

**TEAM B**

**QUALIFYING ROUND SAMPLE**

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: military action. 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 United States authorities in Afghanistan and imprisoned as an enemy combatant in Guantanamo Bay, Cuba, accused of fighting for the Taliban. Hamdi challenged his incarceration 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 by the federal government today without charge are done in the name of the war on terror and with the authority granted in the Authorization for Use of Military Force. Legally, the AUMF grants courts 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.

The fundamental problem with the rhetoric and policy of a "war on terror" is its inaccuracy. The Bush administration characterized the September 11, 2001 attackers and their supporters as freedom-hating jihadists from the start. On that very evening, President Bush explained that "America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world" (Bush). While Osama bin Laden's brand of Islamic fundamentalism certainly rejects the liberal democratic structure that the United States espouses, President Bush's characterization was nonetheless grossly simplistic. Bin Laden himself rejected the idea, wondering why terrorists who "hated freedom" did not attack Sweden instead (BBC/Bin Laden). And even a Pentagon report stated, "Muslims do not 'hate our freedom,' but rather, they hate our policies" (Department of Defense).

Clearly, the characterization of terrorists that underlies the Bush administration's campaign ignores deeper causes of terrorism: resentment of the pervasive political inequality between the Muslim world and the developed West; American policies, such as its support of

Israel and its military presence in Muslim holy sites in Saudi Arabia that appear to offend Islam and target Arabs; 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 polarized worldview shared by Islamic fundamentalists and other violent radicals. President Bush famously framed the war in polarized terms when he said, at a press conference with France’s Jacques Chirac in November 2001, “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 neutrality in the struggle between good and evil, civilization and barbarism, liberalism and fundamentalism. Ironically, in so doing, the administration adopted 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 a campaign of violence against the United States, framing it as a religious obligation (CNN). The frightening similarity between Bush and bin Laden’s language 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 its own ability to combat fanaticism with a reasoned approach. Instead of pursuing a strategy of international cooperation and addressing the root causes of terrorism, the administration adopted

a military theme for its post-9/11 foreign policy – one that “mobilizes the American public effectively, but [fails to] resonate well in the Middle East or with our allies elsewhere in the world” (James Dobbins qtd. 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, a scholar of suicide terrorism at the University of Chicago, suggests rather that “suicide-terror attacks are not driven by religion as much as they are by a clear strategic objective: to compel modern democracies to withdraw military forces from the territory that the terrorists view as their homeland” (qtd. in McConnell). Ending the “war on terror” would thus not only remedy an inaccurate policy; it would also remove a major source of the animosity that motivates terrorism against the United States and its allies.

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

Yaser Esam Hamdi was only one of over 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 swirled around 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, whether entirely true or not, have “damaged our reputation abroad, caused serious tensions with our allies, and violated fundamental principles of international law” (Kennedy). Evidence of torture and inhumane treatment in the United States’ “war on terror” policy, alongside the broader perception of mass unjust detentions, have 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 US 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 nothing. The military necessity, in context of the “war on terror,” of maintaining the alliance with Uzbekistan forced American commanders and politicians to keep quiet – a policy that “undermines 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 US’ traditional pro-democracy message is fundamentally incompatible with its new policy of cooperation with any government that proves helpful in the “war on terror,” no matter how repressive; this effectively creates a double standard and destroys countries’ incentive to democratize at the behest of the United States.

While Bush administration strategists of the “war on terror” 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. 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). The “democratic peace” theory posits that numerous characteristics – open debate, popular representation and leaders inclined towards negotiation – of democracies render them less likely to engage in war than authoritarian countries. Perhaps most importantly for American security, democratization could 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 be a first step towards deflecting widespread anti-Americanism from violence to politics. The United States has made it a policy to promote democracy since the end of the Second World War; it could lend new life and true credibility to this policy by ending its “war on terror” and putting democracy and human rights before military action and repression.

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 United States’ “war on terror”; indeed, “Israeli Prime Minister Ariel Sharon repeatedly referred to Palestinian Authority President Yasir Arafat as ‘our bin Laden’” (Human Rights Watch). Sharon’s telling statements indicate his tendency to justify Israel’s

hardline policies against Palestinian fighters in the context of the American “war on terror.” US criticism of Israeli abuses has been muted in recent years to avoid allegations of hypocrisy; nonetheless, even members of the US congress have criticized its double-standard in pursuing 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 claims are 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 mistaken 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). Washington’s reluctance to challenge Israeli militarism, derived in large part 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 “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 (White House) 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 are hardly inclined 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.

In the wake of the September 11 terrorist attacks, the vast majority of Americans easily 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. Second, the American response, particularly the alleged abuses committed by its soldiers against “enemy combatants” detained as suspected terrorists, destroyed 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 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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