

1NC: Role of the government

We Negate Resolved: On balance, the current Authorization for Use of Military Force gives too much power to the president

Observation One is the AFFIRMATIVE

Our interpretation of the resolution is that the Aff must defend a curtailment of presidential war powers. There are two reasons for this.

First is objectivity - comparing aff and neg worlds is the clearest way to mediate the subjectivity of the "too much power" parts of the resolution

Second is research – the best education and research are done when the neg has a clear starting point – the best way to learn about the importance of war powers is to see the world in which they go away

Part 1: is State Obligation

Since the international system is anarchic, states must maximize their relative power to survive

Kriesler and Mearheimer 02' <http://globetrotter.berkeley.edu/people2/Mearsheimer/mearsheimer-con2.html>

I agree with Waltz, that structure determines how states behave. In other words, **it's the structure of the international system that causes states to compete for power. And it's an anarchical system that they have to operate in.** Yes. It's an anarchical system, **meaning that there's no higher authority that sits above states.** So you have a "911" problem. **If a state gets into trouble in the international system, it can't dial 911 because there's nobody on top to come to its rescue.** It's this anarchy that pushes states to compete for power. So Waltz and I agree on that. But the fundamental difference between the two of us is that I believe that **states seek hegemony.** I believe that they're ultimately more aggressive than Waltz portrays them as being. **The goal for states is to dominate the entire system.** To put it in colloquial terms, the aim of states is to be the biggest and baddest dude on the block. Because if you're the biggest and baddest dude on the block, then it is highly unlikely that any other state will challenge you, simply because you're so powerful. Just take the Western Hemisphere, for example, where the United States is by far the most powerful state in the region. No state -- Canada, Guatemala, Cuba, Mexico -- would even think about going to war against the United States, because we are so powerful. **This is the ideal situation to have, to be so powerful that nobody else can challenge you.** But Waltz would argue that it's not a good idea to be so powerful, because when you push in that direction, other states balance against you to try and cut you down at the knees.

The formation of a state implies that the government promises security and promotion of a populace's interests meaning that states have an obligation to safeguard their constituents' interests and safety.

Arthur. The Cycles of American History. Book. 1999, Google Books.

Niebuhr insisted that a distinction has to be drawn between the moral behavior of individuals and that of social groups. The obligation of the individual is to obey the law of love and sacrifice, "from the viewpoint of the author of an action, unselfishness must remain the criterion of the highest morality." But **nations cannot be sacrificial. Governments are not individuals. They are trustees for the happiness and interest of their nation.** Niebuhr quotes Hugh Cecil's argument that unselfishness "is inappropriate to the action of a state. No one has a right to be unselfish with other people's interest." **This is not to say that might makes right. It is to say that the morality of states is inherently different from the morality of individuals.** Saints can be pure, but statesmen must be responsible. **As trustees for others, they must defend interests and compromise principles.** In consequence, politics is a field where practical and prudential judgment must have priority over simple moral verdicts.

In order to uphold state goals the state must have a firm control over conflict

LARS VINX (2013). Carl Schmitt and the analogy between constitutional and international law: Are constitutional and international law inherently political?. Global Constitutionalism, 2, pp 91-124 doi:10.1017/S2045381712000202

Schmitt claims that one cannot judge, from an externally perspective, that a group is morally unjustified in defining its own identity in a certain way and to introduce political enmity, with the attendant possibility of killing, to preserve that identity. Only members of a group are in a position to deciding, from the perspective of an existentially affected participant, whether the otherness of another group amounts to a threat to their own form of life and thus potentially requires to be fought (CP 27; See also CT 76-7, 136). Schmitt's reasoning implicitly relies on a collectivist version of the logic of self-defence. **The decision whether someone else's behaviour constitutes a threat to one's own life,** in some concrete situation, **and the decision whether it is necessary to use** reactive or even pre-emptive **violence to** remove or to **escape that threat, cannot be delegated to a third person. A group that perceives its own existence to be threatened by some other group,** Schmitt argues, **finds itself in an analogous position.** The possibility of

third-party mediation is therefore ruled out in a truly political conflict (CP 45–53). A political community exists, then, wherever a group of people are willing to engage in political life by distinguishing themselves from outsiders through the drawing of a friend-enemy distinction (CP 38, 43–4). A group's capability to draw the distinction between friend and enemy does not require, Schmitt holds, that the group already possess a formal organization allowing for rule-governed collective decision-taking. A people, thus, will have an existence prior to all legal form as long as there is a sense of shared identity strong enough to motivate its members to fight and die for the preservation of the group. And **as long as a people exists in this way it is capable, through its support, to sustain a sovereign dictatorship exercised in its name** (CT 126–35). Of course, Schmitt's analogy between the collective and the individual interest in self-preservation papers over an important difference between the two cases. A political community does not enjoy simple biological existence. It might die though all of its individual members continue to live. The drawing of a friend-enemy distinction, therefore, is never a mere reaction to a threat to a form of existence that is already given (but see Mouffe 1999, 49–50). Rather, it actively constitutes the political identity or existence of the people and determines who belongs to the people. To belong one must identify with the substantive characteristic, whatever it may be, that marks the identity of the people, and one must agree that this characteristic defines a form of life for the preservation of which one ought to be willing to sacrifice one's own life, in the fight against those who don't belong (CP 46). Schmitt realizes, of course, that it is possible for people who are not willing to identify in this way to be legally recognized as citizens, and to live law-abidingly, under the norms authorized by some positive constitution. **Liberal states, in Schmitt's view, have a tendency to fail to distinguish properly between friends and enemies, and thus to extend rights of membership to those who do not truly belong to the political nation. In a liberal state, Schmitt fears, the political nation will slowly wither and die as a result of spreading de-politicization, it will succumb to internal strife, or it will be overwhelmed by external enemies who are more politically united** (CP 69–79; L 31–77). To avert these dangers, Schmitt suggests, it is necessary to make sure that the boundaries of the political nation and the boundaries of citizenship coincide. This demand explains Schmitt's claim, in the first sentence of *The Concept of the Political*, that the concept of the state presupposes the concept of the political (CP 19). The point of this remark is that **a state can only be legitimate if its legal boundaries embody a clear friend-enemy distinction. In order to achieve this aim, Schmitt clearly implies, a sovereign dictator, acting in the interstices between two periods of positive constitutional order, must homogenize the community by appeal to a clear friend-enemy distinction, as well as through the suppression, elimination, or expulsion of internal enemies who do not endorse that distinction** (CP 46–8). In so doing, the sovereign dictator expresses the community's understanding of what is normal or exceptional and of who belongs, and he creates the homogeneous medium that Schmitt considers to be a precondition of the legitimate applicability of law. Schmitt observes that his concept of the political is not belligerent. It does not glorify war, but merely claims that a community that is interested in living politically needs to be willing to go to war if it perceives its political existence to be threatened (CP 32–5). But the intended analogy with self-defence seems to make little moral sense, given that Schmitt's conception of political existence demands the active elimination of those whom a majority perceives as internal enemies, and even celebrates that elimination as the essential activity of the popular sovereign.

The AUMF is consistent with constitutional interpretations of presidential power AND gives the US government the right to major terrorist threats with force this is necessary for maintain international legitimacy

Yoo 01' <https://fas.org/irp/agency/doj/olc092501.html>

In light of the text, plan, and history of the Constitution, its interpretation by both past Administrations and the courts, the longstanding practice of the executive branch, and the express affirmation of the President's constitutional authorities by Congress, **we think it beyond question that the President has the plenary constitutional power to take such military actions as he deems necessary and appropriate to respond** to the terrorist attacks upon the United States on September 11, 2001. **Force can be used both to retaliate** for those attacks, **and to prevent and deter future assaults** on the Nation. Military actions need not be limited to those individuals, groups, or states that participated in the attacks on the World Trade Center and the Pentagon: **the Constitution vests the President with the power to strike terrorist groups or organizations that** cannot be demonstrably linked to the September 11 incidents, but that, nonetheless, **pose a similar threat to the** security of the **United States** and the lives of its people, whether at home or overseas. (32) In both the War Powers Resolution and the Joint Resolution, **Congress has recognized the President's authority to use force** in circumstances such as those created by the September 11 incidents. Neither

statute, however, can place any limits on the President's determinations as to any terrorist threat, the amount of military force to be used in response, or the method, timing, and nature of the response. **These decisions, under our Constitution, are for the President alone to make.**

Part 2: Stopping Threats

Yemen is a highly unstable region

Posey 17'

To put this situation into further perspective, consider that Yemen has a population of 27 million people. Approximately 18.8 million—**69 percent of the country's population—is in need of immediate humanitarian assistance.** Instability, security threats, and a lack of basic infrastructure have prevented aid organizations from helping. **The United States has an interest in not only helping to mitigate this humanitarian crisis but also to encourage a political settlement to end the war. What happens in Yemen could negatively affect regional stability and be disastrous for U.S. interests.** The fighting between the Houthi rebels and Hadi government is symbolic of a much larger struggle between Iran and Saudi Arabia. Iran sees this war as an opportunity to undermine Saudi influence in the Arab world and increase its own. It is vital to U.S. interests that Iran's influence be contained. **Yemen's geo-strategic importance cannot be ignored either. The country borders two U.S. allies and sits at the convergence point of** the Red Sea and the Gulf of Aden, overlooking the Bab el Mandab Strait—a **key trade route, particularly for oil.** A daily 4.7 million barrels of oil are transported through that strait. At its most narrow point, the Bab el Mandab is only 18 miles wide, meaning that ships must pass closely together, usually only two at a time. **Serious disruptions of this route could** constrict the flow of Persian Gulf oil to Europe and the western hemisphere and **raise world oil prices.** Recent reports about Houthi rebel attacks against U.S. and other ships off Yemen's coast have raised concerns about maritime security in the Red Sea. As the war continues and Iranian influence grows, Tehran may seek to expand its leverage by escalating the potential threat to ships passing through the waterways. The war has been devastating for Yemen's civilians and regional stability. The U.S. can encourage a political settlement, but it will be up to the Yemenis and larger Arab world to see it into fruition. Any settlement will also be impossible until Iran stops stoking the fire with its support for the Houthis. However, without a solution to end the fighting, Yemen's humanitarian crisis will only get worse.

AUMF is the ONLY legislative policy that justifies Trump's airstrikes on Yemen

Hellman 17' <https://www.politico.com/story/2017/11/13/house-yemen-civil-war-authorization-244868>

In a rare exercise of its war-making role, **the House of Representatives on Monday overwhelmingly passed a resolution explicitly stating that** U.S. military assistance to Saudi Arabia in its war in Yemen is not authorized under legislation passed by Congress to fight terrorism or invade Iraq. The nonbinding resolution adopted 366-30, does not call for a halt to the American support but publicly acknowledges the Pentagon has been sharing targeting information and refueling warplanes that Saudi Arabia and other allies are using to attack Houthi rebels in a conflict that is widely considered a proxy war with Iran — and a humanitarian disaster. It states, in part, that **U.S. military operations are authorized to fight only Al Qaeda and other allied terrorist groups in Yemen**, not Shiite Muslim rebels. "To date," the resolution says, "Congress has not enacted specific legislation authorizing the use of military force against parties participating in the Yemeni civil war that are not otherwise subject to" the 2001 Authorization for Use of Military Force or the 2003 AUMF in Iraq. While mostly symbolic, the House vote was seen as a key victory for members of both parties who believe Congress, which is relegated the power to declare war in the Constitution, needs to reauthorize U.S. military operations overseas, which have expanded to many more countries and conflicts than envisioned a decade and half ago when Congress last voted for the use of force. The wide bipartisan margin in the vote tally was a sign of growing frustration in both parties that U.S. military engagements have increased in recent years with relatively little outside scrutiny. "What our military is not authorized to do is assist the Saudi Arabian regime in fighting the Houthis," said Rep. Ro Khanna (D-Calif.), who co-sponsored the resolution with Rep. Jim McGovern (D-Mass.), on the House floor. "In many cases, the Saudis have aligned with Al Qaeda to fight the Houthis undermining our very counterterrorism operations."

US troops need to fight Al-Qaeda and ISIS, they have doubled in size in two years because of civil unrest

Moore 17' <http://www.newsweek.com/yemen-pentagon-confirms-boots-ground-against-isis-and-al-qaeda-754960>

Elite U.S. forces are operating on the ground in Yemen against the Islamic State militant group (ISIS) and Al-Qaeda, the Pentagon confirmed on Wednesday. "U.S. forces have conducted multiple ground operations and more than 120 strikes in 2017," U.S. Central Command in Tampa, Florida, said in a statement. The Department of Defense warned that **ISIS**, which has lost the majority of its territory in Iraq and Syria, **has doubled in size in the country**. The militant group has capitalized on a two-year insurgency by the Shiite Houthi rebels who overthrew the Saudi-backed Sunni government in March 2015. The rebels killed former Yemeni President Ali Abdullah Saleh earlier this month after he initiated talks with the Saudi-led coalition leading a bombing campaign in the country. The ground operations have been taking place with the aim of disrupting "the ability of Al-Qaeda in the Arabian Peninsula and ISIS-Yemen to use ungoverned spaces in Yemen as a hub for terrorist recruiting, training and base of operations to export terror worldwide." **The number of U.S. troops operating in Yemen remains unclear, but the Pentagon has acknowledged that a small number of American troops have aided an operation to clear the central Yemeni region** of Shabweh from Al-Qaeda militants, alongside the forces of the United Arab Emirates, which is backing the internationally recognized Sunni government in the country with Saudi Arabia.

Somalia needs US help

Fraser 17' <http://www.newsweek.com/somalia-us-military-isis-al-qaeda-al-shabab-646268>

Somalia is at a turning point, **in need of a sustainable resolution to decades of instability and threatened by militants including the Al-Qaeda affiliate Al-Shabab and a splinter of the Islamic State militant group (ISIS). It needs the help of the United States. The United States government must increase financial, military, security and intelligence-sharing support to Somalia. The threats and security risks facing Somalia are many and include: instability; protracted violence perpetrated by Al-Shabab and ISIS; the proliferation of small arms; unprotected borders; piracy; poverty; and chronic youth unemployment. If these threats and risks are not immediately tackled, the U.S. national security and regional interests will be profoundly affected.** The Somali government does not have the resources (financial and institutional) to tackle Al-Shabab and ISIS threats. At the moment, while the political will and commitment exist, the government lacks adequate military and security institutions and resources that can support counter-terrorism strategy in the governance and security sectors. Strengthening the government's national security policymaking structures, institutions and financial resources is essential. This could be done in a wide effort that seeks both to improve training for security services, ministries and institutions to deliver a broader campaign of improved security. The delivery of specialized training, equipment, payment of stipends, rehabilitation of office spaces and establishing standard operating procedures (SOPs) and management systems are the main structural challenges. In addition, the lack of adequate command leadership to develop defense policies serve as a serious limitation toward improving the effectiveness and professional standards of the military, police and state security services in regards to adherence to the rule of law, respect for rights and the protection of civilians. Right sizing, doctrinal development, integration of the various militias and professionalism remain a huge challenge for the new federal government. Somalia fell into civil war in the early 1990s, and after 20 years without an effective legal system and rule of law, Somali security forces are not socialized to the idea of criminals being prosecuted. This lost generation also means that there is a lack of experience within the judiciary. Access to justice is also limited as the judiciary and courts are not equipped and functioning effectively. The perverse interpretation of Islam by Al-Shabab, Al-Qaeda and ISIS has resulted in multiple, flagrant abuses of rights.

The US uses the AUMF in order to justify conflict in Somalia in the name of counterterrorism

Roggio 13' https://www.longwarjournal.org/archives/2013/10/us_justifies_somalia.php

In a statement **citing the Authorization to Use Military Force**, which was passed by Congress after the 9/11 attacks on America, **the US military yesterday justified the Oct. 5 raid** by US Navy SEALs **that targeted a senior Shabaab leader in Somalia**. But just four months ago, President Barack Obama called for the repeal of the AUMF, claiming

that the law will “continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states.”

The Department of Defense cited the AUMF in a press release announcing the raid that targeted Abdikadir Mohamed Abdikadir, also known as Ikrima, a Kenyan who serves as a senior Shabaab leader and coordinates the group’s operations outside Somalia with al Qaeda’s central command in Pakistan. **“The goal of the operation was to capture Ikrima under legal authorities granted to the Department of Defense by the A**uthorization to **U**se **M**ilitary **F**orce (2001) **against al-Qa’ida and its associated forces**,” Pentagon Press Secretary George Little said in the statement released on the DoD’s official website. Ikrima was not captured during the raid. Little described Ikrima as “a top commander in the terrorist group al-Shabaab, an al Qaeda affiliate,” who had been “closely associated” with two deceased senior al Qaeda operatives, Fazul Abdullah Mohammed and Saleh al Saleh Nabhan. Fazul, a senior Shabaab commander who was al Qaeda’s former leader in East Africa, was killed at a checkpoint in Mogadishu in 2011. Nabhan also served as a top leader in both Shabaab and Al Qaeda East Africa, and was instrumental in facilitating the official merger of al Qaeda and Shabaab. Both men were wanted for their involvement in al Qaeda’s 1998 suicide attacks against US embassies in Kenya and Tanzania. But the Pentagon’s use of the AUMF to justify the raid to capture Ikrima comes just four months after Obama gave a speech at the National Defense University calling for the repeal of the law. Obama painted a rosy picture of the war in Afghanistan and al Qaeda, claiming that the former is “coming to an end” and the latter is “a shell of its former self.” “I intend to engage Congress about the existing Authorization to Use Military Force, or AUMF, to determine how we can continue to fight terrorism without keeping America on a perpetual wartime footing. The AUMF is now nearly 12 years old,” Obama said. “The Afghan war is coming to an end. Core al Qaeda is a shell of its former self. Groups like AQAP al Qaeda in the Arabian Peninsula must be dealt with, but in the years to come, not every collection of thugs that labels themselves al Qaeda will pose a credible threat to the United States.”

Blocks

