Negative: Leahy Law for Foreign Military Sales

By “Coach Vance” Trefethen

In the Status Quo, foreign military aid (known as FMF, Foreign Military Financing) is governed by the "Leahy Law" (named after Vermont Sen. Leahy who wrote it). It puts restrictions on military aid to countries that abuse human rights. However, it doesn't apply to FMS, Foreign Military Sales, or DCS, Direct Commercial Sales, where foreign countries simply buy stuff from US companies without federal funding. AFF Plan will apply the Leahy Law to FMS. When running the Disads, they have more cards than you will need to read in the Constructives. Pick and choose the link and brink cards and read at least 1 impact card for each DA (don't neglect the impact). You don't need to read them all. Also, only read arguments that apply to the arguments made in the 1AC. For example, if AFF didn't claim that arms sales fuel world conflict, don't read the response evidence about that harm. If AFF doesn't claim "Yemen" or "Philippines" in their case, don't run the arguments against them.  
Key AFF arguments:  
1) "The Waggoner study (2017) showing that when Leahy sanctions were applied, the target country increased its prosecution of human rights abusers." Response: Source indictment. Waggoner says at the end of his study that his findings should not be used to change any Leahy Law policies.  
2) "Leahy has never blocked any militarily significant operation by any US ally." Response: Colombia. It nearly sank the nation of Colombia in its war against a Marxist rebel movement that nearly destroyed the country. They only overcame them when Pres. Clinton suspended Leahy and got them the weapons they needed to stop the insurgency and stabilize the country.   
3) "No country has ever switched to a different arms supplier after Leahy sanctions were applied." Response: We can name 3: Bangladesh, Indonesia, and Myanmar.

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Link: China gaining Asian regional hegemony leads to gaining global hegemony, replacing USA 16

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Example: Leahy Law caused major defeats in Colombia that put their survival in jeopardy 16

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Global order is in crisis, multiple trends make the international system fragile, and US leadership is in danger of retreat 19

Global Impact: World peace & prosperity at risk without US influence. US hegemony is key to global peace & prosperity 20

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Exporting arms to a bad government still produces a greater good. Examples: Soviet Union in World War 2 and South Korea during the Korean War 20

We couldn't use arms exports to fight against tyranny if we strictly apply human rights standards 21

Negative: Leahy Law - Foreign Military Sales

SOURCE INDICTMENT

Waggoner study (Fla. Journal of International Law): It claims Leahy sanctions effectively reduce human rights violations. But its author says his study cannot be used to justify Leahy Law policy changes

(AFF Source) Ivan Waggoner 2017 (Judge Advocate, US Army) "Military Assistance Conditioned on Justice: An Empirical Study of the Leahy Law and Human Rights Prosecutions," Florida Journal of International Law: Vol. 29: Iss. 2, Article 4. <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1625&context=fjil> (brackets added)

Further research is warranted, however, before Congress makes changes to the Leahy Laws. This Essay only provides evidence that the DoS Leahy Law achieves one of its policy objectives and nothing more. There are still many unanswered questions about the Leahy Laws. Do they reduce U.S. complicity in human rights violations? Do the Leahy Laws turn allies to seek assistance from U.S. adversaries? The answers to these questions are important for Congress and the President to hone the law.

HARMS / SIGNIFICANCE

1. Unrealistic demands

It's irrational to expect a country to reach the Leahy human rights standards while fighting for its survival against insurgents who don't respect human rights

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

Soon after the passage of the Leahy Laws, the Department of State used it to justify withholding large amounts of aid to the Colombian Army. For many Colombian officers, the Leahy Laws and their vetting procedures were unjust and insulting to their national honor. The top leadership of the Colombian Army found the Leahy Laws so objectionable that for a time it refused to accept any American assistance. Some senior American officials sympathized with the Colombian military’s viewpoint, believing that legislation’s passage stemmed from unrealistic expectations among U.S. members of Congress. Ambassador David Passage, the Department of State’s Director for Andean Affairs, remarked, “It is almost irrational to expect that a country fighting for national survival should be able to quickly or easily achieve the truly prodigious transformation necessary to live up to accepted norms for human rights and civil liberties. It is also exceedingly difficult for police and military forces to transform themselves into professional and respectable guardians of democratic and constitutional law and order while under hostile fire from guerrilla and paramilitary forces which obey no human rights constraints and show no respect for civil liberties.”

2. Not fueling world conflict

US arms sales are not fueling global conflicts

Dr James J. Carafano 2012. (master's degree and a doctorate from Georgetown University as well as a master's degree in strategy from the U.S. Army War College; was adjunct professor at Hillsdale College and taught as a visiting professor at National Defense University. He previously served as an assistant professor at the U.S. Military Academy) Arms Sales and False Alarms 10 Sept 2012 (accessed 4 Oct 2022) https://www.heritage.org/arms-control/commentary/arms-sales-and-false-alarms

There is a problem with implying that the United States is fueling warfare in the Third World: there isn’t much evidence to support that suggestion. Indeed, the world is actually getting less—not more—violent. The Human Security Project, a research center affiliated with Simon Fraser University (SFU) in Vancouver, Canada, tracks global trends in political violence. Its 2010 report concluded that various “forces and political developments . . . have driven down the number of international conflicts and war deaths since the 1950s, and the number of civil wars since the early 1990s.”

Countries we sell arms to aren't causing trouble in the world. That would be the ones China & Russia are arming

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Further the “developing nations” receiving the most arms from all exporting countries are Saudi Arabia, India, Pakistan, the UAE and Venezuela. Saudi Arabia, India and the UAE are hardly powers wreaking havoc throughout the Third World. And while Pakistan and Venezuela may be regarded as more problematic, it’s worth noting that they are supplied in large part by China and Russia, not the United States.

"Troubled countries in Africa and Latin America" - get more weapons from Europe than the U.S.

Dr James J. Carafano 2012. (master's degree and a doctorate from Georgetown University as well as a master's degree in strategy from the U.S. Army War College; was adjunct professor at Hillsdale College and taught as a visiting professor at National Defense University. He previously served as an assistant professor at the U.S. Military Academy) Arms Sales and False Alarms 10 Sept 2012 (accessed 4 Oct 2022) https://www.heritage.org/arms-control/commentary/arms-sales-and-false-alarms

Most of the concern over delivering arms that fuel violence involves troubled nations in Africa and Latin America. No argument that troubled countries in both continents are awash in arms. But it is hardly fair to blame the United States. According to the CRS report, last year Italy sold $300 million to African countries—three times as much as American exports. Meanwhile, just the small European nations logged combined sales of some $2.4 billion to Latin America, nearly double American sales ($1.4 billion).

US is far better on managing arms exports than most other exporters

Dr James J. Carafano 2012. (master's degree and a doctorate from Georgetown University as well as a master's degree in strategy from the U.S. Army War College; was adjunct professor at Hillsdale College and taught as a visiting professor at National Defense University. He previously served as an assistant professor at the U.S. Military Academy) Arms Sales and False Alarms 10 Sept 2012 (accessed 4 Oct 2022) https://www.heritage.org/arms-control/commentary/arms-sales-and-false-alarms

It is not clear why the United States is the bad guy here. The U.S. record on responsibly managing arms exports is actually better than most other countries. Consider Russia, which places second on the list of top exporters. The Kremlin has far more direct control over arms exports than does Washington. Since 2007, Rosoboronexport, a state-owned company, has been the only Russian entity holding the full license to export arms. Yet Moscow’s record of employing best practices in managing its arms sales is spotty at best. Just check out the number of MANPADS the CRS says Moscow exports. It appears that the Russians sell them only in lots of a thousand. The Arms Control Association can throw all the rocks at Washington it wants, but the group should be under no illusion that countries such as Russia would ever approve a conventional arms treaty that would actually prohibit them from selling arms to anyone they please.

SOLVENCY

1. Poorly targeted

Leahy restrictions punish military units with no actual human rights violators among them

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

In 1998, President Clinton issued a waiver for Colombia on the grounds that supporting Colombia was vital for U.S. national security. The waiver prevented sweeping cuts, but some individuals and units were still denied assistance because of human rights violations. Even units without any recent record of violations were banned from receiving assistance because of transgressions many years earlier, when they were composed of entirely different individuals.

Leahy restrictions blacklist military leaders who are long gone, jeopardizing security for no human rights benefit

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

Although the Colombian army and police continued to make advances in respect for human rights during the Santos era, Leahy vetting has remained a major hindrance to the development of security forces in some areas of the country. In northern Colombia, near the Venezuelan border, Leahy vetting prevented the support of security forces at a time of increasing FARC strength. Exasperated Colombian and American officers noted that some of the blacklisted units committed violations under the leadership of people who are long since gone.

2. Leahy "Vetting" process unworkable

**["Vetting" is the process of reviewing the human rights record and history of the group to which we are providing the weapons. Getting reports from remote villages, determining whether they're credible, do they apply to all the military or only a few offenders, have they been fixed, are they under investigation… it's a huge task and there isn't a good process for doing it. NGO's (non-governmental organizations) like Amnesty International and others, may write reports on countries, but those are not adequate for Leahy vetting.]**

It's not easy to determine human rights compliance in foreign countries, and you can't just take whatever the NGO's are saying

**[Note: This quote is written by the guy who was in charge of the State Dept. vetting process - it's the best qualified evidence in the round.]**

Daniel R. Mahanty 2017 (Master's Degree in National Security Policy; director of the U.S. program at the Center for Civilians in Conflict (CIVIC). Prior to joining CIVIC, Dan spent 16 years at the U.S. Department of State. In 2012, he created and led the Office of Security and Human Rights in the Bureau of Democracy, Human Rights and Labor) 27 June 2017 " The “Leahy Law” Prohibiting US Assistance to Human Rights Abusers: Pulling Back the Curtain" (accessed 19 Nov 2022) https://www.justsecurity.org/42578/leahy-law-prohibiting-assistance-human-rights-abusers-pulling-curtain/ (brackets added)

Documenting human rights violations can be tricky, even dangerous, business. Conventional long-form reporting from international NGOs does not lend itself well to Leahy review, because it typically provides a representative rather than exhaustive set of cases or facts. Critics on both ends often focus their recommendations for “fixing” the Leahy process on the relatively few resources DRL [State Department's Bureau of Democracy, Human Rights and Labor] has for vetting and the relatively little time a vetter spends on any one case. But the time spent on vetting is perhaps less important than the capacity to obtain, store, and analyze human rights information from more local sources and apply it much earlier in the development of security assistance programs.

3. Leahy doesn't apply to civilian harm

Leahy Law doesn't apply to civilian harm in conflict

**[Example: If civilians are being harmed during a war in AFF's Yemen evidence, Leahy won't solve for that. Note: This quote is written by the guy who was in charge of the State Dept. vetting process - it's the best qualified evidence in the round.]**

Daniel R. Mahanty 2017 (Director of the U.S. program at the Center for Civilians in Conflict. He previously served 16 years at the U.S. Dept of State) 27 June 2017 "The “Leahy Law” Prohibiting US Assistance to Human Rights Abusers: Pulling Back the Curtain" (accessed 6 Feb 2023) https://www.justsecurity.org/42578/leahy-law-prohibiting-assistance-human-rights-abusers-pulling-curtain/

**Leahy does not generally apply to civilian harm in conflict:**The State Department and DOD do not generally consider civilian harm incurred during the conduct of hostilities in a conflict as a gross violation of human rights, even if and when credible third parties have determined that the laws of armed conflict may have been violated.

4. Leahy is impossible to enforce

Supreme Court rulings make it almost impossible for anyone to successfully enforce the Leahy Law

Nathanael T. Miller 2012. (JD candidate at Cornell Law School) CORNELL INTERNATIONAL LAW JOURNAL, The Leahy Law: Congressional Failure, Executive Overreach, and the Consequences (accessed 19 Nov 2022) https://ww3.lawschool.cornell.edu/research/ILJ/upload/Miller-final.pdf

In a series of decisions, the Supreme Court has made it virtually impossible for anyone to sue to enforce the Leahy Law. Any challenge to the Leahy Law is likely to fail because of sovereign immunity, because enforcement is a political question, or because any conceivable plaintiffs would lack standing.

Leahy Law can't solve for US moral complicity on foreign human rights violations

Nathanael T. Miller 2012. (JD candidate at Cornell Law School) CORNELL INTERNATIONAL LAW JOURNAL, The Leahy Law: Congressional Failure, Executive Overreach, and the Consequences (accessed 19 Nov 2022) https://ww3.lawschool.cornell.edu/research/ILJ/upload/Miller-final.pdf

The Leahy Law is an attempt to enhance U.S. moral legitimacy in foreign affairs. As the law stands, however, it does a poor job. Without considerable changes in the language of the legislation, the Leahy Law will still be vulnerable to executive pushback against congressional influence.

President can circumvent Leahy very easily

Nathanael T. Miller 2012. (JD candidate at Cornell Law School) CORNELL INTERNATIONAL LAW JOURNAL, The Leahy Law: Congressional Failure, Executive Overreach, and the Consequences (accessed 19 Nov 2022) https://ww3.lawschool.cornell.edu/research/ILJ/upload/Miller-final.pdf

In practice, the Leahy Law is too easy to circumvent. If the Executive wished to finance military units that have committed human rights violations, it could fund the unit through covert operations or waive the Leahy Law.

Separation of powers, weakness of Leahy Law, and barriers from Court rulings make Leahy Law fail

Nathanael T. Miller 2012. (JD candidate at Cornell Law School) CORNELL INTERNATIONAL LAW JOURNAL, The Leahy Law: Congressional Failure, Executive Overreach, and the Consequences (accessed 19 Nov 2022) https://ww3.lawschool.cornell.edu/research/ILJ/upload/Miller-final.pdf

Taken together, both the normative and constitutional views for foreign policy decision-making describe several mechanisms through which Congress and the Judiciary have an active role in policing presidential action. Congress can pass laws prohibiting executive practices, and the Judiciary can mandate that those laws be enforced. Yet, in reality, any role for the Legislature and the Judiciary has been eviscerated. The reasons for the Leahy Law’s failure to achieve its mandate are similar to what Koh described when he discussed Iran-Contra: executive initiative, congressional acquiesce, and judicial tolerance. Even if Congress enacts legislation prescribing foreign policy, actors within the Executive covertly and overtly push for greater control. In the case of the Leahy Law, the legislation itself is too weak to survive the pushback. And since the Judiciary has enacted a series of barriers to the enforcement of foreign policy legislation, even if the legislation were stronger, congressional decision-making is ineffectual.

Leahy Law can't be enforce under current wording of the law and court rulings on constitutional law

Nathanael T. Miller 2012. (JD candidate at Cornell Law School) CORNELL INTERNATIONAL LAW JOURNAL, The Leahy Law: Congressional Failure, Executive Overreach, and the Consequences (accessed 19 Nov 2022) https://ww3.lawschool.cornell.edu/research/ILJ/upload/Miller-final.pdf

Due to sovereign immunity and the political question and standing doctrines, the Judiciary cannot check presidential violations of the Leahy Law. Without Congress clearly articulating a cause of action, the courts will continue to bar any potential plaintiffs from seeking a judicial remedy. It is up to Congress, not the courts, to give strength to the Leahy Law.

5. Target country behavior will not change

Withholding arms as an instrument of coercion doesn’t produce desired benefits

Ray Rounds 2019. (a U.S. Air Force F-15E pilot and a Ph.D. candidate at Georgetown Univ. in International Relations.) “The Case Against Arms Embargos, Even for Saudi Arabia.” April 16, 2019. (accessed 4 Oct 2022) War on the Rocks. <https://warontherocks.com/2019/04/the-case-against-arms-embargos-even-for-saudi-arabia/>

Whether it is delayed approval, as in the recent Kuwaiti F-18 purchase, an outright embargo, like Egyptian F-16s in 2013, or denial of technology transfer, as in the 2016 Turkish Patriot missile request, using the withholding of arms sales as a blunt force instrument of coercion is unlikely to produce desired strategic benefits and often backfires.

Arms sales have useful benefits and are not meant as a tool of coercion

Ray Rounds 2019. (a U.S. Air Force F-15E pilot and a Ph.D. candidate at Georgetown Univ. in International Relations.) “The Case Against Arms Embargos, Even for Saudi Arabia.” April 16, 2019. (accessed 4 Oct 2022) War on the Rocks. <https://warontherocks.com/2019/04/the-case-against-arms-embargos-even-for-saudi-arabia/>

Arms sales are useful tools for maintaining communication, strengthening relationships, and keeping potential adversary states at bay. Conversely, as a blunt instrument of coercion (i.e. if you do not do X, we will suspend Y), they are likely losers.

Government officials and previous research agree: arms transfers aren’t effective as leverage

Ray Rounds 2019. (a U.S. Air Force F-15E pilot and a Ph.D. candidate at Georgetown Univ. in International Relations.) “The Case Against Arms Embargos, Even for Saudi Arabia.” April 16, 2019. (accessed 4 Oct 2022) War on the Rocks. <https://warontherocks.com/2019/04/the-case-against-arms-embargos-even-for-saudi-arabia/>

Senior U.S. government officials involved in the arms transfer process that I interviewed over the past year during the course of my research have echoed similar sentiments. This is also borne out by previous research providing evidence that using arms transfers as situationally coercive tools is rarely successful.

Arms embargoes are least effective against an autocratic regime like Saudi Arabia

Ray Rounds 2019. (a U.S. Air Force F-15E pilot and a Ph.D. candidate at Georgetown Univ. in International Relations.) “The Case Against Arms Embargos, Even for Saudi Arabia.” April 16, 2019. (accessed 4 Oct 2022) War on the Rocks. <https://warontherocks.com/2019/04/the-case-against-arms-embargos-even-for-saudi-arabia/>

Interestingly, coercion attempts using arms transfers are least likely to be successful when used as a punishment or threat against an autocratic regime, such as Saudi Arabia.

6. Alternate suppliers. AFF says: "Name a country that switched to another supplier because of Leahy." Here you go:

Example 1: Bangladesh: Switching to PRC (People's Republic of China) when Leahy kicks in

John Barone 2022 (Master of Arts in Public Management candidate at Univ. of Maryland) (references material published in May 2022A PROPOSAL FOR THE REVISION OF THE LEAHY LAWS TO ALIGN HUMAN RIGHTS AND SECURITY COOPERATION POLICIES WITH NATIONAL STRATEGY (accessed 5 Feb 2023)) https://jscholarship.library.jhu.edu/bitstream/handle/1774.2/66912/Barone-Capstone%20Project-2022.pdf?sequence=1

This year, an advisor to the Supreme Court of Bangladesh disclosed that the country is debating whether it should follow procedures established by the Leahy Laws that would remediate Bangladeshi units sanctioned from receiving aid, noting that Bangladesh would then go to the PRC for support.

Example 2: Myanmar: Really didn't want China & Russia, but had to when Leahy blocked US arms exports

John Barone 2022 (Master of Arts in Public Management candidate at Univ. of Maryland) (references material published in May 2022A PROPOSAL FOR THE REVISION OF THE LEAHY LAWS TO ALIGN HUMAN RIGHTS AND SECURITY COOPERATION POLICIES WITH NATIONAL STRATEGY (accessed 5 Feb 2023)) https://jscholarship.library.jhu.edu/bitstream/handle/1774.2/66912/Barone-Capstone%20Project-2022.pdf?sequence=1 (brackets added)

Significant advances were made in 2015 to clarify stalemates created by Leahy Laws. First, the 2015 National Defense Authorization Act (NDAA) authorized the DOD to conduct training that promotes respect for the rule of law and human rights, including with units formerly suspended by the Leahy Law. Offering training on human rights and the rule of law was a largely symbolic action, though, as few training exchange programs deliberately provide opportunities for US units to teach liberal civic topics. Furthermore, it is doubtful that a nation would send its forces, especially ones facing allegations of human rights violations, to training that does not increase their functional effectiveness without incentivizing the training. Also in 2015, the DOS and DOD established a joint policy on unit remediation so that nations that have taken effective measures to address human rights violations can resume training and equipment transfers with the US. The policy, which amended a 2014 memorandum, is still in effect and helps DOS and DOD officials determine how suspended units can regain eligibility, what constitutes a 'new' unit, and how to define that a unit is 'fundamentally different from its predecessor.' In order to restore a unit's eligibility, the host nation must investigate, administer appropriate judicial or administrative adjudication, and conduct appropriate sentencing or comparable administrative actions. Finally, the policy establishes the proceedings, timeline, and composition of a Remediation Review Panel and a Senior Remediation Review Panel. Without a secretary-level waiver which only extends the timeline indefinitely, the remediation process as written can take up to three months and require high-level officials from nine national agencies and offices. The policy fails to elaborate on or define the term 'appropriate' in either use, therefore, failing to eliminate the ambiguity to foreign nations. Consistent with the 2011 amendment, the joint DOS/DOD policy reiterates that new units may not have members formerly implicated in a GVHR. While this prevents a partner nation from simply reflagging a unit under a different name, it can make entirely new units immediately ineligible for assistance when needed most. This policy endangers new units established under the new Section 333 of Title 10, which allows US forces to help a partner nation create a new unit to build partner capacity. The 2015 policy also addresses pardons under transitional justice. This policy element intended to aid partner nations to move on following a civil war, a regime change, or after a nation quelled a resistance element. The policy requires a partner nation to undergo the same remediation processes for forces following a civil war, even if the nation has pardoned resistance members. Remediation following an extended period of civil unrest can delay eligibility for years and prevent national reunification when a partner nation needs US support and training. Although the policy was crafted a decade after the Tatmadaw [the armed forces of Myanmar] permitted greater civil control of Myanmar and four years after the Junta dissolved, most units in Myanmar would have still been ineligible for US assistance given this policy. Instead of capitalizing on a moment of opportunity when Myanmar was becoming more democratic, the US hamstrung itself from assisting a developing nation emerging from years of isolation and conflict. Despite the Tatmadaw's reservations about the PRC and Russia, it receives more military and non-military aid from the PRC and Russia than anyone else since neither is concerned with human rights records.

Example 3: Indonesia, 1997. Leahy blocked US arms exports…

John Barone 2022 (Master of Arts in Public Management candidate at Univ. of Maryland) (references material published in May 2022A PROPOSAL FOR THE REVISION OF THE LEAHY LAWS TO ALIGN HUMAN RIGHTS AND SECURITY COOPERATION POLICIES WITH NATIONAL STRATEGY (accessed 5 Feb 2023)) https://jscholarship.library.jhu.edu/bitstream/handle/1774.2/66912/Barone-Capstone%20Project-2022.pdf?sequence=1

In 1997, Senator Patrick Leahy (D-VT) introduced a bill requiring the US to vet partners for human rights violations before receiving counter-narcotics training. At that time, the vetting requirement only applied to the DOS. The bill rapidly changed form and became central to US security cooperation affecting both the DOD and DOS. Following human rights violations by Unit 81 of the KOPASSUS in East Timor and by the Indonesian Police in Aceh Province, Leahy Laws dramatically reduced arms transfers to all the Indonesian military. In addition to the police and KOPASSUS, sanctions were applied to the Indonesian Navy and Air Force, which were dependent on US replacement parts for equipment Indonesia had already purchased from the US.

Example 3: Indonesia, after Leahy. Indonesia increased its arms imports from Russia afterwards

Amnesty International 2003. (international non-profit human rights advocacy group) A Catalogue of Failures: G8 Arms Exports and Human Rights Violations (accessed 5 Feb 2023) https://www.amnesty.org/es/wp-content/uploads/2021/06/ior300032003en.pdf

In early 2003 Russian officials visited Pyongyang to discuss military upgrades for tanks, and supplies of night vision equipment and ammunition. It has recently delivered military equipment and training to Myanmar under a deal worth $130 million. In 2002 Russia signed an agreement worth some $150 million to supply Ethiopia with a range of military equipment including combat helicopters, armoured personnel carriers and ammunition for infantry weapons. It has also recently supplied helicopters to Nigeria. Russia is increasing its exports and cooperation with Indonesia, exports include armoured personnel carriers, combat helicopters and military training.

Arms embargoes often motivate the target state to diversify to other suppliers

Ray Rounds 2019. (a U.S. Air Force F-15E pilot and a Ph.D. candidate at Georgetown Univ. in International Relations.) “The Case Against Arms Embargos, Even for Saudi Arabia.” April 16, 2019. (accessed 4 Oct 2022) War on the Rocks. <https://warontherocks.com/2019/04/the-case-against-arms-embargos-even-for-saudi-arabia/>

Arms exports are best used for maintaining or strengthening relationships while limiting adversary access to client states; a tool of nuanced influence, not outright coercion. In fact, threatening to withhold arms sales to coerce a state into changing its behavior often has the opposite effect, leading clients to diversify their arms sourcing instead of shifting course.

Using arms embargos as a form of coercion motivates buyers to look elsewhere

Derek Bisaccio 2018. (Military Markets Analyst for Forecast International, a research organization for decision makers in the world’s aerospace and defense markets) “Examining U.S. Arms Sales to Saudi Arabia. October 23, 2018. Forecast International’s Defense & Security Monitor blog. (accessed 4 Oct 2022) <https://dsm.forecastinternational.com/wordpress/2018/10/23/examining-u-s-arms-sales-to-saudi-arabia/>

Moreover, regularly resorting to playing hardball with arms equipment can convince importers that a degree of diversification is in order if the supplier is unreliable, hurting the supplier’s sales position and defense sector – more so if the supplier is seen as making arms sales only to use them years or decades later to coerce the importer over domestic policy.

Examples of countries that had Leahy sanctions applied

ZAREFAH RAMZY BAROUD 2020 (master's degree candidate, Univ. of Washinton-Bothell) A PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE DEGREE OF MASTER OF POLICY STUDIES, AUGUST, 2020 U.S. Military Aid to Israel An Analysis of the U.S. Leahy Laws (accessed 5 Feb 2020) https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/46278/2020\_Baroud\_MANUSCRIPT.pdf?sequence=1

The Leahy Laws have been employed to suspend aid to military and security force units in Bangladesh, Columbia, Guatemala, Honduras, Indonesia, Nigeria, Pakistan, Turkey and Sri Lanka.

Past precedent: Egypt changed suppliers to avoid US whining about their domestic policies

Ray Rounds 2019. (a U.S. Air Force F-15E pilot and a Ph.D. candidate at Georgetown Univ. in International Relations.) “The Case Against Arms Embargos, Even for Saudi Arabia.” April 16, 2019. (accessed 4 Oct 2022) War on the Rocks. <https://warontherocks.com/2019/04/the-case-against-arms-embargos-even-for-saudi-arabia/>

Consider Indonesia and Egypt. In 2015, Egypt agreed to purchase nearly 50 Russian MiG-29M/M2s and more than two-dozen French Rafales. This represented a shocking turn of events after more than three decades of purchasing only American-made fighter jets. It was also driven largely by the U.S. embargo put in place in 2013, after the Egyptian army’s removal of then-President Mohamed Morsi, who had won the presidency in a 2012 election. The embargo caused significant tension between the two states driven by “an Egyptian sense that they were at a point of mortal peril” while the United States was moralizing about democratic reforms. Remarkably, the United States lifted the embargo in 2015 with virtually no change in Egyptian policies, no official U.S. “democracy certification”, and Egyptian military support for the Saudi-led war in Yemen. The U.S. arms embargo as a tool of coercive change was an abject failure.

DISADVANTAGES

1. Masking Disadvantage: Leahy distracts us from finding real solutions

Leahy deals with the wrong issues. Debating Leahy blocks the search for real solutions

Rachel Kleinfeld 2017 (senior fellow in Democracy, Conflict, and Governance Program at Carnegie Endowment for Peace) 28 June 2017 "Rethinking U.S. Security Assistance Beyond the Leahy Law" (accessed 19 Nov 2022) https://carnegieendowment.org/2017/06/28/rethinking-u.s.-security-assistance-beyond-leahy-law-pub-71391

The Leahy Law, for all its onerous vetting requirements that earn so much hatred from many at State and DOD, is meant to deal with the problem of “a few bad apples” in a force, or a unit used as a death squad. The Leahy Law is not meant to address the systematic twisting of a country’s security forces for other purposes. Nor can it address governments that choose to give up the monopoly of force to non-state violent groups – a common tactic in these so-called weak, but actually complicit, countries. Instead, the constant fight over the Leahy Law impedes a far more useful conversation about where our security is effective, where it is not, and what can be done to improve it.

2. Yemen

Link: AFF cites Yemen as an example of arms sales they'd like to cut using Leahy

Link: "Virtue signaling" against Saudi Arabia over the war in Yemen leads to more rebel attacks

James Phillips and Nicole Robinson 2022 (Phillips - senior research fellow for Middle Eastern affairs at The Heritage Foundation; master of arts in law and diplomacy (MALD) in international security studies from the Fletcher School of Law and Diplomacy at Tufts University. Robinson -  Master’s Degree in Arab Studies from Georgetown University’s School of Foreign Service; senior research associate in the Douglas and Sarah Allison Center for Foreign Policy at The Heritage Foundation ) 7 Apr 2022 " Time to Hold the Houthis Accountable in Yemen" (accessed 19 Nov 2022) https://www.heritage.org/middle-east/report/time-hold-the-houthis-accountable-yemen

The Biden Administration’s “diplomacy first” approach has failed because it pays inadequate attention to the balance of forces fighting inside Yemen and the security threats posed by Houthi attacks outside of Yemen. Ending the war and easing Yemen’s humanitarian catastrophe are worthy goals, but a one-sided focus on pressuring the Arab coalition while giving Iran’s allies the benefit of the doubt has emboldened the Houthis to step up their military efforts and cross-border attacks. U.S. goals are not likely to be realized as long as the Biden Administration turns a blind eye to Houthi aggression and continues its “virtue signaling” on Saudi Arabia.

Link: More weapons are needed to defeat the Houthi rebels in Yemen

James Phillips and Nicole Robinson 2022 (Phillips - senior research fellow for Middle Eastern affairs at The Heritage Foundation; master of arts in law and diplomacy (MALD) in international security studies from the Fletcher School of Law and Diplomacy at Tufts University. Robinson -  Master’s Degree in Arab Studies from Georgetown University’s School of Foreign Service; senior research associate in the Douglas and Sarah Allison Center for Foreign Policy at The Heritage Foundation ) 7 Apr 2022 " Time to Hold the Houthis Accountable in Yemen" (accessed 19 Nov 2022) https://www.heritage.org/middle-east/report/time-hold-the-houthis-accountable-yemen

For years, peace negotiations have failed because the Houthis are determined to achieve a military victory. Washington must get tougher with the Houthis to disabuse them of the notion that they can impose their will through violence and press them to reach a negotiated settlement. The U.S. should help the Saudis and Emiratis to protect themselves from Iran-supplied Houthi drones and missiles, step up efforts to reduce Iranian arms smuggling to Yemen, and impose stronger sanctions on the Houthis.

Impact: American lives at stake

James Phillips and Nicole Robinson 2022 (Phillips - senior research fellow for Middle Eastern affairs at The Heritage Foundation; master of arts in law and diplomacy (MALD) in international security studies from the Fletcher School of Law and Diplomacy at Tufts University. Robinson -  Master’s Degree in Arab Studies from Georgetown University’s School of Foreign Service; senior research associate in the Douglas and Sarah Allison Center for Foreign Policy at The Heritage Foundation ) 7 Apr 2022 " Time to Hold the Houthis Accountable in Yemen" (accessed 19 Nov 2022) https://www.heritage.org/middle-east/report/time-hold-the-houthis-accountable-yemen

In January, the Houthis launched a series of drone, cruise missile, and ballistic missile attacks on UAE targets, including civilian airports. A January 17 Houthi drone and missile strike killed three foreign workers. The Houthis also claimed to have targeted Al Dhafra Air Base in Abu Dhabi, which hosts roughly 2,000 American airmen. Some of the ballistic missiles were intercepted by an Emirati Terminal High Altitude Area Defense (THAAD) battery, marking the first known use in combat of this U.S.-produced missile defense system. Ongoing Houthi attacks against Saudi Arabia and the UAE threaten the lives of U.S. citizens and American military forces in the region. Approximately 40,000 to 50,000 Americans live in Dubai, and 10,000 others live in Abu Dhabi. Another 30,000 U.S. citizens are spread out across Saudi Arabia.

Impact: More suffering. Withdrawing support for Saudis in Yemen won’t end the suffering, only prolong it

Madyson H. Posey and James Phillips 2018. (Posey – Research and Administrative Assistant, Heritage Foundation. Phillips – Senior Research Fellow, Heritage Foundation) 6 Dec 2018 “Ending U.S. Military Support for Saudi Arabia in Yemen Would Trigger Dangerous Consequences” (accessed 19 Nov 2022) https://www.heritage.org/middle-east/commentary/ending-us-military-support-saudi-arabia-yemen-would-trigger-dangerous

Those who advocate withdrawing support for Saudi Arabia apparently believe that they can somehow end the current conflict in Yemen through a one-sided strategy that penalizes allies and boosts Ansar Allah, a group that chants “Death to America” and looks more like Hezbollah, Iran’s Lebanese proxy group, every day. Never mind that Saudi Arabia is supporting the internationally recognized government of Yemen in this effort. Never mind that leaving Ansar Allah to run amuck will not bring an end to the humanitarian suffering, but only prolong it.

2. Philippines

Link: Philippines is one of the countries AFF says they want to cut off with Leahy restrictions

Link: Philippines are critical to US defense and deterrence against China

Richard J. Heydarian 2022. (journalist with ASIA TIMES) 11 Oct 2022 " US-Philippines back in military lockstep vis-a-vis China" (accessed 19 Nov 2022) https://asiatimes.com/2022/10/us-philippines-back-in-military-lockstep-vis-a-vis-china/

For the first time, personnel from the Japanese Self-Defense Forces (JSDF) and Republic of Korea Armed Forces (ROKAF) also participated in the massive drills, underscoring the Philippines’ growing importance in the US Pentagon’s “integrated deterrence” strategy against China in the Indo-Pacific. Although participating as observers, the JSDF and ROKAF are expected to join in disaster response drills and other relevant activities aimed at enhancing interoperability among the four allied nations. The annual Philippine-US Balikatan (Shoulder-to-Shoulder) exercises also regularly feature Japanese and Australian armed forces as observer nations. In many ways, the Philippines is becoming a critical node in various quadrilateral and multilateral efforts to enhance maritime security interoperability between the US and its key regional allies, namely Australia, Japan and South Korea. Philippine Navy chief Rear Admiral Caesar Bernard Valencia underscored how the four-nation exercises are being held “in a volatile security environment.” The location and types of drills reveal shared concerns over China’s rising assertiveness in the South China Sea and nearby Taiwan Strait.

Link & Brink: Philippines is critical to determining outcome of US/China competition for hegemony

Richard Heydarian 2018 (Manila-based academic and columnist; has written for the world’s leading publications on Asian geopolitics, including The New York Times, The Washington Post, The Guardian, and Foreign Affairs) 28 Nov 2018 (accessed 19 Nov 2022) [https://www.brookings.edu/blog/order-from-chaos/2018/11/28/chinas-premature-bid-for-hegemony-in-southeast-asia/](about:blank)

Singapore’s Prime Minister Lee Hsien Loong underscored the stark implications of rising Sino-American tensions for smaller regional states, which [may eventually](about:blank) be forced to “to take sides,” even if not having to do so is “very desirable.” As a regional swing state and an American treaty ally, the Philippines has emerged as a critical node in the ongoing Sino-American competition for regional primacy.

Link & Brink: New Philippine President Ferdinand Marcos Jr. is on the brink between alignment with China or the US

Gabriel Dominguez 2022 (journalist with JAPAN TIMES) 13 July 2022 " New Philippine president faces delicate balancing act between U.S. and China (accessed 19 Nov 2022) https://www.japantimes.co.jp/news/2022/07/13/asia-pacific/politics-diplomacy-asia-pacific/philippines-marcos-us-china/

Manila’s territorial [disputes with Beijing in the South China Sea](https://www.japantimes.co.jp/news/2022/06/30/national/jpn-php-maritime/) remain unresolved and the country finds itself in the middle of an intensifying “great power competition” between Washington and Beijing. His predecessor, Rodrigo Duterte, gained international attention for seeking to pivot away from the United States toward China, and trying to systematically dismantle Manila’s military alliance with Washington, only to have to roll back those attempts after realizing that Beijing was not reciprocating his outreach.   
A new start with Beijing  
Nevertheless, Marcos Jr. — nicknamed “Bongbong” — is expected to adopt at least some of his predecessor’s pro-China policies, given his political alignment with Duterte, as he attempts to both reset and balance ties with the two superpowers. In fact, during a briefing held in early July, the Philippine leader said he would seek to “elevate” ties with China by finding new ways to work together and “resolve the conflicts” with Beijing. He has also spoken about potentially having closer cultural and educational ties — and even military exchanges — with China to allow relations to normalize after years of tensions over territorial disputes.

Link: The Philippines are the lynchpin for U.S. regional goals

Ely Ratner 2017 (senior fellow in China studies at Council on Foreign Relations;former deputy national security adviser to Vice President Joe Biden.) 3 May 2017 “Why Trump Was Right to Invite Duterte to the White House” (accessed 19 Nov 2022) <https://www.politico.com/magazine/story/2017/05/03/trump-invite-duterte-white-house-philippines-215095>

The Philippines isn’t the first country in Southeast Asia to begin sliding into China’s orbit, but it is by far the most consequential for the United States. Despite Duterte’s transgressions, the Philippines remains a linchpin for U.S. regional strategy as a thriving democracy, the only treaty ally surrounding the South China Sea, and, until recently, a critical voice for international law and in regional institutions. In fact, America’s vision of an open and inclusive regional order will be difficult to realize without the Philippines on board. Put another way, further deterioration of the U.S.-Philippines relationship will not only undermine America’s position in Southeast Asia, it would likely usher in a China-led sub-region void of institutions and incentives to advance U.S. values.

Link: China wants Asia hegemony, wants to replace U.S. in the region

Prof. Oriana Mastro 2019 (Assistant Professor of Security Studies at Georgetown Univ) Jan/Feb 2019 “The Stealth Superpower” (accessed 19 Nov 2022) [https://www.foreignaffairs.com/articles/china/china-plan-rule-asia](about:blank)

China has no interest in establishing a web of global alliances, sustaining a far-flung global military presence, sending troops thousands of miles from its borders, leading international institutions that would constrain its own behavior, or spreading its system of government abroad. But to focus on this reluctance, and the reassuring Chinese statements reflecting it, [is a mistake](about:blank). Although China does not want to usurp the United States’ position as the leader of a global order, its actual aim is nearly as consequential. In the Indo-Pacific region, China wants complete dominance; it wants to force the United States out and become the region’s unchallenged political, economic, and military hegemon. And globally, even though it is happy to leave the United States in the driver’s seat, it wants to be powerful enough to counter Washington when needed.

Link: China gaining Asian regional hegemony leads to gaining global hegemony, replacing USA

Min-Hyung Kim 2019 (Department of Political Science and International Relations, Kyung Hee University, South Korea) 4 Feb 2019 “A real driver of US–China trade conflict: The Sino–US competition for global hegemony and its implications for the future” (accessed 19 Nov 2022) [https://www.emerald.com/insight/content/doi/10.1108/ITPD-02-2019-003/full/html](about:blank)

Although China repeatedly claims that it does not seek to replace US hegemony in the world, its behavior revealed by the initiatives of the BRI, the AIIB and Made in China 2015 illustrates that its ultimate goal is to be a global hegemon. This is not surprising because all the rising powers in history invariably sought to first dominate the region they are situated ([Mearsheimer, 2011, 2014](about:blank#ref031%20ref032)) and expand their power globally ([Gilpin, 1981](about:blank#ref012)).

Brink: US on the brink of losing East Asia hegemony to China

Prof. Jennifer Lind 2018 (associate professor of government at Dartmouth Univ.) “Life in China’s Asia What Regional Hegemony Would Look Like” (accessed 19 Nov 2022) [https://www.foreignaffairs.com/articles/china/2018-02-13/life-chinas-asia](about:blank)

For now, the United States remains the dominant power in East Asia, but China is quickly closing the gap. Although an economic crisis or domestic political turmoil could [derail China’s rise](about:blank), if current trends continue, China will before long [supplant the United States](about:blank) as the region’s economic, military, and political hegemon.

Impact: World peace & prosperity at risk without US influence. US hegemony is key to global peace & prosperity

Capt. M. V. Prato 2009 (United States Marine Corps, Command and Staff College, Marine Corps Combat Development Command, Marine Corps University) “The Need for American Hegemony” (accessed 18 Nov 2022) https://apps.dtic.mil/sti/citations/ADA508040

The world witnessed a vast shift in the polarity of geopolitics after the Cold War. The United States became the world’s greatest hegemon with an unequalled ability to globally project cultural, political, economic, and military power in a manner not seen since the days of the Roman Empire. Coined the “unipolar moment” by syndicated columnist Charles Krauthammer, the disparity of power between the U.S. and all other nations allows the U.S. to influence the world for the mutual benefit of all responsible states. Unfortunately, the United States is increasingly forced to act unilaterally as a result of both foreign and domestic resentment to U.S. dominance and the rise of liberal internationalism. The United States must exercise benevolent global hegemony, unilaterally if necessary, to ensure its security and maintain global peace and prosperity.

3. Collapse of other US allies

Example: Leahy Law caused major defeats in Colombia that put their survival in jeopardy

Ana Rosa Quintana 2014 (senior policy analyst for Latin America at Heritage Foundation) 21 Oct 2014 " Does the U.S. Need a “Plan Central America”?" (accessed 19 Nov 2022) https://www.heritage.org/americas/report/does-the-us-need-plan-central-america

The implementation of Leahy law—human rights provisions governing foreign security assistance—has also complicated U.S. security cooperation efforts. An important lesson from Plan Colombia was the dangers of unchecked Leahy laws. According to a recent report by the U.S. Joint Special Operations University, the U.S. contributed to a “succession of major defeats that put Colombia’s survival in jeopardy” due to Leahy law restrictions imposed on the U.S.

Pres. Clinton waived the Leahy restrictions in 1998 because of the bad situation in Colombia

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

In 1998, President Clinton issued a waiver for Colombia on the grounds that supporting Colombia was vital for U.S. national security.

Return of US military aid after 1998 reversed the bad security situation in Colombia

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

When U.S. policymakers decertified Colombia for aid in 1996 and restricted training to short Joint Combined Exchange Training deployments, the impact of training declined sharply. Fortunately, persistent training returned in 1998, owing to the recognition of Washington policymakers that Colombia needed U.S. help to reverse a precipitous deterioration in security.

Impact: Peace and lives saved, thanks to "NOT" following Leahy and upholding the security of Colombia. They have a working peace process now.

UN News 2022 (publication of the United Nations) Success of Colombia peace process hinges on ending violence: Mission chief 12 Apr 2022 (accessed 19 Nov 2022) https://news.un.org/en/story/2022/04/1116112 (brackets added)

Political parties, civil society and other stakeholders must also commit to advance on the agreement’s pending elements and face challenges decisively, said [Secretary-General’s Special Representative and Head of the [UN Verification Mission in Colombia](https://colombia.unmissions.org/en)] Mr. [Carlos Ruiz] Massieu.  “Colombia reminds the world that even an armed conflict of more than five decades, with a painful toll of millions of victims can be resolved through dialogue, laying the foundations for reconciliation and non-repetition.”

4. Decreased respect for human rights

Working with other nations is more likely to promote human rights than claiming moral superiority and criticizing them

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

The international reputation and moral authority of the U.S. military gives it credibility with partner nation forces on the subject of human rights. Partner-nation units that have received extensive exposure to U.S. human rights training and education have generally committed fewer abuses than other units. U.S. personnel must take care, however, to avoid appearing “holier than thou,” as partner-nation personnel are less likely to heed the advice of individuals whom they perceive as belittling their unit, institution, or nation.

Leahy Law compliance reduces the likelihood of improving human rights

Dr. Mark Moyar, Hector Pagan, Wil R. Griego 2014 (Moyar - PhD; Senior Fellow at the Joint Special Operations University. He served previously as a professor at the U.S. Marine Corps University. Pagan - retired US Army Brigadier General; former deputy commander, U.S. Army Special Operations Command. Griego - retired Lieut. Colonel, US Army; former Special Operations Forces Liaison Element, Colombia; graduate of the Infantry Advanced Course, the Combined Arms and Services Staff School, the Special Forces Detachment Officer Qualification Course, and the Army Command and General Staff Course ) July 2014 Persistent Engagement in Colombia (accessed 19 Nov 2022) https://apps.dtic.mil/sti/pdfs/ADA617138.pdf

The withholding of aid to units because of past human rights violations has not been an effective means of improving human rights practices. In light of the U.S. successes in promoting human rights among partner-nation forces, the provision of assistance is the best remedy. While providing aid to units currently led by war criminals is likely to be unproductive as well as morally repugnant, many units that have been blacklisted through Leahy vetting possess leaders untainted by the crimes of the past and are deserving of support.

5. Lost US hegemony

Link: US arms sales assist with diplomacy and ensure military assistance

Thomas Frohlich 2019. (Assistant Managing Editor of 24/7 Wall St., a financial news and opinion company) “Saudi Arabia buys the most weapons from the US government. See what other countries top list.” March 26, 2019. (accessed 4 Oct 2022) USA Today. <https://www.usatoday.com/story/money/2019/03/26/us-arms-sales-these-countries-buy-most-weapons-government/39208809/> (brackets added)

The United States selects its clients based on well-established partnerships, as well as for strategic reasons related to the leverage it could gain during conflicts. Of the 25 countries buying the most weapons from the U.S., 10 are either NATO member nations or part of other alliances formed with the United States since the Cold War. “The US transfers to these countries are meant to ensure allies security, as arms transfers from the US brings with it security guarantees, which basically entail diplomatic and military assistance in case of troubles,” said [Aude] Fleurant [director of the arms and military expenditure program with the Stockholm International Peace Research Institute].

Link: Arms sales are carefully reviewed to ensure they promote US foreign policy and national security

US State Dept. Bureau of Political Military Affairs 2021. " U.S. Arms Sales and Defense Trade" 20 Jan 2021 (accessed 4 Oct 2022) https://www.state.gov/u-s-arms-sales-and-defense-trade/

**Arms sales and defense trade are tangible implements of foreign policy with potential long-term implications for regional security.** For this reason, the United States takes into account political, military, economic, arms control, and human rights conditions in determining the provision of military equipment and the licensing of direct commercial sales to any country.  Each proposed transfer we review is carefully assessed on a case-by-case basis, and approved if found to further U.S. foreign policy and national security interests.

Link: US arms exports are key to countering Russia and maintaining influence in the global order

Fatima Munib 2019 (master's degree candidate in international studies at Univ. of San Francisco) Dec 2019 (accessed 5 Oct 2022) "The United States Eroding Global Military Advantage; Is There A Way Back?" https://repository.usfca.edu/cgi/viewcontent.cgi?article=2400&context=thes

On the other hand, Russia’s case-study makes the connection between its increased market share in the global defense industry hampering U.S defense corporations’ arms sales and its challenge to the U.S influence in global affairs. While Russia provides a cost-conditionalities benefit to non-NATO members in its 2 arms sales, it also seeks to impact the future of the U.S. relationship with NATO, which contains military implications for Europe as well as for the global order.

Disregarding our allies weakens US hegemony because we need them to maintain global leadership

Ashley Tellis 2020 (Tata Chair for Strategic Affairs and a senior fellow at the Carnegie Endowment for International Peace. He is also a counselor at the National Bureau of Asian Research and the research director of the Strategic Asia Program) 4 May 2020 "COVID-19 Knocks on American Hegemony" (accessed 5 Oct 2022) https://carnegieendowment.org/2020/05/04/covid-19-knocks-on-american-hegemony-pub-81719

This disregard for the alliance system that the United States has carefully nurtured now for over half a century is grounded fundamentally in a failure to appreciate its importance for both the effectiveness and the legitimacy of American primacy in international politics. All previous administrations intuitively understood the benefits that the alliances provided in material, institutional, and ideational terms and consequently sought to preserve, if not actually deepen, them. The Covid-19 pandemic ordinarily would have stimulated the United States to lead a collective response, if not globally, then at least involving its allies and partners because this crisis was both genuinely transnational and immediately affected U.S. interests as well those of its closest friends in Europe and Asia.

Brink: Now is the critical time. We should be increasing, not decreasing, commitment to allies. It's essential to maintaining US hegemony

Ashley Tellis 2020 (Tata Chair for Strategic Affairs and a senior fellow at the Carnegie Endowment for International Peace. He is also a counselor at the National Bureau of Asian Research and the research director of the Strategic Asia Program) 4 May 2020 "COVID-19 Knocks on American Hegemony" (accessed 5 Oct 2022) https://carnegieendowment.org/2020/05/04/covid-19-knocks-on-american-hegemony-pub-81719

But even as it attends to the business of internal regeneration, Washington must double down on its alliances and partnerships. Only this U.S.-led confederation contains the preponderance of the global product that will durably immunize the “strategic West” against any future challenges emanating from China or other rivals. Preserving American hegemony over the long term thus must begin with consolidating Washington’s leadership within the largest single bloc of material power in order that it may be effective beyond. Ensuring this outcome requires the United States to take seriously—and deepen meaningfully—the special geopolitical ties it has nurtured throughout the postwar period, which would among other things enable it to better shape the world’s engagement with China to advance its own interests.

Backup Brink: Global order is in crisis, multiple trends make the international system fragile, and US leadership is in danger of retreat

Global order is in crisis, multiple trends make the international system fragile, and US leadership is in danger of retreat

Prof. [Alexander Cooley and Prof. Daniel H. Nexon](https://www.foreignaffairs.com/author) 2020. (COOLEY is Claire Tow Professor of Political Science at Barnard College and Director of Columbia University’s Harriman Institute.  NEXON is an Associate Professor in the Department of Government and at the Edmund A. Walsh School of Foreign Service at Georgetown University) July/Aug 2020 “How Hegemony Ends” <https://www.foreignaffairs.com/articles/united-states/2020-06-09/how-hegemony-ends> (accessed 5 Oct 2022)

Multiple signs point to a crisis in global order. The uncoordinated international response to the COVID-19 pandemic, the resulting economic downturns, the resurgence of nationalist politics, and the hardening of state borders all seem to herald the emergence of a less cooperative and more fragile international system. According to many observers, these developments underscore the dangers of U.S. President Donald Trump’s “America first” policies and his retreat from global leadership.

Global Impact: World peace & prosperity at risk without US influence. US hegemony is key to global peace & prosperity

Capt. M. V. Prato 2009 (United States Marine Corps, Command and Staff College, Marine Corps Combat Development Command, Marine Corps University) “The Need for American Hegemony” <https://apps.dtic.mil/sti/citations/ADA508040> (accessed 3 June 2021)

The world witnessed a vast shift in the polarity of geopolitics after the Cold War. The United States became the world’s greatest hegemon with an unequalled ability to globally project cultural, political, economic, and military power in a manner not seen since the days of the Roman Empire. **[END QUOTE]** Coined the “unipolar moment” by syndicated columnist Charles Krauthammer, the disparity of power between the U.S. and all other nations allows the U.S. to influence the world for the mutual benefit of all responsible states. Unfortunately, the United States is increasingly forced to act unilaterally as a result of both foreign and domestic resentment to U.S. dominance and the rise of liberal internationalism. [**He goes on to conclude later in the same context QUOTE**:] The United States must exercise benevolent global hegemony, unilaterally if necessary, to ensure its security and maintain global peace and prosperity.

Voting impact: US national interests take priority over other foreign policy goals

Doug Bandow 2021 (senior fellow at the Cato Institute, specializing in foreign policy and civil liberties. He worked as special assistant to President Ronald Reagan; JD from Stanford Univ.) “Eight Ways We Can Serve US Interests and Pursue Human Rights Too”  28 May 2021  (accessed 7 Sept 2022) <https://www.cato.org/commentary/eight-ways-we-can-serve-us-interests-pursue-human-rights-too>

“The central purpose of Washington’s international strategy should be to advance the interests of the American people. That means protecting them along with their territory, constitutional system, liberties, and prosperity. These objectives transcend the many other goals routinely set by governments.”

6. Defeats the greater good and promotes tyranny

Exporting arms to a bad government still produces a greater good. Examples: Soviet Union in World War 2 and South Korea during the Korean War

Dr. Ted Bromund 2021. (PhD in history from Yale; holds two master’s degrees in history from Yale and a bachelor of arts degree from Iowa’s Grinnell College ) The Biden Administration’s Conventional Arms Transfer Policy Should Not Be Handcuffed by the Arms Trade Treaty 1 Nov 2021 (accessed 4 Oct 2022) https://www.heritage.org/global-politics/report/the-biden-administrations-conventional-arms-transfer-policy-should-not-be (brackets added)

If the ATT [Arms Trade Treaty] had existed in 1942, the U.S. could not have extended Lend-Lease aid to Stalin, who used the trucks the U.S. provided to deport almost 100,000 people from the nation of Georgia to Siberia. But aiding Stalin against Hitler was nonetheless the correct policy. If the ATT had existed in 1950, the U.S. could not have aided South Korea, which was a brutal military dictatorship, when it was attacked by the North. But aiding South Korea against North Korea was the correct, and, in fact, the humane, policy to follow.

We couldn't use arms exports to fight against tyranny if we strictly apply human rights standards

Dr. Ted Bromund 2021. (PhD in history from Yale; holds two master’s degrees in history from Yale and a bachelor of arts degree from Iowa’s Grinnell College ) The Biden Administration’s Conventional Arms Transfer Policy Should Not Be Handcuffed by the Arms Trade Treaty 1 Nov 2021 (accessed 4 Oct 2022) https://www.heritage.org/global-politics/report/the-biden-administrations-conventional-arms-transfer-policy-should-not-be (brackets added)

If the U.S. bound itself to respect foreign import controls by treaty, it would be legally dubious for the U.S. to arm anyone resisting a tyranny. For example, the treaty would make it legally very difficult for the U.S. to arm, as Obama did, the opponents of the Assad regime in Syria.  In fact, opponents of Obama’s policy argued that he was likely violating the ATT [Arms Trade Treaty].  Every U.S. President since Harry Truman has armed resistance fighters. The ATT would thus raise serious barriers to U.S. foreign policy as it has been carried out, on a bipartisan basis, since the start of the Cold War. It would also, in practice, put the U.S. on the side of dictators and their human rights violations.