

AFFIRMATIVE CONSTRUCTIVE

TEAM A

SAMPLE DEBATE

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On September 18, 2001, Congress passed – with only one dissenting vote – the Authorization for Use of Military Force (AUMF), which authorized the President 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 (US Code, Public Law 107-40).

The AUMF established a crucial precedent for the United States’ response to the September 11, 2001 attacks: that military force would be the tool of choice to address terrorism. Directly, the AUMF led to the invasion of Afghanistan and the eventual overthrow of the Taliban regime. More broadly, it served as the legal authorization for the “war on terror,” which has persisted as a defining characteristic of American foreign policy since the law’s passage (Bradford). However, the AUMF has also impacted the United States’ detention policies closer to home.

In 2001, United States citizen Yaser Esam Hamdi was captured by American forces in Afghanistan, accused of fighting for the Taliban, and imprisoned as an enemy combatant in Guantanamo Bay, Cuba. Hamdi challenged his detention on the grounds that federal law prohibited the detention of American citizens “except pursuant to an Act of Congress” (18 U.S.C § 4001(a)). In an interpretation later upheld by the Supreme Court in *Hamdi v. Rumsfeld*, the Fourth Circuit Court of Appeals ruled that the government did have such authority because the Authorization for Use of Military Force “necessarily includes the capture and detention of any and all hostile forces” (*Hamdi v. Rumsfeld*). By placing the country on a war footing, the AUMF justified the detention without charge of “enemy combatants,” whether citizens or foreigners.

The most prominent detentions without charge by the federal government today are made in the name of the war on terror and under the aegis of the Authorization for Use of Military

Force. Legally, the AUMF gives courts a reason to defer to the executive's judgment as to whom should be detained without charge, as *Hamdi v Rumsfeld* showed. Politically, the rhetoric of a "war on terror" is constantly used to justify the abrogation of basic rights and liberties that occurs in the process of detention without charge. Because of its tremendous legal, political, and international impact, Congress must repeal the Authorization for Use of Military Force and reject its implicit suggestion that a military response is the most appropriate action for the problem of suicide terrorism, in order to substantially decrease the United States federal government's authority to detain without charge.

A Backlash Against Militarism

The fundamental problem with the "war on terror" is its inaccuracy. To justify their ideological campaign, its proponents embrace broad generalizations about terrorists, ignoring the nuanced causes of terrorism and anti-Americanism. The Bush administration characterized the September 11, 2001 attackers and their supporters as freedom-hating jihadists from the start. On the evening of the attacks, President Bush claimed that "America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world" (Bush). Osama bin Laden's brand of Islamic fundamentalism does oppose the liberal democratic structure that the United States espouses, but President Bush's characterization was nonetheless grossly simplistic. Bin Laden himself rejected this explanation, wondering why terrorists who "hated freedom" did not attack Sweden instead (BBC/Bin Laden). And even a Pentagon report concluded, "Muslims do not 'hate our freedom,' but rather, they hate our policies" (Department of Defense).

The Bush administration's depiction of an irrational category of suicide bombers ignores deeper causes of terrorism: resentment of the pervasive inequality between the Muslim world

and the developed West; American policies, such as support of Israel and military presence in Muslim holy sites in Saudi Arabia, that appear to insult Islam; the rise of religious fundamentalism as a reaction to the culturally destabilizing force of globalization.

Unfortunately, in a shortsighted effort to gain popularity, the Bush administration completely overlooked these causes in favor of a short-term solution with an immediately noticeable “rally-round-the-flag” effect.

This simplistic view is not only inaccurate; it also falls into the uncompromising worldview shared by Islamic fundamentalists and other violent ideologues. President Bush famously polarized the issue of terrorism when he said, “You’re either with us or against us in the fight against terror” (CNN). By framing the administration’s position in black-and-white terms, President Bush left no room for nuance or neutrality in the struggle between good and evil, civilization and barbarism, liberalism and fundamentalism. Ironically, the administration’s framing of the issue mirrored a favorite tactic of the religious fanatics it purported to combat: using rhetoric that gives issues a universal importance in order to appeal to potential followers’ emotions and generate fervent support. In an October 2001 speech, Osama bin Laden suggested that the events of September 11 “split the whole world into two camps: the camp of belief and the disbelief,” and urged Muslims to support violence against the West as a matter of religious duty (CNN). The frightening similarity of the language invoked by Bush and bin Laden suggests that the “war on terror,” as characterized by the current administration, embraces exactly the kind of extremism that it vilifies as the root of suicide terrorism.

Ultimately, by framing the debate in such terms, the “war on terror” undermines the United States’ ability to take a reasoned approach to fanaticism. Instead of pursuing a strategy of international cooperation and addressing the root causes of terrorism, the administration adopted

militarism as its post-9/11 foreign policy. This approach “mobilizes the American public effectively, but [fails to] resonate well in the Middle East or with our allies” (James Dobbins, quoted in Blumenthal). Indeed, the invasions of Iraq and Afghanistan conducted under the aegis of the “war on terror” may well have increased the likelihood of suicide terror against the United States. Robert Pape of the University of Chicago suggests rather that suicide-terror attacks are driven by “a clear strategic objective: to compel modern democracies to withdraw military forces from the territory that the terrorists view as their homeland” (quoted in McConnell). Ending the “war on terror” would thus remove a major source of the animosity that motivates terrorism.

Democracy Promotion, American Credibility, and the War on Terror

Several major advantages would accrue from ending the “war on terror.” The first stems from the so-called war’s detrimental impact on American legitimacy, the persuasive ability that Harvard’s Joseph Nye has termed “soft power.” Two aspects of American foreign policy hurt American credibility: mass detention of “enemy combatants” without charge, and cooperation with authoritarian regimes in order to secure strategic military advantages.

Yaser Esam Hamdi was only one of more than five hundred people held at Guantanamo Bay Naval Base in Cuba under the Authorization for Use of Military Force. From the beginning of the invasion of Afghanistan, a cloud of controversy surrounded detentions at Guantanamo. Three British prisoners released in 2004 alleged that soldiers at the base tortured and sexually abused detainees (Branigan and Vikram). The International Committee of the Red Cross reported that interrogators used techniques “tantamount to torture” (Lewis). The executive director of Amnesty International suggested that “Guantanamo has become the gulag of our times” (Khan). These allegations have “damaged our reputation abroad, caused serious tensions

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with our allies, and violated fundamental principles of international law” (Kennedy). Evidence of torture and inhumane treatment of suspected terrorists, alongside the broader perception of mass unjust detentions, has seriously undermined American credibility.

American cooperation with repressive regimes, considered necessary to prosecute the “war on terror,” has also hurt the United States’ reputation. To secure bases for its invasion of Afghanistan, for example, the United States allied itself with Uzbekistan, a Central Asian country which even the Department of State considers “an authoritarian state with limited civil rights” (Department of State). In May 2005, Uzbek president Islam Karimov deployed military force to put down a popular uprising against the government in Andijon, in the eastern part of Uzbekistan; the United States, contradictory to its usual rhetoric of human rights promotion, did not respond. In the context of the “war on terror,” maintaining the alliance with Uzbekistan became more important than promoting political freedom. The silence of American commanders and politicians “undermine[d] the U.S. government’s already weakened moral authority, laying bare the impotence of the democracy-promotion agenda when juxtaposed against the needs of the Pentagon” (Hoffman and Welt). The traditional American pro-democracy message is fundamentally incompatible with any policy that demands cooperation with any government, no matter how repressive, that proves helpful in the “war on terror.” This effectively creates a double standard and destroys countries’ incentive to democratize at the behest of the United States.

While administration strategists may regard this loss of credibility as a necessary cost of securing the world against suicide terrorism, American legitimacy and successful democracy promotion are, in fact, much more effective security measures than military action. In the long term, democratic states tend to be more stable, more secure, more prosperous, and less warlike.

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Democracies tend to be more responsive to the needs of their people, allowing them to respond faster to famines (Sen). Democratization tends to “increase the extent of major regular change but to reduce irregular and minor regular change,” which tends to “have a positive effect on growth” (Feng). Numerous characteristics of democracies – open debate, popular representation, leaders inclined towards negotiation – render them less likely to engage in war than authoritarian countries. Perhaps most important for American security, democratization would provide a crucial nonviolent, secular outlet for the desperation of potential terrorists and supporters. In the Middle East, “[c]losed political systems make the Mosques the main outlet through which social frustration and anger are being expressed” (Pattnayak). An effective democracy promotion program that gave ordinary citizens a voice in their countries’ policies would help channel anti-Americanism into political expression rather than violence. The United States has attempted to promote democracy since the end of the Second World War, but the actions it has taken under the “war on terror” threaten to reverse this progress. American politicians must lend new life and true credibility to their constant rhetoric of democracy promotion by ending the “war on terror,” putting democracy and human rights before military action and repression.

Setting an Example for Israel

A second advantage of ending the “war on terror” stems from the United States’ close relations with Israel. In a sense, the Bush administration borrowed the concept of a “war on terror” from its ally; Israel has been using military measures to fight against Palestinian suicide terrorism since the second *intifada* began in 2000 (Hendriks). After the 9/11 attacks, Israel was quick to rally behind the “war on terror.” Indeed, “Israeli Prime Minister Ariel Sharon repeatedly referred to Palestinian Authority President Yasir Arafat as ‘our bin Laden’” (Human

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Rights Watch). Sharon's telling statements indicate his tendency use the American "war on terror" to justify Israel's hardline policies against Palestinian fighters. American criticism of Israeli abuses has been muted in recent years to avoid allegations of hypocrisy; nonetheless, even members of Congress have criticized the double standard that the United States creates when it pursues assassinations in the "war on terror" while condemning Israel for similar tactics (Berger). The "war on terror" thus prevents the United States from fully pressuring Israel, a major recipient of American foreign aid, to avoid human rights abuses in its own counterterrorism efforts.

Yet the harsh policies Israel considers necessary to its security may well be its eventual downfall. Security in Israel can be measured on two levels: the macro level, comprising national defense; and the micro level, comprising personal security. In the former category, Israel's security is unchallenged; its nuclear weapons and conventional strength give it unquestioned military superiority over its potential adversaries in the Arab world. The Palestinian threat is a question of micro-level security, not national security; suicide terror threatens individuals before it threatens states. Yet Israel has mistakenly identified suicide terror as a macro-level problem, and thus uses its military superiority to address a social problem.

This hardline policy undermines efforts to negotiate a permanent settlement between Israel and the Palestinians. "Palestinians blame the failure of the Oslo peace process on provocative Israeli policies" (Yackley), and they are much less likely to negotiate with an Israeli government that they consider an aggressor. Washington's reluctance to challenge Israeli militarism, derived from its own aggression in the "war on terror," "supports and enables Israel's violations of international law and leads many Palestinians to question the wisdom of pursuing a peace framed and sponsored by the United States" (ibid). Moreover, the focus on prosecuting a

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“war on terror” has distracted the Bush administration’s focus from promoting the Oslo peace process designed to establish a two-state solution. One analyst commented that a 2002 speech by George Bush, which urged a new regime in Palestine, “effectively endorsed Sharon's abrogation of the Oslo process” (Aruri).

Without American pressure and involvement, a two-state solution to the Israeli-Palestinian conflict is highly unlikely. Ariel Sharon, the Israeli prime minister, endorses a policy of “brute force” (Hottelet) against the Palestinians. On the other side of the contested border, Mahmoud Abbas, president of the Palestinian Authority, has at best a tenuous grip on power, and little say over the activities of the Palestinian militant groups that claim responsibility for suicide attacks against Israel. Leaders on both sides hesitate to make the political sacrifices needed to solve the conflict, and any peace process needs “strong, consistent US support” (ibid) to influence leaders on both sides, negotiate boundary issues, and enforce any eventual agreement.

Though a two-state solution is certainly a difficult one, it appears to be the only viable resolution for Israel’s “Palestinian problem.” The most obvious alternative – the status quo – is clearly unacceptable; escalating terrorist attacks and corresponding Israeli retaliation would hardly be favorable to Israel, Palestine, or the international community. A situation in which Israel and its occupied territories were united into one state – the other apparent alternative – might be even worse. Because of the demographic, economic, and political dominance of Israelis over Palestinians in the region, “Israelis would dominate all fields of endeavor for generations to come,” making it “in practice an apartheid state” (Avnery). This pervasive inequality would exacerbate ethnic and religious tensions even further, leading to an even greater escalation of violence in the region. Increased tensions could cause other Arab states to join in on the Palestinian side, and Israel has shown few reservations in the past about using its sizeable

nuclear arsenal in such a situation; most recently, in a February 2001 crisis, Israel threatened Iraq with the use of nuclear weapons and put its missiles on high alert (Steinbach). The two-state solution is thus the only solution with the potential to reduce the violence between Israelis and Palestinians and prevent a deadly, potentially nuclear, escalation, and ending the “war on terror” is the only way to restore American ability to push Israel and Palestine towards such a solution.

Conclusion

In the wake of the September 11 terrorist attacks, the vast majority of Americans readily subscribed to the rhetoric of a “war on terror.” Under the aegis of the congressional Authorization for Use of Military Force, the Bush administration launched an invasion of Afghanistan, took prisoners there as “enemy combatants” and detained them without charge at military bases scattered across the world, allied itself with governments that it had previously criticized as human-rights violators, and effectively endorsed a military response as the best solution to the threat of suicide terrorism. Yet despite its immediate popular appeal, the administration’s policy had several crucial shortcomings. First, the military framework proved utterly ineffective to address suicide terrorism; it neglected the religious, economic, and social factors that underlie terrorism, and in so doing justified a harsh policy of invasion and occupation that fueled even more terrorism. Indeed, according to figures leaked by congressional aides, “the number of serious international terrorist attacks more than tripled” from 2003 to 2004 (McQuaig). Second, the American response, particularly the alleged abuses committed by its soldiers against “enemy combatants” detained as suspected terrorists, weakened its international standing and its ability to credibly push other countries to democratize; this prevented the US from pursuing what in the long run could have been an extremely effective strategy to combat

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terrorism, political repression, famine, and poverty. Finally, harsh American actions encouraged Israel, its staunch ally and frequent beneficiary, to pursue a harsher campaign against its own terrorism problem in Palestinian territories, exacerbating ethnic and religious tensions there and increasing the likelihood of a full-scale regional conflagration, potentially involving nuclear weapons. The “war on terror” must be ended to prevent these grave dangers to global security, and Congress must repeal the Authorization for Use of Military Force.

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