## 2AC

### T- statutory restriction

#### Counter interpretation:

#### “Statutory restrictions” can mandate judicial review, but are *enacted* by congress

Mortenson 11 (Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

#### And, Restrictions are legal limitations on activities

Law.Com 9

(“restriction”, The People's Law Dictionary by Gerald and Kathleen Hill (legal writers), <http://dictionary.law.com/Default.aspx?selected=1835&bold=restrict>, accessed 9-9-9)

restriction

n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects managed by homeowners' associations or similar organizations, such organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions" intended to enhance the use of common facilities and property which are recorded and incorporated into the title of each owner.

#### 3. We meet our counter interpretation, drone courts are legal restrictions on the targeted killing activities of the president

#### 4.Prefer our interpretation

#### Topic Education— drone courts are heart of topic in targeted killing, it is the largest policy proposal for resolving presidential authority

#### Predictable ground—best to include largest cases in the literature because they are a locus for negative and affirmative research and preparation

#### 5. Prefer reasonability over competing interpretations if the aff doesn’t make debate impossible than you can’t vote against us

### Debt ceilng

#### Wont pass- no compromises occurring

BRETT LOGIURATO, 9/19 (BOEHNER: Obama Is Happy To Negotiate With Vladimir Putin — But Not Congress On The Debt Ceiling *The business insider,* <http://www.businessinsider.com/boehner-obama-debt-ceiling-vladimir-putin-video-2013-9#ixzz2fTcr1uh9>)

House Speaker John Boehner mocked President Barack Obama's stance on Thursday on negotiating over the debt ceiling ... by invoking Vladimir Putin. "While the president is happy to negotiate with Vladimir Putin, he won’t engage with Congress," Boehner said at a press conference with reporters. Boehner's press conference followed the release of a video released by his office, which castigates Obama for being willing to negotiate with Putin over a deal on Syria's chemical weapons stockpile but not willing to negotiate with House Republicans over raising the debt ceiling. The video splices together clips of members of the Obama administration saying they won't negotiate over the debt ceiling, along with clips of them praising Putin for negotiating on Syria. "Why is the Obama administration willing to negotiate with Putin on Syria, but not with Congress to address Washington's spending problem?" the video says. The video and the comments come as House and Senate Republicans are bickering in a bit of chaos over their own position on the upcoming budget battles. Boehner officially announced on Wednesday that he would bring to the floor a bill to avert a government shutdown that strips funding for the Affordable Care Act. That bill has no chance of passing the Senate — something the "defund" movement's face, Sen. Ted Cruz (R-Texas) admitted on Wednesday. He also encouraged House Republicans to "stand firm," something that enraged them. The Republican plan for the debt ceiling includes demands of trading a one-year delay in Obamacare for a one-year hike in the debt ceiling — something that is also unlikely to pass the Senate. The debt ceiling legislation will also include conservative goals like instructions for tax reform and urging the construction of the Keystone XL pipeline.

#### No deal on debt celing- no compromise

Greg Giroux, 9/19 (I See No Deals on Debt Ceiling, Republicans Will Capitulate – Senator Murray, <http://wallstreetpit.com/101182-i-see-no-deals-on-debt-ceiling-republicans-will-capitulate-senator-murray/>)

“I see no deals on the debt ceiling,” Senator Patty Murray of Washington state, who leads the Budget Committee, said in an interview on Bloomberg Television’s “Political Capital with Al Hunt” airing this weekend. “The downside of not paying our bills is our credit-rating tanks,” Murray said. “That affects every family, every business, every community. It affects Main Street. It affects Wall Street.” Murray said she also expects Republicans to relent on their demands for stripping spending from Obama’s health plan as part of action on a spending bill needed to keep the government running after Sept. 30. Republicans led by House Speaker John Boehner of Ohio have clashed with Obama over the debt ceiling, with the lawmakers demanding changes to spending programs as a condition of raising the $16.7 trillion federal borrowing limit. Republicans “will come together with some mishmash policy of everything in the bag they’ve ever promised” to anti-tax Tea Party activists, though “they haven’t been able to get the votes for anything yet,” said Murray, 62, fourth-ranking Democrat in the Senate’s leadership.

#### PC low and fails for fiscal fights

Greg Sargent 9-12, September 12th, 2013, "The Morning Plum: Senate conservatives stick the knife in House GOP leaders," Washington Post, factiva

All of this underscores a basic fact about this fall's fiscal fights: Far and away the dominant factor shaping how they play out will be the divisions among Republicans. There's a great deal of chatter (see Senator Bob Corker for one of the most absurd examples yet) to the effect that Obama's mishandling of Syria has diminished his standing on Capitol Hill and will weaken him in coming fights. But those battles at bottom will be about whether the Republican Party can resolve its internal differences. Obama's "standing" with Republicans -- if it even could sink any lower -- is utterly irrelevant to that question.¶ The bottom line is that, when it comes to how aggressively to prosecute the war against Obamacare, internal GOP differences may be unbridgeable. Conservatives have adopted a deliberate strategy of deceiving untold numbers of base voters into believing Obamacare will be stopped outside normal electoral channels. Central to maintaining this fantasy is the idea that any Republican leader who breaks with this sacred mission can only be doing so because he or she is too weak and cowardly to endure the slings and arrows that persevering against the law must entail. GOP leaders, having themselves spent years feeding the base all sorts of lies and distortions about the law, are now desperately trying to inject a does of reality into the debate by pointing out that the defund-Obamacare crusade is, in political and practical terms alike, insane. But it may be too late. The time for injecting reality into the debate has long since passed.

#### The budget fight comes before the debt ceiling and costs capital

**Koring, 9/16/13** (Paul, The Globe and Mail (Canada), “Obama faces fall clash with Congress;

Despite averting military action in Syria, U.S. President fights plunging approval ratings and feuding Republicans on Capitol Hill” lexis)

With war against Syria averted, or perhaps postponed, U.S. President Barack Obama can turn again to September's anticipated battles against his still-implacable Republican opponents.

Looming is a Sept. 30 deadline for Congress to fund ongoing government operations - everything from food stamps to new bullets - and a showdown is shaping up between a weakened President and Republicans riven by their own divisions.

Then, some time in October, the U.S. Treasury will face another crisis as it reaches its borrowing limit. Without an increase, which some Republicans want to block, the U.S. government could face default. Meanwhile, hopes for progress on major policy initiatives such as immigration reform, long expected to be the big legislative issue this fall, are fading.

As hostile as relations are, some observers suggest the averted showdown over Syria - it's now widely accepted that Congress would have rejected Mr. Obama's call for an authorization of force had it gone to a vote - didn't make things any worse.

"We don't know what September would have looked like in the absence of the Syria issue, but my guess is that it would have looked an awful lot like it looks today," said Sarah Binder, a senior fellow at the Brookings Institution, which watches Congress closely.

"These divisions over spending and size of government have been with us all along, and the [Republican] opposition to Obama has been quite strong all along. ... Set aside the issue of Syria, and really nothing has changed."

#### Obama won’t push the plan

Jack Goldsmith 13, Henry L. Shattuck Professor at Harvard Law School, Feb 13 2013, “The President’s SOTU Pledge to Work With Congress and Be Transparent on National Security Issues,” www.lawfareblog.com/2013/02/the-presidents-sotu-pledge-to-work-with-congress-and-be-transparent-on-national-security-issues/

As for a broader and sturdier congressional framework for the administration’s growing forms of secret war (not just targeted killing, but special forces activities around the globe, cyber attacks, modern forms of covert action, etc.) along the lines that I proposed last week, I also don’t think much will happen. Friends and acquaintances in and around the Obama administration told me they would cherish such a new statutory framework, but argued that Congress is too political, and executive-congressional relations too poisonous, for anything like this to happen. There is some truth in this charge, although I sense that Congress is preparing to work more constructively on these issues. But even in the face of a very political and generally unsupportive Congress, Presidents tend to get what they want in national security when they make the case publicly and relentlessly. (Compare the Bush administration’s successful push for FISA reform in the summer of 2008, when the President’s approval ratings were below 30%, and Democrats controlled both houses of Congress; or FDR’s push in late 1940 and early 1941 – against popular and congressional opposition – to secure enactment of Lend-Lease legislation to help to British fend off the Nazis; or the recent FISA renewal legislation.) And of course the administration can never succeed if it doesn’t try hard. Not fighting the fight for national security legal reform is just another way of saying that the matter is not important enough to the administration to warrant a fight. The administration’s failure to date to make a sustained push before Congress on these issues reveals a preference for reliance on ever-more-tenuous old authorities and secret executive branch interpretations in areas ranging from drones to cyber, and an implicit judgment that the political and legal advantages that would flow from a national debate and refreshed and clarified authorities are simply not worth the effort. The administration might be right in this judgment, at least for itself in the short run. But the President has now pledged something different in his SOTU address. We will see if he follows through this time. Count me as skeptical, but hopeful that I am wrong.

#### Plan’s bipartisan---Congress looking for TK limitations

AP 13, "Congress looks to limit drone strikes", February 5, www.cbsnews.com/8301-250\_162-57567793/congress-looks-to-limit-drone-strikes/

Uncomfortable with the Obama administration's use of deadly drones, a growing number in Congress is looking to limit America's authority to kill suspected terrorists, even U.S. citizens. The Democratic-led outcry was emboldened by the revelation in a newly surfaced Justice Department memo that shows drones can strike against a wider range of threats, with less evidence, than previously believed.¶ The drone program, which has been used from Pakistan across the Middle East and into North Africa to find and kill an unknown number of suspected terrorists, is expected to be a top topic of debate when the Senate Intelligence Committee grills John Brennan, the White House's pick for CIA chief, at a hearing Thursday.¶ The White House on Tuesday defended its lethal drone program by citing the very laws that some in Congress once believed were appropriate in the years immediately after the Sept. 11 attacks but now think may be too broad.¶ It has to be in the agenda of this Congress to reconsider the scope of action of drones and use of deadly force by the United States around the world because the original authorization of use of force, I think, is being strained to its limits," Sen. Chris Coons, D-Del., said in a recent interview.¶ Rep. Steny Hoyer of Maryland, the No. 2 Democrat in the House, said Tuesday that "it deserves a serious look at how we make the decisions in government to take out, kill, eliminate, whatever word you want to use, not just American citizens but other citizens as well."¶ Hoyer added: "We ought to carefully review our policies as a country."¶ The Senate Foreign Relations Committee likely will hold hearings on U.S. drone policy, an aide said Tuesday, and Chairman Robert Menendez, D-N.J., and the panel's top Republican, Sen. Bob Corker of Tennessee, both have quietly expressed concerns about the deadly operations. And earlier this week, a group of 11 Democratic and Republican senators urged President Barack Obama to release a classified Justice Department legal opinion justifying when U.S. counterterror missions, including drone strikes, can be used to kill American citizens abroad.

#### Winner’s win

Hirsh 13 Michael, chief correspondent for National Journal; citing Ornstein, a political scientist and scholar at the American Enterprise Institute and Bensel, gov’t prof at Cornell, "There's No Such Thing as Political Capital", 2/7, [www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

#### No PC -- divided Dems backlashing – laundry list

Bloomberg 9/17 -- Mike Dorning and Kathleen Hunter, 2013, Obama Rifts with Allies on Summers-Syria Limit Debt Dealing, www.bloomberg.com/news/2013-09-17/obama-s-summers-syria-rifts-with-allies-limit-room-on-debt-

The backlash President Barack Obama faced from Democrats on both Syria and the prospect of Lawrence Summers leading the Federal Reserve underscore intraparty rifts that threaten to limit his room to strike budget and debt deals.¶ “There’s a large and growing portion of the Democratic Party that’s not in a compromising mood,” said William Galston, a former domestic policy adviser to President Bill Clinton.¶ Summers, one of Obama’s top economic advisers during the first two years of his presidency, withdrew from consideration for Fed chairman after a campaign against him led by Democratic senators who criticized his role in deregulating the financial industry during the 1990s.¶ That came just days after the Senate postponed deliberation on a request by Obama to authorize U.S. force in Syria, amid opposition from Democratic and Republican lawmakers wary of a new military action in the Middle East.¶ The two controversies raised “central issues” that divide Democrats at a time when the president needs unity to confront Republicans, Galston said. “The White House better make sure it and congressional Democrats are on the same page” as lawmakers face deadlines on government spending and raising the debt limit, he said.¶ Party Divisions¶ Senator Richard Durbin of Illinois, the chamber’s second-ranking Democrat, said today that Democrats are united with Obama on the need for a “clean” debt-ceiling increase. The anti-Summers movement reflected “strong feelings that many of us have” about making the Fed more responsive on issues such as income inequality, he said.¶ Republican leaders are dealing with their own divisions. House Speaker John Boehner, an Ohio Republican, had to pull back a vote last week on a plan to avoid a partial government shutdown in October after it became clear it couldn’t win enough support from members of his own party.¶ Congress and the Obama administration are facing fiscal decisions that include funding the government by Sept. 30 to avoid a federal shutdown and raising the nation’s $16.7 trillion debt ceiling. Boehner said in July that his party wouldn’t increase the borrowing limit “without real cuts in spending” that would further reduce the deficit. The administration insists it won’t negotiate on the debt ceiling.¶ Building Dissent¶ For Obama, the dissent on the left was already brewing before the Syria and Summers debates.¶ Congressional Democrats and union leaders accused him of being too eager to compromise with Republican demands to cut entitlement spending after he released a budget proposal that called for lower annual Social Security cost-of-living adjustments.¶ Some early Obama supporters also were disappointed that the president, who has relied on drone strikes to kill suspected terrorists and failed to close the detention center at Guantanamo Bay, Cuba, hadn’t moved far enough from George W. Bush’s policies on civil liberties and national security. The complaints grew louder after the disclosure of National Security Agency surveillance practices this year.¶ Obama, who earlier this year watched his gun-control legislation fail in the Senate partly because of defections by Democrats from Republican-leaning states, also is limited in his capacity to enlist public support to win over lawmakers.

#### PC tanked by Fed fumbling – new nominee will fuel flames

Kevin Rafferty 9/20, professor at the Institute for Academic Initiatives, Osaka University, South China Morning Post, 2013, www.scmp.com/comment/insight-opinion/article/1313981/lack-leadership-fed-chairman-syria-show-obama-has-lost-his

US President Barack Obama, who came to office on a wave of enthusiasm and energy - promising a 21st-century vision of a rapidly changing world - has hit the hard brick wall of realpolitik and his own limitations.¶ He behaves as if he is lost: not merely has his vision disappeared in the fog of war, but he has little clue where he is going, and neither the American system nor his fellow Americans are helping him.¶ This was seen this week as Professor Larry Summers, Obama's candidate to take over from Ben Bernanke as chairman of the Federal Reserve, was ignominiously forced to withdraw, and Obama clearly reluctantly accepted that decision.¶ Opposition to Summers had been brewing for months in Obama's own Democratic Party and among left-wing critics hostile to Summers for his closeness to Wall Street and the so-called big "banksters".¶ The president has had months to think about the job and yet pointedly refused to make a choice when he might have guided the debate and pre-empted criticism. It was only after newspaper reports that Obama was about to nominate Summers - which provoked a hostile reaction in the markets - that Summers withdrew.¶ Obama displayed not only a lack of leadership but tin ears to what people are saying openly about his policies, and lack of them. But he compounded even this failure by saying he will wait longer before deciding who to nominate for the Fed.¶ Rumours are that another former treasury secretary, Timothy Geithner, may be in Obama's sights, even though Geithner has said he does not want the job. Geithner would attract the hostility of the same critics, who regard him as a "Summers lite". He is also seen as part of the gang of Robert Rubin who moved from being co-chairman of Goldman Sachs into Bill Clinton's White House, then to treasury secretary and out to be a director of Citigroup.¶ Whispers from the White House are that Obama does not want to be railroaded into choosing Janet Yellen, currently Bernanke's deputy, or that he wants someone with whom he feels comfortable, and he does not know Yellen.¶ The Fed chief should be independent of politics with a term that extends beyond the president's. It should not be a matter for the president's comfort, but who is best for the country, and it is inexcusable that Obama has not made it his business to get to know Yellen.¶ Obama's failure to articulate a vision for the future of the US and a road map to get there is one of the distressing features of his presidency. It has also got him into a fight with Congress over spending, which is likely to flare up again soon with renewed confrontation over the US debt ceiling and the budget.

**no impact to debt ceiling – the markets don’t care**

**Vigna 9/20** ([PAUL VIGNA](http://topics.wsj.com/person/A/biography/7296), WSJ Blog, “Debt Ceiling, Act III: Will the Market Notice at All This Time?,” <http://blogs.wsj.com/moneybeat/2013/09/20/debt-ceiling-act-iii-will-the-market-notice-at-all-this-time/>)

Now that the Fed decision is out of the way, the market is turning its attention to the next big, ugly macro storm– the debt-ceiling debate. For the third time in three years, the government is eyeing a budget impasse that could force a government shutdown, U.S. default, and all the attendant nastiness that goes with it. The nation and capital markets have been here before, and while these beltway battles can and do grab traders’ attention, markets at least have become inured to them. This is the bottom line today: Congress faces an Oct. 1 deadline — the current fiscal year ends on Sept. 30. – to pass a budget or shut down the government, to what extent isn’t exactly clear. Assuming a budget is passed, the nation’s debt-ceiling must also be raised or the Treasury will hit the borrowing limit some time in October. Yet those three sentences just touch the surface of what is a highly partisan battle. The maneuvering and politicking is in full force. The [Republican-led House on Friday passed a bill](http://online.wsj.com/article/SB10001424127887323308504579087032642057334.html) that would keep the government running through mid-December – but would defund the president’s health-care law. The bill obviously will not get out of the Senate, and [would be vetoed by the president even if it did](http://blogs.wsj.com/washwire/2013/09/20/obama-to-highlight-auto-industry-rebound-as-house/). Things don’t look much brighter in the Senate. [Conservatives are threatening a fight over the health-care law](http://online.wsj.com/article/SB10001424127887324492604579085363713993296.html), with Sen. Ted Cruz (R., Texas) leading the contingent that is trying to bury Obamacare by defunding it. Democrats think they have to votes to strip out any cuts, and aren’t giving any ground. The federal government actually already hit the debt ceiling this spring. Since then, the Treasury Department has used a raft of budget gimmicks to keep spending under the ceiling, and that along with an increase in government tax receipts has kept the government funded. But that game is going to run out. [Treasury Secretary](http://www.treasury.gov/initiatives/Documents/082613%20Debt%20Limit%20Letter%20to%20Congress.pdf) [Jacob Lew](http://topics.wsj.com/person/L/jacob,-lew/6182) sent a letter to Congress in which he warned the government would exhaust the gimmicks, and could exhaust its cash, some time in October. So there you have it. The Republicans want to defund Obamacare. The president vows not to negotiate. Another government shut down looms. It all sounds serious enough. You wonder, though, if the market will pay attention at all. Even going back to the shutdown in the 1990s, these political battles have had little lasting effect on markets. The 2011 debt-ceiling fight came with a real-world effect: the specter of squabbling factions in Washington, and their decision to put politics above probity, spurred S&P to downgrade U.S. debt, for the first time in history. The move sent shock waves through the markets, but ironically saw investors flee into the very debt instrument that had just been downgraded: U.S. Treasurys. Congress hit the debt ceiling in May of 2011, and the Treasury Department started deploying gimmicks to keep the government under the ceiling until a budget agreement could be reached. An 11-hour deal was reached on Aug. 2. On Aug. 5, S&P downgraded U.S. debt. The markets started falling on July 22, with the Dow at 12681, and kept falling through Aug. 19, when it hit 10818. It wasn’t until February when the index retook the July level. In the 2012 fiscal-cliff fight, Congress didn’t reach an 11th-hour deal. It reached a 13th-hour deal. The deadline this time was Dec. 31, and Congress missed it. But the general outlines of a plan were in place, and Congress passed the American Taxpayer Relief Act the next day, on Jan. 1. President Obama signed it into law on Jan. 2. The market paid almost no attention to the fight this time. The Dow had been rising from mid-November into Dec. 21, when it stood at 13191. It dipped to 12938 on Dec. 28, and then started rising again. Even during the 1995-1996 budget fight, when the government actually did shut down, the Dow went from 4870 on Nov. 10, 1995, to 5184 on Jan. 19, 1996, at the beginning of the dot-com boom. So far, 2013 has been a banner year for stocks, and the bulls just got a big reprieve from the Federal Reserve, which decided against cutting its stimulus program by any amount (for the time being). You wonder if the market will even worry about the squabbling down in Washington this time.

**No impact to economic collapse – u.s. isn’t key**

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

## 1AR

#### No chance of instability causing war post-2014 – multiple warrants

**Dreyfuss** 7-18-**2012** (Robert Dreyfuss is an independent, investigative journalist in the Washington, D.C, area, who writes frequently for The Nation, Rolling Stone, and other publications. “Predictions for Afghan Civil War Are Foolhardy” <http://thediplomat.com/2012/07/18/predictions-for-afghan-civil-war-are-foolhardy/>) BW

“Those who are concerned about a Taliban takeover and about an unjust power grab by the Taliban would be satisfied [with] a requirement that the Taliban accept to be a political force, and not an armed force,” says Samad, in an interview with The Diplomat. And, he says, if the Pakistani strategists who handle “the Taliban file” in Islamabad can be persuaded to cooperate, then an arrangement might be worked out. “The Taliban’s choice will be made easier if Pakistan plays a more constructive and helpful role,” he says.

In a recent essay in Foreign Policy, Samad wrote encouragingly about the talks in Paris and Kyoto. The talks in Japan, held June 27 at Doshisha University's Graduate School of Global Studies were especially important, he says, because they involved a Taliban official, Qari Din Muhammad, a member of the Taliban's political office handling foreign affairs with close ties to the Taliban leadership, who met face-to-face with Mohammad Masoom Stanekzai, head of the secretariat of the Afghan High Peace Council. What’s striking about the Kyoto talks, convened to explore the idea of political reconciliation in Afghanistan, is that Din Muhammad’s travel, first to Qatar and then to Japan, appear to have been approved by the government of Pakistan, which carefully controls Taliban official travel in and out of the country. “My gut instinct is that the green light for his trip came from Pakistan,” Samad told The Diplomat.

While in Japan, Din Muhammad gave an interview to the Asahi Shimbun which, says Samad, was a significant event in itself. In it, the Taliban official declared the organization’s willingness to conduct direct talks with the government of President Hamid Karzai. “We can have dialogue with him as Afghans if foreign troops leave,” said Din Muhammad – and at least some experts on Afghanistan believe that President Obama’s commitment to draw down forces can be construed by the Taliban as fulfilling that condition. Masanori Naito, a professor of Islamic studies at the university that convened the talks, told Asahi Shimbun: “The Taliban apparently wants to increase its presence ahead of the International Conference on Reconstruction Assistance to Afghanistan scheduled for July 8 in Tokyo. It may be also intending to move forward in talks with the United States toward a ceasefire.”

Indeed, says Samad, the Taliban is sending signals that it wants to get back on “the Qatar track” of talks with the United States, too. Those talks, on and off for two years, were suspended in the wake of a massacre committed by a rogue American sergeant near Kandahar.

The Paris talks, while less significant than the Kyoto parley because current Taliban officials did not attend, was also important as a dialogue among a broad spectrum of Afghanistan political factions who want to avoid civil war, says Samad.

In his Foreign Policy piece, Samad wrote:

“The Paris gathering on June 20-21 attended by representatives of the country's main political factions, High Peace Council (HPC), parliamentarians and members of civil society, was organized by the Fondation pour la recherche stratégique (FRS) and provided strict instructions to all delegates to keep a low profile. The first of such off-the-record meetings organized by FRS was held last November in Paris and was attended by a smaller number of Afghan political actors. … While no active Taliban member took part in the Paris meeting, several ex-Taliban officials, including Mullah Salam Zaeef—who was also invited to Japan—Abdul Hakim Mujahed and Habibulah Fowzi, as well as Hezb-i Islami Hekmatyar group members Ghairat Baheer and Amin Karim, did attend. … Over a two-day period, delegates mulled over election laws, decentralization and devolution, governance, constitutional reform, regional interference, the NATO pullout and reconciliation.”

The HPC is led by Salahuddin Rabbani, elevated to the head of the peace council after the assassination of his father, a former leader of the council.

Besides the July 8 Tokyo summit, at which donors pledged up to $16 billion to Afghanistan in civilian aid over four years, there has been a steady series of international meetings dedicated to political and diplomatic solutions to the Afghan crisis. While none has been conclusive, taken together they provide strong evidence that Afghanistan’s neighbors and other world powers do not want the country to tumble into civil war.

One of the recent gatherings was the so-called “Heart of Asia” group, including Afghanistan, Azerbaijan, China, India, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Saudi Arabia, Tajikistan, Turkey, Turkmenistan, United Arab Emirates and Uzbekistan. At that meeting, held in Kabul, Karzai told attendees that he is committed to working with Pakistan and Saudi Arabia, the two historical patrons of the Taliban, to reach a peace accord.

A second recent gathering was held under the auspices of the Shanghai Cooperation Organization (SCO), whose members include China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, with participation from Afghanistan, India, Iran, and Pakistan. Speaking at SCO summit in Beijing, S.M. Krishna, the foreign minister of India, said that the SCO “provides a promising alternative regional platform to discuss the rapidly changing Afghan situation.” For decades, many experts have viewed the crisis in Afghanistan as a kind of proxy war between India and Pakistan, so Krishna’s remarks were considered particularly important as a kind of olive branch extended to Afghanistan and Pakistan. The Taliban, it seems, noticed. After India appeared to give a hesitant response to U.S. Secretary of Defense Leon Panetta’s call for India to become more deeply engaged in Afghanistan – an action certain to alarm Pakistan and its Taliban allies – **the Taliban praised India for its restraint**. Said a Taliban spokesman: “It shows that India understands the facts. They are aware of the Afghan aspirations, creeds and love for freedom. It is totally illogical they should plunge their nation into a calamity just for the Americans’ pleasure.”

None of this means that Afghanistan can’t fall into the abyss of civil war. But, says Samad, “**Afghanistan is not a country whose population is eager to wage civil war.**” Indeed, most Afghans are exhausted after three decades of war and violence. “I am of the view that civil war or collapse is only one possibility, and not the only one,” he tells The Diplomat. “It can be mitigated if we play our cards right.”

A senior Taliban official, interviewed in The New Statesman this month by Michael Semple, in an issue guest-edited by former UK Foreign Secretary David Miliband, boosted hopes of those who argue the **Taliban may no longer believe it has a military path to victory**. “The Taliban capturing Kabul is a very distant prospect,” said the unnamed Taliban official. “Any Taliban leader expecting to be able to capture Kabul is making a grave mistake. Nevertheless, the leadership also knows that it cannot afford to acknowledge this weakness. To do so would undermine the morale of Taliban personnel. The leadership knows the truth – that they cannot prevail over the power they confront.”

He added: “Any side involved in a conflict like this has decided to fight for power. If they fall short of achieving national power, they have to settle for functioning as an organized party within the country.”

Of course, that’s precisely what worries some current and former Afghan officials, who’ve pledged to halt even a political Taliban by force. Some hardliners, such as former Afghan chief of intelligence Amrullah Saleh – who opted out of the Paris and Kyoto talks – may want to drag Afghanistan into civil war. But **many others, including some Taliban officials, seem prepared to proceed down the diplomatic path.**

#### NATO is irrelevant

**Bandow 4/22** ([Doug Bandow](http://www.forbes.com/sites/dougbandow/), Contributor, a senior fellow at the Cato Institute, specializing in foreign policy and civil liberties. He worked as special assistant to President Reagan and editor of the political magazine Inquiry, “NATO's Lack Of Any Serious Purpose Means It Should Retire,” 4/22/2013, <http://www.forbes.com/sites/dougbandow/2013/04/22/natos-lack-of-any-serious-purpose-means-it-should-retire/2/>) GANGEEZY

NATO’s foreign ministers are meeting this week and have a “busy agenda,” proclaims the alliance. Yet NATO no longer has any serious purpose. European countries want to be military powers, but increasingly are failing to maintain capable forces. America always has been the dominant power in NATO. The U.S. may soon be the only effective power in the alliance. NATO should retire. The North Atlantic Treaty Organization was created more than six decades ago. Having fought to free Western Europe from Nazi domination, Washington was determined to keep Western Europe free from Soviet domination. Yet a Soviet invasion quickly became unlikely, if for no other reason than the potential of escalation to nuclear war. After the collapse of the U.S.S.R. the transatlantic alliance became irrelevant. Its purpose, famously explained Lord Hastings Ismay, was “to keep the Russians out, the Americans in, and the Germans down.” All of these objectives had been met. Today the Soviet Union is gone. Russia may be hostile, but it lacks both the will and ability to threaten Europe. At most Moscow can beat up on weak neighbors like Georgia. Germany remains down militarily, skeptical of international involvement. Ironically, most of Europe wants Berlin to do more. Economically the federal republic is way up—underwriting the entire European Union. The U.S. is in. America and Europe share history, tradition, and values. Economic ties may grow through a transatlantic free trade agreement. Military links are secondary. However, despite the changed international environment institutional survival became NATO’s paramount objective. Proposals were advanced to shift from deterring the Soviets to combating illegal drug use, underwriting student exchanges, and promoting environmental protection. Eventually the alliance decided to operate “out of area.” As common security threats disappeared, members increasingly used the alliance to drag other members into narrow conflicts favored by only a few members. Germany helped trigger the Balkan wars with its speedy recognition of the seceding Yugoslavian territories without any protection for Serbian minorities. While the initial attack on Afghanistan to displace al-Qaeda and oust the Taliban properly responded to 9/11, the years of combat that followed (and which continue) did not. Britain and France pressed for war in Libya even though they were incapable of prosecuting it alone. Mali belongs to Paris, though as yet the rest of the alliance has stayed out of combat there. These unnecessary wars have kept the alliance busy, but they also have accelerated its decline. They demonstrate that NATO is irrelevant to its members’ security. Many Europeans no longer even see any obvious need for national militaries. Observed Christian Moelling with the Stiftung Wissenschaft und Politik: “At a time of significant financial hardship, some … might even begin to question the merit of having armed forces at all.” Europe faces the prospect of having armed forces consisting of little more than gaudily garbed ceremonial soldiers, strutting in front of palaces and parliaments. Oddly, at this moment the old imperial temptation appears to be reasserting itself in some European capitals. Philip Stephens wrote in the Financial Times that “Europeans have caught the interventionist bug just as the U.S. has shaken it off. The French and the British led the war to depose Libya’s Muammar Gaddafi. They are in the vanguard of calls for intervention in Syria.” Paris also acted in Mali. The Europeans seem increasingly determined to reshape conflicts and rebuild nations throughout the Middle East and Africa without possessing the military force to do so. With this backdrop a senior NATO official visited Washington last week. He spoke at a private gathering, quipping that he couldn’t be quoted but he could be fired. The discussion suggested an alliance in terminal decline. He argued that NATO is being transformed by several important events. One is Afghanistan, which has dominated NATO thinking for more than a decade yet has “reduced the aptitude for crisis management,” that is, fighting wars “beyond direct defense.” Another is the diminution of terrorism as a strategic concern. It still exists, witness Boston. But rather than posing “an overarching threat,” it is something that “we will have to live with.” The financial-economic crisis continues, sapping military budgets on both sides of the Atlantic. As a result “there is no chance for budget increases, not even for keeping spending levels as they are.”/////

The energy revolution is reducing the “political relevance of the Persian Gulf and Russia.” The so-called pivot to Asia will further diminish American force levels in Europe. All of these have had an effect. But the elephant in the room is the disappearance of any transatlantic security need. Military alliances are intended to deal with common threats. One existed during the Cold War. But no longer. So what should NATO do as the troops come home from Afghanistan? One of the event’s participants urged Syria as the next mission for the alliance. If not, then what is the use of NATO, he asked? However, the conflict poses no direct threat to any alliance member—a few artillery shells landing on Turkish territory don’t count. Getting involved in a brutal civil war in which one side possesses a sizable army armed with chemical weapons and the other side includes many anti-Western radicals would be madness. Another discussant suggested getting back to the core duty of collective security, including cyber security and missile defense. However, such activities, though useful, do not require a formal military alliance among the western powers. Cyber cooperation should extend well beyond Europe, while anti-missile activity could mix bilateral and regional links. Would not expanding the alliance reinforce the more traditional security mission? One questioner contended that NATO membership would secure the borders of Montenegro from Serbia, from which Montenegro seceded. Another participant proposed adding Georgia, which desires protection from Russia. However, the transatlantic alliance is not a charity. NATO’s purpose is to guard the security of existing members, not to risk their security protecting other countries. Serbia poses no danger to the U.S. and its allies, which dismembered what was left of Yugoslavia not that many years ago. There’s no reason for America to threaten war on behalf of Montenegro, one of the resulting pieces. Adding Tbilisi to NATO would be even more foolish. Georgia was part of the Russian Empire before the Soviet Union. Georgia is entitled to independence, but not to U.S. protection. Washington has nothing at stake which warrants confronting nuclear-armed Moscow over interests the latter views as vital in its own backyard. Doing so would degrade, not enhance, American security. The most plausible continuing NATO role is to train the militaries of friendly nations to empower them to handle military contingencies in their own neighborhoods. But that doesn’t require a formal military alliance constantly looking for new wars to fight. The biggest challenge facing the alliance is shrinking national force structures. The NATO visitor acknowledged that “all Europeans are cutting their militaries, including the big spenders.” Defense Secretaries Robert Gates and Leon Panetta both lamented Europe’s waning efforts. NATO Secretary General Anders Fogh Rasmussen recently admitted: “if European defense spending cuts continue, Europe’s ability to be a stabilizing force even in its neighborhood will rapidly disappear.” There’s no reason to believe the reductions won’t continue. Last year the Brookings Institution published a report reviewing widespread cutbacks across the continent. Explained Clara Marina O’Donnell: “current military spending trends are reducing the ability of most NATO allies to contribute to international security.” Troop numbers are coming down sharply. Moreover, recently reported Stars and Stripes, “Cuts by countries as large as Germany and as small as Latvia have resulted in program cancellations, changed equipment orders and, in the case of Britain, a plan to mothball a new aircraft carrier.” Earlier this year Rasmussen declared that “There is a lower limit on how little we can spend on defense.” Where is it? In 2006 the NATO members promised to spend two percent of GDP on the military. Today the Europeans collectively spend 1.5 percent of GDP on defense, compared to America’s five percent. Americans spend $2333 per person on the military, compared to just $503 by Europeans. Despite the much-maligned budget sequester, Washington continues to account for roughly 40 percent of the entire globe’s military outlays. The visiting official recognized the problem. If we take Secretary Gates’ formulation “that NATO is dead if members don’t spend two percent of GDP, then NATO is dead as they will not spend two percent of GDP.” Thus, he complained that “focusing burden-sharing on finances doesn’t get us anywhere.” Instead, he suggested giving “burden-sharing a different spin.” He argued that despite Europe’s diminishing commitment to the alliance, America still benefited. “The European allies may be useless for many things, but they still provide legitimacy and the continent acts as a worldwide operational hub.” However, that legitimacy is of little account if Washington believes a vital issue to be at stake. The American people don’t care; they will support their government even in the face of widespread international opposition, evident in Vietnam and Iraq, for instance. What turned the U.S. public against these wars were the reality of casualties and the perception of failure. Where legitimacy seems to be important, either the United Nations or a coalition of the willing would prove sufficient. Nor is a formal alliance necessary for base access and logistical backing. Washington could forge replacement arrangements with individual European states as well as any continental European military alliance. Given the deep differences of opinion which emerged over such issues as Iraq, Libya, and Syria, less formal cooperative mechanisms would reduce political tensions. A country could offer operational support without providing combat units or even endorsing a particular conflict. Funding for a nation’s military would not be undercut by participation in an unpopular international conflict. Despite its problems at home, NATO bizarrely is seeking to expand abroad. Rasmussen recently traveled to Japan and South Korea to promote NATO cooperation in Asia. How can a European alliance increasingly incapable of defending Europe play a role in Asia? There are opportunities for non-military cooperation: sharing expertise on civil emergencies, advancing cyber-security, and promoting non-proliferation. However, these relationships could as easily involve the European Union as NATO. Noted Richard Weitz of the Hudson Institute, “while NATO has adopted a global perspective, its main activities beyond Europe and Afghanistan thus far have consisted primarily of dialogue.” Alliances should be based on international circumstance. Rasmussen recently argued that “The need for a strong military alliance between Europe and North America has never been stronger.” That is nonsense. Neither continent faces an existential military threat. Neither faces a significant global competitor. Neither has a compelling interest to meddle in regional conflicts. While there is much about which the U.S. and Europe should cooperate, there is no need for an American-dominated transatlantic military alliance. Thus, what is needed is U.S. burden-shedding rather than allied burden-sharing. Europeans could provide forces sufficient to defend themselves, patrol the Mediterranean, aid the Central Asia states, and protect their interests in North Africa and the Middle East. If they chose not to do so, no worries for America. But they shouldn’t expect Washington to step in. And U.S. officials then could stop their unproductive whining about Europe’s defense choices. America’s Cold War security policy shielded war-torn allies until they could recover and gain the economic means and political stability to defend themselves. That policy was a great success. Now Washington should celebrate by turning NATO over the Europeans.