

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

Framework

The United States is governed by unique three branches. The key to ensuring that no one branch of the government becomes too powerful is to give different responsibilities to each separate branch to ensure a stable government structure. Therefore, the team who best upholds this governmental principle should win in today's round.

Observation

The Authorization for use of Military Force, or AUMF, states that the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

Protention One) The AUMF has no legitimate justification

Subpoint A) Safety

The President uses the AUMF to justify nearly all military actions

Patricia Zengerle, Idrees **Ali**, Reuters, "Trump administration does not want limits on war authorization", October 29, 2017, <https://www.reuters.com/article/us-usa-defense-authorization/trump-administration-does-not-want-limits-on-war-authorization-idUSKBN1CZ0CC>

Congress has not passed an AUMF since the 2002 measure authorizing the Iraq War. But **the legal justification for most military action** for the past 16 years **is the older authorization passed days after the Sept. 11 attacks, for the campaign against al Qaeda and affiliates.** Slideshow (4 Images) Backers of a new AUMF say **the 2001 authorization has let presidents wage war wherever they like, without answering to Congress, or the public. For example, Islamic State did not exist in 2001. "I do not think the American people want the United States conducting a global, endless 'Shadow War,' under-the-radar, covert and beyond scrutiny,"** said Senator Ben Cardin, the top Democrat on the foreign relations panel. **Mattis said he was not averse to a new authorization.** But he said imposing limits would help the non-state actors who are America's adversaries in a "non-traditional" war spanning much of the globe. "If the enemy hopes we are going to quit on a certain day, or if they know we won't deal with them if they step over a certain border, then the enemy is going to do exactly that," Mattis said.

This misreading of the AUMF has led to the loss of life of American Citizens

Daniel L. **Byman**, Brookings, "Why Drones Work: The Case for Washington's Weapon of Choice", June 17, 20**13**, <https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice/>

Still, **public opposition is real, and there is growing concern about the drone strikes even in the United States. The program came under especially heavy criticism domestically in 2011, when** Anwar al-Awlaki, **a U.S. citizen born in New Mexico, was killed by a drone strike in Yemen.** There is no question that Awlaki was dangerous. Adept at interspersing Islamist rhetoric with pop-culture references, Awlaki had been described as a "pied piper for Western ears": one admirer was Nidal Malik Hasan, the U.S. Army officer who killed 13 U.S. soldiers at Fort Hood, Texas, in 2009. **The Obama administration claims that Awlaki was actively involved in plots against the United States and that the strike against him was legal under the** Authorization for the Use of Military Force (**AUMF**), which Congress passed three days after 9/11 and which gives the president broad authority to use force against terrorist groups linked to the 9/11 attacks. Yet with the war on terrorism almost 12 years old and bin Laden dead, critics, such as the **Georgetown University law professor Rosa Brooks**, have begun questioning whether the AUMF still justifies drone strikes today. As Brooks has **argued, "Many of the groups now being identified as threats don't fall clearly under the AUMF's umbrella—and many don't pose a significant danger to the United States."** As for the case of Awlaki, opponents of his killing have argued that he did not pose an imminent threat to the United States and that in keeping the evidence used to justify his assassination secret, the administration violated the constitutional guarantee of due process for U.S. citizens. As **Ron Paul**, then a Texas representative, **pointed out** during his presidential campaign, Awlaki was never charged with any crime. He added, **"If the American people accept this blindly and casually, that we now have an accepted practice of the president assassinating people who he thinks are bad guys, I think it's sad."**

What we can gather from this evidence is that the AUMF has **FIRST** not been legitimately followed by the Executive branch, and **SECOND**, the actions supposedly justified by it have not benefited our country in any meaningful way. The bottom line is that the lives of American citizens have been lost, and we cannot risk losing any more lives.

Subpoint B) International Law and Civil Liberties

The AUMF standards deemed acceptable by the U.S. do not actually abide by international law given from the United Nations and the Geneva Convention, thus damaging the United States status as a global leader.

Human Rights First, Human Rights First, "The Problems with the AUMF and How to Fix Them | Human Rights First", June 19, 20**17**, <https://www.humanrightsfirst.org/resource/problems-aumf-and-how-fix-them>

Continued reliance on outdated and ill-defined war authorizations that blur the line between war and peace undermine national security, U.S. leadership in the world, and human rights both at home and abroad. War authorizations confer extraordinary powers on the president—powers that outside of war would amount to egregious violations of human rights. Wartime rules were designed for the unique circumstances of armed conflict between opposing armed forces. As a result, the laws of war sometimes permit killing as a first resort, detention without charge or trial, and the use of military tribunals—actions that are otherwise contrary to basic American values and human rights. The United States has long been a global leader on human rights, leveraging its example to influence other nations to improve their own human rights records. The United States has rightly criticized other nations for improperly invoking wartime authorities in the name of national security. But the ability of the United States to level this criticism effectively demands that it demonstrate that its own use of wartime authorities is lawful and appropriate. Continued reliance on ill-defined authorities or questionable legal theories that enable the use of wartime authorities outside the lawful boundaries of war not only harms U.S. leadership on human rights, but U.S. national security as well. **The current status quo puts the United States at odds with allied nations, counterterrorism partners on the ground, and local populations whose help is critical to effective counterterrorism.** As a result of **doubts about the lawfulness** or legitimacy **of U.S. actions** or policies, **[cause] allies and partners withhold critical cooperation**, consent, and

intelligence information. **Local populations turn against the United States, fueling terrorist recruitment and propaganda** and increasing attacks against U.S. and allied forces. Assuring U.S. allies, counterterrorism partners, and local populations that the United States respects human rights and the rule of law—including important limits on where, when, and against whom wartime authorities may be employed—will improve cooperation, undermine terrorist recruitment and propaganda, and reduce attacks against U.S. forces.

The AUMF restricts our civil liberties

Matthew D **Fairman**, College of Government and International Relations at Cornell, ""The Restriction of Civil Liberties during Times of Crisis: The Evoluti" by Matthew D. Fairman", May 20**09**, <https://digitalcommons.conncoll.edu/govhp/7/>
 This treatise explores the nature and significance of the threat posed to civil liberties during times of major national military crisis and evaluates changes in the nature of wartime repression over the course of American history. It tests the thesis that **the evolution in Americans' response to such crises has not been a simple progression toward increasing restraint** on the part of federal, state, and local policymakers, **as is sometimes assumed**. Rather, **major** twentieth and twenty-first century **developments related to** the nature of **threats to** American **national security and government capabilities** to covertly repress dissent **have interacted with** evolutionary **changes in the nature of wartime repression in reinforcing and conflicting ways. Because of those changes, modern crises will last longer, the restriction of civil liberties during wartime will increasingly be accomplished through covert forms of repression, and, therefore, the durability of wartime restrictions will be greater**. In sum, during future crises, Americans' civil liberties will be restricted for longer periods, with the return to normalcy after those crises becoming increasingly difficult. To test this thesis, this treatise uses the past major national military crises in American history as case studies. They include the Quasi-War with France at the end of the 18th century, the Civil War, World War I, World War II, and the Cold War. The concluding chapter connects the "War on Terror" to these arguments. Overall, the case study analysis in Chapters I through V combined with the overarching assessment of historical changes in the nature of wartime repression and the durability of wartime restrictions in Chapter VI prove the validity of this thesis.

This shows us that without the U.S. abiding by these laws we could see a breach in security, while also assessing the impacts of not abiding by these laws that include losing allies, the incapability to combat terrorism, and lastly, giving the U.S. a corrupted stance towards these laws.

Protention Two) AUMF is too broadly defined.

The AUMF is being used to justify drone strikes in Yemen and pursuing ISIS, neither of which have any real correlation to the AUMF.

Travis W. **Reznik**, Joint Forces Quarterly, "The Risk of Delay: The Need for a New Authorization for Use of Military Force", October 4, 20**17**, http://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-87/jfq-87_38-45_Reznik.pdf?ver=2017-10-04-104438-930
Despite specifically authorizing the use of military force against those responsible for the 9/11 attacks, the George W. **Bush and Obama administrations cited the** 2001 **AUMF⁸ to initiate or continue military** or related **action** a combined 37 different occasions, **in countries including the Philippines, Georgia, Yemen, Djibouti, Kenya, Ethiopia, Eritrea, and Somalia.**

AUMF has demonstrated it's unfair capabilities all over the world, and if we continue to do this we will end up violating more rights of our citizens, losing international relationships, and lastly, losing our security.

For these reasons and more, we urge a PRO Ballot.
Thank you.

Blocks

Provention?

Public Forum Debate is fundamentally flawed. It ruthlessly forces both teams, Pro and Con, to defend these tools of oppression they call "CONTentions." It is time for the tyranny to end. We can put a stop to this absurd name skew. I hereby request that every aff team in debate relabel their arguments as Proventions. This corrects the name skew and solves a dire crisis. Judges, you can help facilitate this change. Please update your paradigms to REQUIRE all aff teams to run Proventions instead of Contentions. Thank you, and let's save the world.

Provention One

A2) Need speedy decision making/Presidential Powers Good

Foreign crisis aren't existential threats – we should prioritize collective decision-making rather than trusting one individual with control of the military

Andrew **Bacevich**, Professor of History and International Relations at Boston University, 20**13**, *The New American Militarism*, pg. 210

The Cold War is history. The United States no longer stands eyeball-to-eyeball with a hostile superpower. Ensuring our survival today does not require, if it ever did, granting to a single individual the authority of unleash the American military arsenal however the perception of threats, calculations of interests, or flights of whimsy might seem to dictate. Indeed, given all that we have learned about the frailties, foibles, and strange obsessions besetting those who have occupied the Oval Office in recent decades – John Kennedy's chronic drug abuse, Richard Nixon's paranoia, and Ronald Reagan's well-documented conviction that Armageddon was drawing near, to name three examples – it is simply absurd that elevation to the presidency should include the grant of such authority.⁴ **The decision to use armed force is freighted with implications, seen and unseen, that affect our nation's destiny. Our history has shown this time and again. Such decisions should require collective approval in advance by the people's elected representatives, as the Framers intended.**

Be skeptical of claims about the importance of executive expertise in foreign affairs – debunked by scholarly research and historical analysis

David Gray **Adler**, Professor of Political Science at Idaho State University, 1-1-19**96**, "The Judiciary and Presidential Power in Foreign Affairs: A Critique," scholarship.richmond.edu/cgi?article=1002&context=jolpi

Nevertheless, **these joint functions have been fused by the executive branch and have become increasingly unilateral, secretive, insulated from public debate, and hence unaccountable.**³⁶ **In the wake of Vietnam, Watergate, and the Iran-contra scandal, unilateral executive behavior has become**

ever more difficult to defend. Scholarly appraisals have destroyed arguments about intrinsic executive expertise and wisdom in foreign affairs and the alleged superiority of information available to the President.³⁷ Moreover, the inattentiveness of the presidents to important details and **the effects of “groupthink” that have dramatized** and exacerbated **the relative inexperience of various presidents in international relations have also devalued the extollers’ arguments.** Finally, foreign policies, like domestic policies, are reflections of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress.

"LAY JUDGE APPEAL - March 18 - Google Docs",

https://docs.google.com/document/d/1c9ZPvOfUssz2Yxb4Xbu_zqqlaBpUtYog2rN7HCIMehk/edit#

Reject faulty reasoning that justifies using presidential powers to fight terrorism – groups aren’t a threat to the US

Rosa **Brooks**, Law Professor at Georgetown University, Schwartz Senior Fellow at the New America Foundation, former counselor to the

U.S. defense undersecretary for policy, and former senior advisor at the U.S. State Department, 3-14-20**13**, “Mission Creep in the War on Terror,” http://www.foreignpolicy.com/articles/2013/03/14/mission_creep_in_the_war_on_terror

But this **begs the essential question: Why exactly is the United States chasing after every two-bit Islamic terrorist on the planet? With the sole exception of 2001, terrorist groups worldwide have never managed to kill more than a handful of Americans citizens in any given year. According to the State Department, 17 American citizens were killed by terrorists in 2011, for instance. The terrorist death toll was 15 in 2010, and nine in 2009. These deaths are tragedies -- but keep the numbers in perspective.**

On average, **about 55 Americans are killed by lightning strikes each year, and ordinary criminal homicide claims about 16,000 U.S. victims each year. No one, however, believes we need to give the executive branch extraordinary legal authorities to keep Americans from venturing out in storms, or to use armed drones to kill homicide suspects.**