## 1AC

### Warming 1AC

#### Same as Round 2 Fullerton and Round 5 USC

## 2AC

### Circumvent

#### Restrictions solve – raises political costs

Ogul, 1996 (Morris, Master and Doctorate in Political Science from the University of Michigan, “The Politics of the War Powers”, Review: Louis Fisher, Presidential War Powers; Reviews in American History, 24.3, JSTOR)

In part, these two positions can be reconciled. Recognition that presidents under specific political circumstances will in essence act unilaterally does not mean sustained tyranny is upon us. If congressional majorities and large segments of the public respond vigorously and negatively to specific presidential actions, political pressures will minimize the duration and impact of such actions. Conversely if Congress and large segments of the public go along with the president, formal legal restrictions will have few decisive effects.¶ Over twenty years of experience with the War Powers Resolution (WPR) illuminates the problem. Presidents have usually claimed that they have consulted with Congress as stipulated in the WPR before committing troops to hostile zones. Few members of Congress would read the evidence that way. Presidents have notified Congress about what they were about to do while asserting that they have consulted Congress. What presidents have actually done does not conform with any normal meaning of consultation. Similarly, most presidential decisions to send troops into environments where combat is likely were reported, as required by the WPR , to the Congress. But presidents have studiously avoided reporting in the manner prescribed by the WPR, one that triggers its sixty-day cut-off provisions. [End Page 527]¶ This behavior by presidents surely leaves some critical decisions in a legal limbo. That, for good or evil, is where they actually are. What we can do is recognize that fact and act accordingly. Politics has and will govern the resolution of this issue. Whether this is desirable in principle can be debated. The realities of politics, however, have and are likely to prevail.¶ Legal restrictions sometimes cannot withstand political tides. Constitutional, limited government is not intended to work that way but it does in reality. There are few effective legal safeguards against intense and enduring political tides. Fortunately in U.S. history, such episodes have been few and relatively fleeting. Legal restrictions such as those specified in the War Powers Resolution have little direct, conclusive impact. They do, however, help raise the political costs of unilateral executive actions. Therein lies their primary value. Will presidents fully and freely involve Congress in decision making to send U.S. armed forces into potential or actual combat? Despite the force of Louis Fisher's account of the constitutional history of the war powers, the answer is probably not. Will presidents carefully calculate the political costs of such initiatives? They usually will. Legislation designed to raise political costs may be a useful way to promote this possibility, but Fisher places far too much weight on "solid statutory checks" (p. 205).

#### Courts solve non-compliance

Garcia, 2012 (Michael John, Legislative Attorney, “War Powers Litigation Initiated by Members of Congress Since the Enactment of the War Powers Resolution”, Congressional Research Service, February 17, http://www.fas.org/sgp/crs/natsec/RL30352.pdf)

The courts have made clear, however, that while formidable, none of the aforementioned procedural barriers constitutes an insurmountable obstacle to resolving the statutory or constitutional issues concerning war powers. All of the opinions to date indicate that the barrier to the exercise of jurisdiction stems from the posture of the cases, not some institutional shortcoming. If this view prevails, both statutory and constitutional war powers issues can be judicially determined if a legal, as distinguished from a political, impasse is created. It has been suggested that this can come about by congressional action that directs the President to take a particular action, or bars him from doing so, and by presidential noncompliance. Absent such an irreconcilable conflict, however, many believe it’s unlikely that the courts will venture into this politically and constitutionally charged thicket.

### Flex

#### No existential crises

#### We Control Link UQ - Legislative constraints are inevitable – only question is whether approval takes place

Barron and Lederman, 2008 (David, Professor of Law at Harvard Law School; Martin, Visiting Professor of Law at Georgetown University Law Center; “The Commander in Chief at the Lowest Ebb – A Constitutional History”, Harvard Law Review, 121 Harv. L. Rev. 941, Lexis)

In a companion Article, we described many of the structural forces responsible for this shift in the ground of debate. n2 Collectively, they strongly suggest that the prevailing paradigm of congressional abdication - developed at a time when bold claims of presidential authority to act without express legislative approval occasioned all the attention - no longer illuminates the main battle lines in constitutional struggles over the exercise of war powers. Among the most important of these forces is the peculiar nature of the war on terrorism. Its unusual entwinement with the home front, its heavy focus on preemptive action and intelligence collection, and its targeting of a diffuse, non-state enemy, all guarantee that presidential uses of force are likely to be conducted for years to come in a context that is thick with statutory restrictions. But even beyond the war on terrorism, the "lowest ebb" issue is likely to take on added significance, if only because of the increased willingness of Presidents to deploy force abroad. There is mounting evidence that the reduction in legislative participation at the front end of these conflicts is being counterbalanced to some extent by a legislative willingness to intervene at the back end if the campaign goes poorly or if the public begins to doubt certain of the President's decisions about how it should be prosecuted.

#### The DA is wrong – presidents can’t act quickly and congressional action solves

Pearlstein, 2009 (Deborah, Visiting Scholar and Lecturer in Public and International Affairs at the Woodrow Wilson School of Public & International Affairs at Princeton University; “Form and Function in the National Security Constitution”, Connecticut Law Review, 41 Conn. L. Rev. 1549, Lexis)

This brings us to the new functionalists' role effectiveness approach. For whatever one researcher (especially, the new functionalists would suggest, legal researchers) might find in the empirical literature informing the nature of security threats and emergency responses, the new functionalists' more forthright argument is that institutional competences make the executive better positioned to consider this information and make decisions accordingly. Indeed, in a linear comparison of institutional competences, the differences among the branches that flow from institutional structure are of course real. The judiciary, for example, can only act in the event of a case or controversy. The administrative agency and national security apparatus may put information, in the first instance, in the hands of the executive rather than Congress or the courts. Moreover, the new functionalists add, the judiciary lacks the expertise and the procedural and evidentiary resources to make good judgments in an emergency; judicial resources are too scarce to require individualized determinations as to many hundreds or thousands of detainees it is assumed, as a matter of raw effectiveness, it will be necessary to detain. And given its own resource constraints and motives, the executive is [\*1598] unlikely to exaggerate the danger posed by an individual, or detain too many people. n168 Accordingly, the new functionalists tend to favor a decision- making structure with loose (if any), emergency-driven congressional engagement and deferential (if any) judicial review. But such comparative competence accounts are misleading in several ways. They ignore the complexity of current government decision-making structures. The vast executive branch decision-making apparatus means decisions rarely come down to the speed possible with one man acting alone, and Congress and the courts have at their institutional disposal multiple means to enable the sharing of information among the branches. Such accounts also critically ignore the possibility of collective organizational capacity, a notion Justice Jackson's Youngstown concurrence seemed squarely to contemplate. n169 The executive acting alone may be better than the courts acting alone in some circumstances, but the executive plus the courts (or Congress) may be more effective than the executive alone. Perhaps most important, the new functionalist role effectiveness view ignores the structural reality that national security policy (indeed all government decision- making) is channeled through a set of existing organizations, each with its own highly elaborated set of professional norms and responsibilities, standard procedures and routines, identities and culture, all of which constrain and guide behavior-often in ways that centrally affect the organization's ability to perform its functions. Considering how such pathologies affect decision-making, one may find a far more sophisticated-and more meaningful-set of comparisons between decision-making structures than asking, for example, whether the executive can make decisions faster than courts. The next section explores a role effectiveness approach that could take this reality into account.

### T

#### We meet – prohibits preempting proliferation

#### C/I - “restrictions” can specifically prohibit without effecting all discretion

William M. Hains received his Juris Doctor from the J. Reuben Clark Law School, Brigham Young University, in April 2011. He currently serves as a law clerk for the Honorable J. Frederic Voros Jr. on the Utah Court of Appeals, “Challenging the Executive: The Constitutionality of Congressional Regulation of the President's Wartime Detention Policies,” 2011 B.Y.U.L. Rev. 2283

The restrictions on transfers to other countries may present a closer question. The restrictions place significant burdens on the President's ability to negotiate with other countries. The President must demand that the receiving country share intelligence with the United States and, when necessary, take steps to strengthen its detention system. n164 Although the conditions do not explicitly regulate the President's negotiation power, they have that effect: intelligence-sharing and security guarantees must be part of any transfer agreement negotiated by the President. The restrictions also prohibit sending detainees to countries that have had past problems with recidivism, although they give the President some discretion by allowing for a national security exception to this restriction. n165 An examination of presidential and congressional authority over foreign affairs - and negotiations in particular - suggests that the two branches may share concurrent authority over this issue.

#### Prefer our interp –

#### Key to aff creativity – their interp overlimits to 4 affs – makes the resolution stale and kills education

#### No brightline – plan text restricts war powers authority – all of their links still apply

#### Good is good enough – competing interps creates a race to the bottom to find arbitrary interps to limit out the aff – reasonability ensures substantive education

### XO

#### Perm do both

#### Object fiat – reject the team – they blur the controversy, warps 2AC time and offense – err aff even if they are “just” TOO CLOSE, practical fairness controls precision on questions of cp theory

#### “Of the President” is an adjective phrase – particularizes “authority”

David Megginson, University of Ottawa, Department of English, 2007. “The Function Of Phrases” writingcentre.uottawa.ca/hypergrammar/phrfunc.html

An adjective phrase is any phrase which modifies a noun or pronoun. You often construct adjective phrases using participles or prepositions together with their objects: I was driven mad by the sound of my neighbour's constant piano practising. In this sentence, the prepositional phrase "of my neighbour's constant piano practising" acts as an adjective modifying the noun "sound."

#### Restraint fails – won’t listen to congress and doesn’t access any signaling arguments

Posner, 9/3 (Eric, professor at the University of Chicago Law School, “Obama is only making his War Powers mightier”, Slate, 2013, http://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. This approach also empowers the president relative to Congress by giving him the ability to embarrass members of Congress when he wants to. Just ask Hillary Clinton, whose vote in favor of the 2003 Iraq War damaged her chances against Barack Obama in 2008, and the Democratic senators who could not enter the 1992 campaign for the presidency because their votes against the 1991 Iraq War rendered them unelectable. The best thing for individual members of Congress is to be able to carp on the sidelines—to complain about not being consulted and to blame the president if the war goes badly. That is why David Axelrod said, “Congress is now the dog that caught the car.” This is hardball politics, not a rediscovery of legal values.

#### Perm do the CP

#### Plan key to effective signaling – only internal link to our offense

Scheuerman, 2012 (William, Professor of Political Science and Western European Studies at Indiana University, “Review Essay: Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy”, Law & Social Inquiry, 37 Law & Soc. Inquiry 743, Lexis)

Posner and Vermeule rely on two main claims. First, even if the president constitutes the dominant actor in a legally unchecked administrative state, he or she has to gain elite and public support to get things done and stand for election. So how can political actors decide whether or not the executive is performing well? Posner and Vermeule tend to hang their hats on "executive signaling": presidents can send signals to voters communicating that they are "well-motivated," and that in fact many voters might make the same (or at least similar) decisions if they possessed the information the president typically has. By communicating in a certain way (e.g., by appointing members of the opposing party to his or her cabinet, promising to accept the recommendations of an independent commission, or by making decisions as transparent as possible), presidents can gain credibility, and voters might thereby come to acknowledge the plausibility--if not necessarily the substantive Tightness--of what the executive is doing (2010, 137-53). However, as Schmitt aptly grasped, even formally free elections potentially become charades when the executive effectively exercises legally unconstrained power (e.g., in Peronist Argentina, or Putin's Russia). Posner and Vermeule never really provide enough evidence for us to dismiss this possibility. Since the president in our system is only subject on one occasion to reelection, it is unclear how their proposals might meaningfully check the executive, particularly during a second term. The fact that executive signaling represents a form of self-binding hardly seems reassuring, either (2010, 135). Nor does the book's highlighting of the possible dangers of different forms of executive signaling (e.g., too much transparency, or an excessive subservience to independent agencies) help very much on this score (2010, 142-46). Why should we expect to get presidents who know how to engage in executive signaling in just the right way? The familiar reason the executive needs elite and popular support, of course, is that it still relies on a popularly elected Congress and other institutional players to get things done: this is why describing such dependence as intrinsically political and "nonlegal" seems odd. For that matter, the relationship between what we traditionally have described as a normative theory of political legitimacy and executive signaling mechanisms--whereby the executive gains popular credibility--remains ambiguous. Is their theory of executive signaling and credibility meant to stand in for a normative theory of legitimacy? If so, one might worry. We can easily imagine an executive diligently doing many of the things prescribed here yet nonetheless pursuing policies deeply at odds with the common good, or at least with what a democratic community under more ideal conditions might determine to be in its best interests. Depending on one's normative preferences, some of the examples provided of executive signaling (e.g., FDR and Obama naming Republicans to their cabinets) might legitimately be taken as evidence for presidential Machiavellianism, rather than as solid proof that the presidents in question were well-motivated and thereby somehow politically acceptable. [\*758] Presidential "signaling" seems like a pale replacement for liberal legalism and the separation of powers.

#### Conditionality is bad – it disincentivizes offense because it takes too long and they can kick it – allows them to read contradictory positions kills education – dispo solves

### CP

#### Cost effectiveness – Cohen

#### Baseload energy generation-still emit

#### Perm do both

#### Not peer reviewed

#### Can’t solve warming, kills the environment, and supercharges ocean acidification – also causes weaponization

Robock 11

Climatic Change (2011) 105:383–385

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Bubble, bubble, toil and trouble

An editorial comment

Alan Robock

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[http://link.springer.com/content/pdf/10.1007%2Fs10584-010-0017-1](http://link.springer.com/content/pdf/10.1007/s10584-010-0017-1)

Robock (2008a) and Robock et al. (2009) point out that while production of a¶ stratospheric aerosol cloud would indeed cool the climate and prevent or reverse¶ ice melting and sea level rise, it would also bring a large number of potential risks¶ (Table 1). While Seitz correctly states that his bubble method would remove some of¶ these risks, it would bring its own list of risks. These include impacts on convection¶ in the ocean once you cool the ocean surface, which would remove the bubbles. A¶ cooler ocean will also absorb CO2¶ more efficiently, enhancing ocean acidification. As¶ artificial surfactants would be needed in some situations, the costs and environmental¶ impacts of these chemicals may present problems. And what would be the effects of¶ bubble clouds on oceanic life, through their effects on temperature and amount of¶ sunlight? Bubble clouds would also induce changes in oceanic circulation and anom¶ alous evaporation, which would in turn affect atmospheric heating and atmospheric¶ circulation. Would the bubble patterns allow regional climate control, with potential¶ benefits, but also potential for use as a weapon?

#### Can’t solve – benefits are localized and uncertain

Steinbruner 10 (John, Director, Center for International and Security Studies, University of Maryland, March 10, “Developing an International Framework for Geoengineering”, <http://www.cfr.org/climate-change/developing-international-framework-geoengineering/p21651>, CMR)

STEINBRUNER: Let me just comment on the microbubbles idea.¶ BELL: Yeah. Microbubbles, yeah. Can you explain what it is first?¶ STEINBRUNER: Microbubbles are very tiny bubbles, sort of, micro-scale bubbles that sustain themselves over very long periods of time at the right size in water. There's an issue of how much energy it takes to do it over a large scale, okay, but it's quite dramatic.¶ And I think Russell Seitz is now making a local, not a global claim that you can put them in lakes that are subject to evaporation; you could reduce the evaporation and have a beneficial local effect. I don't think he's -- and it's just at the laboratory basis so far, so I don't think he's ready to say, you know, we're going to put microbubbles all over the ocean and solve the problem.¶ If you did, though, it looks like it would have less consequence than the sulfates in the stratosphere. So one of the things that needs to be looked at is things that can be done, either locally or globally, that don't have dramatically bad side effects, or very uncertain ones.

#### ZERO risk it solves oceans

Steinbruner 10 (John, Director, Center for International and Security Studies, University of Maryland, March 10, “Developing an International Framework for Geoengineering”, <http://www.cfr.org/climate-change/developing-international-framework-geoengineering/p21651>, CMR)

What you haven't perhaps seen is this lower curve, which is the pH of the oceans, and pH is a log metric. So what this is saying is that the oceans are today 30 percent more acidic than they were in preindustrial times. This is not caused by geoengineering, but the key point is that geoengineering, while it can offset warming, doesn't do anything about this. And so here are some pictures on the next slide. They are much more striking, in color, of what coral reefs look like.¶ Now, I must say that when we were publishing a piece a few years ago -- and for those in the press here, I'm off the record, my editor said, "Why do you care about coral reefs? They're pretty, but." But coral reefs are, in fact, of course, the base of multiple ocean ecosystems. I'm back on the record, but I don't want to get any editors in trouble. (Laughter.)

### Primaries

#### Case outweighs – warming is real and going to cause extinction – conflict can’t escalate to an existential point which means we can come back

**No global economic collapse and it wouldn’t cause conflict**

**Drezner 2011**

(Daniel Drezner, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, 8-12-2011, “Please come down off the ledge, dear readers,” Foreign polivy, <http://drezner.foreignpolicy.com/>, CMR)

So, **when we last left off** this debate, **things were looking grim**. My concern in the last post was that the persistence of hard times would cause governments to take actions that would lead to a collapse of the open global economy, a spike in general riots and disturbances, and eerie echoes of the Great Depression. **Let's assume** that **the global economy persists in sputtering for a while**, because that's what happens after major financial shocks. **Why won't** these other **bad things happen? Why isn't it 1931?** Let's start with the obvious -- **it's not gonna be 1931 because there's some passing familiarity with how 1931 played out**. The Chairman of the Federal Reserve has devoted much of his academic career to studying the Great Depression. I'm gonna go out on a limb therefore and assert that if the world plunges into a another severe downturn, it's not gonna be because central bank heads replay the same set of mistakes. **The legacy of the Great Depression has also affected public attitudes and institutions that provide much stronger cement for the current system.** In terms of publuc attitudes, compare the results of this mid-2007 poll with this mid-2010 poll about which economic system is best. I'll just reproduce the key charts below: 2007 poll results 2010 poll results The headline of the 2010 results is that there's eroding U.S. support for the global economy, but a few other things stand out. U.S. support has declined, but it's declined from a very high level. In contrast, **support for free markets has increased in other major powers**, such as Germany and China. On the whole, **despite the worst global economic crisis** since the Great Depression, **public attitudes have not changed all that much**. **While there might be populist demands to "do something," that something is not a return to autarky** or anything so drastc. Another big difference is that **multilateral economic institutions are much more robust** now than they were in 1931. On trade matters, even if the Doha round is dead, the rest of **the W**orld **T**rade **O**rganization**'s** **corpus of trade-liberalizing measures are** still **working quite well.** Even beyond the WTO, the complaint about trade is not the deficit of free-trade agreements but the surfeit of them. **The IMF's resources have been strengthened as a result of the 2008 financial crisis**. The Basle Committee on Banking Supervision has already promulgated a plan to strengthen capital requirements for banks. True, it's a slow, weak-assed plan, but it would be an improvement over the status quo. As for the G-20, I've been pretty skeptical about that group's abilities to collectively address serious macroeconomic problems. That is setting the bar rather high, however. One could argue that **the G-20's most useful function is reassurance**. Even if there are disagreements, **communication can prevent them from growing into anything worse.** Finally, **a note about the possibility of riots and** other **general social unrest.** **The working paper** cited in my previous post **noted the links between austerity measures and increases in disturbances**. However, that paper contains the following important paragraph on page 19**: [I]n countries with better institutions, the responsiveness of unrest to budget cuts is generally lower**. **Where constraints on the executive are minimal, the coefficient on expenditure changes is strongly negative -- more spending buys a lot of social peace. In countries with Polity-2 scores above zero, the coefficient is about half in size, and less significant**. **As we limit the sample to ever more democratic countries, the size of the coefficient declines**. For full democracies with a complete range of civil rights, the coefficient is still negative, but no longer significant. This is good news!! **The world has a hell of a lot more democratic governments now than it did in 1931**. What happened in London, in other words, might prove to be the exception more than the rule. So yes, **the recent economic news might seem grim**. Unless political institutions and public attitudes buckle, **however, we're unlikely to repeat the mistakes of the** 19**30's**. And, based on the data we've got, that's not going to happen.

#### And, Gridlock is inevitable regardless of the outcome

Gerald Sieb 1 – 1 (“WSJ Columnists Sound Off on 2014 The Wall Street Journal's Columnists Give a Glimpse of What to Expect This Year”, http://online.wsj.com/news/articles/SB10001424052702303773704579266822780962130, CMR)

Already the capital and its denizens are gearing their actions toward the vote, which will determine whether the final two years of President Barack Obama's term unfold in a status quo environment of divided government, or an environment of even more divided government, with Republicans taking control of the Senate as well as the House. (You can consider **the possibility** that things could go the other way, with **Democrats keep**ing **control of the Senate and taking back control of the House,** and thereby **holding all levers of power**, but **you shouldn't consider that very likely**.)

#### Too many factors overwhelm

Silverleib 11/20

[Alan, CNN Political Producer, “7 keys to the 2014 midterms”, http://www.cnn.com/2013/11/20/politics/seven-keys-to-midterms/]

Which party will come out on top next year? It's too early to know. But here are seven key factors to keep in mind: 1. Obamacare Republicans have promised to keep this issue front and center throughout 2014. And the botched rollout of the HealthCare.gov website -- combined with news of canceled insurance policies and problems with the new exchanges -- has given the GOP plenty of ammunition. The number of Americans citing health care as the country's biggest problem recently jumped seven percentage points -- from 12% in October to 19% in November -- according to Gallup. Meanwhile, the public's opinion of Obamacare has soured. Net disapproval of Obamacare jumped from three points (44% approval versus 47% disapproval) in October to 15 points (40% approval versus 55% disapproval) in November, according to Gallup. This month, Democrats came close to losing a gubernatorial race in Virginia that most analysts believed they'd win easily. Why? Part of the reason appeared to be Obamacare's sinking numbers. More than a quarter of Virginia voters said health care -- a traditional Democratic strength -- was their most important issue. They narrowly broke for the Republican nominee. Congressional Democrats are spooked. Thirty-nine of them voted last week for a GOP bill that would let insurers continue to offer policies not in compliance with the minimum standards outlined in the Affordable Care Act. "Even if the Obama administration fixes Obamacare in the near term or before November 2014, this ineptitude ... has shaken voter confidence in government to its core," said Brown University political scientist Wendy Schiller. "Democrats have relied on government solutions to a wide range of problems to win campaigns. I believe that strategy is now threatened and the Democrats will have to work on their policy messaging for November 2014 if they want to hang onto the Senate." 2. Shutdown fatigue How badly did the Republican party hurt itself during the recent government shutdown? For the first time since the GOP won back the House in 2010, a majority of Americans said in mid-October they believe GOP control of the House is bad for the country. A majority of Americans -- 54% -- had a negative view of Republican control of the House, up 11 points since last year, according to a CNN/ORC poll. The question now is whether voters' collective memory of the shutdown has been eclipsed by Obamacare's problems. "The GOP has to avoid the kinds of disastrous politics that surrounded the recent government shutdown and debt ceiling fights," Schiller said. "They have to appear more rational, reasoned and caring as a national party." "Ironically," she added, "the GOP leadership looks more justified (now) in calling for a delay in Obamacare but their tactics were so extreme that voters are still wary of them." Top GOP congressional leaders are promising there won't be another shutdown, but will they be able to control their rank and file? And if they can't, will that play into Democratic charges that the GOP is now a party under the control of its extreme fringe? 3. The economy It seems like common sense. If your bank account's hurting, the president's party is hurting. If you're doing well, the president's party does well. Except that this isn't always the case. Real Clear Politics' Sean Trende said it best four years ago: "Is the President pursuing an unpopular war and controversial policies at home (Lyndon Johnson in 1966, George W. Bush in 2006)? Then it probably doesn't matter that the economy is blazing ahead. Is the President waging a successful war and getting ready to take out a longtime nemesis (George W. Bush in 2002)? The public is going to be more forgiving of the sluggish growth in real disposable income and rising unemployment. "The bottom line is that every election becomes something of an explainable, unique event." That said, some of the worst midterm losses for the president's party -- 1930, 1938, 1946, 1958, 1974, 1982, 2010 -- occurred during or shortly after a downturn. "A bad recession occurring close to a midterm election isn't a necessary condition for a disastrous midterm election, but it seems to be sufficient," Trende notes. There are special factors at play in every election cycle, but all things being equal the Democrats should be in better shape if the economy's in better shape. Republicans should be in better shape if the economy's in worse shape. 4. Six-year itch One of the biggest factors working in the GOP's favor next year could be the simple fact that Americans are ready for a change six years into a Democratic presidency. The president's party almost always loses congressional seats in the sixth year of his term. Almost. The one recent exception to this rule came in 1998, in the midst of an apparent voter backlash against the Clinton impeachment. Could GOP overreach on Obamacare or other issues create the perfect storm for another exception in 2014? 5. Gerrymandering in the House While all 435 House seats are up in 2014, the reality is that the overwhelming majority of those seats will not be seriously contested. The art of gerrymandering has evolved into a virtual science over the last couple of decades, leading to greater incumbent protection and a much smaller political playing field. CNN has tentatively identified 45 House races to watch in 2014 -- 25 Democratic seats and 20 Republican seats. Given the fact that the Democrats now hold 200 seats (201 assuming they hold Ed Markey's open Massachusetts seat), virtually everything would have to break the Democrats' way for them to recapture the House. 6. Who turns out? Midterm turnout is typically lower, which translates to whiter, older, and more Republican. Core GOP constituencies are more likely to turn out at the midterm polls. Take a look, for example, at the most recent two election cycles. The electorate in 2012 was 72% white, 16% age 65 or older and 53% Protestant. Forty-two percent of voters attended religious services weekly. In 2010, the electorate was 77% white, 21% age 65 or older and 55% Protestant. Forty-eight percent of voters attended religious services weekly. All four of these groups vote solidly Republican. If 2014 turns out to be a "typical" midterm in this respect, it will be a critical advantage for the Republicans. 7. Electability versus purity Republicans have been burned over the last couple of election cycles by primaries that led to the nomination of sub-par general election candidates. In 2010, the GOP blew great opportunities to win Democratic Senate seats in Colorado, Delaware, and Nevada when they nominated three tea party favorites -- Ken Buck, Christine O'Donnell and Sharron Angle -- who subsequently stumbled and proved unacceptable to larger general election electorates. In 2012, the Republicans tossed away a safe GOP seat when six-term moderate Sen. Richard Lugar lost his primary fight to more conservative state Treasurer Richard Mourdock. Democrats pounced on remarks Mourdock made during the general election suggesting that pregnancies resulting from rape are "something God intended." The seat was ultimately won by Democratic nominee Joe Donnelly. In Missouri, Republicans lost a golden opportunity to oust vulnerable Democratic Sen. Claire McCaskill last year when GOP nominee Rep. Todd Akin declared that in instances of "legitimate rape" a woman's body "has ways to try to shut that whole thing down." McCaskill trounced Akin by roughly 15 points. In 2014, GOP primary voters will help decide more Senate and House where conservative tea party candidates have been pitted against Republican establishment types. One of the most notable of these contests is happening in Kentucky, where Senate Minority Leader Mitch McConnell is facing off against tea party favorite Matt Bevin. This is not to say that the establishment choice is always the best one for Republicans. It's not. And the grassroots energy provided by tea party activists is critical to GOP chances. But the lesson of recent cycles shouldn't be ignored in 2014. Primaries matter.

#### No vote switching

USA Today 12 – 26 (“In 2014, can Obama leave setbacks behind?,” http://www.statesmanjournal.com/article/20131226/UPDATE/131226001/In-2014-can-Obama-leave-setbacks-behind-, CMR)

"The State of the Union address is obviously important; it gets the most attention from the news media and from citizens," says political scientist Jeffrey Cohen of Fordham University. That said, there are limits to what words can do. After five years in office during a polarized time, it's hard to find many Americans who are open to persuasion. "People really have their minds made up," Cohen says, "and the people who don't have their minds made up are fed up."

#### Plan ensures support for Obama – public is on board

Metzler, 2013 (Rebekah, “Poll: Potential U.S. Military Strike in Syria Most Unpopular in 20 years”, US News and World Report, 9/6, http://www.usnews.com/news/articles/2013/09/06/poll-potential-us-military-strike-in-syria-most-unpopular-in-20-years\_print.html)

Support for U.S. military strikes in Syria is lower than any other intervention in the last 20 years, according to a new poll. Just 36 percent of Americans support President Barack Obama's call for air strikes against Syrian President Bashar Assad, who the U.S. claims used chemical weapons to kill about 1,400 Syrians, including more than 400 children, according to a Gallup survey released Friday. Obama said he would seek congressional approval before moving ahead with the intervention, but faces stiff opposition from members, the public and the international community. "Failing to respond to this breach of this international norm would send a signal to rogue nations, authoritarian regimes and terrorist organizations that they can develop and use weapons of mass destruction and not pay a consequence," Obama said Friday during a news conference at the G-20 summit in St. Petersburg, Russia. "And that's not the world that we want to live in." The negative public opinion underscores why the president said he would address the public Tuesday to lay out his case for the intervention. Gallup compiled public opinion on other recent military operations – from the Iraq War to Kosovo – all of which had more support than Obama's plan for Syria. In 1999 during the Clinton administration, 43 percent of people said they supported the mission in Kosovo and the Balkans. But all three wars started under Bush administrations earned well over 50 percent support: George H.W. Bush's Persian Gulf War had 62 percent support in 1991; George W. Bush's war in Afghanistan, launched in the wake of 9/11, earned 82 percent support; and his Iraq War received 59 percent support. "Over the past 20 years, Americans' support for U.S. military engagements at the beginning of conflicts has traditionally been quite high, with an average of 68 percent of approving of 10 previous newly commenced conflicts," said Andrew Dugan, a polling analyst for Gallup in a memo accompanying the survey results. But support for military conflicts doesn't remain static, Dugan said. "The 1999 Kosovo-Balkans and 2003 Iraq conflicts are the clearest examples of the rally effect," he said. "Americans' backing of the bombing campaign in the former Yugoslavia climbed to majority levels once the United States became militarily involved. The 2003 Iraq War is even more dramatic." In February 2003, support for the Iraq War was at 56 percent, but by mid-March, it had climbed to 66 percent and after the began it soared to 76 percent, according to Gallup. The new poll surveyed 1,021 adults on Sept. 3-4 and has a margin of error of plus or minus 4 percent.

### Politics

#### No ev says india relations are collapsing now

#### No chance it goes nuclear – most qualled ev

Enders 2 (Jan 30, David, Michigan Daily, “Experts say nuclear war still unlikely,” http://www.michigandaily.com/content/experts-say-nuclear-war-still-unlikely, CMR)

\* Ashutosh Varshney – Professor of Political Science and South Asia expert at the University of Michigan

\* Paul Huth – Professor of International Conflict and Security Affairs at the University of Maryland

\* Kenneth Lieberthal – Professor of Political Science at the University of Michigan. Former special assistant to President Clinton at the National Security Council

University political science Prof. Ashutosh **Varshney** becomes animated **when asked about the likelihood of nuclear war between India and Pakistan.¶ "Odds are** close to zero**," Varshney said forcefully**, standing up to pace a little bit in his office. "**The assumption that India and Pakistan cannot manage their nuclear arsenals as well as the U.S.S.R. and U.S. or Russia and China concedes less to the intellect of leaders in both India and Pakistan than would be warranted."¶** The worlds two youngest nuclear powers first tested weapons in 1998, sparking fear of subcontinental nuclear war a fear Varshney finds ridiculous.¶ "**The decision makers are aware of what nuclear weapons are, even if the masses are not," he said.**¶ "Watching **the evening news**, CNN, I think they **have** vastly overstated the threat of nuclear war," political science Prof. Paul **Huth said.¶ Varshney added that there are numerous factors working against the possibility of nuclear war.¶ "India is committed to** a **n**o-**f**irst-**s**trikepolicy**," Varshney said. "It is virtually impossible for Pakistan to** go for a **first strike, because the retaliation would be gravely dangerous."¶** Political science Prof. Kenneth **Lieberthal,** a former special assistant to President Clinton at the National Security Council, **agreed**. "Usually a country that is in the position that **Pakistan** is in **would not shift to a level that would ensure their total destruction,**" Lieberthal said, making note of India"s considerably larger nuclear arsenal.¶ "**American intervention is another reason not to expect nuclear war," Varshney said. "If anything has happened since September 11, it is that** the command control system has strengthened. **The trigger is in very safe hands."**

#### Won’t pass – citizenship, midterms, debt ceiling

Rojas 12 – 30 (leslie berestein, “Immigration issues to watch in 2014,” <http://www.scpr.org/blogs/multiamerican/2013/12/30/15492/immigration-top-stories-to-watch-in-2014/>, CMR)

But compromises will most likely only go so far. President Obama and other immigration reform supporters have said they're willing to consider the piecemeal approach that House Republicans favor. But only if these piecemeal bills address key provisions of the Senate bill - and a path to U.S. citizenship is the key provision of the Senate bill. Without it, it's hard to count on much Senate support. As for the political winds, if the timing wasn't right for a broader proposal to succeed in 2013, when might it be? The short answer: 2014. But it's an election year, so don't hold your breath. There will also be other high-priority distractions in the coming year, like a debt ceiling redux.

#### Health care thumps

Las Cruces Sun-News 1 -2 (“Editorial: Still hope for immigration bill this year,” <http://www.lcsun-news.com/las_cruces-opinion/ci_24825449/imm>, CMR)

The politics of health-care reform also may get in the way of immigration reform. Republicans see identifying problems with the Affordable Care Act as their key political issue in 2014, and will be resistant to providing the Obama administration with what might be perceived as political victories on other issues. **The Republican**-controlled **House** almost **certainly won't pass anything along the lines of the Senate bill** from 2013. But there might be opportunities for important incremental steps.

**Executive action solves the impact and internal link**

**Reyes 10-23**-13 (Raul, “Obama, put brakes on deportation train: Column”, <http://www.usatoday.com/story/opinion/2013/10/23/obama-immigration-reform-column/3173543/>, CMR)

President Obama is closing in on a record. Sometime around the end of this year, he will have deported 2 million undocumented immigrants, more than any other president. Enough, already. The **Obama** administration **should put the brakes on** its **deportation** train. **The president has the authority to offer temporary relief from immigration removals**. **With reform stalled**, **the president ought to stop trying to appease Republicans** by being strong on immigration enforcement. He should consider executive action. **Obama has options to allow** undocumented **immigrants to live** without the threat of deportation. Remember, this impacts only immigrants already here. He could end the controversial Secure Communities program, which turns local law enforcement officers into immigration agents. **He could let more immigrants qualify** for temporary protected status, **which provides** them with **work and residence permits.** In 2010, **a leaked memo from** the **U.S. C**itizenship and **I**mmigration **S**ervices **revealed that the agency was exploring** "**meaningful immigration reform absent legislative action."** Though an agency spokesman later characterized the memo as an "internal draft," **the legality of such measures was not in question.** Defer action **The president's most practical route to fewer deportations would be to broaden the number of immigrants eligible for deferred action**. In 2012, his administration announced the Deferred Action for Childhood Arrivals program, aimed at helping those brought to the U.S. illegally as children. Not only has the program allowed 455,000 young immigrants the freedom to live and work openly, it has withstood legal challenges as well. The Washington Post has noted that this program could be expanded to include other discrete classes of people, such as the parents of citizen children, victims of domestic abuse, or whistle-blowers. Show some courage Although Obama said last month on Telemundo that expanding the program would be "very difficult to defend legally," that is not true; it would just be very difficult to defend politically. Immigration reform activists have engaged in civil disobedience nationwide. Isn't it time the president display similar courage? "I believe **this president will be tempted ... to issue an executive order**," Sen. Marco Rubio, R-Fla., said in August, "**like** he did for the DREAM Act kids **a year ago, where he basically legalizes 11 million people by the sign of a pen.**" The website PolitiFact judged this statement "mostly false." On his own, the president cannot offer citizenship, a path to citizenship, or permanent relief from deportation. He can take limited action to make our system more humane. True, any **executive action** on immigration **will anger conservative lawmakers**. Rep. Bob Goodlatte, R-Va., told USA TODAY that this "would effectively kill immigration reform." **Yet Goodlatte and other House Republicans are already effectively killing immigration reform with** their **inaction**. **A unilateral move by the president might goad GOP lawmakers into actual legislating**. If Obama believes immigration reform still has a chance, he should not be deporting those who might be eligible for a path to citizenship. If he has given up on reform, **he has every reason to move ahead with executive action.** Either way, the right choice is to cut back on deportations.

**Not intrinsic – do the plan and pass immigration reform**

**Turn: sunk cost – plan frees up capital**

---Executive authorities cost the President political capital during agenda fights – the plan grants Obama freedom from the power trap

Todd **Eberly**, coordinator of Public Policy Studies and assistant professor in the Department of Political Science at St. Mary's College of Maryland, January 21, **2013**. “The presidential power trap,” <http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-george-hw-bush-party-support>

**Faced with obstacles to successful leadership, recent presidents have come to rely more on their formal powers**. The number of important executive orders has increased significantly since the 1960s, as have the issuance of presidential signing statements. Both are used by presidents **in an attempt to shape and direct policy on their terms**. Presidents have had to rely more on recess appointments as well, appointing individuals to important positions during a congressional recess (even a weekend recess) to avoid delays and obstruction often encountered in the Senate. **Such power assertions typically elicit close media scrutiny and often further erode political capital**. Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. But with each legislative battle and success, his political capital waned. His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government. **By mid-2011**, Mr. Obama's job approval had slipped well below its initial levels, and Congress was proving increasingly intransigent. **In the face of** declining public support and rising **congressional opposition, Mr. Obama, like his predecessors, looked to the energetic use of executive power. In 2012, the president relied on executive discretion and legal ambiguity** to allow homeowners to more easily refinance federally backed mortgages, to help veterans find employment and to make it easier for college graduates to consolidate federal student loan debt. He issued several executive orders effecting change in the nation's enforcement of existing immigration laws. He used an executive order to authorize the Department of Education to grant states waivers from the requirements of the No Child Left Behind Act — though the enacting legislation makes no accommodation for such waivers. Contrary to the outcry from partisan opponents, Mr. Obama's actions were hardly unprecedented or imperial. Rather, they represented a rather typical power assertion from a contemporary president. Many looked to the 2012 election as a means to break present trends. But Barack Obama's narrow re-election victory, coupled with the re-election of a somewhat-diminished Republican majority House and Democratic majority Senate, hardly signals a grand resurgence of his political capital. The president's recent issuance of multiple executive orders to deal with the issue of gun violence is further evidence of his power trap. **Faced with the likelihood of legislative defeat in Congress, the president must rely on claims of unilateral power. But such claims are not without limit or cost and will likely further erode his political capital**. Only by solving the problem of political capital is a president likely to avoid a power trap. Presidents in recent years have been unable to prevent their political capital from eroding. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval. However, **short-term legislative strategies may win policy success for a president but do not serve as an antidote to declining political capital** over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved the political capital problem or avoided **the power trap**. It **is the central political challenge confronted by modern presidents** and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

**Fiat solves the link — it’s instant — no political effect – most logical because congress is the agent of the resolution this year**

**---Plan splits the GOP**

**Corn 13** – David Corn, Reporter at Mother Jones, "Obama, Syria, and Congress: Why Did He Go There?", Mother Jones, 9-6, <http://www.motherjones.com/politics/2013/09/why-obama-sought-congressional-authorization-syria>, CMR

**With his decision to seek congressional approval** for an attack, **Obama created a political whirlpool**. **He exacerbated the growing schism on the right that pits tea party isolationists**—led by possible presidential candidate Sen. Rand Paul (R-Ky.), with Sens. Ted Cruz (R-Tex.) and Marco Rubio (R-Fla.), other likely 2016ers, rushing to catch up—**versus** the coalition of **hawks** commanded by Sen. John McCain (R-Ariz.) and neocons who yearn for a deeper and larger intervention in Syria than the president envisions. **This** split **has the potential to turn into an ideological civil war within the GOP** during the next presidential campaign. Meanwhile, **House Republicans are deeply divided** (unlike during the run-up to the Iraq war), with Speaker John Boehner (R-Ohio) and his leadership crew on the president's side and rank-and-file House GOPers, enwrapped in Obama hatred, accusing the president of misleading the world and engaging in conspiratorial warmongering.

**---Key to the agenda**

**Dickerson 13** (John, Slate, Go for the Throat21, 1/18, [www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html](http://www.slate.com/articles/news_and_politics/politics/2013/01/barack_obama_s_second_inaugural_address_the_president_should_declare_war.single.html), CMR)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. **Gridlock** over the fiscal cliff **preceded** it and **gridlock** over the debt limit, sequester, and budget will follow. After the election, **the same people are in power in all the branches of government and they don't get along. There's no indication that** the president's **clashes with** House Republicans **will end soon**. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. **The challenge for** President **Obama’s** speech is the challenge of his **second term: how to be great when the environment stinks. Enhancing the president’s legacy requires** something **more than** simply the clever application of **predictable stratagems**. Washington’s **partisan rancor**, the size of the problems facing government, **and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president** who came into office speaking in lofty terms about bipartisanship and cooperation **can only cement his legacy if he destroys the GOP**. If he wants to transform American politics, **he must go for the throat**. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack **Obama** of the first administration **might have approached the task by finding** some **Republicans to deal with and** then start agreeing to some of their demands in hope that he would **win some of their votes**. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. **That's the old way. He has abandoned that.** **He doesn't think it will work** and **he doesn't have the time.** As Obama explained in his last press conference, he thinks the **Republicans are dead set on opposing him**. **They cannot be unchained by schmoozing**. **Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation**. **Republican lawmakers worried about primary challenges** in 2014 **are not going to be willing partners.** He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. **Obama’s only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. **Through a series of clarifying fights over controversial issues, he can force Republicans to** either side with their coalition's most extreme elements or **cause a rift in the party that will leave it**, at least temporarily, **in disarray**.

***Ideology outweighs* and *no spillover***

**Edwards 3** – George C. Edwards, Distinguished Professor of Political Science at Texas A26M University and Former Director of the Center for Presidential Studies, "Riding High in the Polls: George W. Bush and Public Opinion", [www.clas.ufl.edu/users/rconley/conferencepapers/Edwards.PDF-http://www.clas.ufl.edu/users/rconley/conferencepapers/Edwards.PDF](http://www.clas.ufl.edu/users/rconley/conferencepapers/Edwards.PDF-http%3A//www.clas.ufl.edu/users/rconley/conferencepapers/Edwards.PDF), CMR

**Passing legislation** **was** **even more difficult on** the **divisive domestic issues** that¶ remained on Congress’s agenda, including health care, environmental protection, energy,¶ the economy, the faith-based initiative, corporate malfeasance, judicial nominees, and¶ taxes. The **politics of the war on terrorism did not fundamentally alter** the **consideration of**¶ **these issues,** which continued to divide the public and their representatives in Congress as¶ they had before. The **inevitable differences** between the parties **emerged** predictably,¶ exacerbated by the narrow majorities in each chamber and the jockeying for advantage in¶ the midterm elections.¶ Bipartisanship **in** **one arena** (the war on terrorism) **does not** necessarily **carry over**¶ **in another**. As the parties in Congress have become more homogeneous over time and as¶ the number of competitive seats has shrunk, especially in the House, the differences¶ between the parties have increased. The opposition party is not very fertile ground for¶ presidents on most issues – even during wartime. Thus, the president failed to obtain¶ many of his priority items in 2002, including making the 2001 tax cuts permanent and¶ passing his fiscal stimulus program, a robust faith-based initiative, and drilling rights in the¶ Artic National Wildlife Reserve. No progress was made on partially privatizing Social¶ Security, banning cloning and certain kinds of abortion, and passing private-school tax¶ credits, and the president experienced plenty of frustration on obtaining confirmation of¶ his judicial appointees. He also had to sign a farm bill that was much more costly than he¶ wanted.¶ In December 2001, the president concluded quiet negotiations with the Democrats¶ led by Senator Edward Kennedy and signed a bill on education reform. The president was¶ able to claim a victory on one of his priority issues, even though he had to give up many of¶ the most controversial elements of his original proposal. It is significant that to¶ accomplish even this much, the president chose to stay private rather than go public.¶ The modest impact of Bush’s approval is not surprising. **The president’s** public¶ **support must compete for influence with other**, **more stable factors that affect voting in**¶ **Congress, including ideology, party, personal views and commitments on specific policies,**¶ **and constituency interests.** **Although constituency interests may seem to overlap with**¶ **presidential approval, they should be viewed as distinct**. **It is quite possible for**¶ **constituents to approve of the president but oppose him on particular policies**, and it is¶ opinions on these policies that will ring most loudly in congressional ears. **Members of**¶ **Congress are unlikely to vote against the clear interests of their constituents or the firm**¶ **tenets of their ideology solely in deference to a widely supported chief executive**.45

**Obama won’t push, dodges fights**

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

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

**War power losses won’t affect immigration or PC**

Perry **Bacon 9/9**/13, “Losing the Syria vote does not turn Obama into a lame duck”, <http://thegrio.com/2013/09/09/no-losing-the-syria-vote-does-not-turn-obama-into-a-lame-duck/>, CMR

McDonough ducked the question, preferring to focus on the substance of the administration’s case for military action. But to be clear, **no**, **Obama losing** a vote on Syria **does not turn him into a lame duck**.¶ Would the defeat be bad for the president? Of course. Polls show majorities of not only conservatives, who oppose much of what Obama does on every issue, but also liberals and moderates disagree with the president on intervening in Syria. If a vote gets to the House of Representatives, there’s a chance it will be defeated with large blocs of liberals and black members of Congress voting against a president who they have strongly supported for much of the last five years. The White House would have made an all-out blitz to win the support of American voters and Congress and lost.¶ A defeat would show Obama’s words on chemical weapons and perhaps other foreign policy ideas won’t be supported by deeds. It would also illustrate Americans are even more wary of intervention in other nations than was generally believed and likely block Obama from any kind of military action in the future, even the kind of limited steps he took in Libya two years ago.¶ But **the presidency is not one issue, § Marked 21:42 § or just about foreign policy**. **If the House or** the **Senate** **blocks** action in **Syria, Republicans still would be wise to back** the **immigration** bill the Senate passed earlier this year, giving Obama a major victory but also making it easier for the GOP to win Latino votes in the future. **House Republicans**, **divided** **internally on that issue**, **have been delaying consideration** of the bill, and **that process is unaffected by what happens on Syria**.¶ The **Obama** administration, **even if it does not act in Syria, will still be implementing** a far-reaching **health care** law that could provide health insurance to millions of Americans. The president will still have the use of the bully pulpit, to make the case against America’s growing income inequality and urge our society to focus more on the specific challenges faced by African-American males, as Obama suggested he would do after the George Zimmerman verdict. **The administration can still fight** controversial voting laws passed in Republican-led states, urge fewer prosecutions of non-violent drug offenders and support the growing American acceptance of gay marriage.¶ And it wasn’t as if Obama’s agenda had been moving quickly through Congress before he starting talking about Syria. Republicans in the Senate had blocked his gun control push, the House delayed the immigration bill and members of both parties were not fully on board with his economic agenda. Before Syria was in the headlines, the administration was planning to spend September pushing for Congress to approve government funding for the next year and raise the federal debt limit, the kind of necessary but unexciting lawmaking that Obama has been limited to since Republicans won control of the House of Representatives in 2010.¶ That’s **the key factor here: Republican control of the House**. **Much speculation has centered on Obama losing his “political capital”** or his ability to influence Congress and the public over the last three years. But **the evidence is fairly clear; Obama has struggled to get legislation through Congress since its membership came to include many more Republicans**, who disagree with him on most issues. If Obama wanted to cut taxes on the wealthy Americans or allow the construction of the Keystone XL Pipeline, both ideas Republicans strongly support, they could easily be passed in Congress.¶ **A loss by Obama** on Syria **won’t change the views of Republicans, who were already against most of what Obama proposed, or congressional Democrats, who won’t suddenly stop supporting** Obamacare or **other presidential initiatives**.¶ **If the president is barred** from attacking Syria by Congress, **that will not be the last real day of his presidency.** The next day will not be the first day of the 2016 campaign, which has long been underway anyway. President George W. **Bush’s poll numbers dropped** quickly **after** his **mishandling** of the aftermath of Hurricane **Katrina**, and **it was considered the end of presidency. But he still managed to implement** a whole **new strategy in Iraq and** **loan billions** of taxpayer dollars **to American banks and auto companies** in his last two years in office — **hardly** the stuff of **a man who was powerless**.¶ **No matter what happens** in Syria, Barack **Obama will still have** more than 1200 days to make **an impact** on American public policy and culture.

## 1AR

### Circumvent

#### No circumvention – empirically circumvention has taken shape as the president strengthening other areas of authority

Barron and Lederman, 2008 (David, Professor of Law at Harvard Law School; Martin, Visiting Professor of Law at Georgetown University Law Center; “The Commander in Chief at the Lowest Ebb – A Constitutional History”, Harvard Law Review, 121 Harv. L. Rev. 941, Lexis)

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, it is tempting to think that Commanders in Chief would always have claimed a unilateral and unregulable authority to determine the conduct of military operations. And yet, as we show, for most of our history, the presidential practice was otherwise. Several of our most esteemed Presidents - Washington, Lincoln, and both Roosevelts, among others - never invoked the sort of preclusive claims of authority that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, even when they confronted problematic restrictions, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed. Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, rather than denying the authority of Congress to act in this area, some modern Presidents, like their predecessors, have acknowledged the constitutionality of legislative regulation. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, there has been much less executive assertion of an inviolate power over the conduct of military campaigns than one might think. And, perhaps most importantly, until recently there has been almost no actual defiance of statutory limitations predicated on such a constitutional theory. This repeated, though not unbroken, deferential executive branch stance is not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between the branches over war. In particular, this well-developed executive branch practice appears to be premised on the assumption that the constitutional plan requires the nation's chief commander to guard his supervisory powers over the military chain of command jealously, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - but that otherwise, the Constitution compels the Commander in Chief to comply with legislative restrictions. In this way, the founding legal charter itself exhorts the President to justify controversial military judgments to a sympathetic but sometimes skeptical or demanding legislature and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 What emerges from our analysis is how much pull it seemed to [\*950] have on the executive branch itself for most of our history of war powers development.

#### Restrictions work – political costs backed up by legal changes ensure effectiveness

Huq, 2012 (Aziz, Assistant Professor of Law at the University of Chicago Law School, “Binding the Executive (by Law or by Politics),” Public Law and Legal Theory Working Paper No. 400, August, http://www.law.uchicago.edu/files/file/400-ah-binding.pdf)

Paulson’s genuflection and Obama’s reticence, I will contend here, are symptomatic of our political system’s operation rather than being aberrational. It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme, legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies.20 Numerous examples from recent events illustrate the point. Congressional adversaries of Obama, for instance, cut off his policy of emptying Guantánamo Bay via appropriations riders.21 Deficit hawks spent 2011 resisting the President’s solutions to federal debt, while the President declined to short-circuit negotiations with unilateral action.22 Even in military matters, a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have discerned or acknowledged. 23 That work suggests that the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive” § Marked 23:08 § in more subtle ways (p 5). The conventional narrative of executive dominance, in other words, is at best incomplete and demands supplementing. This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration. Notwithstanding this emerging space for analysis, there is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “mechanism question.” Future studies of the executive branch will ignore its important and trenchant analysis at their peril.24 Following PV’s lead, I focus on the descriptive, positive question of how the executive is constrained. I do speak briefly and in concluding to normative matters. But first and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted. Articulating and answering the question “What binds the executive?”, The Executive Unbound draws a sharp line between legal and political constraints on discretion—a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand. While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/politics dichotomy.” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny. While doctrinal scholars exaggerate law’s autonomy, I contend, the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint. Further, the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion. Diverging from both legalist and realist positions, I suggest that law and politics do not operate as substitutes in the regulation of executive authority.25 They instead work as interlocking complements. An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ exertions and legal rules will prove effective in limiting such discretion.

### Terror D

#### NO IMPACT TO TERROR – multiple warrants

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Francis J.. "Same As It Ever Was: Nuclear Alarmism, Proliferation, and the Cold War." International Security 34, no. 3 (Winter 2009/10): 7-37.

The possibility of a terrorist nuclear attack on the United States is widely believed to be a grave, even apocalyptic, threat and a likely possibility, a belief supported by numerous statements by public officials. Since the collapse of the Soviet Union, “the inevitability of the spread of nuclear terrorism” and of a “successful terrorist attack” have been taken for granted.48 Coherent policies to reduce the risk of a nonstate actor using nuclear weapons clearly need to be developed. In particular, the rise of the Abdul Qadeer Khan nuclear technology network should give pause.49 But again, the news is not as grim as nuclear alarmists would suggest. Much has already been done to secure the supply of nuclear materials, and relatively simple steps can produce further improvements. Moreover, there are reasons to doubt both the capabilities and even the interest many terrorist groups have in detonating a nuclear device on U.S. soil. As Adam Garfinkle writes, “The threat of nuclear terrorism is very remote.”50 Experts disagree on whether nonstate actors have the scientific, engineering, financial, natural resource, security, and logistical capacities to build a nuclear bomb from scratch. According to terrorism expert Robin Frost, the danger of a “nuclear black market” and loose nukes from Russia may be overstated. Even if a terrorist group did acquire a nuclear weapon, delivering and detonating it against a U.S. target would present tremendous technical and logistical difficulties.51 Finally, the feared nexus between terrorists and rogue regimes may be exaggerated. As nuclear proliferation expert Joseph Cirincione argues, states such as Iran and North Korea are “not the most likely sources for terrorists since their stockpiles, if any, are small and exceedingly precious, and hence well-guarded.”52 Chubin states that there “is no reason to believe that Iran today, any more than Sadaam Hussein earlier, would transfer WMD [weapons of mass destruction] technology to terrorist groups like al-Qaida or Hezbollah.”53 Even if a terrorist group were to acquire a nuclear device, expert Michael Levi demonstrates that effective planning can prevent catastrophe: for nuclear terrorists, what “can go wrong might go wrong, § Marked 23:08 § and when it comes to nuclear terrorism, a broader, integrated defense, just like controls at the source of weapons and materials, can multiply, intensify, and compound the possibilities of terrorist failure, possibly driving terrorist groups to reject nuclear terrorism altogether.” Warning of the danger of a terrorist acquiring a nuclear weapon, most analyses are based on the inaccurate image of an “infallible tenfoot- tall enemy.” This type of alarmism, writes Levi, impedes the development of thoughtful strategies that could deter, prevent, or mitigate a terrorist attack: “Worst-case estimates have their place, but the possible failure-averse, conservative, resource-limited five-foot-tall nuclear terrorist, who is subject not only to the laws of physics but also to Murphy’s law of nuclear terrorism, needs to become just as central to our evaluations of strategies.”54 A recent study contends that al-Qaida’s interest in acquiring and using nuclear weapons may be overstated. Anne Stenersen, a terrorism expert, claims that “looking at statements and activities at various levels within the al-Qaida network, it becomes clear that the network’s interest in using unconventional means is in fact much lower than commonly thought.”55 She further states that “CBRN [chemical, biological, radiological, and nuclear] weapons do not play a central part in al-Qaida’s strategy.”56 In the 1990s, members of al-Qaida debated whether to obtain a nuclear device. Those in favor sought the weapons primarily to deter a U.S. attack on al-Qaida’s bases in Afghanistan. This assessment reveals an organization at odds with that laid out by nuclear alarmists of terrorists obsessed with using nuclear weapons against the United States regardless of the consequences. Stenersen asserts, “Although there have been various reports stating that al-Qaida attempted to buy nuclear material in the nineties, and possibly recruited skilled scientists, it appears that al-Qaida central have not dedicated a lot of time or effort to developing a high-end CBRN capability. . . . Al-Qaida central never had a coherent strategy to obtain CBRN: instead, its members were divided on the issue, and there was an awareness that militarily effective weapons were extremely difficult to obtain.” 57 Most terrorist groups “assess nuclear terrorism through the lens of their political goals and may judge that it does not advance their interests.”58 As Frost has written, “The risk of nuclear terrorism, especially true nuclear terrorism employing bombs powered by nuclear fission, is overstated, and that popular wisdom on the topic is significantly flawed.”59

### Econ

#### No diversionary theory

Boehmer 07 political science professor at the University of Texas (Charles, Politics & Policy, 35:4, “The Effects of Economic Crisis, Domestic Discord, and State Efficacy on the Decision to Initiate Interstate Conflict”)

Economic Growth and Fatal MIDs The theory presented earlier predicts that lower rates of growth suppress participation in foreign conflicts, particularly concerning conflict initiation and escalation to combat. To sustain combat, states need to be militarily prepared and not open up a second front when they are already fighting, or may fear, domestic opposition. A good example would be when the various Afghani resistance fighters expelled the Soviet Union from their territory, but the Taliban crumbled when it had to face the combined forces of the United States and Northern Alliance insurrection. Yet the coefficient for GDP growth and MID initiations was negative but insignificant. However, considering that there are many reasons why states fight, the logic presented earlier should hold especially in regard to the risk of participating in more severe conflicts. Threats to use military force may be safe to make and may be made with both external and internal actors in mind, but in the end may remain mere cheap talk that does not risk escalation if there is a chance to back down. Chiozza and Goemans (2004b) found that secure leaders were more likely to become involved in war than insecure leaders, supporting the theory and evidence presented here. We should find that leaders who face domestic opposition and a poorly performing economy shy away from situations that could escalate to combat if doing so would compromise their ability to retain power.

### Gridlock

#### Gridlock inevitable – regardless of outcome

Jules Witcover, 1 – 1 – 14 (“After a fruitless year in Washington, New Year's blues ahead<’ [http://www.chicagotribune.com/news/columnists/sns-201312311630--tms--poltodayctnyq-a20140101-20140101,0,2474617.column](http://www.chicagotribune.com/news/columnists/sns-201312311630--tms--poltodayctnyq-a20140101-20140101%2C0%2C2474617.column), CMR)

In all, the outlook for Obama's fifth presidential year is neither bright nor hopeful for any positive resolution of current divisions, at least until the midterm congressional elections in November. Then, either one-party control will return on Capitol Hill, one way or the other, or divided government will likely slog on for the final two years of an Obama presidency born more of hope than of achievable aspirations.