.

## Extra Evidence

### Terrorism Add-On

Third is increasing terrorism.

[**Casey Moher**](https://scholar.colorado.edu/cgi/viewcontent.cgi?article=1646&context=honr_theses) of the University of Colorado finds in 2013 that PMCs hurt the US war effort. They brutalize the local population and create a perception of US occupation. As a result, this leads to radicalization and the mobilization of terrorist groups. Peter Singer of the Brookings Institute in 2007 writes that because there is little oversight over contractors, they go wild. For example, contractors will use their guns as car horns, firing at civilians. However, locals associate contractors with America, causing massive backlash against America.

## Frontlines

### AT: Afghanistan Invasion Good

#### No lol—invasion destabilized the entire region.

### AT: Afghan Withdraw Bad

#### US Presence in Afghanistan Leads to Collapse – Corr 15

Anders Corr, Forbes, 10-7-2015 [Afghanistan: Western Cure Worse Than Taliban Disease, https://www.forbes.com/sites/anderscorr/2016/02/24/afghanistan-western-cure-worse-than-taliban-disease/#396f4c0b156b, 2-14-2018]jhd

Option 3, complete withdrawal, could have disastrous political and humanitarian consequences for Afghanistan. The Afghan security forces could **crumble**, as government forces did in Iraq. The Taliban and ISIS could sack Kabul, and kill thousands of Hazaras, a Shia minority. Afghanistan could turn into a virulently anti-American state, like Iran in 1979. But, all of this **could happen, and worse, even were we to keep a** **few** thousand **troops in the country**. In fact, the likelihood of these bad outcomes could increase from a token U.S. military presence in Afghanistan. **Even a single foreign soldier on Afghan soil gives the Taliban a public relations boost. They are fighting foreigners on their soil -- something with which most Americans, and the global public, can sympathize**. I was in Afghanistan for eighteen months between 2011 and 2013, where a Marine with a Southern drawl once told me (and I’m paraphrasing without notes), “I understand the Taliban. If guys looking like me [in full combat gear] came into my town back home, I’d shoot ’em too.” Airstrikes have a similar negative public relations effect in Afghanistan. A 2008 study showed that negative public opinion of the U.S. is strongly correlated with NATO bombing campaigns. Why? Because the Taliban use airstrikes as an opportunity to smear NATO. Kyle Pizzey, who worked in intelligence for NATO in Afghanistan from 2007 to 2014, told me in a recent email: "**Air strikes and drone strikes also increase the chance of civilian casualties and provide an opportunity for the insurgents to portray the attack as “dishonorable” which in turn supports their recruitment efforts** [...] they would spread rumors to surrounding villages when local national civilian casualties took place. After a decade and a half of an unrelenting information operations campaign by the insurgents, I believe the anti-American, or more broadly anti foreign mindset is unavoidable. Even senior Afghan leaders, who have every reason to support us often voice anti-American rhetoric. When I see things like Asia Foundation findings that 77% of local nationals feared for their own safety when encountering international security forces I wonder how we would ever recover from that." It’s getting worse. In 2015, the percentage of Afghans fearing international forces jumped from 77% to 80%. Even more respondents feared the Taliban in 2015: 90%. Richard White, a security specialist in Afghanistan, messaged me on the subject. "The Taliban insurgency will ... only be defeated if it is legitimized into the political system as perhaps Hizbullah and Hamas were." White continued, "Maybe that can happen without a U.S. military presence, maybe not. I am positive that we cannot continue to invest in Afghanistan with little to no return indefinitely, though." Government-Taliban deals have been taking place for years, as government ministers and field commanders accede to demands of an increasingly powerful Taliban. In Helmand, many U.S. and Afghan officials believe that Afghan security forces frequently make deals with the Taliban, including the sale of weapons. In the case of education, Afghan schools in rural areas of the South reopened when the government gave the Taliban control over curriculum in those areas. Arming the enemy and children's education is a steep price to pay. But, better to pay now in a series of orderly negotiated settlements to keep the peace and facilitate gradual transition, than in a few years when the Taliban sack Kabul. A sharp break of the government in Kabul would have harsher consequences for the population than slowly increasing Taliban influence in the ministries and their strongholds. To disengage with Afghanistan, we must not only stop attacking the Taliban physically, which has the opposite of the intended effect, we must better understand the modern-medieval culture of southern and eastern Afghan villages in which the Taliban thrive. Villager motives at the physiological base of Maslow’s hierarchy of needs intermix with modern technology and resource flows. Village life in Pashtun Afghanistan includes cell phones instead of carrier pigeons, motorcycles instead of horses, and moralizing bandits with machine guns instead of bows. But the rough and patriarchal mores and culture of these villages that rankle Westerners are consistent with a medieval level of economic development. Historical Europe has shocking similarities to contemporary Afghan villages, like summary execution and the sale of children into wedlock.

#### Afghanistan Getting Worse even with Increase in US Presence – Reuters 17

Reuters Editorial, U.S., 5-11-2017 [Security situation in Afghanistan likely to get worse: U.S. intel chie, https://www.reuters.com/article/us-usa-afghanistan-military/security-situation-in-afghanistan-likely-to-get-worse-u-s-intel-chief-idUSKBN1872TL, 2-11-2018]jhd

Afghan army units are pulling back, and in some cases have been forced to abandon more scattered and rural bases, and the government can claim to control or influence only 57 percent of the country, according to U.S. military estimates from earlier this year. “**The intelligence community assesses that the political and security situation in Afghanistan will almost certainly deteriorate through 2018, even with a** modest **increase in (the)military assistance by the United States and its partners**,” Director of National Intelligence Dan Coats said in a Senate hearing. In February, Army General John Nicholson, the U.S. commander in Afghanistan, said he needs several thousand more international troops to break a stalemate with the Taliban.

### AT: Taliban Takeover

#### US Hasn’t Made any Progress Anyway – Tindall 10

Tindall, Anthony Daniel, "U.S. nation-state building operations in Afghanistan: A case study" (2010). College of Liberal Arts & Social Sciences Theses and Dissertations. 27. http://via.library.depaul.edu/etd/27

The overall goal of this thesis was to explore and test the efficacy of U.S. nationstate building operations in the Islamic Republic of Afghanistan. This included an analysis of the political, economic, social/cultural, and security/military related institutions and systems created or developed by the U.S. and its coalition partners. My hypothesis is that **U.S. nation-state building operations in Afghanistan have not made legitimate progress in helping to promote or develop the types of institutions and structures needed to stabilize the state or reduce the influence of the Taliban and Al Qaeda**. Responses from this study, along with recent qualitative and quantitative data on Afghanistan, indicate that U.S. nation-state building operations have not been that successful in helping to stabilize the state or reduce the influence of extremist or external actors such as the Taliban and Al Qaeda. Although responses highlight several positive initiatives and projects U.S. nation-state operations have made, these impacts are not that sustainable or legitimate to the Afghan people. Further research on this issue should be conducted in the future.

#### Turn: Taliban Worse Now and Taliban Problem Goes Away by Affirming – Jones 17

Ann Jones, Nation, 9-20-2017 [What the US Military (Still) Doesn’t Understand About Afghanistan, https://www.thenation.com/article/what-the-us-military-still-doesnt-understand-about-afghanistan/, 2-20-2018]jhd

She reminded me that the Taliban are not some invading army. (That would be us.) They are Afghan citizens, distinguished from their countrymen chiefly by their extreme religious conservatism, misogyny, and punitive approach to governance. Think of them as the Afghan equivalent of our own evangelical right-wing Republicans. You find some in almost every town. And the more you rile them up, the meaner they get and the more followers they gain. But **in times of peace**—which Afghanistan has not known for 40 years—**many** **Taliban most likely would return to being farmers, shopkeepers, villagers,** like their fathers before them, perhaps imposing local law and order but **unlikely to seek control** of Kabul and risk bringing the Americans down on them again. **Few Afghans were Taliban sympathizers when the United States overthrew the Taliban regime in 2001. Now there are a great many more and they control significant parts of the country, threatening various provincial capitals**. They claim to be willing to negotiate with the Afghan government—but only after all American forces have left the country.

### AT: PMCs Accountable

#### They swindle us out of money—this shows how we don’t even know what’s going on.

#### No accountability measures—too many loopholes in the law.

(Thomas B. Harvey, J.D. Candidate at the Saint Louis University School of Law, “Comment: Wrapping Themselves in the American Flag: The Alien Tort Statute, Private Military Contractors, and U.S. Foreign Relations,” 53 St. Louis L.J. 247, Lexis )//DW

Although there have been several incidents involving PMCs that raised questions of accountability and oversight, [n91](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n91) most prominently the aforementioned abuses at Abu Ghraib, [n92](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n92) the **Blackwater shooting** of September 16, 2007 **sparked renewed investigations into the oversight, regulation, and liability of PMCs working for the United States abroad**. [n93](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n93) After hearings conducted by U.S. Representative Henry Waxman regarding Blackwater's activities in Iraq, including testimony from Blackwater's founder Erik Prince, [n94](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n94) the House of Representatives acted. [n95](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n95) **On October 4, 2007, the House passed an expansion of MEJA, attempting to close the loopholes that have allowed PMCs to escape prosecution for crimes committed while in Iraq working for**[\*258]  **the U.S. government**. [n96](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n96) Initially passed in 2000 and subsequently expanded after revelations of contractor involvement in the Abu Ghraib scandal, the House seemingly believed that MEJA could provide a mechanism for the oversight and regulation of PMCs in Iraq. [n97](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n97) The next sections detail how MEJA has evolved over the years in attempts by Congress to close its gaps and to find in it a mechanism to hold PMCs accountable. However, we will see that due to a combination of lack of enforcement and loose drafting, MEJA remains inadequate as a tool to regulate PMCs. A. MEJA 2000 [n98](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n98) Congress officially extended federal criminal law to civilians working for the DOD when it passed the Military Extraterritorial Jurisdiction Act of 2000 (MEJA 2000). [n99](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657#n99) MEJA 2000 held certain civilian employees and contractors,  [\*259]  as well as their employees, criminally liable for acts that were a felony under U.S. law. [n100](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657#n100) While not explicitly intended to regulate PMCs, MEJA 2000 did apply to those contractors who were hired by the DOD. [n101](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657#n101) However, MEJA 2000's language was vague enough that it did not apply to contractors hired by any other governmental department. [n102](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n102) This jurisdictional gap, which the Act was intended to close, left out employees of the State Department, the Justice Department, the Federal Bureau of Investigation, and the Drug Enforcement Agency (DEA). [n103](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n103) Under MEJA 2000, most PMCs were effectively unpunishable under U.S. law for crimes committed abroad. [n104](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n104) In the next section, this Comment will discuss how Congress sought to address this gap in jurisdiction through a revision of MEJA 2000 following PMC abuse at Abu Ghraib. B. MEJA 2004 [n105](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n105) The events at Abu Ghraib led to a revision of MEJA 2000 in an attempt to close the above mentioned jurisdictional gaps. [n106](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n106) Because some of the people involved in Abu Ghraib were civilian contractors working for departments other than the DOD, such as the Central Intelligence Agency (CIA) and the Department of the Interior, they could not be prosecuted under MEJA 2000. [n107](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n107) To address the gap, Congress passed an Act amending MEJA 2000 "to extend its jurisdictional coverage to employees and contractors of other federal agencies," including "employees and contractors of "any provisional authority.'" [n108](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n108) Unfortunately, jurisdiction was limited to those engaged in employment related to the support of a "mission" of the DOD.[n109](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n109) The Act's ambiguity sparked questions about whether its limited jurisdictional extension actually closed the gaps in coverage that concerned its drafters. [n110](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n110) Contractors could escape liability if their activities did not support a mission of the DOD, even if those activities would be illegal if committed in the United States.  [\*260]  C. **MEJA 2007:** House Bill 2740: MEJA Expansion and Enforcement Act of 2007 [n111](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n111) In response to the Blackwater shooting of September 16, 2007, the House of Representatives passed House Bill 2740 on October 4, 2007. [n112](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n112) **This most recent revision of MEJA reflects the House's desire to address specifically the issue of contractor accountability**. [n113](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n113) The Bill adds the following language after paragraph two of MEJA: while employed under a contract (or subcontract at any tier) awarded by any department or agency of the United States, where the work under such contract is carried out in an area, or in close proximity to an area (as designated by the Department of Defense), where the Armed Forces is conducting a contingency operation. [n114](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n114) Significantly, the Bill explicitly includes contractors working under any department, [n115](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n115) which indeed addresses some of the above mentioned concerns with respect to illegal activity committed abroad while under contract with the U.S. government. **At first glance, this legislation seems to have taken substantive steps toward closing the significant jurisdictional gaps in the previous versions of MEJA. However, upon closer inspection, it appears that MEJA 2007 remains ambiguous, providing contractors with the room they need to avoid liability. MEJA 2007 creates another loophole by leaving "close proximity" undefined in the clause** "or in close proximity to an area (as designated by the Department of Defense)." [n116](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n116) **This ambiguity seems to allow for any range of interpretations regarding the applicability of the provision. Further, no version of MEJA would apply to assaults by striking, beating, or wounding, in spite of the fact that such actions are a violation of international law when the victim is a prisoner.****[n117](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n117) Thus, if a DOD employee or contractor beat a prisoner while overseas, he or she would not be subject to liability under MEJA**. [n118](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n118) **These offenses**, although clearly punishable through  [\*261]  the employer, **do not meet MEJA's requirement that they be punishable by a one-year minimum penalty**. [n119](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n119) Finally, while more serious offenses are subject to MEJA, **no contractors have been prosecuted under it during the "Global War on Terrorism," suggesting "that the Department of Justice lacks the desire and resources necessary to pursue such cases.**" [n120](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n120) According to some scholars, **the key issue is "whether Congress provides the resources and the Justice Department takes those resources and puts them in the field to conduct these investigations, and ultimately brings cases where they're warranted."** [n121](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n121) In sum, **MEJA could work if there were adequate will and resources to enforce it.**[n122](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1277317445345&returnToKey=20_T9612916934&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.73044.6852836657" \l "n122) However, until that moment is reached, criminal prosecution under MEJA cannot address the problems raised by PMCs, and victims of PMC abuse will have to seek alternative measures to redress their injuries.

#### Subcontractors make this impossible. Minow 05:

MARTHA MINOW (Professor, Harvard Law School), OUTSOURCING POWER: HOW PRIVATIZING MILITARY EFFORTS CHALLENGES ACCOUNTABILITY, PROFESSIONALISM, AND DEMOCRACY. Boston College Law Review, September, 2005//PH

In the Iraq war, the DOD has relied heavily on contractors who in turn subcontracted. At a Congressional hearing about Halliburton [\*1011] cost-overruns and inefficiencies, one of the witnesses, Marie deYoung, was an employee of Halliburton and a former army captain. Marie deYoung testified that Halliburton subcontracted to companies that in turn subcontracted, producing two or three layers of subcontracts. She concluded, "we, essentially, lost control of the project and paid between four to nine times what we needed to fund that project." An element of the scandal around Halliburton was its own failure to act promptly in paying its subcontractors who in turn faced bankruptcy and even threatened to stop performance -- putting the security and effectiveness of the troops in jeopardy.

### AT: No Sex Trafficking

#### PMCs are the true cause of Prostitution and Sex Trafficking. Hynes 09:

Patricia Hynes, retired Professor of Environmental Health at Boston University, November 16th 2009, “Mercenaries in the Marketplace of Violence”, http://www.opednews.com/articles/2/Mercenaries-in-the-Marketp-by-HPatricia-Hynes-091115-294.html//DW

Militarized prostitution and trafficking in Iraq: In her study of military prostitution and trafficking during the Iraq war, Debra McNutt concludes that **privatization of war" through heavy reliance on military contractors" has worsened the prostituting of women** in war zones. According to McNutt, the "most thorough documentation of prostitution in Iraq is"the on-line "International Sex Guide" (ISG). The ISG Iraq site was up and running a mere 2 days after the war was launched. Rife with misogynist and racist comments, **the ISG site sported private contractors brainstorming about setting up brothels and charging high rates**" since it was pimp's market -- that would keep the lower-paid military "riff-raff" away. 5. Risk of militarizing governments and non-state networks. There are many risks to peace and security in the proliferation of PMCs, among them: abetting repressive and criminal clients; promoting and sustaining conflict; enabling covert warfare; and moving the military industrial complex even more centrally from the public sector to the private where the only checks and balances are shareholders. In the end, the use of private military may be more palatable to the U.S. public whose media reports the numbers of US military deployed, injured and killed yet rarely spotlights the number of corporate warriors employed in conflict, injured and killed. **The** inevitable **breakdown of social order within war has hazardous results for civilians -- most particularly the sex trafficking, rape and torture of women**. Ceding armed conflict and ultimately national security to the private market of military contractors is a dire and disastrous trend.

### AT: Crime Enforcement

#### PMCs Commit Crimes—enforcement to check back. Gaston 08:

Gaston 8 (E. L., J.D Harvard Law School, Harvard International Law Journal, 49 (1), pg 229, [http://www.humansecuritygateway.com/documents/HARVARDILJ\_mercenarism.pdf)](http://www.humansecuritygateway.com/documents/HARVARDILJ_mercenarism.pdf%29) // CCD

Much of the controversy surrounding PMSCs has been due to frequent reports of unpunished criminal misconduct, human rights abuses, and potential war crimes by PMSC personnel. In the 1990s, DynCorp employees hired to represent the U.S. contingent in the U.N. Police Task Force in Bosnia were involved in a sex-trafficking scandal.33 During many of its operations in Africa, the private military firm Executive Outcomes was criticized for using cluster bombs and other military methods that were questionable under international humanitarian law.34 In the context of PMSC involvement in Iraq, security contractors employed as interrogators by CACI Inter- national and Titan were involved in the Abu Ghraib prison abuses.35 A few months after Abu Ghraib, a video surfaced on the Internet showing Aegis contractors on patrol in Iraq apparently arbitrarily shooting at Iraqi civil- ians.36 In February 2007, a former CIA contractor named David Passaro was convicted in U.S. federal court for beating an Afghan prisoner to death.37 In the fall of 2007, Blackwater contractors came under heavy fire for the apparently unjustified killing of 17 Iraqi civilians in September 2007 while they were providing mobile convoy protection for USAID employees.38 Investigations spurred by this Blackwater incident revealed evidence of even more widespread, and perhaps unjustified, attacks against Iraqi civilians or Iraqi civilian property.39 Beyond these more serious incidents of abuse, many have argued that PMSC contractors in Iraq and Afghanistan generally treated local civilians disrespectfully and exacerbated local hostility to coalition operations.40 As one journalist described it, Blackwater’s thugs with guns now push and punch Iraqis who get in their way: Kurdish journalists twice walked out of a Bremer press con- ference because of their mistreatment by these men. . . . [T]here is a disturbing increase in reports that mercenaries are shooting down inno- cent Iraqis with total impunity.41 In Afghanistan, the PMSC originally hired to protect Afghan President Hamid Karzai, DynCorp, was fired because of repeated incidents of disre- spect or abuse to local Afghans.42 The fact that DynCorp actually suffered some financial repercussions for misconduct on the Karzai contract is nota- ble because for most incidents PMSCs and their employees have suffered no legal or financial consequences. Of the thousands of PMSC contractors that have served in Iraq and Afghanistan since 2001, only one has ever been prosecuted.

### AT: PMCs Cheaper

#### PMCs overcharge the government by 40%. Burton 09:

Burton 9 (Chris, member of the Seminar in Peace Operations, http://www.docstoc.com/docs/44001173/Private-Military-Companies)//DW

**Another** important **issue about the costs of PMC’s is the cost of oversight mechanisms or the costs of lack of oversight**. In order to ensure efficiency of PMC’s, oversight mechanisms are the most important tools. But **they bring extra costs to their principals**. Moreover, as mentioned by Ronou, absence of effective oversight mechanisms causes different types of cost; waste of resources, sacrifice of quality or overbilling. For example, **Halliburton overcharged the U.S. by overpriced gasoline and for services not rendered** (such as billing for meals not cooked). According to some Army auditors, it overcharged **by an average of around 40 %.**

#### PMC’s waste money. AP 07:

AP 7 (Feb. 15 http://www.msnbc.msn.com/id/17168266/ TBC 6/25/10)//DW

**$5 billion in bad paperwork** According to their testimony, the investigators: Found **overpricing and waste in Iraq contracts amounting to $4.9 billion** since the Defense Contract Audit Agency began its work in 2003, although some of that money has since been recovered. **Another $5.1 billion in expenses were charged without proper documentation**. Urged the Pentagon to reconsider its growing reliance on outside contractors to run the nation's wars and reconstruction efforts. **Layers of subcontractors, poor documentation and lack of strong contract management are rampant and promote waste** even after the GAO first warned of problems 15 years ago.

#### PMC’s are earning about hundreds of billions annually from Iraq and Afghanistan. Lendman 10:

Lendman 10 (Stephen, Research Assoc. of the Centre for Research on Globalization, http://www.rense.com/general89/outs.htm)//DW

Since 2003, **Iraq** alone **represents the "single largest commitment of US military forces in a generation** (and) by far the largest marketplace for the private military industry ever."   In 2005, 80 PMC’s operated there with over 20,000 personnel. **Today, in Iraq and Afghanistan combined, it's grown exponentially, according to US Department of Defense figures - nearly 250,000** as of Q 3, 2009, mostly in Iraq but rising in Afghanistan to support more troops.   Not included are PMC’s working for the State Department, 16 US intelligence agencies, Homeland Security, other branches and foreign governments, commercial businesses, and individuals, so the true total is much higher. In addition, as Iraq troops are drawn down, PMC’s will replace them, and in Afghanistan, they already exceed America's military force.   According to a September 21, 2009 Congressional Research Service (CRS) **Report, as of June 2009, PMC’s in Afghanistan numbered 73,968, and a later year end 2009 US Central Command figure is over 104,000 and rising**. The expense is enormous and growing with CRS reporting that **supporting each soldier costs $1 million annually, in large part because of rampant waste, fraud and abuse, unmonitored and unchecked**.   With America heading for 100,000 troops on the ground and more likely coming, $100 billion will be spent annually supporting them, then more billions as new forces arrive, and the Iraq amount is even greater - much, or perhaps most, from supplemental funding for both theaters on top of America's largest ever military budget at a time the country has no enemies except for ones it makes by invading and occupying other countries and waging global proxy wars.

#### **Contractors cost so much—empirically verified. Scahill 07:**

Scahill 7 (Jeremy, Puffin Foundation Writing Fellow at The Nation Institute, is the author of the bestselling Blackwater, The Independent, Aug 10, http://www.uruknet.info/?p=35239 )//DW

At present, an American or a British Special Forces veteran working for a private security company in Iraq can make $650 a day. At times the rate has reached $1,000 a day; the pay dwarfs many times over that of active duty troops operating in the war zone wearing a U.S. or U.K. frlag on their shoulder instead of a corporate logo. "We got [tens of thousands of] contractors over there, some of them making more than the Secretary of Defense," House Defense Appropriations Subcommittee Chairman John Murtha (D-Penn.) recently remarked. "How in the hell do you justify that?" In part, these contractors do mundane jobs that traditionally have been performed by soldiers. Some require no military training, but involve deadly occupations, such as driving trucks through insurgent-controlled territory.