### Prev

#### Obama’s credibility means he’s more likely to set dangerous precedents than Bush

Anthony Dworkin 12, Senior Policy Fellow at the European Council on Foreign Relations, Executive Director of the Crimes of War Project, 19 June 2012, “Obama’s Drone Attacks: How the EU Should Respond,” http://ecfr.eu/content/entry/commentary\_obamas\_drone\_attacks\_how\_the\_eu\_should\_respond

Over time, the United States and its European allies might be able move closer to a common understanding of the concept of imminence through a process of discussion. But in any case there is an independent reason why the Obama administration’s policy of claiming expansive legal powers, while limiting them in practice on a voluntary basis, is a dangerous one. Precisely because he has greater international credibility than President Bush, the claims that Obama makes are likely to be influential in setting global standards for the use of the use of this new and potentially widely available technology. The United States is currently the only country that uses armed drones for targeted killing outside the battlefield, but several other countries already have remotely controlled pilotless aircraft or are in the process of acquiring them. The United States is unlikely to remain alone in this practice for long. At the same time, there have been several other examples in recent years of countries engaging in military campaigns against non-state groups outside their borders – as with Israel in Lebanon and Ethiopia in Somalia. For this reason, there is a strong international interest in trying to establish clear and agreed legal rules (not merely a kind of pragmatic best practice) to govern the use of targeted killing of non-state fighters.

### S

#### Prez would comply with the court

Stephen I. Vladeck 9, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, senior editor of the peer-reviewed Journal of National Security Law and Policy, Supreme Court Fellow at the Constitution Project, and fellow at the Center on National Security at Fordham University School of Law, JD from Yale Law School, 3-1-2009, “The Long War, the Federal Courts, and the Necessity / Legality Paradox,” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1002&context=facsch\_bkrev

Moreover, even if one believes that suspensions are unreviewable, there is a critical difference between the Suspension Clause and the issue here: at least with regard to the former, there is a colorable claim that the Constitution itself ousts the courts from reviewing whether there is a “Case[ ] of Rebellion or Invasion [where] the public Safety may require” suspension––and even then, only for the duration of the suspension.179 In contrast, Jackson’s argument sounds purely in pragmatism—courts should not review whether military necessity exists because such review will lead either to the courts affirming an unlawful policy, or to the potential that the political branches will simply ignore a judicial decision invalidating such a policy.180 Like Jackson before him, Wittes seems to believe that the threat to liberty posed by judicial deference in that situation pales in comparison to the threat posed by judicial review. ¶ The problem is that such a belief is based on a series of assumptions that Wittes does not attempt to prove. First, he assumes that the executive branch would ignore a judicial decision invalidating action that might be justified by military necessity.181 While Jackson may arguably have had credible reason to fear such conduct (given his experience with both the Gold Clause Cases182 and the “switch in time”),183 a lot has changed in the past six-and-a-half decades, to the point where I, at least, cannot imagine a contemporary President possessing the political capital to squarely refuse to comply with a Supreme Court decision. But perhaps I am naïve.184

#### Observer effect solves

Ashley Deeks 13, Associate Prof of Law at the University of Virginia Law School, “The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Fordham Law Review Vol. 82, October 2013, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2338667>

In another sense, though, much of substance has been decided since 2002—by the executive branch rather than the courts. This Article illustrated an important reason why the executive’s national security policies have changed significantly since 2001. Many of these changes are due not to the direct sunlight of court orders, but to the shadow cast by the threat or reality of court decisions on executive policymaking in related areas of activity. Court decisions, particularly in the national security realm, have a wider ripple effect than many recognize because the executive has robust incentives to try to preserve security issues as its sole domain. In areas where the observer effect shifts executive policies closer to where courts likely would uphold them, demands for deference by the executive turn out to be more modest than they might seem if considered from the isolated vantage of a single case at a fixed point in time. It remains critical for courts to police the outer bounds of executive national security policies, but they need not engage systematically to have a powerful effect on the shape of those policies and, consequently, the constitutional national security order.¶ A more detailed understanding of the observer effect has implications for national security developments on the horizon. In particular, the observer effect should have salience for those in Congress and the executive branch who are considering whether to create a new national security court that would review targeted killings.307 In this type of situation, the executive would have no jurisdictional uncertainty but ample substantive uncertainty, at least initially. This suggests that the observer effect might have a significant up-front effect on executive decisionmaking regarding targeted killings, shifting those decisions in a more rights-focused direction. As long as the court periodically challenged executive petitions, whether by rejecting a given petition or requiring additional information before approving it, we could predict that the executive would continue to make modest adjustments to its policies. Over time, as the court established baseline doctrine, that effect would flatten out, prompting fewer and fewer changes in executive policy, as with the Guantánamo habeas cases in the D.C. Circuit.

### T1

#### The authority to authorize without judicial permission is a war powers authority---we restrict it---FISA proves

John C. Eastman 6, Prof of Law at Chapman University, PhD in Government from the Claremont Graduate University, served as the Director of Congressional & Public Affairs at the United States Commission on Civil Rights during the Reagan administration, “Be Very Wary of Restricting President's Power,” Feb 21 2006, http://www.claremont.org/publications/pubid.467/pub\_detail.asp]

Prof. Epstein challenges the president's claim of inherent power by noting that the word "power" does not appear in the Commander in Chief clause, but the word "command," fairly implied in the noun "Commander," is a more-than-adequate substitute for "power." Was it really necessary for the drafters of the Constitution to say that the president shall have the power to command? Moreover, Prof. Epstein ignores completely the first clause of Article II -- the Vesting clause, which provides quite clearly that "The executive Power shall be vested in a President." The relevant inquiry is whether those who ratified the Constitution understood these powers to include interception of enemy communications in time of war without the permission of a judge, and on this there is really no doubt; they clearly did, which means that Congress cannot restrict the president's authority by mere statute.¶ Prof. Epstein's own description of the Commander in Chief clause recognizes this. One of the "critical functions" performed by the clause, he notes, is that "Congress cannot circumvent the president's position as commander in chief by assigning any of his responsibilities to anyone else." Yet FISA does precisely that, assigning to the FISA court a core command authority, namely, the ability to authorize interception of enemy communications. This authority has been exercised by every wartime president since George Washington.

#### Restriction means a limit or qualification---it includes conditions

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

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

#### Restrictions can happen after the fact

ECHR 91,European Court of Human Rights, Decision in Ezelin v. France, 26 April 1991, http://www.bailii.org/eu/cases/ECHR/1991/29.html

The main question in issue concerns Article 11 (art. 11), which provides:¶ "1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.¶ 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ..."¶ Notwithstanding its autonomous role and particular sphere of application, Article 11 (art. 11) must, in the present case, also be considered in the light of Article 10 (art. 10) (see the Young, James and Webster judgment of 13 August 1981, Series A no. 44, p. 23, § 57). The protection of personal opinions, secured by Article 10 (art. 10), is one of the objectives of freedom of peaceful assembly as enshrined in Article 11 (art. 11).¶ A. Whether there was an interference with the exercise of the freedom of peaceful assembly¶ In the Government’s submission, Mr Ezelin had not suffered any interference with the exercise of his freedom of peaceful assembly and freedom of expression: he had been able to take part in the procession of 12 February 1983 unhindered and to express his convictions publicly, in his professional capacity and as he wished; he was reprimanded only after the event and on account of personal conduct deemed to be inconsistent with the obligations of his profession.¶ The Court does not accept this submission. The term "restrictions" in paragraph 2 of Article 11 (art. 11-2) - and of Article 10 (art. 10-2) - cannot be interpreted as not including measures - such as punitive measures - taken not before or during but after a meeting (cf. in particular, as regards Article 10 (art. 10), the Handyside judgment of 7 December 1976, Series A no. 24, p. 21, § 43, and the Müller and Others judgment of 24 May 1988, Series A no. 133, p. 19, § 28).

#### Authority is what the president may do not what the president can do

Ellen Taylor 96, 21 Del. J. Corp. L. 870 (1996), Hein Online

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

### T2

#### Targeted killing includes signature strikes

Rosa Brooks 13, Prof of Law at Georgetown University Law Center, former Counselor to the Under Secretary of Defense for Policy, former senior advisor at the US Dept of State, 4/22/2013, “Drones and the New Way of War,” Panel discussion at the Cato Institute, moderated by Malou Innocent, Foreign Policy analyst for Cato. Card begins at ~30:00. http://www.cato.org/events/drones-new-way-war

And that’s the reason that we have seen a significant expansion of the use of targeted killings, predominantly, although yes, not exclusively, via drone. I mean, in theory, you could could have targeted killing by slingshot, right, it doesn’t really matter the technology, but the technology enables the increased use of a particular approach. Targeted killing, referring to the killing of specific individuals, whether identified by name or as a result of their observed patterns of activity, in a foreign country, inside the territory of a foreign sovereign state. So what we’ve seen, over the course of the last – just over a decade – has been the use of drones for targeted killing purposes has gone from occasional, and restricted largely to target those who were perceived as extremely high-value targets, high up in the al Qaeda food chain, to increasingly, the use of targeted killing both in more in more geographic regions, expanding from Yemen and Pakistan to Somalia and perhaps to other states as well such as Mali and the Philippines. We’ve also seen the use of targeted killing to go after a wider and wider range of potential targets, who are more and more distant from, you know, al Qaeda Central and the upper echelons of al Qaeda Central. Several analyses, both by the New America Foundation, of which I’m a fellow, but also several newspaper analyses, have looked, apparently, at some leaked CIA documents, have concluded that the percentage of those killed in targeted killings in recent years, that only a very small fraction of those killed have been identifiable as senior level al Qaeda operatives or even operatives and associates of al Qaeda, and larger and larger numbers are, you know, unknown foreign militants suspected of being affiliated with an affiliate of an affiliate.

#### Contextual ev proves---the first targeted killing was a signature strike

Micah Zenko 12, CFR Douglas Dillon Fellow in the Center for Preventive Action, PhD in Political Science from Brandeis University, “Targeted Killings and Signature Strikes,” July 16 2012, http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/

No matter how U.S. officials (secretly) refer to the practice, signature strikes against military-age men have been part of U.S. targeted killings outside of battlefields from their beginning. In fact, the very first targeted killing was a signature strike.¶ After a year-long manhunt and several missed opportunities by Yemeni soldiers, on November 3, 2002, a fusion of human intelligence assets and signals intercepts pinpointed Abu Ali al-Harithi—an operational planner in the al-Qaeda cell that bombed the USS Cole in 2002—and his bodyguards living in the Marib region near the border with Saudi Arabia. Yemeni and U.S. forces on the ground, supported by a Predator drone circling above, were monitoring al-Harithi’s group when they left a compound in two Toyota SUVs. All of the men were in one vehicle and the women in the other. According to an unnamed U.S. official, “If the women hadn’t gotten into another car, we wouldn’t have fired.” (A member of the Senate Select Committee on Intelligence later wondered, “What do we do, next time, if the women get into the car?”)¶ Reportedly, the National Security Agency (NSA) intercepted a satellite phone call coming from the SUV filled with men. After an NSA analyst—who had listened to tapes of al-Harithi’s voice for years—heard confirming evidence, he shouted: “He’s in the backseat, and he’s giving the driver directions!” With that confirmation, a CIA-controlled Predator drone was authorized to fire a single Hellfire missile, which destroyed the SUV and killed al-Harithi, four unknown Yemenis, and Ahmed Hijazi (otherwise known as Kemal Derwish)—a naturalized U.S. citizen who recruited six men from Lackawanna, New York, to briefly attend an al-Qaeda training camp in Afghanistan. Ultimately, the Lackawanna Six pled guilty to providing material support to al-Qaeda and received sentences ranging from seven to nine years in federal prison.¶ As the Los Angeles Times reported the drone strike: “Even though the CIA wasn’t sure who else was in the car, the customary rules of armed conflict say that anyone sitting next to a legitimate target such as Harithi was, in effect, accepting the risk of imminent death.” (Many international legal scholars would dispute this interpretation.) At the same time, U.S. officials acknowledged that the CIA did not know Hijazi was in the vehicle before the CIA launched the missile, although one later claimed his death was justifiable “collateral damage” since “he was just in the wrong place at the wrong time.”¶ It is plausible that the military-age males who happened to get into al-Harithi’s SUV that day were involved with the suspected al-Qaeda operative in planning terrorist plots. However, there is no way to know this with any certainty, and the Bush administration never presented any supporting evidence to this effect. Moreover, we will never know what specific evidence was used to target al-Harithi, because some of it came from suspected al-Qaeda operative Abd al Rahim al-Nashiri. In 2008, CIA director Hayden testified before the Senate Select Committee on Intelligence that Nashiri was one of three detainees that the CIA waterboarded, and information obtained by torture is not admissible in a military commission trial.¶ Whether they are called signature strikes, crowd killing, or Terrorist Attack Disruption Strikes, all have been part of U.S. targeted killings from the start, and continue with the CIA’s tactic of staggered drone strikes to kill rescuers of initial victims. The Obama administration makes the false choice that kinetic counterterrorism options are either “large, intrusive military deployments” or drone strikes (although some signature strikes have been conducted with cruise missiles). Or, as former CIA official Henry Crumpton—who, according to his memoir, authorized the first U.S. drone strike on October 20, 2001, in Afghanistan—crudely described the dichotomy: “Look at the firebombing of Dresden, and compare what we’re doing today.” However, people have the right to disagree with the ethical and moral tradeoffs of how drone strikes are currently conducted, and the unwillingness of the Obama administration to discuss them, as well as Congress’ reticence to question them. After ten years of signature strikes, isn’t this a debate worth having?

### Exec CP

#### Voluntary restraint doesn’t set a precedent

Anthony Dworkin 12, Senior Policy Fellow at the European Council on Foreign Relations, Executive Director of the Crimes of War Project, 19 June 2012, “Obama’s Drone Attacks: How the EU Should Respond,” http://ecfr.eu/content/entry/commentary\_obamas\_drone\_attacks\_how\_the\_eu\_should\_respond

Over time, the United States and its European allies might be able move closer to a common understanding of the concept of imminence through a process of discussion. But in any case there is an independent reason why the Obama administration’s policy of claiming expansive legal powers, while limiting them in practice on a voluntary basis, is a dangerous one. Precisely because he has greater international credibility than President Bush, the claims that Obama makes are likely to be influential in setting global standards for the use of the use of this new and potentially widely available technology. The United States is currently the only country that uses armed drones for targeted killing outside the battlefield, but several other countries already have remotely controlled pilotless aircraft or are in the process of acquiring them. The United States is unlikely to remain alone in this practice for long. At the same time, there have been several other examples in recent years of countries engaging in military campaigns against non-state groups outside their borders – as with Israel in Lebanon and Ethiopia in Somalia. For this reason, there is a strong international interest in trying to establish clear and agreed legal rules (not merely a kind of pragmatic best practice) to govern the use of targeted killing of non-state fighters.

#### Internal fixes aren’t credible

Jack Goldsmith 13, Henry L. Shattuck Professor at Harvard Law School, May 1 2013, “How Obama Undermined the War on Terror,” <http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism>

As a result, much of what the administration says about its secret war—about civilian casualties, or the validity of its legal analysis, or the quality of its internal deliberations—seems incomplete, self-serving, and ultimately non-credible. These trust-destroying tendencies are exacerbated by its persistent resistance to transparency demands from Congress, from the press, and from organizations such as the aclu that have sought to know more about the way of the knife through Freedom of Information Act requests.¶ A related sin is the Obama administration's surprising failure to secure formal congressional support. Nearly every element of Obama's secret war rests on laws—especially the congressional authorization of force (2001) and the covert action statute (1991)—designed for different tasks. The administration could have worked with Congress to update these laws, thereby forcing members of Congress to accept responsibility and take a stand, and putting the secret war on a firmer political and legal foundation. But doing so would have required extended political efforts, public argument, and the possibility that Congress might not give the president precisely what he wants.¶ The administration that embraced the way of the knife in order to lower the political costs of counterterrorism abroad found it easier to avoid political costs at home as well. But this choice deprived it of the many benefits of public argumentation and congressional support. What Donald Rumsfeld said self-critically of Bush-era unilateralism applies to Obama's unilateralism as well: it fails to "take fully into account the broader picture—the complete set of strategic considerations of a president fighting a protracted, unprecedented and unfamiliar war for which he would need sustained domestic and international support." ¶ Instead of seeking contemporary congressional support, the administration has relied mostly on government lawyers' secret interpretive extensions of the old laws to authorize new operations against new enemies in more and more countries. The administration has great self-confidence in the quality of its stealth legal judgments. But as the Bush administration learned, secret legal interpretations are invariably more persuasive within the dark circle of executive branch secrecy than when exposed to public sunlight. On issues ranging from proper targeting standards, to the legality of killing American citizens, to what counts as an "imminent" attack warranting self-defensive measures, these secret legal interpretations—so reminiscent of the Bushian sin of unilateral legalism—have been less convincing in public, further contributing to presidential mistrust.¶ Feeling the heat from these developments, President Obama promised in his recent State of the Union address "to engage with Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world." So far, this promise, like similar previous ones, remains unfulfilled. ¶ The administration has floated the idea of "[shifting] the CIA's lethal targeting program to the Defense Department," as The Daily Beast reported last month. Among other potential virtues, this move might allow greater public transparency about the way of the knife to the extent that it would eliminate the covert action bar to public discussion. But JSOC's non-covert targeted killing program is no less secretive than the CIA's, and its congressional oversight is, if anything, less robust. ¶ A bigger problem with this proposed fix is that it contemplates executive branch reorganization followed, in a best-case scenario, by more executive branch speeches and testimony about what it is doing in its stealth war. The proposal fails to grapple altogether with the growing mistrust of the administration's oblique representations about secret war. The president cannot establish trust in the way of the knife through internal moves and more words. Rather, he must take advantage of the separation of powers. Military detention, military commissions, and warrantless surveillance became more legitimate and less controversial during the Bush era because adversarial branches of government assessed the president's policies before altering and then approving them. President Obama should ask Congress to do the same with the way of the knife, even if it means that secret war abroad is harder to conduct.

#### Perceived as more of the same

Jack Goldsmith 13, Henry L. Shattuck Professor at Harvard Law School, "Neil Katyal on a Drone "National Security Court" Within the Executive Branch", February 21, www.lawfareblog.com/2013/02/neal-katyal-on-a-drone-national-security-court-within-the-executive-branch/

But the real “problem” with Katyal’s proposal — beyond its possible overbreadth in subjecting all individualized targeting decisions to the elaborate executive branch process — is that it is hard to see how it is much different from what Klaidman and Becker-Shane describe as the extant and pretty robust executive branch process for high-value target list decisions (and targeting criteria more generally). Katyal’s proposal adds formality to the current process, and would substitute “expert lawyers” for the already-partly-antagonistic interests of lawyers in State, DOJ, DOD, and the Intelligence Community. And he would appear to insist that Congress be more informed about the actual deliberation and decisionmaking process than it currently is. These are important steps, but for those who are already skeptical about the intra-executive branch process, they will be seen as pretty small steps that bring little solace.

### Commissions

#### Counterplan doesn’t influence policy

Fenster 8 [Dr. Mark Fenster, UF Research Foundation Professor at the Frederic Levin School of Law, University of Florida, PhD in communications and cultural studies from the University of Illinois at Urbana-Champaign, “Designing Transparency: The 9/11 Commission and Institutional Form,” Washington and Lee Law Review Volume 65 Issue 4, http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1123&context=wlulr]

Conceived by Congress when partisan recriminations appeared ready to thwart serious investigation, the National Commission on Terrorist Attacks Upon the United States (popularly known as the "9/11 Commission") fell within a long tradition of governmental efforts to use an independent advisory commission to study and explain a traumatic, tragic event of national import.' Given its generic institutional form, the 9/11 Commission should not have inspired great expectations as either an authoritative investigator of the attacks' causes or influential architect of national security reform. Similar investigatory advisory commissions have seen their conclusions questioned, repudiated, or both, and their reputations reduced to punch lines or conspiratorial bugaboos. 2 The aura of futility extends even to more common advisory commissions (or committees), 3 whether formed by the President, an Executive Branch agency, or Congress. 4 The ability of advisory commissions to influence government and public consciousness seems to fall within a narrow range-from marginal to nil-and rare is the commission whose proposals are actually adopted into law or regulatory rule. 5

#### Politics link proves say no

Mayer 7 – Kenneth R. Mayer, Professor of Political Science at the University of Wisconsin-Madison, December 2007, “The Base Realignment and Closure Process: Is it Possible to Make Rational Policy?,” online: http://users.polisci.wisc.edu/kmayer/Professional/Base%20Realignment%20and%20Closure%20Process.pdf

The second question is whether the BRAC model can succeed in other policy areas, where Congress has been similarly unable to act. The success of the BRAC process has spurred many efforts to replicate it on other controversial issues. In 1999, I argued that independent commissions have a poor record; there have been very few instances where they have actually resolved legislative impasses (Mayer 1999).5 The problem is that legislators are usually reluctant to delegate substantial policy authority, at least without strong procedural safeguards and ongoing monitoring. The conditions that made BRAC successful were the consensus on the goals, agreement about what precise policy steps were necessary, and the narrow range (at least initially) of the policy making authority. These conditions are rarely present, and clearly do not apply to, say, efforts to create BRAC-like commissions on entitlement reform, where there is intense controversy over both goals and specific policies.

#### Counterplan is private actor fiat---voting issue because advantage ground is impossible if all human action is within the scope of negative fiat

Campbell 2 – Colton C. Campbell, Associate Professor of Political Science at Florida International University, visiting Professor of Political Science at American University, 2002, Discharging Congress: Government by Commission, p. 1-2

With official status recognized by Congress, ad hoc commissions have a policy formulation responsibility limited to an issue or group of related questions (bodies that are set up to investigate wrongdoing, to assign responsibility for disasters, or to make explicit and detailed studies of internal management are not considered a part of this grouping). But because they are largely advisory and rarely have power to implement their findings or recommendations, they are infrequently mandated with administrative authority, except for the powers conferred on them to assist them in collecting and gathering information. Because these entities consist in whole or in part of persons from private life, they can be distinguished from congressional select or special committees, which may be confused with commissions.3 In most instances advisory commissions hold hearings and request written submissions from interested persons and organizations, secure information from federal departments or agencies, conclude with the publication of a report, and close down. The report may include findings uncovered during testimony, staff studies, background papers, preliminary reports, legal analyses, final reports, and statistical surveys.

### TK Good

#### TK don’t solve---hydra effect outweighs

Gabriella Blum 10, Assistant Professor of Law, Harvard Law School, and Philip Heymann, the James Barr Professor of Law, Harvard Law School, June 27, 2010, “Law and Policy of Targeted Killing,” Harvard National Security Journal, http://harvardnsj.org/wp-content/uploads/2010/06/Vol-1\_Blum-Heymann\_Final.pdf

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.¶ Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.¶ The political message flowing from the use of targeted killings may be harmful to the attacking country’s interest, as it emphasizes the disparity in power between the parties and reinforces popular support for the terrorists, who are seen as a David fighting Goliath. Moreover, by resorting to military force rather than to law enforcement, targeted killings might strengthen the sense of legitimacy of terrorist operations, which are sometimes viewed as the only viable option for the weak to fight against a powerful empire. If collateral damage to civilians accompanies targeted killings, this, too, may bolster support for what seems like the just cause of the terrorists, at the same time as it weakens domestic support for fighting the terrorists.¶ When targeted killing operations are conducted on foreign territory, they run the risk of heightening international tensions between the targeting government and the government in whose territory the operation is conducted. Israel’s relations with Jordan became dangerously strained following the failed attempt in September 1997 in Jordan to assassinate Khaled Mashaal, the leader of Hamas. Indeed, international relations may suffer even where the local government acquiesces in the operation, but the operation fails or harms innocent civilians, bringing the local government under political attack from domestic constituencies (recall the failed attack in Pakistan on Al-Zawahiri that left eighteen civilians dead).¶ Even if there is no collateral damage, targeted killings in another country’s territory threatens to draw criticism from local domestic constituencies against the government, which either acquiesced or was too weak to stop the operation in its territory. Such is the case now in both Pakistan and Yemen, where opposition forces criticize the governments for permitting American armed intervention in their countries.¶ The aggression of targeted killings also runs the risk of spiraling hatred and violence, numbing both sides to the effects of killing and thus continuing the cycle of violence. Each attack invites revenge, each revenge invites further retaliation. Innocent civilians suffer whether they are the intended target of attack or its unintentional collateral consequences.¶ Last but not least, exceptional measures tend to exceed their logic. As in the case of extraordinary detention or interrogation methods, there is a danger of over-using targeted killings, both within and outside of the war on terrorism. A particular danger in this context arises as the killing of a terrorist often proves a simpler operation than protracted legal battles over detention, trial, extradition, and release.

#### Chance of acquiring one is 1 in 3.5 billion

Schneidmiller 9(Chris, Experts Debate Threat of Nuclear, Biological Terrorism, 13 January 2009, http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php)

There is an "almost vanishinglysmall" likelihood that terrorists would ever be able to acquire and detonate a nuclear weapon, one expert said here yesterday (see GSN, Dec. 2, 2008). In even the most likely scenario of nuclear terrorism, there are 20 barriers between extremists and a successful nuclear strike on a major city, said John Mueller, a political science professor at Ohio State University. The process itself is seemingly straightforward but exceedingly difficult -- buy or steal highly enriched uranium, manufacture a weapon, take the bomb to the target site and blow it up. Meanwhile, variables strewn across the path to an attack would increase the complexity of the effort, Mueller argued. Terrorists would have to bribe officials in a state nuclear program to acquire the material, while avoiding a sting by authorities or a scam by the sellers. The material itself could also turn out to be bad. "Once the purloined material is purloined, [police are] going to be chasing after you. They are also going to put on a high reward, extremely high reward, on getting the weapon back or getting the fissile material back," Mueller said during a panel discussion at a two-day Cato Institute conference on counterterrorism issues facing the incoming Obama administration. Smuggling the material out of a country would mean relying on criminals who "are very good at extortion" and might have to be killed to avoid a double-cross, Mueller said. The terrorists would then have to find scientists and engineers willing to give up their normal lives to manufacture a bomb, which would require an expensive and sophisticated machine shop. Finally, further technological expertise would be needed to sneak the weapon across national borders to its destination point and conduct a successful detonation, Mueller said. Every obstacle is "difficult but not impossible" to overcome, Mueller said, putting the chance of success at no less than one in three for each. The likelihood of successfully passing through each obstacle, in sequence, would be roughly one in 3 1/2 billion, he said, but for argument's sake dropped it to 3 1/2 million. "It's a total gamble. This is a very expensive and difficult thing to do," said Mueller, who addresses the issue at greater length in an upcoming book, *Atomic Obsession*. "So unlike buying a ticket to the lottery ... you're basically putting everything, including your life, at stake for a gamble that's maybe one in 3 1/2 million or 3 1/2 billion." Other scenarios are even less probable, Mueller said. A nuclear-armed state is "exceedingly unlikely" to hand a weapon to a terrorist group, he argued: "States just simply won't give it to somebody they can't control." Terrorists are also not likely to be able to steal a whole weapon, Mueller asserted, dismissing the idea of "loose nukes." Even Pakistan, which today is perhaps the nation of greatest concern regarding nuclear security, keeps its bombs in two segments that are stored at different locations, he said (see *GSN*, Jan. 12). Fear of an "extremely improbable event" such as nuclear terrorism produces support for a wide range of homeland security activities, Mueller said. He argued that there has been a major and costly overreaction to the terrorism threat -- noting that the Sept. 11 attacks helped to precipitate the invasion of Iraq, which has led to far more deaths than the original event. Panel moderator Benjamin Friedman, a research fellow at the Cato Institute, said academic and governmental discussions of acts of nuclear or biological terrorism have tended to focus on "worst-case assumptions about terrorists' ability to use these weapons to kill us." There is need for consideration for what is probable rather than simply what is possible, he said. Friedman took issue with the finding late last year of an experts' report that an act of WMD terrorism would "more likely than not" occur in the next half decade unless the international community takes greater action. "I would say that the report, if you read it, actually offers no analysis to justify that claim**,** which seems to have been made to change policy by generating alarm in headlines." One panel speaker offered a partial rebuttal to Mueller's presentation. Jim Walsh, principal research scientist for the Security Studies Program at the Massachusetts Institute of Technology, said he agreed that nations would almost certainly not give a nuclear weapon to a nonstate group, that most terrorist organizations have no interest in seeking out the bomb, and that it would be difficult to build a weapon or use one that has been stolen.

#### Judicial review enhances expert decision-making---game theory proves

Tiberiu Dragu 13, Assistant Prof in the Dept of Politics at NYU, PhD in Poli Sci from Stanford University, and Oliver Board, associate in the Corporate Department of Wachtell, Lipton, Rosen & Katz, former Assistant Prof of Economics at the University of Pittsburgh, D.Phil. in Economics from the University of Oxford, J.D. from NYU School of Law, “On Judicial Review in a Separation of Powers System,” June 3 2013, https://files.nyu.edu/tcd224/public/papers/judicial.pdf

Our analysis has relevance for existing debates on the scope of judicial review in the context of terrorism prevention. The polemic whether drone strikes and other counterterrorism policies should be subjected to judicial oversight is framed as a tradeoff between the legal accountability benefits of judicial oversight and the public policy harms of reviewing expert counterterrorism policy by non-expert judges. But starting the debate on these terms already assumes that (non-expert) judicial review can only have a negative effect on (expert) governmental policy. As such, it glosses over the prior question of what is the effect of legal review on the information available for counterterrorism policy-making. To answer this question one needs to assess the counterfactual of how informed counterterrorism policy decisions are in the absence of judicial review as compared to the scenario in which a court can review the legality of those policies. Our game-theoretical analysis provides this counterfactual analysis, an otherwise difficult task to effect, and thus contributes to the current debates regarding the appropriateness of judicial review in the context of terrorism prevention. It suggests that judicial checks can lead to more informed counterterrorism policy-making if one considers the internal structure of the executive and the electoral incentives of the president, conditions which we discuss in more detail below.¶ First, the argument that judicial review of drone strikes, and counterterrorism policy more generally, has a detrimental effect on expert policy-making overlooks the internal ecology of the executive branch. When asserting the superior expertise of the executive branch, scholars and commentators treat the executive as a unitary actor, or perhaps consider its internal structure to be incidental to the expertise rationale for limiting judicial review. However, as the description of the drone policy suggests, there is a separation between expertise and policy-making: the president (and his closest advisers) decides on counterterrorism policy, while lower-level bureaucrats provide the expertise and intelligence to make informed decisions. This separation of expertise from policy-making is not unique to counterterrorism. Rather this is a general fact of modern-day government, and scholars of bureaucratic politics, going back to Max Weber, have attempted to unravel its myriad implications for democratic governance (Rourke 1976; Wilson 1991).¶ Second, the president, like all elected representatives, is a politician making choices under the pressure of re-election and public opinion, and such incentives are going to shape his counterterrorism choices. When it comes to the electoral incentives of public officials, scholars have noted that the political costs of not reacting aggressively enough in matters of terrorism prevention and national security are going to be higher than the costs of overreaction (Cole 2008; Fox and Stephenson 2011; Ignatieff 2004; Richardson 2006; Swire 2004). This observation implies that the president and other elected officials have an electoral bias to engage in counterterrorism policies that are more aggressive than what would be necessary on the basis of available information regarding the terrorist threat.36 Inside accounts of the decision-making process within executive branch (Goldsmith 2007), empirical analyses (Merolla and Zechmeister 2009), and newspaper reports,37 they all document such electoral incentives to appear tough on terrorism. The former Vice-President Dick Cheney forcefully depicts this electoral bias in his articulation of the so-called one percent doctrine, which states that if there was even a one percent chance of terrorists getting a weapon of mass destruction, then the executive must act as if it were a certainty (Suskind 2007). In Cheney's view, “it is not about analysis; it's about our response... making suspicion, not evidence, the new threshold for action."38 The run-up to the invasion in Iraq provides a stark illustration of the one percent doctrine in action, the conflict between intelligence officials and policy-makers, and the issue of politicized expertise in the context of national security (Pillar 2011).¶ Our results suggest that (non-expert) judicial review has the potential to induce more informed counterterrorism decisions when the president makes security policy under the veil of public expectations to respond forcefully to terrorist threats. Courts are not immune to public opinion, of course, but precisely because judges are not elected, they are more insulated from public opinion than elected officials. This implies that, all else equal, the courts are less likely to prefer counterterrorism measures that respond to public expectations to be tough on terrorism. Under these conditions,39 our theory suggests a mechanism by which counterterrorism policy-making with judicial oversight can be superior to counterterrorism policy-making without it, even if courts are relatively ill-equipped to review executive decisions. Judicial review can serve as a commitment device to better align the preferences of policymakers with their experts, with the effect of inducing more information for counterterrorism decisions. This observation is missing from current public and scholarly discussions about the role of judicial review in the context of drone strikes and other counterterrorism policies. As such, our analysis has policy implications for ongoing debates on how to design the institutional structure of liberal governments when the social objective is terrorism prevention.

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#### Econ decline doesn’t cause war

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5\_The-Irony-of-Global-Economic-Governance.pdf

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. ¶ The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40¶ None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

#### US not key to global

Peter Passell 12, Economics Editor of Foreign Policy’s Democracy Lab, Senior Fellow at the Milken Institute, 4/4/12, “Decoupling: Ties that No Longer Bind,” http://www.foreignpolicy.com/articles/2012/04/03/ties\_that\_no\_longer\_bind?print=yes&hidecomments=yes&page=full

Everybody knows that the global economy is becoming more tightly integrated -- that factors ranging from the collapse of ocean shipping costs, to the rise of multinational manufacturing, to the growth of truly international securities markets, have bound national economies to each other as never before. This, of course, must mean we're now all in it together. Booms and busts in rich countries will reverberate ever more strongly through developing and emerging market economies. Right? ¶ Sounds reasonable, but that's not what's happened. The big emerging market economies (notably, China, India and Brazil) took only modest hits from the housing finance bubble and subsequent recession in the U.S., Japan and Europe, then went back to growth-as-usual. ¶ Hence the paradox: Emerging-market and developing countries have somehow "decoupled" from the Western business cycle in an era of ever-increasing economic integration. But the experts have yet to agree on why. Here are the two contending explanations:

#### Plan is key to the economy

Nathaniel Sheppard 11, correspondent for the Chicago Tribune and NYT, June 7 2011, “Why pint-sized Yemen has become a world player,” http://www.alarabiya.net/articles/2011/06/07/152204.html

That Yemen could fall into the abyss is of great geopolitical significance that has put the bean-size nation at center stage. About 11 percent of the world’s seaborne petroleum passes through the Gulf of Aden en route to the Suez Canal, regional refineries and points west. ¶ It is not the largest shipment by far but enough that disruptions in transit could spook world markets and set off a new spiral of inflation as the world tries to recover from four years of economic distress.¶ Yemen occupies the southwestern and southern end of the Arabian Peninsula. It is bordered by Saudi Arabia to the north, the Red Sea to the west and Oman to the east. ¶ West bound oil must transit the Gulf of Aden and Bab el Mandab, a narrow strait that passes between Yemen and Djibouti then past the pirates’ paradise, Somalia before reaching open water. It is one of seven strategic world oil shipping chokepoints. ¶ Moreover, the area may contain significant untapped oil reserves, more reason for US concern since Saudi reserves may be diminishing and America is doing little to wean itself from fossil fuel.¶ Should Yemen polity fall apart, the country would be up for grabs. One of the grabbing hands would be that of Al Qaeda in the Arabian Peninsula, one of the most notorious of Al Qaeda offshoots. Even before Osama Bin Laden was killed and his body dumped into the sea at the beginning of May, the Al Qaeda leader and best known symbol of world terror had lost control of Yemen’s Al Qaeda warriors. They marched to their own drum.¶ Able to operate freely in this poorest of poor, barely managed country with rugged, unforgiving terrain, Yemen’s Al Qaeda has been able to mount several attacks on the US from here. First there was the suicide bombing of the naval destroyer USS Cole while it refueled at the Yemeni port of Aden. Seventeen seamen were killed¶ Subsequent attacks launched from here included the failed Christmas Day bomb plot in 2009 and the parcel bomb plot of 2010, which also failed. ¶ In 2009, Nasir Al Wuhayshi, an Al Qaeda commander who trained under Bin Laden in Afghanistan and served as his secretary, announced the consolidation of Al Qaeda forces in the region as Al Qaeda in the Arabian Peninsula, under his command.¶ The US went after Al Qaeda elements in the region that same year but in lawless Somalia with disastrous consequences.¶ Commander Wuhayshi pledged to take jihad from the Arabian Peninsula to Israel, striking at Muslim leaders he decreed “criminal tyrants,” along the way, such as the Saudi royal, family, Yemen’s President Ali Abdullah Saleh and recently deposed Egyptian President Hosni Mubarak. ¶ Once in Israel he would “liberate” Gaza and Muslim holy sites such as Haram Ash-Sharif, known by Jews as Temple Mount, the holiest of sites in the Old City of Jerusalem. It was here that God chose the Divine Presence to rest; from which the world we know expanded; and that God gathered the dust to make man.¶ US Navy SEALs would love to meet Mr. Wuhayshi to discuss diabolical ambitions for any serious attempt to carry out his apocalyptic quest most certainly would plunge the world into war of world proportions. His agenda and the passion and persistence with which he and his followers pursue it are a reason for stepped up US engagement in Yemen.¶ Before the current uptick in violence as disparate forces seek to send President Saleh packing for good, the long reigning strongman had begun to cooperate with the US counter terrorism efforts in the region, obliging with a series of air strikes and ground assaults on suspected Al Qaeda targets in Yemen. That cooperation may now be in tatters and Mr. Wuhayshi stands to gain ground.¶ The US’ waltz with the strongman was not by choice. While Mr. Saleh’s cooperation was probably more to save his utterly corrupt regime, he was viewed by the US as the lesser of evils in Yemen. The attitude toward President Saleh was the same as toward Panamanian strongman Gen. Manuel Noriega, another US criminal client: “He may be an SOB but he’s our SOB.’’ ¶ With a bigger footprint and wider control in Yemen in the absence of a strong central authority, outright land grabs and possible alliances with Somalia warlords, it would be as if Al Qaeda had found its Holy Grail, a potential for disrupting the flow of oil to the west, and what it views as the devil incarnate, the US. ¶ Ships transiting the area already find the waters treacherous. Now it stands to get worse. They are frequently targeted by pirates from Somalia who kill or demand large ransoms if they are able to successfully board cargo-carrying vessels. Oil tankers are like crown jewels.¶ International forces, including the US, have treated the Somali pirates like flies at a picnic, swatting them away unscathed most of the time and sometimes killing them, but not enough times to make their confederates think about new careers. ¶ Hijacking or blowing up oil tankers and messing with the oil that powers the world is a different matter altogether. There is too much at stake to leave it to Yemen to handle its own affairs but overt meddling from the West would be unwelcome in the region.¶ No Western or Asian oil dependent nation would relish the idea of invading a Muslim nation at a time of such tensions with Muslims. The US is particularly reluctant, having already done so twice in Iraq and Afghanistan.¶ Oil is oil however. While it might not matter to Muslim fundamentalists who want to turn the hands of time back to the 17th century, oil dependent nations would not sit by idly while an already fractured world economy worsened. The situation would get ugly.¶ Thus the tail wags the dog, the pint-sized nation that offers so little has forced the powerful behemoths to consider so much, like their limited options for doing anything about frightening events unfolding before their eyes.

#### Consumer spending and the housing market are up---recovery’s locked in

Bloomberg 12-31 – “Gain in U.S. Consumer Confidence Lifts Spending Outlook: Economy,” 12/31/13, http://www.bloomberg.com/news/print/2013-12-31/consumer-confidence-index-in-u-s-increased-to-78-1-in-december.html

American consumers turned more confident in December as hiring picked up, brightening the outlook for spending heading into 2014.

The Conference Board said its sentiment index climbed to 78.1 from 72 in November, exceeding the median forecast of economists surveyed by Bloomberg and the strongest year-end reading since 2007. Other reports showed home prices climbed at the fastest pace in more than seven years and manufacturing was in a sustained expansion.

The biggest employment gain in eight years, the rebound in housing and record stock values are boosting household wealth, which will help support spending in the new year. Companies from Ford Motor Co. (F) to Apple Inc. (AAPL) are pledging to expand operations in the U.S. as demand improves, a sign the world’s biggest economy will strengthen in 2014.

“We’re ending 2013 with good momentum,” said Stephen Stanley, chief economist at Pierpont Securities LLC in Stamford, Connecticut, and the second-best forecaster of consumer confidence over the past two years, according to data compiled by Bloomberg. “We’ve seen progress in the labor market. The rise in home values along with the run-up in equity prices is a big element of why people are feeling better.”

U.S. stocks rose, with the Standard & Poor’s 500 Index poised for its biggest annual advance since 1997, as data showed an improving economy. The S&P 500 climbed 0.3 percent to 1,846.72 at 12:13 p.m. in New York.

Home Values

Another report today showed home prices in 20 cities rose in October from a year ago by the most since February 2006, signaling the real-estate rebound will keep bolstering household wealth. The S&P/Case-Shiller index of property prices climbed 13.6 percent from October 2012 after a 13.3 percent increase in the year ended in September.

A dwindling inventory of foreclosed properties has helped restrict the supply of homes for sale, pushing up prices even as higher mortgage rate cool demand. The real-estate market will probably get its next boost from gains in employment.

“There’s certainly room for home prices to continue rising in the coming year,” said Dana Saporta, an economist at Credit Suisse in New York, who projected a 13.7 percent advance in prices in the year ended in October. “As home prices continue to rise, more and more homeowners who are underwater on their mortgages will see their financial situations improving. Just getting out of that underwater position should be a big help to the economy.”

Survey results

The median projection in a Bloomberg survey of 59 economists called for the consumer confidence index to climb to 76. The Conference Board, a New York-based research group, today also revised up the November reading from a previously reported 70.4. The index averaged 53.7 in the recession that ended in June 2009.

The group’s present conditions barometer increased to 76.2, the highest reading since April 2008. Consumers’ assessments of current labor-market conditions also improved. The share of respondents who said positions were hard to get dropped this month to the lowest level since September 2008.

Payrolls expanded by 203,000 workers in November after a 200,000 gain in October, and the jobless rate fell to a five-year low of 7 percent, according to Labor Department data. Employment is forecast to increase about 190,000 this month, which would make 2013 the best year since 2005.

The improvement in the economy and labor market helps explain why the Federal Reserve on Dec. 18 decided it will trim monthly bond purchases to $75 billion from $85 billion starting in January.

Expectations Brighten

The Conference Board’s gauge of consumer expectations for the next six months jumped to 79.4, the highest since September, from 71.1 a month earlier. The proportion of Americans who said jobs would become more plentiful in the next six months rose to a four-month high.

“Despite the many challenges throughout 2013, consumers are in better spirits today than when the year began,” Lynn Franco, director of economic indicators at the Conference Board, said in a statement.

The gain tracked advances in other confidence measures. The Bloomberg Consumer Comfort (COMFCOMF) Index jumped to a four-month high for the week ended Dec. 22. The Thomson Reuters/University of Michigan index climbed in December to a five-month high.

Automakers are among companies benefiting from growing confidence. Auto sales advanced to a 16.3 million annualized rate in November, the highest since May 2007, according to data from Ward’s Automotive Group.

Adding Jobs

Dearborn, Michigan-based Ford said this month it plans to add 5,000 jobs in the U.S. as it introduces 16 new vehicles in 2014.

“We also expect manufacturing, engineering and spending related costs in North America to increase next year due to the 2014 launches as well as for products and capacity actions that will be launched in later periods,” Chief Financial Officer Robert L. Shanks said in a Dec. 18 guidance call. He said the company “is, has been, and continues to be in growth mode.”

Cupertino, California-based Apple started taking orders this month for the new Mac Pro personal computer, which is being built in Texas with components made domestically as part of Chief Executive Officer Tim Cook’s $100 million Made-in-the-USA push.

Improving sales are prompting factories to boost output, giving the U.S. economy another boost. Business activity expanded in December, capping the strongest three months in more than two years, another report showed today.

Sustained Growth

While the MNI Chicago Report business barometer declined to 59.1 from 63 in November, numbers greater than 50 signal growth. The index averaged 62.7 over the past three months, the highest since the period ended May 2011.

Manufacturing, which makes up about 12 percent of the economy, has been expanding as demand for automobiles, construction materials and appliances keep factory assembly lines humming. A pickup in business investment and economic improvement overseas would help sustain gains and support growth into the new year.

“Some of the missing pieces for a stronger economic recovery are falling into place,” said Ryan Sweet, a senior economist at Moody’s Analytics Inc. in West Chester, Pennsylvania. “The consumer’s still going to have to do some of the heavy lifting, particularly early on in the year until the housing cycle kicks in and business investment ramps up.”

**Won’t pass until after election year**

Adam **O'Neal 12-23**, December 23rd, 2013, "Immigration reform in 2014? Not so fast," https://www.humanevents.com/2013/12/23/immigration-reform-in-2014-not-so-fast/

A California-based immigration reform activist, who spoke to CalWatchdog.com on the condition of anonymity to be more candid, said that Boehner’s recent behavior was “heart-warming” and seemed “honest.”¶ The activist, who has been involved in lobbying California Congressmen to push for reform, added, “It makes you think, ‘OK, maybe [Boehner will] play ball.’”¶ But he cautioned that, while activists are optimistic, they’re not blindly so. He expects that major immigration **reform won’t be able to pass until 2015, at the earliest**. It’s **difficult to pass major legislation in an election year**, he explained, and **it makes more strategic sense (from the Republican point of view) to wait**.¶ Republicans, who are at a politically advantageous position because of the trouble associated with the rollout of Obamacare, reasonably expect to pick up seats in the midterms. They could feasibly control the Senate — though that will be no easy task — by January 2015. So **why would they pass immigration** reform when they’re almost certain to pick up seats and enter a stronger bargaining position? The answer is simple: **They wouldn’t**.¶ So, yes, Speaker **Boehner has changed his tune. But that doesn’t mean he’ll change his strategy** just yet.

#### Obama’s PC not key

Dan Nowicki 10-25, October 25th, 2013, USA Today, "Pleas from Obama may hinder immigration bill push," www.usatoday.com/story/news/politics/2013/10/25/obama-immigration-bill-partisanship/3188629/

Limited influence Other observers, including two members of the Senate Gang of Eight, suggested that Obama's powers of persuasion probably are limited with many House Republicans. "I think that the Republican Party understands the majority of Americans want this issue resolved," said Sen. John McCain, R-Ariz. "There are many members of Congress that represent districts where the majority do not support immigration reform, and we understand and respect that." John J. "Jack" Pitney Jr., a political scientist at Claremont McKenna College in Southern California, also said rank-and-file House Republicans are more likely to take their cues on immigration reform from their conservative base than national GOP leaders who want to improve the party's image with Latino voters. "For the average House Republican, the No. 1 concern is his or her own district, and most Republicans are not getting much clamor for the liberalization of immigration laws in their own districts," Pitney said. "You can argue that it's in the party's long-term interest to address the issue, but 'long-term interest' doesn't get a vote in primaries and general elections."

#### Won’t pass---citizenship

Dallas News 12-27, December 27th, 2013, "Editorial: Immigration reform’s pathway to defeat ," www.dallasnews.com/opinion/editorials/20131227-editorial-immigration-reforms-pathway-to-defeat.ece

Comprehensive immigration reform is heading back to center stage on Capitol Hill and — dare we say it? — concerted action in 2014. Leaders on both sides of the aisle support it and are keenly aware that the election-swaying Hispanic vote is on the line.¶ Given the stakes, proponents must exercise caution when it comes to pushing hot-button provisions that risk scuttling approval. One such issue is the pathway to citizenship. The Obama administration and leading Democrats insist on its inclusion, and a bipartisan Senate majority already approved it as one provision in a comprehensive reform bill passed this summer.¶ Conservatives in the House say the pathway provision goes too far and warn that it could lead to the reform package’s defeat. So why not find a workable middle-ground solution?¶ A Pew Research Center poll released this month indicated that the biggest concern on the minds of Hispanics and Asian-Americans is the threat of deportation, not citizenship. Respondents still overwhelmingly favor the opportunity of citizenship, but they don’t regard it as a make-or-break issue in the comprehensive reform debate.¶ Past immigrant behavior indicates that most beneficiaries of comprehensive reform wouldn’t take advantage of citizenship if it were offered. A separate Pew report published earlier this year found that, among all Hispanic immigrants in the country legally, just 44 percent have opted for citizenship. The remainder chose legal permanent residency. Just 36 percent of Mexican immigrants, by far the largest immigrant community, have chosen citizenship.¶ “For many undocumented people, citizenship is not a priority,” Oscar A. Chacon, executive director of the National Alliance of Latin American and Caribbean Communities, told The New York Times. “What they really care about is a solution that allows them to overcome their greatest vulnerabilities.”¶ Congress and President Barack Obama should take note, because if these are the main groups that America’s political leaders are trying to help, a politically fraught pathway to citizenship might not be the best answer.¶ From the beginning of the reform movement in 2006-07, this newspaper has carefully broached the pathway topic, mindful of its political sensitivity. Our long-standing preference has been for a pathway to regularized status — permanent legal residency that allows immigrants to come and go without the constant fear of capture and being blocked from re-entry. The Texas Association of Business and other employer groups support such language as well.¶ Employers need access to reliable sources of low-cost labor, particularly for seasonal jobs that American workers tend to shun. The deportation threat harms workplace productivity, adds stress to family life, disrupts schools and puts landlords in a bind. A pathway to citizenship might be a nice long-term goal, but its inclusion is not worth the risk of another costly defeat for comprehensive immigration reform.

#### Obama won’t fight the plan---he’s open to judicial review

Kwame Holman 13, congressional correspondent for PBS NewsHour; citing Rosa Brooks, Prof of Law at Georgetown University Law Center, former Counselor to the Under Secretary of Defense for Policy, former senior advisor at the US Dept of State, “Congress Begins to Weigh In On Drone Strikes Policy,” http://www.pbs.org/newshour/rundown/2013/04/congress-begins-to-weigh-in-on-drone-strikes-policy.html

In an October 2012 interview, Mr. Obama said of the drone program, "we've got to ... put a legal architecture in place, and we need Congressional help in order to do that, to make sure that not only am I reined in but any president's reined in, in terms of some of the decisions that we're making."¶ The president has not taken up the drone issue in public again but White House press secretary Jay Carney, asked Wednesday about the drone hearing, said, "We have been in regular contact with the committee. We will continue to engage Congress...to ensure our counterterrorism efforts are not only consistent with our laws and system of checks and balances, but even more transparent to the American people and the world."¶ And after the hearing, Brooks, too, sounded optimistic.¶ "My own sense is that the executive branch is open to discussion of some kind of judicial process," she said.¶ While some experts have argued for court oversight of drone strikes before they're carried out, Brooks sides with those who say that would be unwieldy and unworkable.¶ Brooks says however an administration that knows its strikes could face court review after the fact -- with possible damages assessed -- would be more responsible and careful about who it strikes and why.

#### Healthcare and income fights pound the DA

Jules Witcover 1/1, Chicago Tribune, "After a fruitless year in Washington, New Year's blues ahead", 2014, www.chicagotribune.com/news/columnists/sns-201312311630--tms--poltodayctnyq-a20140101-20140101,0,2474617.column

Dampening down administration pleasure that a budget compromise was reached through the rare bipartisan teamwork of Republican Paul Ryan in the House and Democrat Patty Murray in the Senate, the opposition party has renewed and sustained its pushback against Obamacare.¶ The White House had hoped to pivot from this exhausting fight to such objectives as immigration reform and another try at stiffer gun controls. Instead, Obama must count on a more robust public response to the health care program, not at all guaranteed, to clear the political playing field.¶ Also, while trying to fire up lower-income support with a proposal to boost the federal minimum wage, the White House must attempt to extend long-term unemployment benefits to more than a million hard-strapped jobless beneficiaries who now face a cutoff.¶ Prominent economists warn that if Congress fails to extend those benefits, it will only hamper the still-struggling recovery. Nevertheless, the political universe seems mired again in the old ideological class warfare: the Republicans as beneficent creators of largess against the Democrats as extravagant redistributors of it to a nation of moochers.¶ It's a sad rerun of the final weeks of the 2012 presidential campaign, in which Mitt Romney sealed his doom with his witless declaration that the votes of "47 percent of Americans" were beyond his reach. The theme that they had been bought off by Democratic handouts through various social safety programs echoes again in the current debate.¶ Added to the old GOP insistence that Big Brother government has no right to require Americans to buy health insurance they don't want, more persuasive argument has blossomed that bureaucratic incompetence botched the heart of the Obama's domestic agenda.¶ Visions of a businessman's efficiency dance in the imaginations of the Republican faithful, if only one of their own were in charge. Yet, had they won the last election, Obamacare probably would be dead and buried by now, Romney having disavowed the law that was based, ironically, on his own health-care reform as Massachusetts governor.¶ In the midst of all this second-term gloom, the Democratic administration has sought to find political refuge and new energy by focusing on income inequality. The phenomenon is seen glaringly in the booming stock market and skyrocketing profits for big business, which is thriving on higher productivity from fewer workers, and its reluctance to hire more.¶ But the Democrats' effort to address this key issue also facilitates the old Republican ideological bromide of "socialistic" redistribution

of wealth, which would make every conscientious attempt to heat up the economy sound like heated-up Karl Marx. Which apparently will be fine to the likes of the rabble-rousing Texas Sen. Ted Cruz and his merry tea party band, who are more than willing to fire up "class warfare" rhetoric.¶ 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.