### Democracy Good

[ ] Democratic spread solves war – No other factor is as statistically significant

Valerie Epps, Professor of Law, Suffolk University Law School, Boston, Spring, ’98
4 ILSA J Int'l & Comp L 347

One scholar who has perhaps tried the hardest to separate out other possible influences on conflict is Professor Bruce Russett. Through a series of calibrated tables he has looked at the influence of a variety of factors as well as the fact of democracy itself on conflict. He tests such factors as wealth, economic growth, alliances, contiguity, and military capability ratio. What he finds is that "the effect [of democracy] is continuous, in that the more democratic each member of [any two possible warring states] is, the less likely is conflict between them." n32 He also looks at such variables as political stability, structural/institutional constraints, normative cultural restraints, and even the levels of deaths resulting from political conflict within countries. From his studies he  [\*354]  concludes that: The more democratic are both members of a pair of states, the less likely is it that a militarized dispute will break out between them, and the less likely it is that any disputes that do break out will escalate. This effect will operate independently of other attributes such as the wealth, economic growth, contiguity, alliance or capability ratio of the countries. n33 Russett concludes that the "results do suggest that the spread of democracy in international politics . . . can reduce the frequency of violent conflicts among nations." n34

[ ] Democratization solves your warming impact

Bättig & Bernauer, ’09 [Michèle B. Bättig, Ph.D. in environmental sciences from ETH Zurich, Project director at Econcept AG, Thomas Bernauer, Professor of political science at ETH Zurich, Center for Comparative and International Studies and Institute for Environmental Decisions, “National Institutions and Global Public Goods: Are democracies more cooperative in climate change policy?,” 2009, <http://www.ib.ethz.ch/docs/ClimatePolicy.pdf>] AP

In climate change policy, democracies have obviously had a slow start in moving from paper (policy output) to practice (policy outcomes). This should not come as a great surprise. Climate change is a much more complex challenge than most local or regional environmental degradation issues, such as air and water pollution. It is also characterized by a global free-rider problem. However, there are signs that more democratic countries are likely to perform better over the long run in policy-outcome terms as well. As argued in the theory section, public and interest group demand for climate change mitigation is likely to be stronger in democracies than in nondemocracies. The available empirical evidence in fact suggests that public concern over climate change risks tends to be higher in democracies, independently of income. And so is environmental NGO activity. 71 Moreover, democracies tend to have higher income levels, and the available data shows that the environmental Kuznets curve for GHG emissions has already reached a turning point in most of the very rich and democratic countries. Democracies are, independently of income, also more active in environmental monitoring and research and development 72 – this increases knowledge about risks and generates new technologies that are more energy efficient. Democracies also tend to perform better in terms of sustainable development more broadly defined (e.g., measured in the form of the World Bank index of Adjusted Net Savings and the CIESIN’s Environmental Performance Index). 73 It is hard to see why this pattern should not extend to global environmental problems, such as climate change, at least in the long run. The evidence presented in this paper is largely congruent with this argument. In combination with the assumption that democratic institutions are more likely to motivate policy-makers to supply policies that meet public and interest group demand for climate change mitigation, these findings leave considerable room for optimism

### 2AC Ban T

#### We meet—indefinite detention with a right to habeas corpus isn’t indefinite detention

#### Restriction includes a limitation

STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, April 10, 2008, Filed, Appellant., 1 CA-CR 06-0167, 2008 Ariz. App. Unpub. LEXIS 613, opinion by Judge G. MURRAY SNOW

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### Their interpretation overlimits to only one aff in each topic area—aff flex ensures innovative topics encouraging research skills and in depth discussions

#### Our interpretation is more precise by citing a court case—that means our limit is predictable and better reflects the topic

#### Default to reasonability—competing interpretations leads to a race to limit out affs at the expense of substance—affs need to know they’re topical

### AT AUMF

#### Impact inevitable

Beau Barnes 12, J.D. Candidate, Boston University School of Law, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874

This article, prompted by Congress’s recent failed efforts to revisit and refine the September 18, 2001, Authorization for Use of Military Force (AUMF), argues for a “middle ground” approach to the statute’s reauthorization. It makes the case that a new authorization is needed because, contrary to the Obama Administration’s suggestions, the current statute is rapidly approaching obsolescence. Despite the intense media focus on the most recent legislative cycle, Congress has left the 2001 authorization legally unaltered and still anchored to the September 11, 2001, attacks. Confronting this reality presents three options: foregoing military operations against non-Al Qaeda terrorist organizations, accepting the AUMF’s obsolescence and relying on alternative legal authority, or refashioning a new domestic statutory authority for the U.S. military’s global anti-terrorist operations.

### 2AC OLC CP

#### Multiple conditional options bad – it’s a voter – rejecting the arg incentivizes abuse

#### First is skew – aff can’t read their best offense because the neg can just kick their argument and can cross-apply offense, kills fairness

#### Second is research – they can advocate contradictory positions, kills education and advocacy skills

#### Dispo solves their offense

#### 2009 proves the CP links to politics

Fisher, 13 --- served four decades in the Library of Congress as senior specialist in separation of powers at the Congressional Research Service and specialist in constitutional law at the Law Library (7/1/2013, Louis, The National Law Journal, “Closing Guantanamo http://www.constitutionproject.org/wp-content/uploads/2013/07/Guantanamo-NLJ-2013.pdf))

On January 22, 2009, on his second day in office, Obama issued Executive Order 13492 to close the detention facility “as soon as practicable, and no later than 1 year from the date of this order.” Remarkably, no one in the administration seemed to warn him of the political risks. Transferring terrorist suspects to the United States was immensely controversial. The administration needed to first meet with lawmakers, learn about their concerns, fashion a reasonable compromise and locate a secure facility on the mainland to house the detainees. It failed to take any of those steps. If Obama had asked Congress to help create a legislative framework for the closure, progress was possible. The executive order was the type of unilateral action that backfired on George W. Bush.

#### Doesn’t solve Judicial Globalism

#### Separation of Powers—judicial action is key restore the balance with the executive by asserting judicial strength and countering perceptions of judicial irrelevance—that’s Schnarf—the impact is our CJA evidence—prevents stable democratic transitions globally

#### Globalization—only the plan is modeled—Judiciary’s participate in transnational conferences and interactions and are looked to by foreign governments—that’s Schnarf—those are key to encourage judicial independence and strength in new states

**Doesn’t solve Legitimacy**

#### Stable Interpretation Key—The courts' strengths in offering a stable interpretation of the law—US legal structures uniquely generate credibility—stable interpretation of the law bolsters hegemonic stability because nations know they can rely on those interpretations—states fear the ability of the executive to make abrupt moves—that’s Knowles

#### Accountability—the court is uniquely accessible because its seen as an avenue for countries to lodge complaints against the US—credibility of judicial action is key to make the US seem broadly accountable which is key—that’s Knowles

#### Global Governance—legal norms are key to make hegemony effective—legal consistency and commitment to international norms allows us to legitimize pushing for liberal norms like free markets and cooperation which are key to stability—that’s Knowles and Kromah

#### Perm do both—solves the NB because Obama will be seen as taking the lead

#### Perm do the CP

#### Only the courts can solve – The Executive tried and congress removed their funding for transfer

Chow 11, JD from Cardozo

(Samuel, THE KIYEMBA PARADOX: CREATING A JUDICIAL FRAMEWORK TO ERADICATE INDEFINITE, UNLAWFUL EXECUTIVE DETENTIONS, www.cjicl.com/uploads/2/9/5/9/2959791/cjicl\_19.3\_chow\_note.pdf)

After the D.C. Circuit Court issued its opinion and while the petition for certiorari was pending, the Executive expressly recognized the troubling scenario that the continued detention of the Kiyemba petitioners posed. Defense Secretary Robert M. Gates concluded that it was "difficult for the State Department to make the argument to other countries they should take these people that we have deemed, in this case, not to be dangerous, if we won't take any of them ourselves." Indeed, the Executive was poised to send as many as seven of the petitioners to the United States in 2009. However, in response to the threat of such action. Congress attached a rider to the Supplemental Appropriations Act which prevented the use of defense funds to release any Guantanamo detainees into the United States. Congress also passed two additional pieces of legislation restricting the ability of Guantanamo detainees to enter the United States. The National Defense Authorization Act granted Congress a substantial degree of control over such releases and a spending provision banned the Department of Homeland Security from effectuating such release. The detainees' hope for release, therefore, turned again on the pending petition for certiorari.

### 2AC Warfighting DA

**Obama’s credibility is permanently destroyed**

**Henniger 10/25**, Daniel Henninger is deputy editor of The Wall Street Journal's editorial page. His weekly column, “Wonder Land,” appears in The Wall Street Journal each Thursday. Mr. Henninger was a finalist for a Pulitzer Prize in editorial writing in 1987 and 1996, and shared in the Journal's Pulitzer Prize in 2002 for the paper's coverage of the attacks on September 11. In 2004, he won the Eric Breindel Journalism Award for his weekly column. He has won the Gerald Loeb Award for commentary, the Scripps Howard Foundation's Walker Stone Award for editorial writing and the American Society of Newspaper Editors' Distinguished Writing Award for editorial writing. A native of Cleveland, Mr. Henninger is a graduate of Georgetown University’s School of Foreign Service. Follow him @danhenninger.

Opinion: Henninger: Obama's Credibility Is Melting 25 October 2013 03:20 AM Dow Jones Newswires Chinese (English) RTNW English Copyright © 2013, Dow Jones & Company, Inc.

What is at issue here is not some sacred moral value, such as "In God We Trust." Domestic politics or the affairs of nations are not an avocation for angels. But the coin of this imperfect realm is credibility. Sydney Greenstreet's Kasper Gutman explained the terms of trade in "The Maltese Falcon": "I must tell you what I know, but you won't tell me what you know. That is hardly equitable, sir. I don't think we can do business along those lines." Bluntly, Mr. **Obama's partners are concluding that they cannot do business with him. They don't trust him. Whether it's the Saudis, the Syrian rebels, the French, the Iraqis, the unpivoted Asians or the congressional Republicans, they've all had their fill of coming up on the short end with so mercurial a U.S. president. And when that happens, the world's important business doesn't get done. It sits in a dangerous and volatile vacuum.** **The next major political event in Washington is the negotiation over spending**, entitlements and taxes between House budget chairman Paul Ryan and his Senate partner, Patty Murray. The **bad air over this effort is the same as that Marco Rubio says is choking immigration reform: the fear** that Mr. **Obama will urge the process forward in public and then blow up any Ryan-Murray agreement at the 11th hour with deal-killing demands for greater tax revenue.** Then **there is Mr. Obama's bond with the American people, which is diminishing with the failed rollout of the Affordable Care Act. ObamaCare is the central processing unit of the Obama presidency's belief system. Now the believers are wondering why the administration suppressed knowledge of the huge program's problems when hundreds of tech workers for the project had to know this mess would happen Oct. 1.** Rather than level with the public, the government's most senior health-care official, Kathleen Sebelius, spent days spewing ludicrous and incredible happy talk about the failure, while refusing to provide basic information about its cause. Voters don't normally accord politicians unworldly levels of belief, but **it has been Barack Obama's gift to transform mere support into victorious credulousness. Now that is crumbling, at great cost. If here and abroad, politicians, the public and the press conclude that Mr. Obama can't play it straight, his second-term accomplishments will lie only in doing business with the world's most cynical, untrustworthy partners. The American people are the ones who will end up on the short end of those deals**.

#### The plan has no negative effect on the military – Boumediene should have already caused the link

ACLU 09 [American Civil Liberties Union]

(Brief Amicus Curiae of the American Civil Liberties Union in Support of Petitioners, www.americanbar.org/content/dam/aba/publishing/preview/publiced\_preview\_briefs\_pdfs\_09\_10\_08\_1234\_PetitionerAmCuACLU.authcheckdam.pdf)

The third Boumediene factor, the practical obstacles involved, again weighs more heavily in favor of these Petitioners than it did in Boumediene. In Boumediene, the Court acknowledged that recognizing habeas jurisdiction in domestic courts for Guantanamo detainees could impose some costs — both economic and non-economic — on the military. But it stressed that Boumediene did not pose the risks that the Eisentrager Court apparently perceived regarding 'judicial interference with the military's efforts to contain 'enemy elements, guerilla fighters, and "were-wolves,"' noting that although the detainees were "deemed enemies of the United States," who might be "dangerous ... if released," they were "contained in a secure prison facility located on an isolated and heavily fortified military base." Id. at 2261 (quoting Eisentrager, 339 U.S. at 784). In this case, allowing the Petitioners to assert their due process claim would add nothing, or virtually nothing, to the economic and procedural burdens that the Government already faces by virtue of the Petitioners' undeniable right to habeas corpus. Nor would it interfere with the military's activities against our enemies, since the United States does not even claim that the Petitioners are enemies — or, for that matter, that the military has any desire to continue to detain them. Finally, neither this case nor Boumediene raises the specter of "friction with the host government," because the United States is "answerable to no other sovereign for its acts on the "answerable to no other sovereign for its acts on the base." Id. at 2261. The Boumediene factors, then, show that recognizing the Petitioners' due process right to be free from indefinite arbitrary detention raises fewer and less substantial functional concerns (if any) than recognizing the Boumediene petitioners' habeas rights did. Nor do any other factors from the Court's extraterritoriality cases — such as the possibility of cultural or legal incompatibility between the right recognized and the location of the person asserting that right, see, e.g., Dowries, 182 U.S. at 282 — raise any significant obstacle to recognizing the due process right at issue here. Boumediene s anatysis thus compels the conclusion that the Petitioners are entitled to challenge their ongoing detention under the Due Process Clause.10

### 2AC Immigration DA

#### Squo solves biotech

**Resurreccion ‘13**

[Lyn. Science Editor for Business Mirror. “Crop Biotechnology: A Continuing Success Globally” The Business Mirror, 2/23/13 ]

CROP biotechnology has been achieving “continuing success” globally as the number of farmers who use it and the farms planted to biotech crops are increasing, recording 17.3 million farmers who planted the crops in 170.3 hectares in 28 countries in 2012, Dr. Clive James, chairman of the board of directors of the International Service for the Acquisition of Agri-biotech Applications (ISAAA), said on Thursday. James said the trend in crop biotechnology is in favor of developing countries, which compose 20 of the 28 countries that adopt the technology. Another significant development, he said, was that for the first time developing countries planted more biotech crops in 2012, with 52 percent, against the developing countries’ 48 percent. They registered equal production in 2011. This, James said, “was contrary to the perception of critics that biotech crops are only for the developed countries and would not be adopted by developing countries.” The increase in biotech farms in 2012 recorded a growth rate of 6 percent, or 10.3 million hectares more from 160 million hectares in 2011, James told a select group of journalists at a hotel in Makati City when he announced the results of the ISAAA report “Global Status of Commercialized Biotech/GM Crops for 2012.” James said this development was “remarkable” because it recorded a 100-fold increase in biotech crop hectarage in the 17th year of its adoption—from 1.7 million hectares in 1996, when it was first commercialized. “It also reflects the confidence of farmers in the technology. They make their decision on the second year [on the technology they use] based on the performance of the first year,” he said. He noted that of the 17.3 million farmers, 15.5 million, or 90 percent, are resource-poor, thereby helping farmers increase their income. He said biotech contributed to economic gains of $100 billion from 1996 to 2011, half of this was from reduced production cost, such as less pesticide sprays, less plowing and fewer labor, and the other half was from increased production per hectare. Increased production, James said, resulted in increase in farmers’ income and “more money in their pockets.”

#### No escalation- crises will be resolved through negotiations

Alagappa, Distinguished Senior Fellow at the East-West Center, PhD in International Affairs from the Fletcher School of Law and Diplomacy, 2009 (Muthiah, “Nuclear Weapons Reinforce Security and Stability in 21st Century Asia”, Vol 4 No 1)

The stabilizing effect of nuclear weapons may be better illustrated in India-Pakistan relations, as the crises between these two countries during the 1999–2002 period are often cited as demonstrating nuclear weapon-induced instability. Rather than simply attribute these crises to the possession of nuclear weapons, a more accurate and useful reading would ground them in Pakistan’s deliberate policy to alter the status quo through military means on the premise that the risk of escalation to nuclear war would deter India from responding with full-scale conventional retaliation; and in India’s response, employing compellence and coercive diplomacy strategies. In other words, particular goals and strategies rather than nuclear weapons per se precipitated the crises. Further, the outcomes of these two crises revealed the limited utility of nuclear weapons in bringing about even a minor change in the territorial status quo and highlighted the grave risks associated with offensive strategies. Recognition of these limits and the grave consequences in part contributed to the two countries’ subsequent efforts to engage in a comprehensive dialogue to settle the many disputes between them. The crises also led to bilateral understandings and measures to avoid unintended hostilities. Though it is too soon to take a long view, it is possible to argue that, like the Cuban missile crisis in 1962, the 1999 and 2001–02 crises between India and Pakistan mark a watershed in their strategic relations: the danger of nuclear war shifted their focus to avoiding a major war and to finding a negotiated settlement to bilateral problems. Large-scale military deployments along the common border, Pakistan-supported insurgent activities in India, and cross-border terrorism continue; and the two countries regularly conduct large-scale military exercises and test nuclear-capable missiles that have each other’s entire territory within range. Despite these activities, the situation has become relatively less tense; stability with the ability to absorb shocks even like that created by the November 26terrorist attack in Mumbai has begun to characterize the bilateral relationship.

#### Immigration reform’s not key to the economy

**Castelletti et al 10**

[Bárbara, economist at the OECD Development Centre, , Jeff Dayton-Johnson, head of the OECD development Centre, and Ángel Melguizo, economist at the OECD Development Centre, “Migration in Latin America: Answering old questions with new data,” 3/19/10, <http://www.voxeu.org/index.php?q=node/4764>]

Most research on migration assumes that workers are employed in activities that correspond to their skill level. In practice workers may be employed in sectors characterised by skill requirements different from their educational or training background. In particular, migrants may be overqualified for the work they do. As Mattoo et al. (2005) show, this is the case for Mexicans, Central Americans and Andean university-educated migrants working in the US. Despite their tertiary degrees, these groups rarely hold highly skilled jobs. Worse, they may even be at the lower rungs of the skill ladder; 44% of tertiary-educated Mexicans migrants in the US are working in unskilled jobs. This equilibrium represents a lose-lose-lose situation. The home country loses human capital (brain drain), the host country and the migrant him/herself are not fully employed (brain waste), and the low skilled workers in host countries (both earlier migrants and natives) can be pushed out of the market (given that they compete with these higher-educated workers for jobs). To illustrate this phenomenon for South-South flows, we follow OECD (2007) and compare the education level (primary, secondary and tertiary) of migrants in Argentina, Costa Rica and Venezuela with their category of job qualification (low, intermediate and high skilled). Figure 3 shows the share of over-qualified migrants and native workers, residing in different countries, and the comparison between foreign-born and natives. Over-qualification rates vary sharply among countries, ranging from 5% in Costa Rica and Venezuela to 14% in Argentina. While lower than in the US, Canada and Spain where the over-qualification rates are above 15%, these results point to a high degree of over-qualification among immigrants compared to the native-born in Latin American countries. While there are possible omitted variables, it is likely that some part of the brain waste observed is because of the non-recognition of foreign qualifications or excessive requalification requirements for foreigners.

#### No House vote --- GOP won’t bend to Obama pressure

Berman, 10/25 (Russell, 10/25/2013, “GOP comfortable ignoring Obama pleas for vote on immigration bill,” <http://thehill.com/homenews/house/330527-gop-comfortable-ignoring-obama-pleas-to-move-to-immigration-reform>))

For President Obama and advocates hoping for a House vote on immigration reform this year, the reality is simple: Fat chance. [Video]

Since the shutdown, Obama has repeatedly sought to turn the nation’s focus to immigration reform and pressure Republicans to take up the Senate’s bill, or something similar.

But there are no signs that Republicans are feeling any pressure.

Speaker John Boehner (R-Ohio) has repeatedly ruled out taking up the comprehensive Senate bill, and senior Republicans say it is unlikely that the party, bruised from its internal battle over the government shutdown, would pivot quickly to an issue that has long rankled conservatives.

Rep. Tom Cole (R-Okla.), a leadership ally, told reporters Wednesday there is virtually no chance the party would take up immigration reform before the next round of budget and debt-ceiling fights are settled. While that could happen by December if a budget conference committee strikes an agreement, that fight is more likely to drag on well into 2014: The next deadline for lifting the debt ceiling, for example, is not until Feb. 7.

#### Court shields—star this card

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

#### Dems will block and they’re key

Lerer and Tiron, 10/24 (Lisa and Roxana, 10/24/2013, “Republicans After Shutdown Seen Losing Again on Immigration,” <http://www.bloomberg.com/news/2013-10-24/republicans-after-shutdown-seen-losing-again-defying-immigration.html>))

Shortly after the U.S. government shutdown ended, President Barack Obama declared that he wanted immigration legislation back on Congress’s agenda, with the goal of passage by year’s end. Some fellow Democrats are in no hurry.

Their concern: a compromise with Republicans might take the edge off an issue that tops the agenda for Hispanics, a group that gave Obama 71 percent of its votes in the 2012 presidential election. Democrats want to hold onto that decisive margin in their bid to keep control of the U.S. Senate and win a House majority in next year’s congressional races.

#### The plan pacifies the base and gets their support

Goldsmith and Wittes 9, Prof at Law School ex-assistant attorney general and senior fellow at Brookings

[12/22/09, Jack Goldsmith teaches at Harvard Law School and served as an assistant attorney general in the Bush administration. Benjamin Wittes, a former Post editorial writer, is a senior fellow at the Brookings Institution and the editor of "Legislating the War on Terror: An Agenda for Reform." Both are members of the Hoover Institution's Task Force on National Security and Law, “A role judges should not have to play”, http://articles.washingtonpost.com/2009-12-22/opinions/36890191\_1\_detention-policy-judges-judicial-system]

Congress has avoided these issues for a number of reasons. Initially, it was a combination of the Bush administration's failure to seek congressional help and lawmakers' natural inclination to avoid taking responsibility for hard decisions for which they might later be held accountable. More recently, the Obama administration has been loath to spend any more political capital than necessary in cleaning up what it views as its predecessor's messes. Instead of dealing with detention policy proactively, it has largely adopted the Bush approach of grinding out detention policy in the courts. Ironically, the president's political base seems to prefer his adoption of the Bush approach -- an approach liberals previously decried -- to any effort to write detention rules and limitations into statutory law.

#### GOP won’t cave and Obama has no capital

Preston, 10/16 --- Communications Director of the Republican Party of Texas (Bryan, 10/16/2013, “Barack Obama has Picked Four Big Fights in 2013. How Has He Done?” http://pjmedia.com/tatler/2013/10/16/barack-obama-has-picked-four-big-fights-in-2013-how-has-he-done/))

2. Immigration. Obama and the Senate Gang of 8 next championed “comprehensive immigration reform.” The Senate passed a bad bill, but the House rejected it. Obama wanted one of two things out of that fight — either to pass a transformative bill that paved the path to legalization, then amnesty, then citizenship for the 12-20 million illegal aliens in the United States, or see the bill fail and use that as a weapon against Republicans. The bill has failed but Obama is threatening to bring it back up again after the current debt war is over. He expects the GOP House to roll for him, but the anger is so pervasive that they’re not likely to give him anything at all, and his poll numbers show no strength to strongarm them. So he is likely to go 0-2.