# 1NC

## 1nc—Congress

Executive war power primacy now—the plan flips that

Eric Posner, 9/3/13, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President **Obama has reaffirmed the primacy of the executive** in matters of war and peace. The war powers of the presidency remain as mighty as ever. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. **That would have been** worthy of notice, **a reversal of the ascendance of executive power over Congress**. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

It spills over to destabilize all presidential war powers.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is **no constitutional provision** on whether Congress has the legislative power to **limit, end, or otherwise redefine the scope of a war**. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 **the same cannot be said about Congress’s legislative authority** to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully **declined to grant Congress such powers**. And as this Article argues, granting Congress this power would be **inconsistent with the general war powers structure of the Constitution.** Such a reading of the Constitution would **unnecessarily empower Congress** and **tilt the scales heavily in its favor**. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time **when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

That goes nuclear

**Li ‘9**

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

## T

A) Title authority shift does not restrict war power authority

Spencer Ackerman, Wired national security correspondent, 3/20/13, Little Will Change If the Military Takes Over CIA’s Drone Strikes, [www.wired.com/dangerroom/2013/03/military-drones/](http://www.wired.com/dangerroom/2013/03/military-drones/)

Nor does the change to military drone control **restrict the relevant legal authorizations** in place. The Obama administration relies on an expansive interpretation of a 2001 congressional authorization to run its global targeted-killing program. If that authorization constrains the military to the “hot” battlefield of Afghanistan, someone forgot to tell the Joint Special Operations Command to get out of Yemen.

B) Violation - changing the semantics of how war powers are implemented instead of engaging the restrictions of the topic spikes out of core neg ground and allows affirmatives to doge core questions of the literature. Explodes the topic to include any minor modification to the status quo

## 1nc cp

Text: The president of the United States should issue an executive order to mandate a shift in targeted killing operations to the DoD and make this transition transparently implemented.

CP ensures squo shift to the DoD solve - eliminates convergence

Jack Goldsmith, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, 3/20/13, No More Drones For CIA, www.lawfareblog.com/2013/03/no-more-drones-for-cia/

That is the title of Dan Klaidman’s important story:

Three senior U.S. officials tell The Daily Beast that the White House is poised to sign off on a plan to shift the CIA’s lethal targeting program to the Defense Department. . . .The proposed plan would unify the command and control structure of targeted killings, and create a uniform set of rules and procedures. The CIA would maintain a role, but the military would have operational control over targeting. Lethal missions would take place under Title 10 of the U.S. Code, which governs military operations, rather than Title 50, which sets out the legal authorities for intelligence activities and covert operations.

Quick reactions:

(1) It is not clear what is at stake here, especially if, as Marc Ambinder reports, the Air Force currently operates and “presses the button that releases the missile” on CIA drones. At least two things appear to be involved in the shift: (a) CIA will no longer be determining who is killed, and (b) CIA might no longer “own” armed drones (Ambinder reports that CIA has 30 UAVs, but it is unclear how many are armed). Presumably CIA will still play a heavy role in the intelligence side of drone strikes – which, as I understand it, is 99% of the operation. In that light, it is unclear what Klaidman entails when he says that “a potential downside of the Agency relinquishing control of the program was the loss of a decade of expertise that the CIA has developed since it has been prosecuting its war in Pakistan and beyond,” and adds that “for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists.”

(3) Relatedly, one cost of the transition from CIA to DOD, at least in terms of removing options to the USG, is that drone strikes can no longer be covert. (Technically, Title 50 permits DOD to do covert actions. But despite DOD participation in the Bin Laden raid, there are powerful cultural aversions in DOD to covert, as opposed to clandestine, operations.) Might that mean USG drone strikes in fewer countries, because some countries will not permit such strikes on any other than strictly deniable terms? I obviously do not know. But recall what Robert Gates said in the context of wikileaks: “The fact is, governments deal with the United States because it’s in their interest, not because they like us, not because they trust us, and not because they believe we can keep secrets. ”

(4) The transition might tamp down public and especially international complaints about the USG drone program, as many of these complaints have been directed toward CIA as opposed to DOD drone strikes. To the extent that complaints are about the absence of a tradition of command responsibility within CIA and with a desire for expert compliance with the laws of war in DOD, they might be assuaged. (I have no reason to think that CIA strikes have not complied with the laws of war, but the critics appear to believe that such compliance is best guaranteed by DOD.) Some of the complaints about CIA drone strikes, however, rest on the misimpression that DOD is more open to the public and more accountable to Congress than CIA. If the transition to DOD occurs, we can expect to see more international scrutiny of and complaints about DOD strikes.

## PTX

Obama pushing immigration—it’ll get through

Reid Epstein, Politico, 11/13/13, Obama: Don't let ACA problems stop immigration, dyn.politico.com/printstory.cfm?uuid=D92FF3A4-19D5-41D2-A8F1-C56D6BC23E08

President Barack Obama gave immigration reform advocates a simple message Wednesday: Don’t let Obamacare get you down. In an Oval Office meeting with eight Christian faith leaders, the president said he remains engaged on immigration legislation and hopes the reform effort can get a fair hearing despite his other political problems, several faith leaders told POLITICO. “He said he doesn’t want other debates that are going on to hurt this,” said Jim Wallis, the president and CEO of the Christian social justice agency Sojourners. “He doesn’t want all the other debates going on to prevent this from passing. It’s caught up in all the other debates and he wants this to be looked at on his own merits.” Obama’s exhortation came during a meeting just hours before his administration released the first batch of Affordable Care Act enrollment numbers – a figure the White House had for weeks telegraphed as far lower than expected. Much of Obama’s Oval Office conversation with the faith leaders, Biden and top aides Valerie Jarrett, Cecilia Munoz and Melissa Rogers centered around the idea that contemporary Washington politics is blocking reform efforts, the faith leaders said. Obama, they said, didn’t make a direct ask for them to press Congress to back the reform effort, as Vice President Joe Biden implored Catholic leaders to do during a call Tuesday night. Instead he asked for their input on how the current immigration system is harming their communities and echoed the urgency to pass reform legislation by the end of the year. But with House Speaker John Boehner (R-Ohio) announcing earlier in the day that he has “no intention of ever going to conference on the Senate bill,” it was clear to all in the room that immigration reform has lost momentum it had after the Senate immigration bill passed. “This can be a companion issue that also deserves some attention because we’ve come so far on this issue and we can’t let it get lost in the battle du jour,” said Joel Hunter, the senior pastor at Northland Church in suburban Orlando. “I think all of us are hoping that the headlines of the daily accusations don’t bury what is a very important and urgent issue in our time.” And **still**, Obama told the faith leaders **he remains optimistic there will be progress by the end of December**. “I did get the sense that he was wanting to reassure us that this is a priority for him,” said Russell Moore, the president of the Southern Baptist Ethics and Religious Liberty Commission. “He actually does want to work with Congress to get a bill, not to just to have an issue.” White House officials declined to comment on specifics of the meeting. In an official readout, the White House said Obama once again blamed House Republicans for blocking a vote. “The president and the leaders discussed their shared commitment to raise the moral imperative for immigration reform and said they will continue keeping the pressure on Congress so they can swiftly pass commonsense reform,” the statement said. “The president commended the faith leaders for their tireless efforts in sharing their stories with Congress. He noted there is no reason for House Republicans to continue to delay action on this issue that has garnered bipartisan support. Moore, a conservative evangelical leader, said he warned Obama not to make immigration a partisan political issue. “I did say to the president that I think he needs to take seriously that the Republicans in Congress are operating out of what I believe to be good motives and that there needs to be a sense of cooperation and not divisiveness on this issue,” Moore said. “I think that was well received. I think the president seemed to indicate that that’s what he wants to do.” Wallis said there was a discussion during the meeting that the upcoming holiday season could give a boost to the reform efforts as families and churches gather. “The holiday season now happens to be coming in the end game. Here are the holidays, religious holidays, maybe there is something there,” Wallis said. “We are hearing a president say, ‘I don’t want politics to prevent this. How can we transcend and reach people to make this not just political. What can you do to help us get this beyond the politics?’” Biden on Tuesday night told Catholic officials to make their opinions known forcefully to House Republicans. He said they can’t repeat the mistakes of the gun control fight, when opponents of expanding background checks on gun purchases outnumbered White House allies in calls and e-mails to senators debating the legislation. “Thank the representatives when you call who are already in favor of reform, especially the 32 Republicans who have expressed for a path to citizenship,” Biden said. “Give them a little bit of love and appeal to their better angels, the better angels of those who are still on the fence to take a politically courageous decision.” Hunter said the push will require some help from the public to spur House Republican leadership to call a vote. “We think that the votes are there and we think it is tricky for folks to vote the way they want to,” Hunter said. “They just need some momentum from the public in order to have the justification for voting the way they already want to.”

The plan sparks an inter-branch fight derailing the agenda

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that **costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms**. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."

While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. **Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6°

In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's **highest second-term domestic priorities**, such as Social Security and immigration reform, **failed** perhaps in large part **because the administration had to expend so much energy** and effort **waging a rear-guard action against congressional critics** of the war in Iraq.

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If **congressional opposition in the military arena stands to** derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

That destroys Obama’s push—it’s critical to lock-up a House vote

Bill Scher, The Week, 10/18/13, How to make John Boehner cave on immigration, theweek.com/article/index/251361/how-to-make-john-boehner-cave-on-immigration

Speaker John Boehner (R-Ohio) generally adheres to the unwritten Republican rule that bars him from allowing votes on bills opposed by a majority of Republicans, even if they would win a majority of the full House.

But he's caved four times this year, allowing big bills to pass with mainly Democratic support. They include repealing the Bush tax cuts for the wealthiest Americans; providing Hurricane Sandy relief; expanding the Violence Against Women act to better cover immigrants, Native Americans, and LGBT survivors of abuse; and this week's bill raising the debt limit and reopening the federal government.

Many presume the Republican House is a black hole sucking President Obama's second-term agenda into oblivion. But the list of Boehner's past retreats offers a glimmer of hope, especially to advocates of immigration reform. Though it has languished in the House, an immigration overhaul passed with bipartisan support in the Senate, and was given a fresh push by Obama in the aftermath of the debt limit deal.

The big mystery that immigration advocates need to figure out: What makes Boehner cave? Is there a common thread? Is there a sequence of buttons you can push that forces Boehner to relent?

Two of this year's caves happened when Boehner was backed up against hard deadlines: The Jan. 1 fiscal cliff and the Oct. 17 debt limit. Failure to concede meant immediate disaster. Reject the bipartisan compromise on rolling back the Bush tax cuts, get blamed for jacking up taxes on every taxpayer. Reject the Senate's three-month suspension of the debt limit, get blamed for sparking a global depression. Boehner held out until the absolute last minute both times, but he was not willing to risk blowing the deadline.

A third involved the response to an emergency: Hurricane Sandy. Conservative groups were determined to block disaster relief because — as with other federal disaster responses — the $51 billion legislative aid package did not include offsetting spending cuts. Lacking Republican votes, Boehner briefly withdrew the bill from consideration, unleashing fury from New York and New Jersey Republicans, including Gov. Chris Christie. While there wasn't a hard deadline to meet, disaster relief was a time-sensitive matter, and the pressure from Christie and his allies was unrelenting. Two weeks after pulling the bill, Boehner put it on the floor, allowing it to pass over the objections of 179 Republicans.

The fourth cave occurred in order to further reform and expand a government program: The Violence Against Women Act. The prior version of the law had been expired for over a year, as conservatives in the House resisted the Senate bill in the run-up to the 2012 election. But after Mitt Romney suffered an 18-point gender gap in his loss to Obama, and after the new Senate passed its version again with a strong bipartisan vote, Boehner was unwilling to resist any longer. Two weeks later, the House passed the Senate bill with 138 Republicans opposed.

Unfortunately for immigration advocates, there is no prospect of widespread pain if reform isn't passed. There is no immediate emergency, nor threat of economic collapse.

But there is a deadline of sorts: The 2014 midterm elections.

If we've learned anything about Boehner this month, it's that he's a party man to the bone. He dragged out the shutdown and debt limit drama for weeks, without gaining a single concession, simply so his most unruly and revolutionary-minded members would believe he fought the good fight and stay in the Republican family. What he won is party unity, at least for the time being.

What Boehner lost for his Republicans is national respectability. Republican Party approval hit a record low in both the most recent NBC/Wall Street Journal poll and Gallup poll.

Here's where immigration advocates have a window of opportunity to appeal to Boehner's party pragmatism. Their pitch: The best way to put this disaster behind them is for Republicans to score a big political victory. You need this.

A year after the Republican brand was so bloodied that the Republican National Committee had to commission a formal "autopsy," party approval is the worst it has ever been. You've wasted a year. Now is the time to do something that some voters will actually like.

There's reason to hope he could be swayed. In each of the four cases in which he allowed Democrats to carry the day, he put the short-term political needs of the Republican Party over the ideological demands of right-wing activists.

Boehner will have to do another round of kabuki. He can't simply swallow the Senate bill in a day. There will have to be a House version that falls short of activists' expectations, followed by tense House-Senate negotiations. Probably like in the most formulaic of movies, and like the fiscal cliff and debt limit deals, there will have to be an "all-is-lost moment" right before we get to the glorious ending. Boehner will need to given the room to do all this again.

But he won't do it without a push. A real good push.

Immigration reform necessary to sustain the economy and competitiveness

Javier Palomarez 13, Forbes**,** 3/6**/**13**,** The Pent Up Entrepreneurship That Immigration Reform Would Unleash, www.forbes.com/sites/realspin/2013/03/06/the-pent-up-entrepreneurship-that-immigration-reform-would-unleash/print/

The main difference between now and 2007 is that today the role of immigrants and their many contributions to the American economy have been central in the country’s national conversation on the issue. Never before have Latinos been so central to the election of a U.S. President as in 2012. New evidence about the economic importance of immigration reform, coupled with the new political realities presented by the election, have given reform a higher likelihood of passing. As the President & CEO of the country’s largest Hispanic business association, the U.S. Hispanic Chamber of Commerce (USHCC), which advocates for the interests of over 3 million Hispanic owned businesses, I have noticed that nearly every meeting I hold with corporate leaders now involves a discussion of how and when immigration reform will pass. The USHCC has long seen comprehensive immigration reform as an economic imperative, and now the wider business community seems to be sharing our approach. It is no longer a question of whether it will pass. Out of countless conversations with business leaders in virtually every sector and every state, a consensus has emerged: our broken and outdated immigration system hinders our economy’s growth and puts America’s global leadership in jeopardy. Innovation drives the American economy, and without good ideas and skilled workers, our country won’t be able to transform industries or to lead world markets as effectively as it has done for decades. Consider some figures: Immigrant-owned firms generate an estimated $775 billion in annual revenue, $125 billion in payroll and about $100 billion in income. A study conducted by the New American Economy found that over 40 percent of Fortune 500 companies were started by immigrants or children of immigrants. Leading brands, like Google, Kohls, eBay, Pfizer, and AT&T, were founded by immigrants. Researchers at the Kauffman Foundation released a study late last year showing that from 2006 to 2012, one in four engineering and technology companies started in the U.S. had at least one foreign-born founder — in Silicon Valley it was almost half of new companies. There are an estimated 11 million undocumented workers currently in the U.S. Imagine what small business growth in the U.S. would look like if they were provided legal status, if they had an opportunity for citizenship. Without fear of deportation or prosecution, imagine the pent up entrepreneurship that could be unleashed. After all, these are people who are clearly entrepreneurial in spirit to have come here and risk all in the first place. Immigrants are twice as likely to start businesses as native-born Americans, and statistics show that most job growth comes from small businesses. While immigrants are both critically-important consumers and producers, they boost the economic well-being of native-born Americans as well. Scholars at the Brookings Institution recently described the relationship of these two groups of workers as complementary. This is because lower-skilled immigrants largely take farming and other manual, low-paid jobs that native-born workers don’t usually want. For example, when Alabama passed HB 56, an immigration law in 2012 aimed at forcing self-deportation, the state lost roughly $11 billion in economic productivity as crops were left to wither and jobs were lost. Immigration reform would also address another important angle in the debate – the need to entice high-skilled immigrants. Higher-skilled immigrants provide talent that high-tech companies often cannot locate domestically. High-tech leaders recently organized a nationwide “virtual march for immigration reform” to pressure policymakers to remove barriers that prevent them from recruiting the workers they need. Finally, and perhaps most importantly, fixing immigration makes sound fiscal sense. Economist Raul Hinojosa-Ojeda calculated in 2010 that comprehensive immigration reform would add $1.5 trillion to the country’s GDP over 10 years and add $66 billion in tax revenue – enough to fully fund the Small Business Administration and the Departments of the Treasury and Commerce for over two years. As Congress continues to wring its hands and debate the issue, lawmakers must understand what both businesses and workers already know: The American economy needs comprehensive immigration reform.

Extinction

**Auslin 9**

(Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos** followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would **dramatically raise tensions** inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in **all regions of the globe** and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce **into a big bang**.

## DA

Iran deal now—the delay gave Obama time to win over Congress, but signal of presidential resolve is key to Iranian compliance—the impact is nuclear war.

Rothkopf 11/12/13

David, Visiting Scholar, Carnegie Endowment, “This Deal Won’t Seal Itself,” http://carnegieendowment.org/2013/11/12/this-deal-won-t-seal-itself/gtpi

Rest assured however, there are several reasons this apparent screwup will not result in a major investigation as to what "went wrong." The most important of these reasons is that Secretary Kerry and his colleagues in the Obama White House were on some level **relieved** to have the clock stopped on the negotiations. One senior administration official acknowledged that late last week as it became clear that growing political opposition to the pending deal both domestically and from allies overseas demanded attention unless it produced a backlash that could have scuttled the agreement. In this official's words, "we were saved by the bell" as the parties agreed to delay further talks until Nov. 20. There are, of course, other reasons why this apparent breakdown between the United States and the ally with whom we have been working very closely on the P5+1 negotiating process for years, will not be overly scrutinized. One is that while in Abu Dhabi yesterday, Secretary Kerry asserted that it was not the French who undid the talks but the Iranians. He explained there was general agreement on terms but Iranian Foreign Minister Mohammad Javad Zarif and his team "couldn't take it at that particular moment, they weren't able to accept that particular thing." Zarif for his part took to Twitter to suggest that "half of the U.S. draft" was "gutted" on Thursday night and not by Iran. He accused Kerry of spinning the breakdown and warned such diplomatic maneuvering could "further erode confidence." In addition to the U.S.-Iranian "he said-he said" debate, there is also the whispered belief among some -- in both the Middle East and in Washington, acknowledged by at least one person with whom I spoke inside the administration -- that the last minute changes in language and the subsequent "rift" between the United States and France was too politically convenient. Both Paris and Washington were starting to feel the heat from allies like Saudi Arabia and Israel, and though France feared an economic squeeze on the big deals it has pending with the Saudis, the Americans could see organized opposition forming on Capitol Hill. The concern was that this opposition would not only result **in the rejection of any deal reached with Iran but** may even **compromise** a new push for **tougher sanctions** even as the administration was negotiating dialing them back. Such a rejection to the initiative would be absolutely **devastating to the president,** creating echoes of his failed effort to get Congressional support for his proposed very limited intervention in Syria to degrade their chemical weapons stores. In other words, it doesn't really matter who threw the monkey wrench. There was work to be done on this deal both in terms of strengthening its terms but also in garnering the necessary support before signatures were actually set to paper. Even given the Geneva agreement's goal of producing a temporary freeze in Iran's nuclear program while a more permanent deal could be struck, legitimate questions linger over whether the near-term deal could achieve that goal if it did not effectively freeze enrichment efforts and shut down work at an Iranian reactor capable of producing plutonium. Further, the Obama team still **has a great deal of work to do** -- some of which is being done this week by Secretary Kerry and Under Secretary of State Wendy Sherman as they meet with allies in the Middle East -- building support for the deal. This will be tough to do on Capitol Hill and in Saudi Arabia given that at, the moment, both environments seethe with distrust for President Obama. No, even the Iranians should be happy with the delay... and not just for the cynical reason that any delay buys them the time they want and need to advance their nuclear weapons program. They also very much want sanctions relief, and to get it, they **need** the deal to win support from the U.S. Congress. Given the efforts of multiple forces to block the deal, this will mean the Obama administration and the president himself will **have to** systematically **engage opponents** in a way they seldom do on anything. Winning support on Capitol Hill and with the American people for such a deal is potentially the president's next big domestic political test. Failure on this after the failure to win support for his Syria efforts, the blowback from the NSA scandal, and his unsteady and confusing Egypt policies would be a big setback for the president during his second term, a period in which chief executives often turn to foreign policy to shape their legacies. Of central concern to those domestic and international skeptics and opponents of any kind of rapprochement with Iran will be how the administration will ensure any deal is being adhered to and whether they have the resolve to punish Iran for any missteps or misrepresentations. If the President and his team can make a compelling case that they do, and then such a deal is certainly a risk worth taking. However, if the deal is seen as a dodge, as a way to avoid testing the president's resolve to do whatever is necessary to stop Iran from developing nuclear weapons, or even as a way to simply punt the hard questions associated with Iranian nukes to the next Oval Office occupant, then few will or should support what would amount to simply papering over one of the Middle East's great problems. In short, the most critical component of this deal is not the words drafted by diplomats but what lies in the heart of the Iranians and the president of the United States. If Iran reverses past patterns and actually complies, the deal could be part of a game-changing **reduction of tension** that **all in the region should welcome**. But because that is a change without precedent and one that goes against the grain of decades' worth of Iranian behavior, as well as the character and commitment of the president of the United States, it is even more important to its success. If the Iranians believe President Obama is resolved to enforce it swiftly and decisively, it may work. If they think he will be reluctant to take tough enforcement measures, if they think he can be played -- either because he wants the legacy of an apparently successful deal or because he simply is loath to run the risk of costly, dangerous military action against Iran -- **then history suggests they will play him** (much as past U.S. leaders have been played in other such "deals" as was the case with North Korea). One more caveat however, has gotten too little attention during the recent debate about these negotiations. Even if an agreement is ultimately successfully structured, implemented, and enforced, solving the Iranian nuclear problem does not resolve the Iran problem for the entire region or for the United States and its allies. But it would be a great step forward. That is not to be minimized. No one should **want a nuclear arms race** **in the Middle East** or allow for such a volatile region (or the world) to be poised on the precipice of the catastrophe of nuclear war or nuclear terrorism. Though Iran has, to date, never been a nuclear power, it has caused plenty of problems nonetheless. It remains the world's leading state sponsor of terror. It seeks to be a regional hegemon with clients at work at its behest in Iraq, Syria, Lebanon, and Gaza. It can **cause havoc in global oil markets** **via** the use of conventional weapons or even just **sabre-rattling** that might jeopardize shipping routes. No proposed deal addresses these threats or those that may emerge elsewhere (as in Western Afghanistan, for example).

[\*\*\*ONLY IF YOU WANT]

Iran proliferation causes nuclear war

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” *Foreign Affairs*, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.

n-player competition

Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

## \*\*\*Case

## Hezbollah

No Hezbollah nuke terror

Stewart & Hughes 3/2

(Scott Stewart and Nate Hughes, “Fire: The Overlooked Threat” March 2, 2013 Asmera Times)

When we consider this scenario, we must first acknowledge that it faces the same obstacles as any other nuclear weapon employed in a terrorist attack. It is unlikely that a terrorist group like al Qaeda or Hezbollah can develop its own nuclear weapons program. It is also highly unlikely that a nation that has devoted significant effort and treasure to develop a nuclear weapon would entrust such a weapon to an outside organization. Any use of a nuclear weapon would be vigorously investigated and the nation that produced the weapon would be identified and would pay a heavy price for such an attack (there has been a large investment in the last decade in nuclear forensics). Lastly, as noted above, a nuclear weapon is seen as a deterrent by countries such as North Korea or Iran, which seek such weapons to protect themselves from invasion, not to use them offensively. While a group like al Qaeda would likely use a nuclear device if it could obtain one, we doubt that other groups such as Hezbollah would. Hezbollah has a known base of operations in Lebanon that could be hit in a counterstrike and would therefore be less willing to risk an attack that could be traced back to it.

Congressional restraints fail\*

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(Philip, 2 Harv. Nat'l Sec. J. 283)\*\*includes footnote 263

The United States was one of the first countries to institutionalize congressional oversight, driven initially by revelations relating to domestic abuses by the Federal Bureau of Investigation. n359 By comparison with other democratic states, n360 the system of Congressional oversight in the United States is, in theory, relatively strong. The relevant committees have wide-ranging mandates, are empowered to examine both policy and operational issues, and have certain proactive as well as various reactive powers. n361 It is perhaps not surprising then that defenders of the CIA's targeted killings program have placed great store in the effectiveness of Congressional oversight. n362 [foonote begins] n362 See, e.g., Anderson, supra note 189, who emphasizes the importance of Congressional oversight. In addition, he argues that "the presumption that the CIA is less, rather than more, rigorous in its legal review of targeting seems to me as likely an automatic prejudice against the CIA as anything else. It might be true, but it should not be assumed; the political oversight mechanisms are in fact stronger." Id. [foonote ends] [\*386] There is, however, remarkably little either in the public record, or in leaked information, which would sus-tain such confidence. In general, it is widely acknowledged that the oversight system has suffered from extensive shortcomings and the relationship between the CIA and Congress has been poor for many years. n363 The 9/11 Commission concluded in 2004 that Congressional oversight of intelligence and counter-terrorism activities was "dysfunctional," n364 and it called for "dramatic change." n365. A study by a former CIA Inspector-General, published by the CIA, describes relations with the Congress through 2004 in the following terms: Rather than a constructive collaboration to tackle genuine, long-term problems, oversight became a means of shifting political blame . . . either to the incumbent administration or away from it. When any intelligence agency perceives this is happening, communications will suffer. No longer confi-dent how the committees will use the information they are provided, agencies become more wary of what they share with them. n366 In 2007, Tim Weiner concluded that "congressional oversight of the [CIA] had collapsed." n367 He argued that the intelligence committees had not engaged the CIA on key issues for many years, and described their dismal legacy as consisting of "an occasional public whipping and a patchwork of quick-fixes . . . ." n368 Loch Johnson similarly charac-terizes congressional oversight as involving "sporadic patrolling and ad hoc responses to fire alarms." n369 In 2009, the Speaker of the House of [\*387] Representatives, Nancy Pelosi, charged that, "the CIA was misleading the Congress" and added, for good measure, that "they mislead us all the time." n370 Speaker Pelosi was responding to the agency's al-leged failure to have adequately informed Congress about its use of waterboarding to extract information from detain-ees. That controversy was exacerbated by the CIA's subsequent destruction of videotapes showing such interrogations. n371 Many other incidents have also involved allegations that the CIA withheld information from Congress. n372 These include, in particular, the wiretapping program managed by the National Security Agency, n373 and a targeted killings plan that Vice President Cheney allegedly ordered the CIA to keep secret from Congress over an eight-year period. n374 The principal shortcomings of the relationship between Congress and the intelligence community were identified in the report of the 9/11 [\*388] Commission whose analysis has succeeded in framing much of the subsequent debate. The Commission focused especially on the need to reduce the number of congressional bodies responsible for oversight and to promote greater centralization of responsibility through the creation of either a single joint committee of the Sen-ate and House or a single committee in each chamber dealing with both authorization and appropriation. While various cosmetic changes followed, not a great deal has changed in practice. The Commission also sought to promote greater expertise on the part of members, in part by reducing the size of the committees to between seven and nine members each. Today, the House Permanent Select Committee on Intelligence consists of 22 members while the Senate Select Committee on Intelligence is comprised of 15 Senators. The rules governing if, when, and how Congress will be informed or consulted by the executive are of particular relevance in the present context. The 1947 National Security Act provides that Congress must be kept "fully informed" of significant intelligence activities, thus setting a very different standard from that which applies to military operations. In 1980, after the executive failed to inform Congress in advance of the Iran hostages mission, this was amended to pro-vide that in the case of sensitive covert actions it would suffice in such future situations if only the so-called "Gang of Eight" were notified (the Senate and House Majority and Minority Leaders, and the Chairs and ranking members of the House and Senate Intelligence Committees). This procedure sought to achieve a balance between democratic oversight on one hand and the need for operational secrecy in covert activities on the other. In 1991, in reaction to the Reagan administration's concealment from Congress of its Iran-Contra dealings, Congress sought to limit the use of that proce-dure by calling for it to be applied only in cases involving "extraordinary sensitivity or risk to life." n375 The Gang of Eight procedure has been strongly criticized for being overused, providing too little information, gen-erating no significant records, providing members with no real opportunity for input, and amounting to a formality. A member of the House Committee complained that such notifications are not conducive to effective oversight because members [\*389] "cannot take notes, seek the advice of their counsel, or even discuss the issues raised with their com-mittee colleagues." n376 Indeed, the most extraordinary fact about the congressional notification procedures is how little is known, even by those very close to, but not actually engaged in the process. Thus in a 2011 report, the Congressional Research Service highlighted just how little is known about the extent to which the executive has complied with the relevant legal provisions. The questions they identified and to which they claim no answers are known include the crite-ria actually applied by the executive in determining whether and how to notify Congress, whether explanations have been furnished, as required by law, to congressional leaders in cases where a restrictive (Gang of Eight) notification approach has been adopted, whether the executive has ever briefed the intelligence committees after the event in rela-tion to actions that were not notified to the Gang of Eight, whether the latter has ever determined that it should alert the intelligence committees to a matter of which it has been informed by the executive, and whether the committees have ever sought to develop procedures for dealing with the many issues that arise in this grey zone. n377 In the debates preceding the FY2010 Intelligence Authorization Act, House negotiators sought major changes in these arrangements, including provisions to limit the use of the technique, to require at least some briefing to all intelli-gence committee members, and to require stronger written procedures. A threatened Presidential veto led to the substan-tial watering down of those changes. n378 The Act provides that the intelligence committees may request information as to the legal authority under which particular intelligence activities, including covert actions, are being conducted. But a letter from the General Counsel of the Office of the Director of National Intelligence, which was included in the Congressional Record, seeks to limit this information to what seems like a generic explanation which "would not require disclosure of any privileged information or disclosure of [\*390] information in any particular form." n379 This approach would seem to preclude the committees from insisting upon seeing detailed legal analyses provided by relevant officials, including the Office of Legal Counsel. n380 Much has been written about the type of reforms that might have enhanced congressional oversight of the intelli-gence community. The most striking aspect is the extent to which they are predicated upon a belief that the situation can be radically improved through adjustments to the institutional design of the oversight arrangements. But various authors have exposed the fallacy of this approach, n381 and it is difficult to disagree with Johnson who has consistently made the point that structural or design factors are less important than the motivations of those who are asked to conduct the oversight. n382 It should be added that examples from other jurisdictions are more encouraging, but hardly inspiring, in this regard. n383 The difference, however, between those other jurisdictions and the United States is that in the case of the latter the stakes are much higher, especially in human rights terms, since what is in need of oversight is a rapidly ex-panding global program of state-directed killings.

No incentive for Congress to act

Druck, JD – Cornell Law, ‘12

(Judah, 98 Cornell L. Rev. 209)

Of course, despite these various suits, Congress has received much of the blame for the WPR's treatment and failures. For example, Congress has been criticized for doing little to enforce the WPR in using other Article I tools, such as the "power of the purse," n76 or by closing the loopholes frequently used by presidents to avoid the WPR [\*221] in the first place. n77 Furthermore, in those situations where Congress has decided to act, it has done so in such a disjointed manner as to render any possible check on the President useless. For example, during President Reagan's invasion of Grenada, Congress failed to reach an agreement to declare the WPR's sixty-day clock operative, n78 and later faced similar "dead-lock" in deciding how best to respond to President Reagan's actions in the Persian Gulf, eventually settling for a bill that reflected congressional "ambivalence." n79 Thus, between the lack of a "backbone" to check rogue presidential action and general ineptitude when it actually decides to act, n80 Congress has demonstrated its inability to remedy WPR violations. Worse yet, much of Congress's interest in the WPR is politically motivated, leading to inconsistent review of presi-dential military decisions filled with post-hoc rationalizations. Given the political risk associated with wartime deci-sions, n81 Congress lacks any incentive to act unless and until it can gauge public reaction - a process that often occurs after the fact. n82 As a result, missions deemed successful by the public will rarely provoke "serious congressional con-cern" about presidential compliance with the WPR, while failures will draw scrutiny. n83 For example, in the case of the Mayaguez, "liberals in the Congress generally praised [President Gerald Ford's] performance" despite the constitutional questions surrounding the conflict, simply because the [\*222] public deemed it a success. n84 Thus, even if Congress was effective at checking potentially unconstitutional presidential action, **it would only act when politically safe to do so.** This result should be unsurprising: making a wartime decision provides little advantage for politicians, especially if the resulting action succeeds. n85 Consequently, Congress itself has taken a role in the continued disregard for WPR enforcement. The current WPR framework is broken: presidents avoid it, courts will not rule on it, and Congress will not enforce it. This cycle has culminated in President Obama's recent use of force in Libya, which created little, if any, controversy, n86 and it provides a clear pass to future presidents, judges, and congresspersons looking to continue the system of pas-sivity and deferment.

No risk of bioterror

Keller 13 (Rebecca, 7 March 2013, Analyst at Stratfor, “Bioterrorism and the Pandemic Potential,” Stratfor, http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential)

The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact.

No Lebanon escalation

**Cook 7** – fellow at the Council on Foreign Relations

Steven A., and Ray Takeyh (fellow at the Council on Foreign Relations), Suzanne Maloney (senior fellow at Saban Center) Brookings Institution, International Herald Tribune, “Why the Iraq war won't engulf the Mideast,” 6-28, www.iht.com/articles/2007/06/28/opinion/edtakeyh.php

It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. **The civil war in Lebanon was regarded as someone else's fight**. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

No impact to nuke terror

**Mueller 10** (John, professor of political science at Ohio State, Calming Our Nuclear Jitters, Issues in Science and Technology, Winter, <http://www.issues.org/26.2/mueller.html>)

Politicians of all stripes preach to an anxious, appreciative, and very numerous choir when they, like President Obama, proclaim atomic terrorism to be “the most immediate and extreme threat to global security.” It is the problem that, according to Defense Secretary Robert Gates, currently keeps every senior leader awake at night. This is hardly a new anxiety. In 1946, atomic bomb maker J. Robert Oppenheimer ominously warned that if three or four men could smuggle in units for an atomic bomb, they could blow up New York. This was an early expression of a pattern of dramatic risk inflation that has persisted throughout the nuclear age. In fact, although expanding fires and fallout might increase the effective destructive radius, the blast of a Hiroshima-size device would “blow up” about 1% of the city’s area—a tragedy, of course, but not the same as one 100 times greater. In the early 1970s, nuclear physicist Theodore Taylor proclaimed the atomic terrorist problem to be “immediate,” explaining at length “how comparatively easy it would be to steal nuclear material and step by step make it into a bomb.” At the time he thought it was already too late to “prevent the making of a few bombs, here and there, now and then,” or “in another ten or fifteen years, it will be too late.” Three decades after Taylor, we continue to wait for terrorists to carry out their “easy” task. In contrast to these predictions, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.” If terrorists were somehow successful at obtaining a sufficient mass of relevant material, they would then probably have to transport it a long distance over unfamiliar terrain and probably while being pursued by security forces. Crossing international borders would be facilitated by following established smuggling routes, but these are not as chaotic as they appear and are often under the watch of suspicious and careful criminal regulators. If border personnel became suspicious of the commodity being smuggled, some of them might find it in their interest to disrupt passage, perhaps to collect the bounteous reward money that would probably be offered by alarmed governments once the uranium theft had been discovered. Once outside the country with their precious booty, terrorists would need to set up a large and well-equipped machine shop to manufacture a bomb and then to populate it with a very select team of highly skilled scientists, technicians, machinists, and administrators. The group would have to be assembled and retained for the monumental task while no consequential suspicions were generated among friends, family, and police about their curious and sudden absence from normal pursuits back home. Members of the bomb-building team would also have to be utterly devoted to the cause, of course, and they would have to be willing to put their lives and certainly their careers at high risk, because after their bomb was discovered or exploded they would probably become the targets of an intense worldwide dragnet operation. Some observers have insisted that it would be easy for terrorists to assemble a crude bomb if they could get enough fissile material. But Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland‘s Spiez Laboratory, bluntly conclude that the task “could hardly be accomplished by a subnational group.” They point out that precise blueprints are required, not just sketches and general ideas, and that even with a good blueprint the terrorist group would most certainly be forced to redesign. They also stress that the work is difficult, dangerous, and extremely exacting, and that the technical requirements in several fields verge on the unfeasible. Stephen Younger, former director of nuclear weapons research at Los Alamos Laboratories, has made a similar argument, pointing out that uranium is “exceptionally difficult to machine” whereas “plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed.“ Stressing the “daunting problems associated with material purity, machining, and a host of other issues,” Younger concludes, “to think that a terrorist group, working in isolation with an unreliable supply of electricity and little access to tools and supplies” could fabricate a bomb “is farfetched at best.” Under the best circumstances, the process of making a bomb could take months or even a year or more, which would, of course, have to be carried out in utter secrecy. In addition, people in the area, including criminals, may observe with increasing curiosity and puzzlement the constant coming and going of technicians unlikely to be locals. If the effort to build a bomb was successful, the finished product, weighing a ton or more, would then have to be transported to and smuggled into the relevant target country where it would have to be received by collaborators who are at once totally dedicated and technically proficient at handling, maintaining, detonating, and perhaps assembling the weapon after it arrives. The financial costs of this extensive and extended operation could easily become monumental. There would be expensive equipment to buy, smuggle, and set up and people to pay or pay off. Some operatives might work for free out of utter dedication to the cause, but the vast conspiracy also requires the subversion of a considerable array of criminals and opportunists, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals competent and capable enough to be effective allies are also likely to be both smart enough to see boundless opportunities for extortion and psychologically equipped by their profession to be willing to exploit them. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if with great difficulty, overcome each obstacle and that doing so in each case is “not impossible.” But although it may not be impossible to surmount each individual step, the likelihood that a group could surmount a series of them quickly becomes vanishingly small. Table 1 attempts to catalogue the barriers that must be overcome under the scenario considered most likely to be successful. In contemplating the task before them, would-be atomic terrorists would effectively be required to go though an exercise that looks much like this. If and when they do, they will undoubtedly conclude that their prospects are daunting and accordingly uninspiring or even terminally dispiriting. It is possible to calculate the chances for success. Adopting probability estimates that purposely and heavily bias the case in the terrorists’ favor—for example, assuming the terrorists have a 50% chance of overcoming each of the 20 obstacles—the chances that a concerted effort would be successful comes out to be less than one in a million. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds that they will be able to pull off the deed drop to one in well over three billion. Other routes would-be terrorists might take to acquire a bomb are even more problematic. They are unlikely to be given or sold a bomb by a generous like-minded nuclear state for delivery abroad because the risk would be high, even for a country led by extremists, that the bomb (and its source) would be discovered even before delivery or that it would be exploded in a manner and on a target the donor would not approve, including on the donor itself. Another concern would be that the terrorist group might be infiltrated by foreign intelligence. The terrorist group might also seek to steal or illicitly purchase a “loose nuke“ somewhere. However, it seems probable that none exist. All governments have an intense interest in controlling any weapons on their territory because of fears that they might become the primary target. Moreover, as technology has developed, finished bombs have been out-fitted with devices that trigger a non-nuclear explosion that destroys the bomb if it is tampered with. And there are other security techniques: Bombs can be kept disassembled with the component parts stored in separate high-security vaults, and a process can be set up in which two people and multiple codes are required not only to use the bomb but to store, maintain, and deploy it. As Younger points out, “only a few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon.” There could be dangers in the chaos that would emerge if a nuclear state were to utterly collapse; Pakistan is frequently cited in this context and sometimes North Korea as well. However, even under such conditions, nuclear weapons would probably remain under heavy guard by people who know that a purloined bomb might be used in their own territory. They would still have locks and, in the case of Pakistan, the weapons would be disassembled. The al Qaeda factor The degree to which al Qaeda, the only terrorist group that seems to want to target the United States, has pursued or even has much interest in a nuclear weapon may have been exaggerated. The 9/11 Commission stated that “al Qaeda has tried to acquire or make nuclear weapons for at least ten years,” but the only substantial evidence it supplies comes from an episode that is supposed to have taken place about 1993 in Sudan, when al Qaeda members may have sought to purchase some uranium that turned out to be bogus. Information about this supposed venture apparently comes entirely from Jamal al Fadl, who defected from al Qaeda in 1996 after being caught stealing $110,000 from the organization. Others, including the man who allegedly purchased the uranium, assert that although there were various other scams taking place at the time that may have served as grist for Fadl, the uranium episode never happened. As a key indication of al Qaeda’s desire to obtain atomic weapons, many have focused on a set of conversations in Afghanistan in August 2001 that two Pakistani nuclear scientists reportedly had with Osama bin Laden and three other al Qaeda officials. Pakistani intelligence officers characterize the discussions as “academic” in nature. It seems that the discussion was wide-ranging and rudimentary and that the scientists provided no material or specific plans. Moreover, the scientists probably were incapable of providing truly helpful information because their expertise was not in bomb design but in the processing of fissile material, which is almost certainly beyond the capacities of a nonstate group. Kalid Sheikh Mohammed, the apparent planner of the 9/11 attacks, reportedly says that al Qaeda’s bomb efforts never went beyond searching the Internet. After the fall of the Taliban in 2001, technical experts from the CIA and the Department of Energy examined documents and other information that were uncovered by intelligence agencies and the media in Afghanistan. They uncovered no credible information that al Qaeda had obtained fissile material or acquired a nuclear weapon. Moreover, they found no evidence of any radioactive material suitable for weapons. They did uncover, however, a “nuclear-related” document discussing “openly available concepts about the nuclear fuel cycle and some weapons-related issues.” Just a day or two before al Qaeda was to flee from Afghanistan in 2001, bin Laden supposedly told a Pakistani journalist, “If the United States uses chemical or nuclear weapons against us, we might respond with chemical and nuclear weapons. We possess these weapons as a deterrent.” Given the military pressure that they were then under and taking into account the evidence of the primitive or more probably nonexistent nature of al Qaeda’s nuclear program, the reported assertions, although unsettling, appear at best to be a desperate bluff. Bin Laden has made statements about nuclear weapons a few other times. Some of these pronouncements can be seen to be threatening, but they are rather coy and indirect, indicating perhaps something of an interest, but not acknowledging a capability. And as terrorism specialist Louise Richardson observes, “Statements claiming a right to possess nuclear weapons have been misinterpreted as expressing a determination to use them. This in turn has fed the exaggeration of the threat we face.” Norwegian researcher Anne Stenersen concluded after an exhaustive study of available materials that, although “it is likely that al Qaeda central has considered the option of using non-conventional weapons,” there is “little evidence that such ideas ever developed into actual plans, or that they were given any kind of priority at the expense of more traditional types of terrorist attacks.” She also notes that information on an al Qaeda computer left behind in Afghanistan in 2001 indicates that only $2,000 to $4,000 was earmarked for weapons of mass destruction research and that the money was mainly for very crude work on chemical weapons. Today, the key portions of al Qaeda central may well total only a few hundred people, apparently assisting the Taliban’s distinctly separate, far larger, and very troublesome insurgency in Afghanistan. Beyond this tiny band, there are thousands of sympathizers and would-be jihadists spread around the globe. They mainly connect in Internet chat rooms, engage in radicalizing conversations, and variously dare each other to actually do something. Any “threat,” particularly to the West, appears, then, principally to derive from self-selected people, often isolated from each other, who fantasize about performing dire deeds. From time to time some of these people, or ones closer to al Qaeda central, actually manage to do some harm. And occasionally, they may even be able to pull off something large, such as 9/11. But in most cases, their capacities and schemes, or alleged schemes, seem to be far less dangerous than initial press reports vividly, even hysterically, suggest. Most important for present purposes, however, is that any notion that al Qaeda has the capacity to acquire nuclear weapons, even if it wanted to, looks farfetched in the extreme. It is also noteworthy that, although there have been plenty of terrorist attacks in the world since 2001, all have relied on conventional destructive methods. For the most part, terrorists seem to be heeding the advice found in a memo on an al Qaeda laptop seized in Pakistan in 2004: “Make use of that which is available … rather than waste valuable time becoming despondent over that which is not within your reach.” In fact, history consistently demonstrates that terrorists prefer weapons that they know and understand, not new, exotic ones. Glenn Carle, a 23-year CIA veteran and once its deputy intelligence officer for transnational threats, warns, “We must not take fright at the specter our leaders have exaggerated. In fact, we must see jihadists for the small, lethal, disjointed, and miserable opponents that they are.” al Qaeda, he says, has only a handful of individuals capable of planning, organizing, and leading a terrorist organization, and although the group has threatened attacks with nuclear weapons, “its capabilities are far inferior to its desires.” Policy alternatives The purpose here has not been to argue that policies designed to inconvenience the atomic terrorist are necessarily unneeded or unwise. Rather, in contrast with the many who insist that atomic terrorism under current conditions is rather likely— indeed, exceedingly likely—to come about, I have contended that it is hugely unlikely. However, it is important to consider not only the likelihood that an event will take place, but also its consequences. Therefore, one must be concerned about catastrophic events even if their probability is small, and efforts to reduce that likelihood even further may well be justified. At some point, however, probabilities become so low that, even for catastrophic events, it may make sense to ignore them or at least put them on the back burner; in short, the risk becomes acceptable. For example, the British could at any time attack the United States with their submarine-launched missiles and kill millions of Americans, far more than even the most monumentally gifted and lucky terrorist group. Yet the risk that this potential calamity might take place evokes little concern; essentially it is an acceptable risk. Meanwhile, Russia, with whom the United States has a rather strained relationship, could at any time do vastly more damage with its nuclear weapons, a fully imaginable calamity that is substantially ignored. In constructing what he calls “a case for fear,” Cass Sunstein, a scholar and current Obama administration official, has pointed out that if there is a yearly probability of 1 in 100,000 that terrorists could launch a nuclear or massive biological attack, the risk would cumulate to 1 in 10,000 over 10 years and to 1 in 5,000 over 20. These odds, he suggests, are “not the most comforting.” Comfort, of course, lies in the viscera of those to be comforted, and, as he suggests, many would probably have difficulty settling down with odds like that. But there must be some point at which the concerns even of these people would ease. Just perhaps it is at one of the levels suggested above: one in a million or one in three billion per attempt.

## Sovreignty

Squo works --- military gives covert ops to Title 50 authority ---- the plan causes more confusion

Dahl 11 (Matthew – American Bar Association, “Event Summary: The bin Laden Operation – The Legal Framework” May 26, 2011, American Bar Association)

The next panelist to speak was former Acting CIA General Counsel, John Rizzo. Mr. Rizzo worked in the CIA's Office of General Counsel for 34 years and spent the majority of that time dealing with covert action issues in congressional affairs and other capacities. He emphasized that covert operations are not solely the purview of the CIA, and that any U.S. government agency is technically authorized to carry out a covert operation provided that they comply with 413b, but Mr. Rizzo could not recall a **single instance** in his many years of dealing with this issue in which an agency other than the CIA sought and received the required written finding to conduct a covert action — even the U.S. military. (Later, during the Q & A session, Rizzo and Eric Greenwald further explained that this is partly because the CIA is the only agency equipped with the internal legal mechanisms to easily comply with the oversight requirements of 413b.)

Rizzo also discussed **the period** during **which** Congress attempted to codify a statutory framework for covert actions (1990-91) and noted that creating a formal definition **for "traditional military activity"** had been exceedingly difficult. The definition of a TMA is not explicit in 413b, but legislative history lays out the elements as an activity being a TMA if it is: 1) conducted by military personnel; 2) under the direction and control of a U.S. military commander; 3) preceding or related to hostilities which are either anticipated to involve U.S. military forces, or where such hostilities are ongoing; and, 4) where the U.S. role in the overall operation is apparent or acknowledged publicly.2

Next to speak was Captain Stephanie Smart. Capt. Smart's career as a military lawyer has required her to address legal issues concerning the military"s most sensitive operations. Also, as the sole panelist who has had the longest tenure at DoD, she had a slightly different perspective on the Title 10 versus Title 50 debate. She noted that military and CIA operations are equally subject to Congressional oversight, but that the TMA exception allows for a wide range of military operations not subject to 413b. She questioned Professor Banks' assertion that the bin Laden raid had been exclusively a Title 10 action because it was conducted under the direction and control of a military commander; Capt. Smart countered by pointing out multiple elements that can define a TMA, not just military "command and control." She further opined that the bin Laden operation could have been carried out under Title 10 or Title 50, and that the mere involvement of the military does not exclude it from the realm of Title 50. This is because 413b allows other U.S. entities to provide support to covert operations carried out by the CIA, meaning that the military can transfer personnel and control to the CIA during the execution of a covert operation.

The last panelist to speak was Eric Greenwald, whose current job as a senior advisor to the military's new Cyber Command presented a unique perspective as the only panelist to work for both Congress and the DoD Mr. Greenwald was previously the Chief Counsel for the House Permanent Select Committee on Intelligence, one of the congressional committees to which 413b requires reporting for covert actions. Mr. Greenwald stated that during his time on the Hill, he encountered the blurry distinction between Title 10 and Title 50 authorities with regard to military operations termed "operational preparation of the environment" and intelligence activities under Title 50. While Title 50 intelligence activities are different than covert actions, this gave Mr. Greenwald experience with the often confusing interplay between Title 10 and Title 50; **however**, he stated that his current work with **DoD has shown** him **how much care the military takes in ensuring that all operations are scrutinized to determine whether they properly fall under Title 10 or Title 50.**

Mr. Greenwald also briefly spoke about 413b's relationship to the new U.S. Cyber Command. He noted the unsettled nature of the law as to whether cyber operations would fall under the TMA exception; however, he also pointed out that some Cyber Command operators go through training and certification that allows them to operate under both Title 10 and Title 50 requirements depending on the call of the mission. Operators are always aware of the specific legal authority under which they work, and take great care to ensure that whoever is at the keyboard executing a particular part of an operation has the proper training and authorization (under either Title 10 or Title 50) to carry out those actions.. There was no further elaboration on Cyber Command or how 413b and military cyber operations will interface, but it drew attention to an interesting issue that will likely be topic of future significance.

The discussion and audience questions that followed the panelists' opening remarks continued to swirl around the TMA exception to 413b. Mr. Rizzo reiterated that he was unaware of any situation in which the military sought a 413b written presidential finding to conduct a covert operation, which is surprising given the nature of some military operations. Professor Banks and Mr. Greenwald both agreed that **the definition of a TMA is a moving target and that Congress may have intentionally meant the definition to be vague so as to allow flexibility in this area.** (Capt. Smart agreed and admitted that defining TMA even internally is so difficult that it requires an extensive PowerPoint presentation.) However, Mr. Greenwald pointed out that an action is not a TMA just because it is carried out by the military and that any such blanket characterization could likely thwart the congressional intent behind 413b of providing additional oversight to the type of paramilitary operations that had been carried out by CIA in the decades preceding the creation of these provisions in 1991.

One of Capt. Smart's final points highlighted the DoD's institutional process when it comes to the Title 10 versus Title 50 determination. Earlier in the discussion she pointed out that **the department has a number of deconfliction mechanisms to vet operations to make sure that they are conducted under the appropriate legal authority**. Later she stated that to her knowledge DoD has never sought a presidential finding for covert action under 413b. If DoD decides that an operation may more properly fall under Title 50, it does not conduct the operation or approaches the CIA and offers to turn the operation over. If the CIA accepts the operation then it will put together the required written finding and it will be conducted as a CIA operation with the military providing support on some level.

The last short issue discussed was the possibility of a 'Title 60" that would basically consolidate Title 10 and Title 50 in an attempt to clarify legal boundaries in the area of covert action. The major proponent of this plan was former Director of National Intelligence, Dennis Blair, who suggested this both during his confirmation hearing and during testimony at a recent congressional hearing. The idea of Title 60 would be to provide a more clear legal framework for joint covert activities such as the bin Laden operation. The panelists had little time to respond to this proposal but the general consensus seemed to be that the current legal framework for covert actions is sufficient **— that Title 10 and Title 50 will always overlap, which is ok** — and that a major overhaul would likely result in unnecessary confusion.

Existing norms solve and precedent isn’t key

Anderson, professor of international law – American University, ‘13

(Kenneth, "The Case for Drones", https://www.commentarymagazine.com/articles/the-case-for-drones/)

The objection to civilian deaths draws out a related criticism: Why should the United States be able to conduct these drone strikes in Pakistan or in Yemen, countries that are not at war with America? What gives the United States the moral right to take its troubles to other places and inflict damage by waging war? Why should innocent Pakistanis suffer because the United States has trouble with terrorists? The answer is simply that like it or not, the terrorists are in these parts of Pakistan, and it is the terrorists that have brought trouble to the country. The U.S. has adopted a moral and legal standard with regard to where it will conduct drone strikes against terrorist groups. It will seek consent of the government, as it has long done with Pakistan, even if that is contested and much less certain than it once was. But there will be no safe havens. If al-Qaeda or its affiliated groups take haven somewhere and the government is unwilling or unable to address that threat, America’s very long-standing view of international law permits it to take forcible action against the threat, sovereignty and territorial integrity notwithstanding. This is not to say that the United States could or would use drones anywhere it wished. Places that have the rule of law and the ability to respond to terrorists on their territory are different from weakly governed or ungoverned places. There won’t be drones over Paris or London—this canard is popular among campaigners and the media but ought to be put to rest. But the vast, weakly governed spaces, where states are often threatened by Islamist insurgency, such as Mali or Yemen, are a different case altogether. This critique often leads, however, to the further objection that the American use of drones is essentially laying the groundwork for others to do the same. Steve Coll wrote in the New Yorker: “America’s drone campaign is also creating an ominous global precedent. Ten years or less from now, China will likely be able to field armed drones. How might its Politburo apply Obama’s doctrines to Tibetan activists holding meetings in Nepal?” The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But the United States does not use drones in this fashion and has claimed no special status for drones. The U.S. government uses drone warfare in a far more limited way, legally and morally, and **entirely within the bounds of** international law. The problem with China (or Russia) using drones is that they might not use them in the same way as the United States. The drone itself is a tool. How it is used and against whom—these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be.

# 2NC

## 2nc overview

Their Lubold evidence says only need transparency which the CP solves

**Lubold 11/5** (Gordon Lubold is a national security reporter for Foreign Policy. He was a senior advisor at the United States Institute of Peace in Washington, where he wrote on national security and foreign policy, Shane Harris, Author of [The Watchers](http://shaneharris.com/category/thewatchers), “[Exclusive: The CIA, Not The Pentagon, Will Keep Running Obama's Drone War](http://killerapps.foreignpolicy.com/posts/2013/11/05/cia_pentagon_drone_war_control),” November 5, 2013, <http://killerapps.foreignpolicy.com/posts/2013/11/05/cia_pentagon_drone_war_control>

The military also cannot conduct overt, hostile action in Pakistan, where the drones have been most active and are practically the only means the United States has to attack terrorists and militants in remote regions. Yes, the pace of strikes has significantly decreased since the 2010 peak of an estimated [122 unmanned attacks](http://natsec.newamerica.net/drones/pakistan/analysis) in Pakistan. But the drones are most certainly still flying. Last week, a drone strike [killed the leader of the Pakistani Taliban](http://blog.foreignpolicy.com/posts/2013/11/01/taliban_leader_killed_for_the_fifth_time_0), Hakimullah Mehsud, who had a $5 million U.S. bounty on his head for his involvement in a 2009 attack in Afghanistan. Over the summer, a spate of drone strikes killed a [dozen](http://mideast.foreignpolicy.com/posts/2013/08/09/three_drone_strikes_kill_12_suspected_militants_in_yemen) militants in [Yemen](http://blog.foreignpolicy.com/posts/2013/08/08/the_sudden_and_unexpected_return_of_the_drone_war_yemen). Keeping the drones with the CIA also offers legal cover for drone strikes, former officials argued. By law, the military is not supposed to conduct hostile actions outside a declared war zone, although special forces do so on occasion acting at the CIA's behest. When the White House began floating the idea earlier this year of transferring the drone program to the military, some lawmakers were skeptical, said a former U.S. official. John Brennan -- the White House counterrorism czar turned CIA director -- might have allegedly [grown uncomfortable](http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html) with the targeted killings that he helped oversee for so long. But the congressmen doubted whether the government of Pakistan would ever allow drone strikes run by the U.S. military to occur in their country. "That was the president's aspirational goal, but no one ever believed the Pakistanis were going to let us do that," said the former official, who was involved in discussions over transferring the drone program to the military. For years, the Pakistani government has given tacit approval to CIA-led strikes. But they were conducted as covert actions under U.S. law, meaning they were never officially acknowledged by U.S. officials. That gave the Pakistanis some wiggle room to tell an angry public, which would never tolerate American troops on the ground, that Pakistani leaders had nothing to do with the strikes on their territory. Even though Obama and other senior U.S. officials now publicly discuss CIA drone strikes, they are still conducted as covert operations. In practical terms, that means it's extremely difficult for journalists and outside researchers to obtain data from the CIA about its drone operations. And they are still briefed to Congress as covert operations, so relatively few lawmakers and congressional staff know about them. The secrecy of drone operations could have far reaching effects on U.S. foreign policy as other nations build and deploy their own drone fleets. "We are setting precedent that other nations will follow," said Micah Zenko, a fellow with the Council on Foreign Relations who [closely follows the CIA drone program](http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434). "If the executive branch wants maximum authority with this very minimal amount of transparency and limited-in-scope oversight, that's a precedent that other countries will look to as well."

Solves Riedel --- creates the good amount of intelligence that is sufficient to solve Hezbollah striking --- they have no evidence that says the DOD fails

Riedel 12Bruce Riedel. December 12th, 2012. “Syria and Chemical Weapons: What Can the U.S. do now? “<http://www.brookings.edu/research/opinions/2012/12/12-syria-chemical-weapons-us-riedel> (Bruce Riedel is senior fellow and director of the [Brookings Intelligence Project](http://www.brookings.edu/about/projects/intelligence), part of Brookings’ new [Center for 21st Century Security and Intelligence](http://www.brookings.edu/about/centers/security-and-intelligence). Riedel also serves as a senior fellow in the [Saban Center for Middle East Policy](http://www.brookings.edu/about/centers/saban). Riedel joined Brookings following a 30-year career at the Central Intelligence Agency, a tenure which included multiple overseas postings. He served as a senior advisor to the last four U.S. presidents on South Asia and the Middle East, working as a senior member of the National Security Council)

**Syria has the Arab world’s most lethal arsenal of weapons of mass destruction, hundreds of chemical warheads, dozens of Scud missiles and bombs which can deliver them anywhere in the Levant. Stopping them from falling into terrorist hands should be our top intelligence priority.** Syrian scientists developed an effective chemical weapons program using primarily the nerve agent sarin, a substance 500 times more toxic than cyanide, in the 1980s. Syria mated the nerve agent with Scud missiles and with bombs and artillery shells. When Israel learned of the Syrian program it considered military action to destroy it but concluded the program was too disbursed to be susceptible to air attacks without an unacceptable risk that Syria would respond by firing chemicals into Tel Aviv. Securing all of the arsenal today would require a very large military intervention. As Syria collapses further into chaos over the next few months the most immediate danger is that al-Qaeda’s Syrian wing, the al-Nusra front, will take control of a military facility with a cache of chemical weapons. They could use them against Assad’s forces, or more likely spirit them into a third country to attack an American target. Jordan foiled an al-Qaeda plot to attack our Embassy in Amman this fall with mortar fire. How well al-Qaeda could maintain and use chemicals is unknown. Chemical weapons in amateur hands can be very dangerous both to the amateur and his enemy. We don’t want to take the chance**. The key to stopping al-Qaeda or Hezbollah gaining control of a cache is good real time actionable intelligence. The CIA and Mossad have had almost two years to ramp up intelligence collection on Syria but it’s a formidable challenge. U.S. and Jordanian commandoes need to be ready to secure any loose bombs**.

Creates a precedent for future administrations and leads to Congressional follow-on

Duncan, Associate Professor of Law at Florida A&M, Winter 2010

(John C., “A Critical Consideration of Executive Orders,” 35 Vt. L. Rev. 333, Lexis)

**Executive orders** can serve the purpose of allowing the President to generate favorable publicity, such as when President Clinton signed an executive order on ethics, n493 and when President George W. Bush signed the first of a series of executive orders to launch his Faith-Based and Community Initiatives. n494 While these orders pay off political debts and thus may seem trivial, they nevertheless **create both infrastructural and regulatory precedents for future administrations**. Hence, they create an avenue for key constituencies of each administration to influence the executive structure as a whole without necessarily permitting that influence to extend to arenas of reserved for Congress. That is, while the President can act more swiftly and precisely to satisfy political commitments, the impact of his action will fall considerably short of analogous congressional action. This in turn serves to satisfy selected constituencies without giving them undue power via the presidency. Executive orders have even served to create presidential commissions to investigate and research problems, and have been instrumental in solving remedial issues. n495 **Commission reports** that result from such orders can in [\*398] turn **put pressure on Congress to** enact legislation to respond to those problems. President Franklin Roosevelt pursued this process when he issued a report of the Committee on Economic Security studying financial insecurity due to "unemployment, old age, disability, and health." n496 This report led to the Social Security Act. n497

## 2nc dod shift solves

This definitively solves the case, but the aff undermines the transition turning their drones adv

Daniel Klaidman, Daily Beast, 3/19/13, Exclusive: No More Drones for CIA, [www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html](http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html)

The move could potentially toughen the criteria for drone strikes, strengthen the program’s accountability, and increase transparency. Currently, the government maintains parallel drone programs, one housed in the CIA and the otherrun by the Department of Defense. **The proposed plan would unify the command and control structure of targeted killings and create a uniform set of rules and procedures**. **The CIA would maintain a role, but the military would have operational control over targeting.** Lethal missions would take place under Title 10 of the U.S. Code, which governs military operations, rather than Title 50, which sets out the legal authorities for intelligence activities and covert operations. “**This is a big deal,”** says one senior administration official who has been briefed on the plan. “It would be a pretty strong statement.”

Officials anticipate a phased-in transition in which the CIA’s drone operations would be gradually shifted over to the military, a process that could take as little as a year. Others say it might take longer but would occur during President Obama’s second term. “You can’t just flip a switch**, but it’s on a** reasonably fast track,” says one U.S. official. During that time, CIA and DOD operators would begin to work more closely together to ensure a smooth hand-off. The CIA would remain involved in lethal targeting, at least on the intelligence side, but would not actually control the unmanned aerial vehicles. Officials told The Daily Beast that a potential downside of the agency’s relinquishing control of the program was the loss of a decade of expertise that the CIA has developed since it has been prosecuting its war in Pakistan and beyond. At least for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists.

The policy shift is part of a larger White House initiative known internally as “institutionalization,” an effort to set clear standards and procedures for lethal operations. More than a year in the works, the interagency process has been driven and led by John Brennan, who until he became CIA director earlier this month was Obama’s chief counterterrorism adviser. Brennan, who has presided over the administration’s drone program from almost day one of Obama’s presidency, has grown uncomfortable with the ad hoc and sometimes shifting rules that have governed it. Moreover, Brennan has publicly stated that he would like to see the CIA move away from the kinds of paramilitary operations it began after the September 11 attacks, and return to its more traditional role of gathering and analyzing intelligence.

Lately, Obama has signaled his own desire to place the drone program on a firmer legal footing, as well as to make it more transparent. He obliquely alluded to the classified program during his State of the Union address in January. “In the months ahead,” he declared, “I will continue to work with Congress to ensure that not only our targeting, detention, and prosecution of terrorists remain consistent with our laws and systems of checks and balances, but that our efforts are even more transparent to the American people and to the world.”

Shortly after taking office, Obama dramatically ramped up the drone program, in part because the government’s targeting intelligence on the ground had vastly improved and because the precision technology was very much in line with the new commander in chief’s “light footprint” approach to dealing with terrorism. As the al Qaeda threat has metastasized, U.S. drone operations have spread to more remote, unconventional battlefields in places like Yemen and Somalia. With more strikes, there have been more alleged civilian casualties. Adding to the mounting pressure for the administration to provide a legal and ethical rationale for its targeting polices was the killing of Anwar al-Awlaki, a senior commander of al Qaeda’s Yemen affiliate, who also happened to be a U.S. citizen. (Two weeks later, his 16-year-old son was killed in a drone strike, which U.S. officials have called an accident.) The recent nomination of Brennan to head the CIA became a kind of proxy battle over targeted killings and the administration’s reluctance to be more forthcoming about the covert program. At issue were a series of secret Justice Department legal opinions on targeted killing that the administration had refused to make public or turn over to Congress.

It looks like the White House may now be preparing to launch a campaign to counter the growing perception—with elites if not the majority of the public—that Obama is running a secretive and legally dubious killing machine. For weeks, though the White House has not confirmed it, administration officials have been whispering about the possibility that Obama would make a major speech about counterterrorism policy, including efforts to institutionalize—but also reform—the kinds of lethal operations that have been a hallmark of his war on terrorism. With an eye on posterity, Obama may feel the time has come to demonstrate publicly that his policies, for all of the criticism, have stayed within the law and American values. “Barack Obama has got to be concerned about his legacy,” says one former adviser. “He doesn’t want drones to become his Guantánamo.”

But for the president to step out publicly on the highly sensitive subject of targeted killings, he’s going to have to do more than simply give an eloquent speech. An initiative like **shifting the CIA program to the military, as well as** other aspects of **the institutionalization plan, may be just what he needs**.

DoD shift solves norms and convergence

Policinski 13

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The use of drones as a tool to carry out targeted killing operations raises a number of concerns about the legality of the administration’s targeting policies (for details on targeted killing operations generally, see my previous blog post here). One aspect of drone strikes not previously addressed is the involvement of non-military personnel, particularly the Central Intelligence Agency (CIA). Although the US currently has the most extensive drone program in the world, at least 59 other countries are known to possess some form of unmanned aerial vehicles and the involvement of non-military personnel in conducting US drone strikes may set a dangerous precedent for the future.

Although very little about the CIA drone program has been officially acknowledged due to the covert nature of the operations, it has been asserted that the CIA has conducted drone operations in Northwest Pakistan, Yemen and Somalia.[1] Recently, Attorney General Eric Holder acknowledged in a letter to Congress that four US citizens have been killed in drone strikes since 2009, although only alleged al-Qaeda affiliate Anwar al-Awlaki was deliberately targeted.[2] It is thought that the drone that killed al-Awlaki was controlled by the CIA.[3]

From publicly available documents and news reports, it appears that until now there have been two parallel drone programs: one run through the CIA and another run through the Department of Defense (DoD).[4] For a few months there have been reports discussing the potential shift of drone operations out of CIA control and to DoD in light of new classified policy guidance reported to do just that.[5] The proposed shift would eventually put command and control over all drone operations in the hands of the military.

Our evidence is conclusive—dod control of drones now—no cia convergence

John Bennett, Defense News, 5/24/13, White House Quietly Shifts Armed Drone Program from CIA to DoD, www.defensenews.com/article/20130524/DEFREG02/305240010/White-House-Quietly-Shifts-Armed-Drone-Program-from-CIA-DoD

The White House has quietly shifted lead responsibility for its controversial armed drone program from the CIA to the Defense Department, a move that could encounter resistance on Capitol Hill.

The decision is a landmark change in America’s 12-year fight against al-Qaida and raises new legal and operational questions while solving others. The shift could set off a bitter congressional turf war among the leaders of the committees that oversee the military and intelligence community, who already have sparred over the issue.

At issue is a months-long debate about whether the CIA should remain the lead organization for planning and conducting aerial strikes on al-Qaida targets from remotely piloted aircraft.

The Obama administration appears to have settled that debate, opting to hand the military control of most drone strikes while returning the CIA to its core missions of collecting and analyzing intelligence.

In a landmark counterterrorism speech Thursday at National Defense University in Washington, Obama did not directly acknowledge the spy agency has been running the drone-strike program for years. Nor did he formally announce the Defense Department would be handed the lead role in the targeted-killing program.

The president offered some clues into the status of the program, opaquely signaling it will now primarily be conducted by the United States military.

When discussing the thorny issue that is the legality of the drone program, Obama called strikes from remotely piloted aircraft a “military tactic.”

“To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance, for the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power, or risk abusing it,” Obama said.

Minutes later, Obama, while noting drone strikes present unique geopolitical challenges for Washington, again seemed to hint his administration has concluded the military should run the drone-strike effort.

“Now, this is not to say that the risks are not real,” Obama said. “Any U.S. military action in foreign lands risks creating more enemies and impacts public opinion overseas.”

Military 'Preference'

A senior Obama administration official who briefed reporters before the president’s speech spoke more clearly, announcing the White House indeed has concluded the military soon will take over the lead role for planning and carrying out drone strikes on al-Qaida targets.

“What we do express in the PPG, though, is the preference that the United States military have the lead for the use of force not just in war zones like Afghanistan, but beyond Afghanistan where we are fighting against al-Qaida and its associated forces,” the senior administration official said.

The official was referring to a new presidential policy guidance Obama signed this week that adjusts Washington’s counterterrorism approach and includes the drone-program shift.

This captures their oversight mechanism

Spencer Ackerman, Wired national security correspondent, 3/20/13, Little Will Change If the Military Takes Over CIA’s Drone Strikes, [www.wired.com/dangerroom/2013/03/military-drones/](http://www.wired.com/dangerroom/2013/03/military-drones/)

The congressional reporting requirements for so-called Title 50 programs (stuff CIA does, to be reductive) are more specific than those for Title 10 (stuff the military does, to be reductive). But the armed services committees tend to have unquestioned and broader oversight functions than the intelligence committees enjoy, not to mention better relationships with the committees: Witness the recent anger in the Senate intelligence committee that the CIA lied to it about its torture programs. The military is more likely than the CIA to openly testify about future drone operations, allow knowledgeable congressional staff into closed-door operational briefings and allow members of Congress to take tours of drone airbases.

## 2nc do both

The perm is the worst of all worlds—CP alone is individually better

Metzger ‘9

Gillian, Professor of Law, Columbia Law School, “THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS,” 59 Emory L.J. 423

Equally important, the relationship between internal and external separation of powers is reciprocal: Internal and external checks reinforce and operate in conjunction with one another. Congress needs information to conduct meaningful oversight of the Executive Branch. n94 Internal agency experts and watchdogs are important sources of that information, whether in the guise of [\*445] formal reports, studies, and testimony or informal conversations and leaks. n95 Procedural constraints within agencies can serve a similar function, alerting Congress to agency activities. n96 Internal mechanisms also reinforce congressional mandates by creating bodies of personnel within the Executive Branch who are committed to enforcing the governing statutory regime that sets out the parameters of their authority and regulatory responsibilities - and on whose expertise the functioning of these regulatory regimes often depends. n97 Courts equally depend on information and evidence compiled by agency personnel to review agency actions, and they have invoked this dependence to justify the requirement that agencies disclose underlying information and offer detailed explanations of their decisions. n98 Moreover, despite courts regularly intoning that "it [is] not the function of the court to probe the mental processes of Secretaries in reaching [their] conclusions," n99 judicial review of agency actions often appears to turn on judges' perceptions of the role politics played in decisionmaking by agency officials. n100 Evidence that decisions were made over the objections of career staff and agency professionals often triggers more rigorous review. n101 A particularly striking [\*446] suggestion of how internal checks can effect judicial review came in the recent Boumediene litigation. Just a few months after refusing to grant certiorari in order to allow the Combatant Status Review Tribunal process to proceed, the Court reversed course and granted review, apparently influenced by the concerns of military lawyers about how the tribunals were functioning. n102

## 2nc object fiat

This is the key academic question

Sinnar, assistant professor of law at Stanford Law School, May 2013

(Shirin, “Protecting Rights from Within? Inspectors General and National Security Oversight,” 65 Stan. L. Rev. 1027, Lexis)

More than a decade after September 11, 2001, the debate over which institutions of government are best suited to resolve competing liberty and national security concerns continues unabated. While the Bush Administration's unilateralism in detaining suspected terrorists and authorizing secret surveillance initially raised separation of powers concerns, the Obama Administration's aggressive use of drone strikes to target suspected terrorists, with little oversight, demonstrates how salient these questions remain. Congress frequently lacks the [\*1029] information or incentive to oversee executive national security actions that implicate individual rights. Meanwhile, courts often decline to review counterterrorism practices challenged as violations of constitutional rights out of concern for state secrets or institutional competence. n1 These limitations on traditional external checks on the executive - Congress and the courts - have led to increased academic interest in potential checks within the executive branch. Many legal scholars have argued that executive branch institutions supply, or ought to supply, an alternative constraint on executive national security power. Some argue that these institutions have comparative advantages over courts or Congress in addressing rights concerns; others characterize them as a second-best option necessitated by congressional enfeeblement and judicial abdication.

## 2nc at rollback

And executive orders have the force of law:

Oxford Dictionary of English 2010

(Oxford Reference, Georgetown Library)

executive order

▶ noun US (Law) a rule or order issued by the President to an executive branch of the government and having the force of law.

Executive orders are permanent

Duncan, Associate Professor of Law at Florida A&M, Winter 2010

(John C., “A Critical Consideration of Executive Orders,” 35 Vt. L. Rev. 333, Lexis)

The trajectory of the evolution of the executive power in the United States, as seen through the prism of the growing edifice of executive orders have become increasingly formal and permanent. The evolution of executive power in the United States has shifted executive orders from mere legislative interpretation to ancillary legislation. **Executive orders continue to influence subsequent presidents**. The elaboration of executive order promulgation, as an autopoietic process was necessary to the very existence of presidential power. That is, the mechanisms for formalizing executive orders have always existed in the executive power in a government whose legitimacy lives in written pronouncements treated as delicate, sacred, and worth protecting at all cost. **Part of this formalization is** a consequence of **the reverence for precedent**. Thus, **prior presidents influence future presidents**, less because future presidents wish to mimic their predecessors, but more **because future presidents act within an edifice their predecessors have already erected**. Thus, the growth and elaboration of an ever more robust structure of executive orders resembles an autopoietic process. n561

Creates a stable legal framework that constrains future presidents

Brecher, JD University of Michigan, December 2012

(Aaron, Cyberattacks and the Covert Action Statute, 111 Mich. L. Rev. 423, Lexis)

The executive might also issue the proposed order, even though it would limit her freedom in some ways, because of the possible benefits of **constraining future administrations** or preempting legislative intervention. n149 For example, in this context, an administration may choose to follow the finding and reporting requirements in order to convince Congress that legislative intervention is unnecessary for proper oversight. This is acceptable if the covert action regime is in fact adequate on its own. Moreover, if greater statutory control over cyberattacks is needed, the information shared with Congress may give Congress the tools and knowledge of the issue necessary to craft related legislation. n150 Additionally, while executive orders are hardly binding, **the inertia following adoption of an order may help constrain future administrations**, which may be more or less trustworthy than the current one. **Creating a presumption through an executive order** also **establishes a stable legal framework** for cyberattacks that allows law to follow policy in this new field, and permits decisionmakers to learn more about the nature of cyberoperations before passing detailed statutes that may result in unintended consequences.

## 2nc at congress key to signal

Congress doesn’t solve signal – Presidential leadership is key

Tobin, Senior Online Editor of *Commentary* magazine, 9/3/2013

(Jonathan, Congress Can’t Fill Obama’s Leadership Void, http://www.commentarymagazine.com/2013/09/03/congress-cant-fill-obamas-leadership-void-syria/)

The implications of the congressional debate that will ensue on the future of American foreign policy are clear. Given the growth of isolationism on the right and the left, Obama’s decision to punt on Syria has opened the gates for those who have advocated for an American retreat from global responsibilities to gain more influence. Even if, as it is to be hoped, a majority of both houses of Congress vote to back American action in Syria, it’s not likely that the result of what will follow in the coming days will convince the world that America is still prepared to lead. Although there are good reasons to worry about any intervention in Syria, the arguments for inaction are unpersuasive. Given the stakes involved in letting Assad survive in terms of increasing the power of his Iranian and Hezbollah allies and the precedent set in terms of allowing the use of chemical weapons, the case for action in Syria is powerful. Boehner deserves credit for speaking up after meeting with the president and making it clear the leadership of the House of Representatives is not prepared to bow to the growing chorus of politicians who are more concerned with placing limits on the executive or opposing Obama at every turn than the need to stand up against genocidal dictators. Given the refusal of many Republicans to stand up to the Rand Paul wing of their party, it is refreshing for the normally cautious House speaker to show his willingness to put the national interest above partisan concerns. But no matter what Boehner or people like John McCain or Peter King say this week, there is no substitute for presidential leadership. As I wrote last week, it is axiomatic that liberal Democrats are far better placed to convince a majority of Americans that military action is needed in any circumstance than a conservative Republican. Though the left is just as uncomfortable with the assertion of American power as many on the right, there is little doubt that the president is far better placed than his predecessor was or any Republican might be to rally the country behind a policy that would draw a line in the sand about weapons of mass destruction. But with Obama faltering, no one should labor under the illusion that a divided Congress can either stiffen his spin or step into the leadership vacuum he has left.

## 2nc at links to politics

CP is executive action—obviously avoids Congressional fights

Fine 12

Jeffrey A. Fine, assistant professor of political science at Clemson University. He has published articles in the Journal of Politics, Political Research Quarterly, and Political Behavior. Adam L. Warber is an associate professor of political science at Clemson University. He is the author of Executive Orders and the Modern Presidency, Presidential Studies Quarterly, June 2012, " Circumventing Adversity: Executive Orders and Divided Government", Vol. 42, No. 2, Ebsco

We also should expect presidents to prioritize and be strategic in the types of executive orders that they create to maneuver around a hostile Congress. There are a variety of reasons that can drive a president’s decision. For example, presidents can use an executive order to move the status quo of a policy issue to a position that is closer to their ideal point. **By doing so, presidents are able to pressure Congress to respond**, perhaps by passing a new law that represents a compromise between the preferences of the president and Congress. Forcing Congress’s hand to enact legislation might be a preferred option for the president, if he perceives Congress to be unable or unwilling to pass meaningful legislation in the ﬁrst place. While it is possible that such unilateral actions might spur Congress to pass a law to modify or reverse a president’s order, such responses by Congress are rare (Howell 2003, 113-117; Warber 2006, 119). Enacting a major policy executive order allows the president to move the equilibrium toward his preferred outcomewithout having to spend time lining up votes or forming coalitions with legislators**.** As a result, and since reversal from Congress is unlikely, presidents have a greater incentive to issue major policy orders to overcome legislative hurdles.

The CP triggers Congressional follow-on and avoids confrontation

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And **the world at large sees him** -for better or for worse -**as the** authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." **And a president who is willing to do so publicly**, while skillfully cultivating friends and allies on Capitol Hill, **can** then **establish such intimidating credibility that it is politically unwise to confront him**. This is exactly what Obama needs to do now.

## 2nc squo solves

a) Existing norms solve

Michael Lewis, Professor of Law at Ohio Northern University Pettit College of Law, and Emily Crawford, Post-Doctoral Research Fellow, University of Sydney, 5/3/13, DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES, http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF

But the misconceptions concerning drones are not limited to the practical effects of U.S. drone policy. Legally, the United States’ position is not one of “ever-expanding entitlement for itself to target individuals across the globe.”162 The “entitlement” to use drones, just like the entitlement to engage in any other action on the sovereign territory of another state, is largely based upon the consent of the nation in which drones are being used. **It is clear that Yemen consented to the strikes undertaken on its territory**.163 This is supported by the WikiLeaks release of cables indicating Yemeni government consent for the actions taken there.164 Likewise, there is evidence that the Pakistani government has privately consented to most of the strikes that the United States had conducted on its territory.165 **To the extent that the norm being shaped by U.S. behavior is limited to cases of consent, it is hard to see how the United States will one day be disadvantaged by that norm.** Outside of situations in which the host state consents to the strike, the United States has only asserted an “entitlement” to target al Qaeda in situations where the host state has proven itself to be unable or unwilling to incapacitate or expel al Qaeda from its territory.166 It has long been established that states not involved in armed conflicts have a responsibility not to aid either belligerent.167 The United States’ position that the law of armed conflict allows it to conduct proportional strikes against al Qaeda targets within states that have proven themselves to be unable or unwilling to incapacitate or expel those targets cannot be fairly characterized as creating an “ever-expanding entitlement for itself to target individuals across the globe.”168

b) US precedent is locked in and it’s too late

NYT, 5/29/’12

(“Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”)

Justly or not, drones have become a provocative symbol of American power, running roughshod over national sovereignty and killing innocents. With China and Russia watching, the United States has set an international precedent for sending drones over borders to kill enemies.

Takes out the impact—other nations probably won’t model a restrictive drone policy, but they’re also not about to go nuts—international pressure solves

Hajjar, Institute for Public Policy and International Affairs @ ETH Zurich, ‘13

(Lisa, “Lawfare and US and Israeli Targeted Killings Policies,” ETH Zurich, April)

I refer to these as “attempts” to reinterpret international law because **targeted killing has not gained international credibility.** Were they to succeed, however, targeted killing would become an option for any government. Recall Daniel Reisner’s words: “If you do something for long enough, the world will accept it ...International law progresses through violations.” Lawfare has been a means of defending international consensus-based interpretations of IHL. In countries other than Israel or the US where lawsuits have been mounted, even when those cases have been dismissed—and even when national laws have been narrowed to impede such cases in the future—there has been no foreign governmental endorsement of the legal justifications for targeted killing. Rather, those judicial outcomes are the result of political pressure, diplomatic arm-twisting, or the desire not to offend allied governments. Lawfare has not (yet) succeeded to achieve accountability for extra-judicial executions and civilian deaths, nor forced a decisive return to international consensus-based behavior by either the Israeli or the US government. Lawfare has, however, been a means of exposing the contents and rationales of these states’ positions. This exposure, in turn, has contributed to making their targeted killing policies an issue of increasing international concern and activity. Thus, the value of lawfare should not be judged solely on the basis of judicial outcomes, but rather on the long-term significance of challenging law violations. Without such challenges, powerful states would be unhindered in their state lawfare efforts to rewrite the laws of war to make international consensus-defying policies they wish to employ appear legal. The law has not been rewritten.

The entire precedent thesis is wrong

Washington Post, 11/1/’12

(“Pulling the U.S. drone war out of the shadows,” Editorial Board)

Similarly, Mr. Volker asks “what we would say if others used drones to take out their opponents” — such as Russia in Chechnya or China in Tibet. The answer is twofold: Other nations will inevitably acquire and use armed drones, just as they have adopted all previous advances in military technology, from the bayonet to the cruise missile. But the legal and moral standards of warfare will not change. It’s hard to imagine that Russian drones would cause more devastation in Grozny than did Russian tanks and artillery, but if used there they would surely attract international censure.

## 2nc no global norms

Proves the US isn’t key

Wright, Pulitzer-winning journalist, former writer and editor – The Atlantic, 11/14/’12

(Robert, citing Max Boot, senior fellow @ CFR, “The Incoherence of a Drone-Strike Advocate,” http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond. Boot started out with this observation: I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means. That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right? As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said: You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

## 1nc at foreign backlash

No foreign backlash

Byman 13 (Daniel, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, Foreign Affairs, “Why Drones Work: The Case for Washington’s Weapon of Choice”, July/August 2013, ZBurdette)

FOREIGN FRIENDS

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones

, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.” As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.” Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by **anti-drone organizations**, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

## 2nc congress fails

Intelligence agencies will circumvent Congress, even if the aff creates new law

Ross, reporter – Bureau for Investigative Journalism, 8/1/’13

(Alice, “Is congressional drone oversight working?” Salon)

Dianne Feinstein, chair of the Senate Select Committee on Intelligence (SSCI) has said her committee devotes ‘significant time and attention to the drone programme’ and since 2010 has met each month to ‘review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimise noncombatant casualties.’ But committee members have complained about being denied information – and a source with knowledge of the committees’ functioning told the Bureau: ‘It’s a serious question as to how much any elected official could possibly understand about what’s going on inside’ the intelligence agencies. In 2012 the Los Angeles Times published what it said was a detailed account of these meetings – based on anonymous briefings – outlining how committee members and aides from the House and Senate committees go to the CIA headquarters each month to watch video footage of recent drone strikes. But new findings from the Bureau’s field research differ sharply from the account of what was reportedly shown to the committees on one occasion. The LA Times reported that anonymous aides described seeing footage of a strike that took place on June 4 2012. The attack represented a major success for the agency, killing Yahya al-Libi, al Qaeda’s second-in-command. Aides reported seeing footage showing al-Libi alone being killed by a missile. But Bureau field research and multiple credible reports tell a different story, in which the day’s events appear to be significantly more complex. The BBC, CNN and other international news outlets were among those reporting that the missile that killed al-Libi was the final part of a sequence of attacks that killed between 14 and 18 people. Sources including the Washington Post reported that after an initial strike, drones returned to attack those carrying out rescue work. If the report of what was shown to the oversight committees is accurate – and if the Bureau and other news agencies are correct – then it appears that committee members were only shown video covering the final part of the incident, giving a misleading impression that concealed over a dozen deaths. The SSCI’s website states: ‘By law, the President is required to ensure that the committee is kept “fully and currently informed” of intelligence activities.’ CIA spokesman Edward Price told the Bureau: ‘The CIA takes its commitment to Congressional oversight with the utmost seriousness. The Agency provides accurate and timely information consistent with our obligation to the oversight Committees. Any accusation alleging otherwise is baseless.’ Neither the House nor the Senate committee would comment, despite repeated requests from the Bureau. But Feinstein’s office did point the Bureau towards a five-month-old statement by the senator on oversight of the drone campaign, made shortly after the public nomination hearings for CIA director John Brennan, of which drones were a major focus. The statement briefly outlined the review process for drone strikes. But it added the Obama administration had refused to provide the committee with memos outlining the legal justifications for drone strikes,

despite repeated requests from senior committee members.

# 1NR

## PTX

**Economic collapse turns terrorism—only growth solves**

**Fandl 2004** - Adjunct Law Professor - Washington College of Law (Kevin J., 19 Am. U. Int'l L. Rev. 587, Lexis)

In his final speech in the United Kingdom as President of the United States, Bill Clinton stressed: "we have seen how abject poverty accelerates conflict, how it creates recruits for terrorists and those who incite ethnic and religious hatred, [and] how it fuels a violent rejection of the economic and social order on which our future depends." 50 His words carried more significance than he could have known at that moment. 51 The terrorist networks that have come about in recent history are a significant threat to world security not only because of the suicidal methods they employ, but also because of the status of the countries [\*598] where these networks recruit new members, engage in training exercises and where the leadership seeks refuge. These countries are not equipped politically or economically to design proactive plans to uproot such organizations in their own countries, despite their expressed efforts to do so. 52 They are developing countries with weak, or no, democratic political structure with which to coordinate such efforts. They do not have the resources that European countries, for instance, have in place to take preventative measures in order to sustain peace. 53 The George W. Bush Administration indicated that it "is aware of the link between desperate economic circumstances and terrorism." 54 Yet, rather than working to develop sustainable economies capable of both directly (through increased political pressure and rule of law programs) and indirectly (through increased employment opportunities and social stability) eradicating terrorism, President Bush has chosen to dedicate significant resources to a military conquest against the elusive concept of terrorism itself. 55 Many Americans and, to a much lesser extent, other Western citizens, support the view that terrorism can be fought with tanks and [\*599] bombs. 56 They obstinately believe that military technology is capable of uncovering each potentially threatening terrorist cell and keeping the West safe. 57 This conventional method of warfare, while effective in pinpointing targets in complete darkness, will be useless in eliminating the ideology that fuels terrorism. Terrorists are non-conventional actors using non-conventional means through amorphous concepts that cannot be identified, contained, or labeled. These are actors whose most potent weapon is the communication of ideas among masses of people awaiting an opportunity for a better life. Many of us watch in excited anticipation for Osama bin Laden's capture and/or death. However, we should rest assured that whether he is still alive will have no bearing on the control that his ideas, and the ideas of those like him, have on the impoverished and desperate in the Middle East, South Asia, and perhaps beyond. No military technology will be able to destroy the prevalence and furtherance of those ideas. 58

Turns norms

Immigration reform key to the semiconductors industry

Toohey 12

(Brian, SIA President, May 24, 2012, “TechElect Advances Proposals to Create and Sustain American Jobs”http://www.semiconductors.org/blog/techelect\_advances\_proposals\_to\_create\_and\_sustain\_american\_jobs/?print=y)

A new nonpartisan campaign called TechElect, launched by the Information Technology Industry Council (ITI), is bringing together America’s technology and innovation leaders to promote the issues that are important to our industries and to share ideas with the presidential campaigns. TechElect’s top priorities – outlined in a document titled “Six Steps to Jobs, Prosperity and Innovation” – align with many of the core priorities of the semiconductor industry. For example, TechElect supports boosting math, science, and engineering skills in our students and protecting America’s technological leadership through strategic investments in scientific research. SIA strongly advocates for government investments in both STEM education and research funding – two of the fundamental building blocks of our industry’s future. TechElect also encourages immigration reform that allows the world’s best and brightest minds to stay in America so they can create products and jobs here. Our industry has long supported this effort, and SIA was pleased to see Sen. John Cornyn (R-Texas) introduce legislation that would reform the immigration policy that is causing the U.S. to lose many job creators to competitors abroad. Last week, I was pleased to participate in TechElect’s first conference call, during which I discussed advancing the priorities that will expand our industry and boost the economy. Here are some of the topics I covered: The semiconductor industry is a great American success story. Semiconductors were invented in America, and the U.S. still leads the industry today in terms of innovation, manufacturing and design. Today, semiconductors are one of America’s top exports, and the U.S. is the leading provider of semiconductor technology to the rest of the world. The semiconductor industry has helped build the major technology breakthroughs of the last 50 years, and our greatest potential lies ahead. Semiconductors create jobs and drive our economy. Our industry employs almost 400,000 Americans directly, and semiconductor technology enables millions of additional high-tech jobs in the U.S. We’ve just scratched the surface of our potential. Eight of the top 20 U.S. corporate patent recipients are semiconductor companies, showing that the rapid pace of innovation across our industry is unrivaled. Long-term, basic research – performed at universities and funded by the industry and the federal government – is critical to sustaining the pipeline of discoveries that fuel our industry and the economy. That’s why our industry invests $20 billion in research and development annually. That’s 17 percent of total sales, which is one of the top rates of any industry.

With smart government policies – including investments in basic research, corporate tax reform, and high-skilled immigration reform – the semiconductor industry can continue to create jobs, drive economic growth and develop the technologies needed to solve our most pressing challenges.

A strong semi-conductor sector is key to resolving EMP attacks

**Spring 94**

(Baker Spring, Researcher – Heritage Foundation, Backgrounder, http://www.heritage.org/Research/NationalSecurity/BG987.cfm)

In addition to ensuring the reliability of the existing stockpile, testing has other important and practical uses. Nuclear tests will be required to field new systems as previous generations of weapons become old and obsolete. No testing means no modernization, which means, ultimately, no nuclear stockpile. Moreover, testing is used to "harden" conventional weapons and non-nuclear defenses by exposing them to the effects of nuclear explosions. If these systems are not hardened, a regional adversary will be tempted to explode a nuclear weapon in the air in order to knock out these non-nuclear systems. (The U.S. ability to produce semiconductors that are hardened against the radiation emitted by nuclear weapons is weakening. For a discussion of this alarming problem, see: Lt. Col. Bill Swiderek, "Evaluating the Viability of Rad-Hard Fab Lines," Military & Aerospace Electronics, September 20, 1993, pp. 4, 14-15.)

An EMP attack is likely

**Cooper and Pfaltzgraff 10**

(Henry F., Chairman of the Board of Directors of High Frontier and Chairman Emeritus of Applied Research Associates – Empact America, and Robert L., President – Institute for Foreign Policy Analysis and Shelby Cullom Davis Professor of International Security Studies – Tufts University, “A Dangerous Gap in Our Defenses?,” National Review Online, 12-14,http://www.nationalreview.com/articles/255192/dangerous-gap-our-defenses-henry-f-cooper-brrobert-l-pfaltzgraff-jr

The 2004 Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack observed that a single nuclear weapon exploded at high altitude above the United States will interact with the Earth’s atmosphere, ionosphere, and magnetic field and can produce a damaging electromagnetic pulse over hundreds of square miles. This could shut down, for an indefinite period, telecommunications and electrical-power grids, as well as the electronics-dependent transportation systems that support the “just-in-time” marketing, manufacturing, and delivery of essentially all commodities upon which we are dependent. It could cut off water and food supplies to urban areas and create chaos that would return the United States to 19th-century life, but without the life support then provided by an indigenous agricultural society. It could also hobble banking and related business transactions, which in turn could extend the catastrophic effects into the global economy. Disabling even one of our critical infrastructure elements would have severe consequences for others — effects from which advanced, technologically interdependent societies might not easily recover. This threat is not merely hypothetical. Several years ago, Iran tested a short-range ballistic missile in a way that indicated an interest in developing an EMP capability. Even terrorists might purchase such missiles, possibly armed with nuclear weapons. Furthermore, recent reports that Iran has agreed to install ballistic missiles in Venezuela suggest that we could face a threat via future pathways across the Caribbean. This could become a modern version of the Cuban Missile Crisis. Yet no national strategy addresses this threat or underwrites a serious program to counter its effects — though such a capability would be possible as an inexpensive adjunct to existing and planned missile-defense programs.

Extinction

**Pry 10**

(Peter Vincent, director of the U.S. Nuclear Strategy Forum, “What America Needs to Know About EMPs” http://wethearmed.com/index.php?topic=8450.0)

EMP is not just a threat to computers and electronic gadgets, but to all the critical infrastructures that depend on electronics and electricity -- communications, transportation, banking and finance, food and water -- and that sustain modern civilization and the lives of the American people. In 2008, the congressionally mandated Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack delivered its final report to Congress, the Defense Department, and the Department of Homeland Security. The commission concluded that terrorist groups, rogue states, China, and Russia are theoretically capable of launching a catastrophic EMP attack against the United States and either had contingency plans to do so or were actively pursuing the ability. Iran, North Korea, China, and Russia have scientific and military research programs dedicated to or supportive of EMP capability, and their military doctrinal writings explicitly describe EMP attacks against the United States. Based on eight years of research and analysis, 50 years of data from nuclear tests and EMP simulators, and never-before-attempted EMP tests, the commission found that any nuclear weapon, even a low-yield one, could potentially pose a catastrophic EMP threat to the United States, mainly because of the great fragility of the electric grid. One scenario of particular concern is a nuclear-armed Iran transferring a short- or medium-range nuclear missile to terrorist groups that could perform a ship-launched "anonymous" EMP attack against the United States. Iranian military strategists have written about EMP attacks against the United States, and Iran has successfully practiced launching a ballistic missile off a ship and flight-tested its Shahab-3 medium-range missile to detonate at high altitude, as if practicing an EMP attack. The commission also noted credible Russian claims that they had developed what the Russians call "super-EMP" weapons -- low-yield nuclear weapons specially designed to generate extraordinarily powerful EMP fields -- and that the Russian Duma had raised the prospect of a disabling EMP attack against the United States during NATO's bombing of Serbia in May 1999. The EMP Commission also, in the first such preview by any official body, warned that a "great" geomagnetic storm could be as catastrophic as a nuclear EMP attack -- and that this naturally occurring EMP event is inevitable. Normally, geomagnetic storms occur at high northern latitudes, not over the United States, and usually are not sufficiently powerful to cause catastrophic damage. But every hundred years or so, a "great" geomagnetic storm occurs that could cause catastrophic damage to electronics -- and the infrastructures that rely upon them -- over much of the Northern Hemisphere. The world has not experienced a great geomagnetic storm since the advent of the electronic age, not since the Carrington event of 1859 -- but many scientists think we are overdue. A great geomagnetic storm could generate an EMP covering the United States equivalent to the high-altitude detonation of a very powerful megaton-class nuclear weapon. Weinberger accuses the EMP Commission of deliberately "exaggerating the capabilities of a potential EMP attack." This is a serious allegation, as deliberately misrepresenting the facts about the EMP threat would constitute an ethical and legal violation. As evidence, Weinberger offers the opinion of Philip Coyle of the Center for Defense Information. Whatever Coyle's opinion may be, he is no authority on the commission's work and has participated in none of it. In any case, even he only accuses the EMP Commission of using "inflammatory language" but not of misrepresenting facts. As a member of the EMP Commission's staff, I can assure the public that the EMP commissioners adhered to the highest standards of professionalism and scientific objectivity. If the findings of the EMP Commission sound alarming, it is because they are. The EMP commissioners did their duty and followed the data. The EMP Commission's threat assessment and recommendations represent the best work so far produced by the United States on EMP and is the best-informed basis for national security policy. The EMP Commission's conclusions were also backed up by the findings of another congressional commission, this one chaired by former Defense Secretary William Perry. Their 2009 report independently concluded that terrorists, rogue states, China, and Russia could pose an EMP threat to the United States and advocated immediate implementation of the EMP Commission's recommendations.

Empirically denied – Obama won on healthcare and the stimulus but still has to fight for everything

Capital isn’t regenerated

Ryan 9(Selwyn Professor of Social Science at the Sir Arthur Lewis Institute of Social and Economic Studies, University of West Indies. Ph.D. in Political Science from Cornell, Jan 18, http://www.trinidadexpress.com/index.pl/article\_opinion?id=161426968)

Like many, I expect much from Obama, who for the time being, is my political beast of burden with whom every other politician in the world is unfavourably compared. As a political scientist, I however know that given the structure of American and world politics, it would be difficult for him to deliver half of what he has promised, let alone all of it. Reality will force him to make many "u" turns and detours which may well land him in quick sand. Obama will, however, begin his stint with a vast accumulation of political capital, perhaps more than that held by any other modern leader. Seventy-eight per cent of Americans polled believe that his inauguration is one of the most historic the country will witness. Political capital is, however, a lumpy and fast diminishing asset in today's world of instant communication, which once misspent, is rarely ever renewable. The world is full of political leaders like George Bush and Tony Blair who had visions, promised a lot, and probably meant well, but who did not know how to husband the political capital with which they were provided as they assumed office. They squandered it as quickly as they emptied the contents of the public vaults. Many will be watching to see how Obama manages his assets and liabilities register. Watching with hope would be the white young lady who waved a placard in Obama's face inscribed with the plaintive words, "I Trust You." Despite the general optimism about Obama's ability to deliver, many groups have already begun to complain about being betrayed. Gays, union leaders, and women have been loud in their complaints about being by-passed or overlooked. Some radical blacks have also complained about being disrespected. Where and when is Joshua going to lead them to the promised land, they ask? When is he going to pull the troops out of Iraq? Civil rights groups also expect Obama to dis-establish Guantanamo as soon as he takes office to signal the formal break with Dick Cheney and Bush. They also want him to discontinue the policy which allows intelligence analysts to spy on American citizens without official authorisation. In fact, Obama startled supporters when he signalled that he might do an about-turn and continue this particular policy. We note that Bush is signalling Obama that keeping America safe from terrorists should be his top priority item and that he, Bush, had no regrets about violating the constitutional rights of Americans if he had to do so to keep them safe. Cheney has also said that he would do it again if he had to. The safety of the republic is after all the highest law. Other groups-sub-prime home owners, workers in the automobile sector, and the poor and unemployed generally all expect Obama to work miracles on their behalf, which of course he cannot do. Given the problems of the economy which has not yet bottomed out, some promises have to be deferred beyond the first term. Groups, however, expect that the promise made to them during the campaign must be kept. Part of the problem is that almost every significant social or ethnic group believes that it was instrumental in Obama's victory. White women felt that they took Obama over the line, as did blacks generally, Jews, Hispanics, Asians, rich white men, gays, and young college kids, to mention a few of those whose inputs were readily recognisable. Obama also has a vast constituency in almost every country in the world, all of whom expect him to save the globe and the planet. Clearly, he is the proverbial "Black Knight on a White Horse." One of the "realities" that Obama has to face is that American politics is not a winner-take-all system. It is pluralistic vertically and horizontally, and getting anything done politically, even when the President and the Congress are controlled by the same party, requires groups to negotiate, bargain and engage in serious horse trading. No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what I the leader say you do. Although Obama is fully aware of the political limitations of the office which he holds, he is fully aware of the vast stock of political capital which he currently has in the bank and he evidently plans to enlarge it by drawing from the stock held by other groups, dead and alive. He is clearly drawing heavily from the caparisoned cloaks of Lincoln and Roosevelt. Obama seems to believe that by playing the all-inclusive, multipartisan, non-ideological card, he can get most of his programmes through the Congress without having to spend capital by using vetoes, threats of veto, or appeals to his 15 million strong constituency in cyberspace (the latent "Obama Party").

Err neg:

A. Winners win is a naïve media narrative

Jackie Calmes, NYTimes, 11/12/12, In Debt Talks, Obama Is Ready to Go Beyond Beltway, mobile.nytimes.com/2012/11/12/us/politics/legacy-at-stake-obama-plans-broader-push-for-budget-deal.xml

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney. George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do." "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. Well, they've learned a lot, I think." "Effective leaders," he added, "exploit opportunities rather than create them." The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards. "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.' " For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes." The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans or to help Speaker John A. Boehner persuade Republicans that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits. Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about $40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday. His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties. Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that." The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.

Don’t vote on rhetoric – vote on warrants

**Tomasky, editor of Democracy Journal, 11/8 –**, was a visiting fellow at Harvard’s Joan Shorenstein Center for the Press, Politics, and Public Policy in 2003Michael Tomasky, editor of Democracy, 11/8/13, End Times for Obama? Why This Crisis Will Also Pass, www.thedailybeast.com/articles/2013/11/08/end-times-for-obama-why-this-crisis-will-also-pass.html

It’s damn near end times for Barack Obama, to hear some tell it.

There’s a new Pew poll that has him at 41 percent approval, 53 disapproval, which Pew notes ominously is only five percentage points better than George W. Bush’s at this point in his term. (Hurricane Katrina had happened in August of Bush’s fifth year.) Conservative columnists are chuckling and clucking and tweeting to beat the band. Centrist journalist Mark Halperin, on MSNBC yesterday, declared that Obama had lost the media, which was now cheering against the success of the Affordable Care Act and just wants to see… well, people go without insurance, I guess. If everything—everything!—isn’t fixed by Nov. 30, we’re looking at a presidency that is going to collapse into utter disaster.

It’s obvious enough why conservatives would be saying this. They’ve wanted Obama to fail from the start, and they’ve certainly wanted the health-care bill to fail from the moment of its passage. Journalists like Halperin say these things not for ideological reasons, but temperamental ones: In this Halperinesque/Politico-esque world view, politics is less about people’s lives than it is about who is displaying mastery of the game and who is being mastered at any given moment (of course, seeing politics so insistently through that lens is a kind of ideology of its own, but we’ll let that pass). To that group of mainstream journalists, how Obama handles the current crisis will determine whether the administration will survive or whether he might as well just resign now.

I don’t deny that the current situation is a crisis, and one of the administration’s own making. Obama misled people. It’s a small percentage of people. They’re at the mercy of the most horrible end of the private-insurance market, and the vast majority of them are going to be better off after everything shakes out and they see that their new plans are largely better than their old ones were. But even so, they’re people, and they’re getting termination notices, and he misled them. Combine it with the website chaos, and it’s bad, there’s no sense in denying it.

What I do deny, vigorously, is that this is a make-or-break moment. Yes, I know that Obamacare is his signature initiative and all that. And I know that if problems persist after Nov. 30, pressure will mount on Harry Reid to let some kind of tinkering legislation be debated. This is a very important three weeks for the administration, and the 30th is an extremely important deadline.

But there’s a certain type of political journalism that so exists in the moment that numerous such moments have been declared to be disasters for Obama, going back to Jeremiah Wright. This kind of hyperventilating approach always turns out to be wrong and overheated. It turned out that all those things were pretty bad, but it also turned out that Obama survived them. And he’ll survive this, too.

What will happen in all likelihood is what usually happens in life and politics—that is, nothing all that dramatic. Nov. 30 will come, and the website will be more or less (though not entirely) fixed up, and life, and Obamacare, will go on. There will be more horror stories, natch, but there will be more success stories too, and sometime between now and next March 31, when the enrollment period ends, the media are going to get a little bored with the whole thing, and it will just go on irresolutely for a while, but eventually it will start becoming clear to the American people that the reform is working pretty well in the states that tried and pretty poorly in the states that didn’t, and people will start to get the point about Republican sabotage.

And then, provided health care survives that initial stage without being altered for the worse by Congress, it’s going to start to work. Well. Resistant insurance companies and even some resistant governors and state legislatures are going to see that it appears to be here to stay, and they will accommodate themselves to that reality.

Obamacare will never be a raging success. This is another error much of journalism is prone to make—looking for it to be an overwhelming success. That won’t happen because at the end of the day we’re still talking about private health insurance, and private health insurance was a pain in the tuchus before Obamacare and will remain one after it. People will always complain about their coverage. But by early 2016, I have little doubt, there will be millions more Americans who’ll be doing the complaining, and they’ll be happy to have the opportunity to do so.

Conservatives are desperate for health care to be Obama’s Katrina. Certain centrist journalists want to see it just for entertainment’s sake or as a test of Obama’s presidential “character.” I won’t say there’s zero chance of it happening. If Nov. 30 comes and the website is an unmitigated disaster, then maybe that’ll be the case. But I will say that I think the chances of it are very slim indeed. The unfortunate thing is the Republicans have just enough power to gum up the works so that even if the administration does fix up everything on its end, the GOP can keep hauling Kathleen Sebelius up to the Hill and taking other steps to make sure things look worse than they are. But Obama will survive, and more importantly, Obamacare will too.

Current hits won’t spillover to the agenda—prefer data to pundits

Joshua Tucker**, Professor of Politics at New York University,** 11/14, Forget Obamacare, remember when Syria was going to ruin Obama’s term? Remember Syria??, www.washingtonpost.com/blogs/monkey-cage/wp/2013/11/14/forget-obamacare-remember-when-syria-was-going-to-ruin-obamas-term-remember-syria/

Scott Wilson’s article here at the Washington Post on the long term consequences for Obama’s second term agenda of the “loss of trust” in Obama related to the healthcare roll out reminded me of an exchange of tweets I had in early September with Larry Sabato about the lasting relevance of Obama’s ongoing image problems related to Syria. An argument was floating around that by drawing a red line over chemical weapons and then not following through, Obama was fatally damaging his standing with the public in a way that would cause irreparable harm to his second term agenda. I took the contrarian viewpoint that any impact for Syria-related events on U.S. public opinion towards Obama was going to be fleeting, and as suggestive “evidence” tweeted a comparison of Google Searches in the United States for “Syria” and “Miley Cyrus” at the height of the crisis. Here’s an updated version of that comparison: The patterns are clear. Even at the height of the Syrian crisis (with one very brief exception), Americans were much more likely to go to Google to find information about pop star Miley Cyrus and her latest antics than they were about Syria. Since the crisis died down, however, it is not even comparable. Interest in Syria has gone to almost 0 in the Google trends scale (which measures searches on the term in question relative to all searches) while Miley has remained a topic of interest. Now as commenters on a related Monkey Cage post at the time pointed out, Google trends data are of course not a perfect measure of U.S. public opinion. But we can find evidence of this relative disengagement from the Syrian issue in other metrics as well. Our Social Media and Political Participation (SMaPP) lab at NYU has been collecting tweets on a variety of search terms related to Syria. Here’s a timeline of the number of tweets per day we’ve collected in English mentioning any of our Syria-related search terms. (So note that this is not limited to the U.S., as the Google Trends data was. For more on tweets on Syria across all languages, see this excellent blog post by SMaPP lab graduate student Pablo Barberá here): Again, the patterns are unmistakably clear: once the crisis subsided, so too did mass attention to Syria in English language tweets. I raise this point for two reasons. First, I think it illustrates the tension between the propensity of the 24 hours media to want to attribute lasting importance to the current issue of the day and the fact that most Americans do not have a tremendous amount of time to think about politics, and therefore are most likely to be paying attention only to the most salient political issues currently being discussed by elites, as John Zaller pointed out in his classic book The Nature and Origins of Mass Opinion. To return to Google trends, here is some more comparative data: To the extent that Google searches are a reasonable proxy for public interest, what we find, not surprisingly, is that Syria was supplanted in the public interest by – among other things – the government shutdown and issues related to healthcare. (Although I was surprised not to see as much of a spike related to Obamacare. I ran the same search using “healthcare.gov” and basically got a flat line, which does raise the question of whether the public finds the health-care rollout less captivating than even the Syria crisis.) This is consistent with the idea of a short attention span to political issues, and that this short attention span is exacerbated by issues related to foreign policy, especially “non-event” issues like the decision not to bomb Syria. However, the second reason I wanted to raise this point now is because of Obama’s dropping approval numbers. Here’s Gallup data for 2013: What do we see? Yes, Obama’s job approval have declined and his disapproval ratings have gone up since the Syria crisis at the end of the summer. So is it possible that the conventional wisdom that Obama could not recover from is Syria correct? Of course it is, and there is nothing in this figure that would contradict the claim that Obama “can’t recover” from events in early September 2013. However, two other patterns are undeniable. First, the drop in presidential approval has been going on fairly consistently since the start of 2013. There are fluctuations in late August/early September, but these are clearly not sharp turning points in the public opinion time series. Second, the real gap between Obama’s job approval and disapproval opens up in October, not September. So could Syria has set the stage for people to be less trusting of Obama when the next issue unfolded? Perhaps, although Obama’s approval after the end of the government shutdown had rebounded to approximately the same levels as earlier in the summer. But did the Syria crisis leave a dramatic or lasting impact on Obama’s approval rating that would have been visible now had the problems with the health-care roll out not occurred? It would be hard to conclude that from these data. Kind of makes you wonder just how “lasting” the damage from the health-care rollout is going to be by the time we hit the next big thing a few months from now.

Obama’s fine—most qualified ev

Ari Shapiro, 11/7/13, Why Obama Shouldn't Worry About His Lousy Poll Numbers, www.npr.org/2013/11/07/243583805/why-obama-shouldnt-worry-about-his-lousy-poll-numbers

President Obama's poll numbers have hit just about the lowest point of his presidency.

They started sinking after the Obamacare website's miserable debut last month. Now, only around 40 percent of Americans think Obama is doing a good job. More than half disapprove of his performance. (A year ago, the numbers were the opposite.)

It seems obvious to say that a high approval rating helps a president, while a low approval rating hurts him. But here are five reasons **Obama's numbers might not be** as **troublesome** as they sound.

1. He Was Never Popular With Congress Anyway

A high approval rating can give a president's initiatives a boost in Congress. "The willingness of members of Congress to take risks," explains Republican strategist Kevin Madden, "is usually proportional to the president's popularity."

Key word: Usually.

Even when Obama's popularity neared its high point, the president had a hard time getting bills through Congress. Just after his re-election, with approval ratings above 50 percent, Obama pushed immigration and gun control policies that seemingly had a lot of public support. Neither one became law.

Obama expressed his fury at the gun bill's failure during an emotional event at the White House Rose Garden, saying, "There were no coherent arguments as to why we wouldn't do this. It came down to politics."

In other words, Obama has governed like an unpopular president even when he was popular.

At least the guy is consistent, says Ann Selzer, president of the nonpartisan Selzer & Co. polling firm in Iowa. "He has problems when his poll numbers are high in terms of getting legislation passed, and problems when his poll numbers are low."

2. Bad Poll Numbers Are Relative

Sure, only around 40 percent of Americans think Obama is doing a good job. But Congress would love to have that kind of approval rating. They're looking at single digits — and Republicans in Congress are doing even worse.

That makes some Democrats optimistic about their party's chances in 2014, even though the party of the president typically loses seats in a midterm.

"Independent voters more than anybody are really fed up with the Republicans," says Democratic strategist Mary Anne Marsh. "For the first time in I think modern history, you have polls out there showing that almost 65 percent of voters want to get rid of their member of Congress. That has never been the case," she says.

She's referring to an from last month showing widespread damage to the GOP from the government shutdown.

Rutgers University political scientist Ross Baker says **disapproval of Congress casts Obama's position in a different light.**

"Usually you have a situation in which the president is up and Congress is down, or the president is down and Congress is up," says Baker. "People liken it to a seesaw. But, in a sense, what we have now is a kind of rubber seesaw in which both sides are down."

Says pollster Selzer: "In a relative world where people are feeling that Washington's not moving, getting things done, or passing legislation, there's a sense that **Obama is actually really surviving with the rosiest scenario**."

3. There's Not Much Purple On The Congressional Map

In the midterm elections, Obama's approval rating can only really tilt the outcome in purple, or highly competitive, congressional districts. And there are fewer of those than ever before. Redistricting has wiped out swing districts in favor of safe zones for Republicans and Democrats.

"Majorities are built in Congress based on a much smaller universe of swing districts," says Republican Madden. "But in those swing districts, it's the president's popularity that usually makes the difference between whether a Democrat can win or a Democrat will lose."

Political scientist Baker says winning the 17 seats necessary to regain control of the House from Republicans "has always been an uphill prospect for the Democrats," no matter what the president's approval rating might be.

Still, this week's gubernatorial election in Virginia showed that Obama could be a drag on Democratic candidates in purple areas. Terry McAuliffe was forecast to carry the state by double digits. Instead, he won by a much smaller margin.

4. It's A Pretty Narrow Swing

Although Obama is at a low point now, his approval rating hasn't really varied all that much. After his initial election spike in 2008, his favorability numbers have settled into a band between the low 50s to around 40 percent. Not great, but not really terrible either — especially compared with his predecessor.

Obama’s solution solved

Brian Beutler, Salon, 11/14/13, The president strikes back: Insurance companies get their justified comeuppance , www.salon.com/2013/11/14/the\_president\_strikes\_back\_insurance\_companies\_get\_their\_justified\_comeuppance/

If your health insurance carrier has canceled your plan in anticipation of the launch of the Affordable Care Act, the administrative fix President Obama announced Thursday doesn’t guarantee you can get it back. But setting aside logistical hurdles, it loosens regulations to allow insurance companies to reinstate the plans for another year, if they so choose — and if they first fully apprise you of your other options, including expanded benefits and the potential availability of premium support, on the exchanges. This solution combines a clever p.r. stunt, a stalling tactic, an act of retribution, the genuine possibility of transition assistance for some, and a large political and substantive gamble. It bears the hallmarks of desperation and frustration and determination, but it just might work. The idea isn’t to retroactively fulfill the promise he made to everyone whose plans have been canceled, but to demonstrate to the public that there’s now nothing in law requiring carriers to dump policyholders or uphold their cancelation notices, so that the public takes its concerns and grievances directly to the carriers. That would alleviate pressure on Democratic lawmakers to vote under duress for legislation that would undermine the Affordable Care Act more dramatically. Carriers and state regulators will now have to decide how to respond. And herein lies both promise and peril. From a theoretical vantage point, insurers could decide to reinstate all of the plans, none of the plans, or some of the plans. Logistical, regulatory and financial considerations will control the actual outcome. But the optimal scenario is that people whose plans don’t get renewed will blame insurers, and that of the people whose plans do get renewed, a healthy portion and distribution will learn of the other options available to them and try their luck in the exchanges. Neither piece of that scenario is guaranteed to materialize. That could mean higher premiums next year and an ongoing political crisis for Dems. But it constitutes both a gamble — a doubling down, if you will — on the law itself, and a reprisal against rapacious insurers who tried to capitalize on the Obamacare launch at the expense of their customers and good public policy. The fix Obama announced changes the rules for insurers mid-game, and many of them will not be happy about it. The nation’s largest health insurance trade association, AHIP, has already warned that the move could “destabilize the market and result in higher premiums for consumers.” But setting aside the merits, Obama’s remedy is a justified comeuppance for carriers who defaulted beneficiaries into obscenely expensive plans, which they characterized as “comparable” to the canceled coverage, without apprising them of their options, and blamed the whole disruption on Obamacare. It’s a scolding reminder to particular insurance companies that their lack of integrity exacerbated a problem that might have been containable if they hadn’t acted with such avarice. They are now reaping the whirlwind. Moreover, if Obama didn’t believe that, on a level playing field, the exchanges will prove more attractive than the old, underwritten market, he probably wouldn’t have done this. It’s a statement of confidence in his signature initiative. The immediate response on Capitol Hill is confused but promising. Republicans don’t know exactly what to say — Sen. Bob Corker, R-Tenn, called it a “good move” and “a step in the right direction”! — but I’d expect them to converge rapidly toward unified condemnation. Many **Democrats say they’re satisfied**. The most politically vulnerable of them are relieved, appreciative of a helpful first step, but not completely assuaged. The question now is whether it will allay their concerns enough that they’ll stall underhanded Congressional action long enough for the administration to get Healthcare.gov fixed. I imagine Obama’s great hope right now is that it does.

CIR critical to growth

Gittelson 13

(Robert, president, Conservatives for Comprehensive Immigration Reform, 03/26/13, “Immigration reform: Future flow must meet economic need” The Hill)

For me and my colleagues in the Conservatives for Comprehensive Immigration Reform coalition, we want to see a fair, pragmatic, and just immigration reform that respects the rule of law; secures our borders, our businesses, and our visa process; ensures fairness to taxpayers; protects the unity of the immediate family; and especially respects the God­given dignity of every person. Furthermore, we strongly feel that our nation has a moral imperative to assure that any immigration reform establishes a path toward earned legalization and eventual citizenship for those that are currently undocumented, and can qualify for this program. However, at the end of the day, we also want to see a reform of our legal immigration system that will actually work to solve the problems inherent in the broken immigration system that have led us to the dysfunctional situation that America is mired in today. Therefore, it is with some measure of frustration that we find ourselves at a stalemate on the very important issue of "future flow." Make no mistake, one of the main reasons why we now have 11,000,000 undocumented individuals in this country today, is because the legal immigration system that we currently have, did not sufficiently address the issue of future flow when it was enacted in 1986. Other than the issues of a legalization of the undocumented, and the various security and enforcement issues mentioned above, nothing will ensure a successful immigration overhaul more than getting this aspect of an immigration solution correct. Without a sufficient supply of future immigrant workers, we will not be able to achieve the economic expansion that will be mandatory to balance our future budgets, or to save our future entitlement programs. Those are hard facts, but they represent an accurate assessment of the reality of our fiscal requirements in the 21st century.