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### 1

#### Iran strategy working—Congressional rebuke to command in chief flexibility spoils negotiations—results in Iran strikes and prolif

Joel Rubin, Politico, 10/20/13, Iran’s diplomatic thaw with the West, dyn.politico.com/printstory.cfm?uuid=FBFABC3B-C9A8-47F8-A9AC-BC886BCE0552

Congratulations, Congress. Your Iran strategy is working. Now what?

The diplomatic thaw between Iran and the West is advancing, and faster than most of us had imagined. This is the result of years of painstaking efforts by the Obama administration and lawmakers to pressure the Islamic Republic into deciding whether it’s in Iran’s interest to pursue diplomacy or to continue suffering under crushing economic sanctions and international isolation.

Now that Iran has made a clear decision to engage seriously in diplomatic negotiations with the West over its nuclear program, its intentions should be tested. Members of Congress should be open to seizing this opportunity by making strategic decisions on sanctions policy.

The economic sanctions against Iran that are in place have damaged the Iranian economy. A credible military threat — with more than 40,000 American troops in the Persian Gulf — stands on alert. International inspectors are closely monitoring Iran’s every nuclear move. Iran has not yet made a decision to build a bomb, does not have enough medium-enriched uranium to convert to weapons grade material for one bomb and has neither a workable nuclear warhead nor a means to deliver it at long ranges. If Iran were to make a dash for a bomb, the U.S. intelligence community estimates that it would take roughly one to two years to do so.

Congress, with its power to authorize sanctions relief, plays a crucial role in deciding whether a deal will be achieved. This gives Congress the opportunity to be a partner in what could potentially be a stunning success in advancing our country’s security interests without firing a shot.

Consider the alternative: If the administration negotiates a deal that Congress blocks, and Congress becomes a spoiler, Iran will most likely continue to accelerate its nuclear program. Then lawmakers would be left with a stark choice: either acquiesce to an unconstrained Iranian nuclear program and a potential Iranian bomb or endorse the use of force to attempt to stop it. Most military experts rate the odds of a successful bombing campaign low and worry that failed strikes would push Iran to get the bomb outright.

Iran and the United States need a political solution to this conflict. Now is the time to test the Iranians at the negotiating table, not push them away.

Congress is also being tested, but the conventional wisdom holds that lawmakers won’t show the flexibility required to make a deal. Such thinking misses the political volatility just beneath the surface: Americans simply don’t support another war in the Middle East, as the congressional debate over Syria made crystal clear. Would they back much riskier military action in Iran?

Fortunately for Congress, President Barack Obama was agile enough to seize the diplomatic route and begin to eliminate Syria’s chemical weapons. These results are advancing U.S. security interests. And members of Congress breathed a collective sigh of relief as well as they didn’t have to either vote to undercut the commander in chief on a security issue or stick a finger in the eye of their constituents.

The same can happen on Iran. By pursuing a deal, Obama can provide Congress with an escape hatch, where it won’t have to end up supporting unpopular military action or have to explain to its constituents why it failed to block an Iranian bomb. A verifiable deal with Iran that would prevent it from acquiring a nuclear weapon would require sanctions relief from Congress. But that’s an opportunity to claim victory, not a burden. And it would make Congress a partner with the president on a core security issue. Congress could then say, with legitimacy, that its tough sanctions on Iran worked — and did so without starting another unpopular American war in the Middle East.

#### Iran proliferation causes nuclear war

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

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

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

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

n-player competition

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

### 2

#### The President of the United States should request his Counsel and the Office of Legal Counsel for coordination over his war powers authority. The President should determine that the President of the United States lacks the authority to detain individuals indefinitely.

#### CP is competitive and solves the case ---- Coordination with OLC can ensure executive action

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

### 3

The affirmative re-inscribes the primacy of liberal legalism as a method of restraint

Margulies ‘11

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In an observation more often repeated than defended, we are told that the attacks of September 11 “changed everything.” Whatever merit there is in this notion, it is certainly true that 9/11—and in particular the legal response set in motion by the administration of President George W. Bush—left its mark on the academy. Nine years after 9/11, it is time to step back and assess these developments and to offer thoughts on their meaning. In Part II of this essay, we analyze the post-9/11 scholarship produced by this “emergency” framing. We argue that legal scholars writing in the aftermath of 9/11 generally fell into one of three groups: unilateralists, interventionists, and proceduralists. Unilateralists argued in favor of tilting the allocation of government power toward the executive because the state’s interest in survival is superior to any individual liberty interest, and because the executive is best able to understand and address threats to the state. Interventionists, by contrast, argued in favor of restraining the executive (principally through the judiciary) precisely to prevent the erosion of civil liberties. Proceduralists took a middle road, informed by what they perceived as a central lesson of American history.1 Because at least some overreaction by the state is an inevitable feature of a national crisis, the most one can reasonably hope for is to build in structural and procedural protections to preserve the essential U.S. constitutional framework, and, perhaps, to minimize the damage done to American legal and moral traditions. Despite profound differences between and within these groups, legal scholars in all three camps (as well as litigants and clinicians, including the authors) shared a common perspective—viz., that repressive legal policies adopted by wartime governments are temporary departures from hypothesized peacetime norms. In this narrative, metaphors of bewilderment, wandering, and confusion predominate. The country “loses its bearings” and “goes astray.” Bad things happen until at last the nation “finds itself” or “comes to its senses,” recovers its “values,” and fixes the problem. Internment ends, habeas is restored, prisoners are pardoned, repression passes. In a show of regret, we change direction, “get back on course,” and vow it will never happen again. Until the next time, when it does. This view, popularized in treatments like All the Laws but One, by the late Chief Justice Rehnquist,2 or the more thoughtful and thorough discussion in Perilous Times by Chicago’s Geoffrey Stone,3 quickly became the dominant narrative in American society and the legal academy. **This narrative also figured heavily in the many challenges to Bush-era policies,** including by the authors. The narrative permitted litigators and legal scholars to draw upon what elsewhere has been referred to as America’s “civic religion”4 and to cast the courts in the role of hero-judges5 **whom we hoped would restore legal order.**6 But by framing the Bush Administration’s response as the latest in a series of regrettable but temporary deviations from a hypothesized liberal norm, the legal academy ignored the more persistent, and decidedly illiberal, authoritarian tendency in American thought to demonize communal “others” during moments of perceived threat. Viewed in this light, what the dominant narrative identified as a brief departure caused by a military crisis is more accurately seen as part of a recurring process of intense stigmatization tied to periods of social upheaval, of which war and its accompanying repressions are simply representative (and particularly acute) illustrations. It is worth recalling, for instance, that the heyday of the Ku Klux Klan in this country, when the organization could claim upwards of 3 million members, was the early-1920s, and that the period of greatest Klan expansion began in the summer of 1920, almost immediately after the nation had “recovered” from the Red Scare of 1919–20.7 Klan activity during this period, unlike its earlier and later iterations, focused mainly on the scourge of the immigrant Jew and Catholic, and flowed effortlessly from the anti-alien, anti-radical hysteria of the Red Scare. Yet this period is almost entirely unaccounted for in the dominant post-9/11 narrative of deviation and redemption, which in most versions glides seamlessly from the madness of the Red Scare to the internment of the Japanese during World War II.8 And because we were studying the elephant with the wrong end of the telescope, we came to a flawed understanding of the beast. In Part IV, we argue that the interventionists and unilateralists came to an incomplete understanding by focusing almost exclusively on what Stuart Scheingold called “the myth of rights”—the belief that if we can identify, elaborate, and secure judicial recognition of the legal “right,” **political structures and policies will adapt their behavior to the requirements of the law** and change will follow more or less automatically.9 Scholars struggled to define the relationship between law and security primarily through exploration of structural10 and procedural questions, and, to a lesser extent, to substantive rights. And they examined the almost limitless number of subsidiary questions clustered within these issues. Questions about the right to habeas review, for instance, generated a great deal of scholarship about the handful of World War II-era cases that the Bush Administration relied upon, including most prominently Johnson v. Eisentrager and Ex Parte Quirin. 11 Regardless of political viewpoint, a common notion among most unilateralist and interventionist scholars was that when law legitimized or delegitimized a particular policy, **this would have a direct and observable effect on actual behavior**. The premise of this scholarship, in other words, was that policies “struck down” by the courts, or credibly condemned as lawless by the academy, would inevitably be changed—and that this should be the focus of reform efforts. Even when disagreement existed about the substance of rights or even which branch should decide their parameters, it reflected shared acceptance of the primacy of law, often to the exclusion of underlying social or political dynamics. Eric Posner and Adrian Vermeule, for instance, may have thought, unlike the great majority of their colleagues, that the torture memo was “standard fare.”12 But their position nonetheless accepted the notion that if the prisoners had a legal right to be treated otherwise, then the torture memo authorized illegal behavior and must be given no effect.13 Recent developments, however, cast doubt on two grounding ideas of interventionist and unilateralist scholarship—viz., that post-9/11 policies were best explained as responses to a national crisis (and therefore limited in time and scope), and that the problem was essentially legal (and therefore responsive to condemnation by the judiciary and legal academy). One might have reasonably predicted that in the wake of a string of Supreme Court decisions limiting executive power, apparently widespread and bipartisan support for the closure of Guantánamo during the 2008 presidential campaign, and the election of President Barack Obama, which itself heralded a series of executive orders that attempted to dismantle many Bush-era policies, the nation would be “returning” to a period of respect for individual rights and the rule of law. Yet the period following Obama’s election has been marked by an increasingly retributive and venomous narrative surrounding Islam and national security. **Precisely when the dominant narrative would have predicted change** and redemption, we have seen retreat and retrenchment. This conundrum is not adequately addressed by dominant strands of post-9/11 legal scholarship. In retrospect, it is surprising that much post-9/11 scholarship appears to have set aside critical lessons from previous decades as to the relationship among law, society and politics.14 Many scholars have long argued in other contexts that rights—or at least the experience of rights—are subject to political and social constraints, particularly for groups subject to historic marginalization. Rather than self-executing, rights are better viewed as contingent political resources, capable of mobilizing public sentiment and generating social expectations.15 From that view, a victory in Rasul or Boumediene no more guaranteed that prisoners at Guantánamo would enjoy the right to habeas corpus than a victory in Brown v. Board16 guaranteed that schools in the South would be desegregated.17 Rasul and Boumediene, therefore, should be seen as part (and probably only a small part) of a varied and complex collection of events, including the fiasco in Iraq, the scandal at the Abu Ghraib prison, and the use of warrantless wiretaps, as well as seemingly unrelated episodes like the official response to Hurricane Katrina. These and other events during the Bush years merged to give rise to a powerful social narrative critiquing an administration committed to lawlessness, content with incompetence, and engaged in behavior that was contrary to perceived “American values.”18 Yet the very success of this narrative, culminating in the election of Barack Obama in 2008, produced quiescence on the Left, even as it stimulated massive opposition on the Right. The result has been the emergence of a counter-narrative about national security that has produced a vigorous social backlash such that most of the Bush-era policies will continue largely unchanged, at least for the foreseeable future.19 Just as we see a widening gap between judicial recognition of rights in the abstract and the observation of those rights as a matter of fact, there appears to be an emerging dominance of proceduralist approaches, which take as a given that rights dissolve under political pressure, and, thus, are best protected by basic procedural measures. But that stance falls short in its seeming readiness to trade away rights in the face of political tension. First, it accepts the tropes du jour surrounding radical Islam—namely, that it is a unique, and uniquely apocalyptic, threat to U.S. security. In this, proceduralists do not pay adequate heed to the lessons of American history and sociology. And second, it endorses too easily the idea that procedural and structural protections will protect against substantive injustice in the face of popular and/or political demands for an outcome-determinative system that cannot tolerate acquittals. Procedures only provide protection, however, if there is sufficient political support for the underlying right. Since the premise of the proceduralist scholarship is that such support does not exist, it is folly to expect the political branches to create meaningful and robust protections. In short, a witch hunt does not become less a mockery of justice when the accused is given the right to confront witnesses. And a separate system (especially when designed for demonized “others,” such as Muslims) cannot, by definition, be equal. In the end, we urge a fuller embrace of what Scheingold called “the politics of rights,” which recognizes the contingent character of rights in American society. We agree with Mari Matsuda, who observed more than two decades ago that rights are a necessary but not sufficient resource for marginalized people with little political capital.20 To be effective, therefore, we must look beyond the courts and grapple with the hard work of long-term change with, through and, perhaps, in spite of law. These are by no means new dilemmas, but the post-9/11 context raises difficult and perplexing questions that deserve study and careful thought as our nation settles into what appears to be a permanent emergency.

That causes endless violence and militarism

The alternative is to vote negative to endorse political, rather than legal restrictions on Presidential war powers authority

Dossa ‘99

Shiraz, Department of Political Science, St. Francis Xavier University, Antigonish, Nova Scotia, “Liberal Legalism: Law, Culture and Identity,” The European Legacy, Vol. 4, No. 3, pp. 73-87,1

No discipline in the rationalized arsenal of modernity is as rational, impartial, objective as the province of law and jurisprudence, in the eyes of its liberal enthusiasts. Law is the exemplary countenance of the conscious and calculated rationality of modern life, **it is the** emblematic face of liberal civilization. Law and legal rules symbolize the spirit of science, the march of human progress. As Max Weber, the reluctant liberal theorist of the ethic of rationalization, asserted: judicial formalism enables the legal system to operate like a technically **rational machine**. Thus it guarantees to individuals and groups within the system a relative of maximum of freedom, and greatly increases for them the possibility of predicting the legal consequences of their action. In this reading, law encapsulates the western capacity to bring order to nature and human beings, to turn the ebb and flow of life into a "rational machine" under the tutelage of "judicial formalism".19 Subjugation of the Other races in the colonial empires was motivated by power and rapacity, but it was justified and indeed rationalized, by an appeal to the civilizing influence of religion and law: western Christianity and liberal law. To the imperialist mind, "the civilizing mission of law" was fundamental, though Christianity had a part to play in this program.20 Liberal colonialists visualized law, civilization and progress as deeply connected and basic, they saw western law as neutral, universally relevant and desirable. The first claim was right in the liberal context, the second thoroughly false. In the liberal version, the mythic and irrational, emblems of thoughtlessness and fear, had ruled all life-forms in the past and still ruled the lives of the vast majority of humanity in the third world; in thrall to the majesty of the natural and the transcendent, primitive life flourished in the environment of traditionalism and lawlessness, hallmarks of the epoch of ignorance. By contrast, liberal ideology and modernity were abrasively unmythic, rational and controlled. Liberal order was informed by knowledge, science, a sense of historical progress, a continuously improving future. But this canonical, secular, bracing self-image, is tendentious and substantively illusory: it blithely scants the bloody genealogy and the extant historical record of liberal modernity, liberal politics, and particularly liberal law and its impact on the "lower races" (Hobson). In his Mythology of Modern Law, Fitzpatrick has shown that the enabling claims of liberalism, specifically of liberal law, are not only untenable but implicated in canvassing a racist justification of its colonial past and in eliding the racist basis of the structure of liberal jurisprudence.21 Liberal law is mythic in its presumption of its neutral, objective status. Specifically, the liberal legal story of its immaculate, analytically pure origin obscures and veils not just law's own ruthless, violent, even savage and disorderly trajectory, but also its constitutive association with imperialism and racism.22 In lieu of the transcendent, divine God of the "lower races", modern secular law postulated the gods of History, Science, Freedom. Liberal law was to be the instrument for realizing the promise of progress that the profane gods had decreed. Fitzpatrick's invasive surgical analysis lays bare the underlying logic of law's self-articulation in opposition to the values of cultural-racial Others, and its strategic, continuous reassertion of liberalism's superiority and the civilizational indispensability of liberal legalism. Liberal law's self-presentation presupposes a corrosive, debilitating, anarchic state of nature inhabited by the racial Others and lying in wait at the borders of the enlightened modern West. This mythological, savage Other, creature of raw, natural, unregulated fecundity and sexuality, justified the liberal conquest and control of the racially Other regions.23 Law's violence and resonant savagery on behalf of the West in its imperial razing of cultures and lands of the others, has been and still is, justified in terms of the necessary, beneficial spread of liberal civilization. Fitzpatrick's analysis parallels the impassioned deconstruction of this discourse of domination initiated by Edward Said's Orientalism, itself made possible by the pioneering analyses of writers like Aime Cesaire and Frantz Fanon. Fitzpatrick's argument is nevertheless instructive: his focus on law and its machinations unravels the one concrete province of imperial ideology that is centrally modern and critical in literally transforming and refashioning the human nature of racial Others. For liberal law carries on its back the payload of "progressive", pragmatic, **instrumental modernity**, its ideals of order and rule of law, its articulation of human rights and freedom, its ethic of procedural justice, its hostility to the sacred, to transcendence or spiritual complexity, its recasting of politics as the handmaiden of the nomos, its valorization of scientism and rationalization in all spheres of modern life. Liberal law is not synonymous with modernity tout court, but it is the exemplary voice of its rational spirit, **the custodian of its civilizational ambitions.** For the colonized Others, no non-liberal alternative is available: a non-western route to economic progress is inconceivable in liberal-legal discourse. For even the truly tenacious in the third world will never cease to be, in one sense or another, the outriders of modernity: their human condition condemns them to **playing perpetual catch-up**, eternally subservient to Western economic and technological superiority in a epoch of self-surpassing modernity.24 If the racially Other nations suffer exclusion globally, the racially other minorities inside the liberal loop enjoy the ambiguous benefits of inclusion. As legal immigrants or refugees, they are entitled to the full array of rights and privileges, as citizens (in Canada, France, U.K., U.S—Germany is the exception) they acquire civic and political rights as a matter of law. Formally, they are equal and equally deserving. In theory liberal law is inclusive, but concretely it is routinely **partial and invidious**. Inclusion is conditional: it depends on how robustly the new citizens wear and deploy their cultural difference. Two historical facts account for this phenomenon: liberal law's role in western imperialism and the Western claim of civilizational superiority that pervades the culture that sustains liberal legalism. Liberal law, as the other of the racially Other within its legal jurisdiction, differentiates and locates this other in the enemy camp of the culturally raw, irreducibly foreign, making him an unreliable ally or citizen. Law's suspicion of the others socialized in "lawless" cultures is instinctive and undeniable. Liberal law's constitutive bias is in a sense incidental: the real problem is racism or the racist basis of liberal ideology and culture.25 The internal racial other is not the juridical equal in the mind of liberal law but the juridically and humanly inferior Other, the perpetual foreigner.

### 4

#### CIR will pass now but it will be tough

Nowicki, 10-30 -- Arizona Republic's national political reporter

[Dan, and Erin Kelly, "Fleeting Hopes for Immigration Reform," AZ Central, 10-30-13, www.azcentral.com/news/politics/articles/20131029fleeting-hopes-immigration-reform.html?nclick\_check=1, accessed 10-31-13, mss]

However, reform backers point to encouraging signs in addition to the intense push by the business lobby. Key House Republicans, including Reps. Paul Ryan of Wisconsin, Mario Diaz-Balart of Florida and Darrell Issa of California, reportedly are working on proposals to address the status of the estimated 11 million undocumented immigrants who already have settled in the United States, which is the central issue for Democrats and immigration activists. The Democrat-controlled Senate on June 27 passed a sweeping reform bill that included a 13-year pathway to citizenship for immigrants who pass background checks, pay assessed taxes and fines and take other steps to get right with the law, as well as a massive investment in border security. There are indications that some Republicans are becoming impatient with the House inaction on piecemeal bills that have been talked about since the Senate bill passed. Two House Republicans — Reps. Jeff Denham of California and Ileana Ros-Lehtinen of Florida — have become the first two GOP lawmakers to sign onto a comprehensive immigration bill offered by House Democrats. Rep. Joe Heck, R-Nev., last week said in a written statement that the growing possibility that the House might punt on immigration reform in 2013 reflects “the leadership vacuum in Washington that rightly has so many people frustrated with this dysfunctional Congress.” Sen. Jeff Flake, R-Ariz., a former 12-year House member who helped negotiate the Senate bill, said Monday on Twitter that momentum appears to be building in the House. “That’s good news for Arizona, and the country,” he said in the message. For their part, Boehner and his fellow House Republican leaders have not yet publicly declared immigration reform dead, which even the most pessimistic reform supporters say means there is still a chance the House could act in November or early December. House committees so far have approved five bills, including legislation to strengthen border security and require employers to use a federal database to ensure they are hiring people who are legally eligible to work in the United States. “The speaker said last week, ‘I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful,’ ” Boehner spokesman Michael Steel told The Arizona Republic on Tuesday via e-mail. “He added that he supports a step-by-step immigration process.” Businesses speak out Hoping to make sure immigration reform gets on the House’s 2013 agenda, more than 600 business, law-enforcement, religious and political leaders from Arizona and nearly 40 other states flooded Capitol Hill on Tuesday. The fly-in was organized by the U.S. Chamber of Commerce and other groups, including FWD.us, which was founded by leaders of high-tech companies. The activists, mostly self-described conservatives, met with more than 100 members of Congress to urge them to take action on broad legislation that includes a way for most undocumented immigrants in the U.S. to earn citizenship. “In every corner of the Capitol, the energy these farmers, tech leaders, police chiefs and pastors brought to the Hill was palpable,” said Ali Noorani, executive director of the National Immigration Forum. “They brought a new perspective to the debate, one informed by what they see every day in their local businesses, churches and police stations — a broken system that has a negative impact on local communities nationwide.” Peoria Vice Mayor Tony Rivero is a conservative Republican who urged Arizona’s GOP congressmen to support reform this year. His city needs more farmworkers who are legally authorized to work, and it needs its undocumented residents to come out of the shadows, he said. “My message to our congressional delegation is that, as a constituent and a conservative Republican, I support a solution to this problem,” Rivero said. “We need to secure the border, identify the people who are here illegally and put them on a path to legality and put enforcement measures in place to make sure we aren’t here again in 10 years.” Former Phoenix Police Chief Jack Harris said he told members of Arizona’s congressional delegation that the current immigration system makes police officers’ jobs more complicated. “Every community is trying to solve the problem in a different way,” he said. “In some places, you (an undocumented immigrant) can get a driver’s license. In some places, you can’t. Some places are very liberal and report almost no crimes (committed by undocumented immigrants). Others deport you for just minor infractions. There’s great confusion among the law-enforcement community about what the rules are and what their authority is.” ‘I do care about them’ The conservative lobbying efforts are in conjunction with efforts from more liberal immigration-advocacy groups. Last week, a contingent of 44 undocumented immigrants and their supporters traveled from Phoenix by bus to Washington, D.C., and Ohio in hope of meeting with Boehner to persuade him to schedule a vote on a bill that includes a pathway to citizenship. The group, which included many “dreamers,” or undocumented immigrants brought to the United States as children, never got the opportunity to talk with Boehner. However, the immigration activists from the advocacy group Promise Arizona who camped outside Franks’ house did get the chance to talk with the representative for more than 25 minutes. They initially were buoyed by his response, which they interpreted as support for a pathway to citizenship. However, Franks later clarified to The Republic that he would not support a special pathway to citizenship. Franks said he would support legalizing undocumented immigrants under certain conditions but would not allow them to subsequently seek citizenship. Or the undocumented immigrants could return to their home countries and apply for green cards and citizenship that way, he said. Franks said he didn’t fully articulate his position to the activists because he felt compassion for their pleas. “Sometimes, in any situation, you don’t hit people in the face with the worst of it,” Franks said. “I wanted them to know, while maybe we didn’t agree on everything, there were some things we do agree on. I do care about them.” Proponents are positive Glenn Hamer, president and CEO of the Arizona Chamber of Commerce and Industry, said the group of Arizonans that flew in as part of the U.S. Chamber-led D.C. visit were going to meet with all nine House members from Arizona. After morning meetings with Republican Reps. Paul Gosar, Matt Salmon and David Schweikert, Hamer said the sessions were positive. “There is complete agreement that we have a busted immigration system,” he said. “It’s fair to say that there is an understanding that we need immigration reform. It’s very clear that the House is going to pass its vision for immigration reform. If it’s simply the Senate bill or bust, then nothing will happen.” Flake said he believes the methodical and strategic lobbying by the business community, faith groups and activist organizations will **help** motivate the House. He said he is OK with House Republicans taking a step-by-step strategy rather than passing a comprehensive bill like the one he helped craft in the Senate. “My position is, if you can move it piecemeal or sequentially, that’s fine,” Flake said. “If you have to go comprehensive, that’s fine. Let’s get something to the president’s desk.” Frank Sharry, executive director of the pro-reform organization America’s Voice, said the two House Republicans who signed on to the alternative Democratic bill also are examples of **momentum**. “When that bill was first introduced, it was widely panned as a Democratic ‘message bill’ that was going nowhere and was setting up the blame game in a run toward 2014,” Sharry said. “But because Democrats made the smart move of making sure every policy in the bill was passed with bipartisan support either in the Senate or the House, it has become a serious offering and a **place where Republicans can go.** I think you will see more Republicans getting on board.” Because of Boehner’s leadership style and uneasy relationship with many of his rank-and-file members, Sharry said, it may take “a convergence and emergence of a critical mass of Republicans to convince leadership to go forward.” Hamer said he believes there is still a possibility for compromise between the House and Senate. “I don’t want to be too Pollyannaish,” he said. “Passing immigration reform is not like renaming a post office. It’s going to be tough.”

#### The plan reverses these dynamics—sparks an inter-branch fight derailing the agenda

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

Raising or Lowering Political Costs by Affecting Presidential Political Capital

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

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

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

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

#### Obama’s push locks-up a House vote, but the window is narrow

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Comprehensive reform is key to prevent food insecurity

Gaskill ’10 (Ron Gaskill is director of congressional relations for the American Farm Bureau Federation. Worker shortage urges immigration reform efforts April 9, 2010 Season Right for Meaningful Immigration Reform By Ron Gaskill)

Even in these times of higher-than-usual unemployment, most farmers and ranchers still struggle to find all the workers they need for a successful season. Serious concerns that not enough domestic workers will choose to work in agriculture has become a harsh reality across the countryside. About 15 million people in the United States choose non-farm jobs at wages that are actually lower than what they could earn by working alongside farmers and ranchers. The on-farm jobs and opportunities are there, but many workers choose not to take advantage of them. The issue is rapidly moving from one centered on a lack of resources, to one with food insecurity at its heart. Farmers and ranchers are the ones being squeezed; caught between a domestic labor force that doesn’t want agricultural work, government policy that fails to recognize the seriousness of the problem and an administration that consistently makes it harder to hire workers. U.S. consumers will continue to eat fresh fruits and vegetables regardless of how the labor scenario ultimately plays out. But, whether or not those fruits and vegetables are grown in the U.S. or imported from other countries where labor is more plentiful greatly concerns Farm Bureau. It’s past time for our nation’s policymakers to translate grassroots concern into meaningful action. As much as we believe in a farmer’s right to farm, Farm Bureau fully respects the right of U.S. workers to choose other lines of work. But, on the flip side, as employers, we must be able to legally employ those who do want to work, even if they’re from other countries. Comprehensive immigration reform is needed, so that America’s farmers and ranchers can continue to produce an abundant supply of safe, healthy food, as well as renewable fuels and fiber for our nation.

#### Solves nuke war

CRIBB 2010 (Julian, Julian Cribb is a science communicator, journalist and editor of several newspapers and books. His published work includes over 7,000 newspaper articles, 1,000 broadcasts, and three books and has received 32 awards for science, medical, agricultural and business journalism. He was Director, National Awareness, for Australia's science agency, CSIRO, foundation president of the Australian Science Communicators, and originated the CGIAR's Future Harvest strategy. He has worked as a newspaper editor, science editor for "The Australian "and head of public affairs for CSIRO. He runs his own science communication consultancy, “The coming famine: the global food crisis and what we can do to avoid it,” p. 26)

This is the most likely means by which the coming famine will affect all citizens of Earth, both through the direct consequences of refugee floods for receiving countries and through the effect on global food prices and the cost to public revenues of redressing the problem. Coupled with this is the risk of wars breaking out over local disputes about food, land, and water and the dangers that the major military powers may be sucked into these vortices, that smaller nations newly nuclear-armed may become embroiled, and that shock waves propagated by these conflicts will jar the global economy and disrupt trade, sending food prices into a fresh spiral. Indeed, an increasingly credible scenario for World War III is not so much a confrontation of superpowers and their allies as a festering, self-perpetuating chain of resource conflicts driven by the widening gap between food and energy supplies and peoples' need to secure them.

### 5

#### Interpretation – the affirmative must specify which federal court rules on their aff

#### They don’t that’s a voter - the phrase “Federal Judiciary” is too vague and destroys legal precision – specification is good

Andrew Marsh (Official Reporter of the proceedings of the Constitutional Convention of the State of Nevada) 1866 “Declaration of Rights” in the ‘Official Report of the Debates and Proceedings in the Constitutional Convention of the State of Nevada” p. 781, <http://books.google.com/books?id=_xoWAAAAYAAJ&pg=PA781&lpg=PA781&dq=%22the+term+federal+judiciary%22&source=bl&ots=pvPibPxnnj&sig=cZT3Ug_Z4DUQljn2aRi-bSqZ0ro&hl=en&sa=X&ei=Id5HUrK1Ca7I4AOO-4DIBg&ved=0CFEQ6AEwBA#v=onepage&q=%22the%20term%20federal%20judiciary%22&f=false>

Mr BANKS There is one term made use of in the section last read, to which I have always been very much opposed and which I would like to have changed at this time. I refer to the phrase “as the same have been or may be defined by the Federal Judiciary.” It seems to me it would be much better to say “the Supreme Court of the United States.” That would be more direct, and plainer, and we know very well that the judiciary, and the courts, are not necessarily the same in all cases, for sometimes an act may be a judicial act without being an act of the court. I do not know that it would make any material difference in point of fact, but I nevertheless much prefer to use the direct term, “the Supreme Court;” and therefore, I move to make that change in Section 2, striking out the words “Federal Judiciary,” and inserting instead the words “Supreme Court of the United States.”

The PRESIDENT. The amendment proposed is certainly proper, because there are different United States courts; for instance, the District and Circuit Courts, which are distinctive parts of the Federal Judiciary.

Mr. COLLINS. I think that change should be made.

Mr. LOCKWOOD. If my memory serves me correctly, the same change has once been proposed, and rejected.

Mr. BANKS. No, sir. I had offered an amendment to this section, and accepted the amendment to my amendment suggested by the gentleman from Storey (Mr. Fitch,) which embraced this term “Federal Judiciary,” but it will be remembered that there was at that time some considerable feeling in regard to the doctrine or principle to be enunciated by the section, and especial attention was not called to the particular phraseology employed.

The PRESIDENT. My recollection coincides with that of the gentleman from Humboldt (Mr. Banks.) The words referred to were adopted by the convention as an amendment to the original section

Mr. LOCKWOOD. I think the gentleman from Humboldt concurs with me entirely, so far. The change of the term was subsequently proposed; I think the motion came from me, although I am not altogether certain of that; at all events the change was proposed, and rejected.

Mr. BANKS. The history of the matter was this: I had proposed an amendment to change the original section, but y amendment did not embrace the full extent of the change which was finally made. Then the gentlemen from Storey (Mr. Fitch) proposed his amendment, which covered more ground than mine, and although the terms of his amendment did not suit me altogether, yet as I approved generally of the object it had in view, and saw that it would meet with the approval of the majority, I accepted his amendment.

Mr. BROSNAN. My recollection is entirely in harmony with that of the gentleman from Humboldt We had some conversation on the subject matter, in regard to which, at the time, a good deal of feeling was manifested, and it was my understanding that although the gentleman from Humboldt accepted the amendment offered by my colleague, (Mr. Fitch) yet he did not prefer to use that particular language. I know that he did entertain and express the opinion at the time, that the term “Federal Judiciary” was to[o] indefinite, or at all events not the best term to use, perhaps, but in consequence, it may be, of the feeling existing relative to the general subject matter, an amendment was not proposed, though it was talked of.

The amendment proposed by Mr. Banks, was adopted by unanimous consent.

#### Prefer it- destroys ground and education – alternate court CPs are the heart of the most educational debates on the topic. AND Precision- legal education is only created through discussion of court mechanisms which the aff avoids

#### 2AC clarification is bad – sandbagging actors moots the strategic value of the 1nc and puts the negative structurally behind from the outset.

### Solvency

#### Executive will circumvent judicial review on the merits – will force sua sponte decision

Darren Wheeler (Assistant Professor of Political Science and Public Administration at the University of North Florida, USA) December 2009 “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly¶ Volume 39, Issue 4, pages 677–700, Wiley Online Library

A second example, the case of alleged “dirty bomber” José Padilla, also illustrates the difficulties that courts may have in checking the actions of other political actors when they are acting in judicial time. José Padilla was originally arrested in May 2002 on a material witness warrant related to a criminal investigation into the events of 9/11. Rather than release Padilla when the warrant expired, President Bush designated him an enemy combatant and transferred him to a naval brig in South Carolina. Padilla's counsel filed a habeas corpus challenge in New York District Court (where Padilla had originally been held) arguing for his release. Padilla's challenge proceeded from the district court to the Second Circuit Court of Appeals and eventually to the Supreme Court, where, in 2004, the Court decided that Padilla had filed his habeas petition in the wrong district.4 If he wanted to challenge his detention, he would have to re-file his case in South Carolina, where he was being held. Padilla did just this and the case made its way up the federal court system again, this time via the Fourth Circuit Court of Appeals. However, as Padilla's new legal challenge was poised to reach the Supreme Court again (it was now 2006), the Bush administration suddenly decided to transfer Padilla to civilian custody and file federal criminal charges.5 This effectively short-circuited Padilla's attempt to have the Supreme Court review the merits of his case. Padilla's legal odyssey through the federal court system had lasted more than five years, without the Supreme Court ever ruling on the merits of Padilla's legal arguments. Padilla was first held in the criminal justice system, designated an enemy combatant when it became convenient for the administration to do so, and then transferred back to civilian custody in an apparent attempt to avoid judicial review of his constitutional claims (Ball 2007). The judiciary moved slowly, while the president moved quickly in order to achieve his desired outcomes.

#### This will force the plan’s decision to be reactive – congress and the president will enforce their will on detention policy empirically

Darren Wheeler (Assistant Professor of Political Science and Public Administration at the University of North Florida, USA) December 2009 “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly¶ Volume 39, Issue 4, pages 677–700, Wiley Online Library

The Bush administration also had to deal with legal claims of noncitizen detainees housed at the American naval base in Guantánamo Bay, Cuba. Did these noncitizen detainees have access to American courts? This question first began to work its way up the federal court system in 2002 in the case of Rasul v. Bush.6 In 2004, the Supreme Court eventually concluded that the detainees did have access to federal courts, but as it left other questions regarding detainee rights unanswered, the legal challenges continued. Dozens of detainees filed habeas corpus suits challenging their detention.7 The cases were consolidated and appealed to the District of Columbia Circuit Court of Appeals under the name of Boumediene v. Bush. Initial oral arguments in these cases were held in September 2005, yet the circuit court's decision—a ruling against the detainees—was not issued until February 20, 2007, more than 17 months after the case was filed. The court had used this length of time to hear two sets of oral arguments and four rounds of briefing on seemingly innumerable questions related to the case.8 While this case was before the D.C. Circuit, the Bush administration instituted a review process for Guantánamo detainees known as a Combat Status Review Tribunal that was designed to determine whether the detainees were properly designated as enemy combatants (Wolfowitz 2004). Congress also got into the act by passing the Detainee Treatment Act of 2005 (DTA) and the Military Commissions Act of 2006 (MCA). These acts were an attempt to spell out the limited legal rights of Guantánamo detainees with greater clarity. These actions by Congress and the president affected the rights of Guantánamo detainees in a number of important ways. However, the important thing to note for the purposes of this discussion is that they changed the legal status and legal rights of the detainees while the circuit court was trying to reach its decision. Other political actors were moving quickly and proactively. The courts were moving slowly and as a result were forced to respond to the actions of others.

#### Detention restrictions increases rendition and drone strikes—comparatively worse and turns cred

Goldsmith, 12

(Law Prof-Harvard, 6/29, Proxy Detention in Somalia, and the Detention-Drone Tradeoff, www.lawfareblog.com/2012/06/proxy-detention-in-somalia-and-the-detention-drone-tradeoff/

There has been speculation about the effect of the Obama administration’s pinched detention policy – i.e. no new detainees brought to GTMO, and no new detainees to Parwan (Afghanistan) from outside Afghanistan – on its other counterterrorism policies. I have long believed there must be some tradeoff between narrowing U.S. detention capabilities and other counterterrorism options, at least implicitly, and not necessarily for the better. As I wrote three years ago, in response to news reports that the Obama administration’s cutback on USG detentions resulted in more USG drone strikes and more outsourcing of rendition, detention, and interrogation: There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries. The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse. The main response to this argument – especially as it applies to the detention-drone tradeoff – has been to deny any such tradeoff on the ground that there are no terrorists outside of Afghanistan (a) whom the United States is in a position to capture on the ground (as opposed to kill from the sky), and (b) whom the USG would like to detain and interrogate. Dan Klaidman’s book provides some counter-evidence, but I will save my analysis of that for a review I am writing. Here I would like to point to an important story by Eli Lake that reveals that the “United States soldiers have been hunting down al Qaeda affiliates in Somalia”; that U.S. military and CIA advisers work closely with the Puntland Security Force in Somalia, in part to redress piracy threats but mainly to redress threats from al-Shabab; that the Americans have since 2009 captured and brought to the Bosaso Central Prison sixteen people (unclear how many are pirates and how many are al-Shabab); and that American interrogators are involved in questioning al-Shabab suspects. The thrust of Lake’s story is that the conditions of detention at the Bosaso Central Prison are atrocious. But the story is also important for showing that that the United States is involved outside of Afghanistan in capturing members of terrorists organizations that threaten the United States, and does have a national security need to incapacitate and interrogate them. It does not follow, of course, that the USG can or should be in the business of detaining every al-Shabab suspect currently detained in the Bosaso Central Prison. But the Lake story does show that the alternatives to U.S. detention are invariably worse from a human rights perspective. It portends (along with last month’s WPR Report and related DOD press release) that our creeping involvement on the ground in places like Somalia and Yemen mean that the USG will in fact be in a position to capture higher-level terrorists in al Qaeda affiliates. And that in turn suggests that the factual premise underlying the denial of a detention-drone tradeoff will become harder and harder to defend.

#### Heg causes terror – 9/11 proves

Layne 6 (Christopher, Associate Professor in the Bush School of Government and Public Service at Texas A & M University, 2006, The Peace of Illusions: American Grand Strategy from 1940 to the Present, p. 190-191)

The events of 9/11 are another example of how hegemony makes the United States less secure than it would be if it followed an offshore balancing strategy. Terrorism, the RAND Corporation terrorism expert Bruce Hoff­man says, is “about power: the pursuit of power, the acquisition of power, and use of power to achieve political change.”56 If we step back for a moment from our horror and revulsion at the events of September 11, we can see that the attack was in keeping with the Clausewitzian paradigm of war: force was used against the United States by its adversaries to advance their political objectives.87 As Clausewitz observed, “War is not an act of senseless passion but is controlled by its political object.”88 September 11 represented a violent counterreaction to America’s geopolitical—and cultural—hegemony. As the strategy expert Richard K. Betts presciently observed in a 1998 Foreign Affairs article: It is hardly likely that Middle Eastern radicals would be hatching schemes like the destruction of the World Trade Center if the United States had not been identified so long as the mainstay of Israel, the shah of Iran, and conservative Arab regimes and the source of a cultural assault on Islam.89 U.S. hegemony fuels terrorist groups like al Qaeda and fans Islamic funda­mentalism, which is a form of “blowback” against America’s preponderance and its world role.

#### Hegemonic retrenchment’s key to prevent war with Russia and China---defuses Georgia, Taiwan and the South China Seas

MacDonald and Parent 11 \*Paul K. MacDonald, Assistant Professor of Political Science at Williams College, and Joseph M. Parent, Assistant Professor of Political Science at the University of Miami [November/December 2011, “The Wisdom of Retrenchment: America Must Cut Back to Move Forward,” Foreign Affairs, Vol. 90, No. 6]

Curbing the United States' commitments would reduce risks, but it cannot eliminate them. Adversaries may fill regional power vacuums, and allies will never behave exactly as Washington would prefer. Yet those costs would be outweighed by the concrete benefits of pulling back. A focus on the United States' core interests in western Europe would limit the risk of catastrophic clashes with Russia over ethnic enclaves in Georgia or Moldova by allowing the United States to avoid commitments it would be unwise to honor. By narrowing its commitments in Asia, the United States could lessen the likelihood of conflict over issues such as the status of Taiwan or competing maritime claims in the South China Sea. Just as the United Kingdom tempered its commitments and accommodated U.S. interests in the Western Hemisphere at the turn of the last century, the United States should now temper its commitments and cultivate a lasting compromise with China over Taiwan.

### Terror

#### Aff causes terror ---releases them and kills intel gathering

Jack Goldsmith 09, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

#### Terror threat low now- weakened terrorists not focused on large-scale attacks on the West- best intel

Ackerman, 13 -- Wired senior reporter

[Spencer, "Spy Chiefs Point to a Much, Much Weaker Al-Qaida," Wired, 3-13-13, www.wired.com/dangerroom/2013/03/spy-terrorism/, accessed 9-18-13, mss]

Don’t ever expect the heads of the U.S.’ 16-agency spy apparatus to say it outright. But the testimony they provided Tuesday morning to a Senate panel described al-Qaida, the scourge of the U.S. for 12 years, as a threat that’s on the verge of becoming a spent force, if they’re not already. James Clapper, the director of national intelligence, and his colleagues at the CIA, Defense Intelligence Agency, National Counterterrorism Center and State Department, never made that contention outright to the Senate Select Committee on Intelligence on Tuesday. But in their annual public briefing on the threats America faces, they focused on their budgets and on cyber attacks more than they did terrorism. Not only was that itself a big change in the annual exercise, what they said about the threat from al-Qaida was mostly cheerful news. Al-Qaida’s core in Pakistan is so degraded that it is “probably unable to carry out complex, large-scale attacks in the West,” Clapper testified. (.pdf) Its regional affiliates, in Iraq, Somalia and northern Africa, are focused on local attacks. Despite all the online propaganda seeking to radicalize American Muslim, homegrown jihadis will attempt “fewer than ten domestic plots per year.” Last year, the plots hit the single digits; no one died from them. Matt Olsen, the director of the National Counterterrorism Center, testified that those attempts are and are likely to remain “unsophisticated.” Those al-Qaida manages to inspire may be “wayward knuckleheads,” Olsen said, but they’ll remain a challenge for the spy apparatus to monitor and disrupt. The exception is al-Qaida in the Arabian Peninsula, the Yemen affiliate of the organization, which remains the one most inclined to attack the U.S. at home. FBI director Robert Mueller said the threat to U.S. airliners from that affiliate is “undiminished.” Attacking outside Yemen remains a priority for the organization. But Clapper said they’ll have to balance that agenda with both their aspirations in Yemen and the degree to which “they have individuals who can manage, train, and deploy operatives for U.S. operations.” To be clear, not a single spy chief said that al-Qaida is no longer a big deal. Not a single spy chief said that al-Qaida no longer threatens the United States. And not a single spy chief so much as hinted that it’s time for U.S. officials to consider the global war on terrorism finished. Ever since the Benghazi attack of September, those officials and their spy chiefs have stopped predicting that al-Qaida is on the verge of defeat. If anything, Clapper warned that the budget crunch he’s under might make it harder to spot and prevent the next al-Qaida attack. Yet the picture they presented of al-Qaida is no longer one of a determined global movement growing in strength; seeking the world’s deadliest weapons; and capable of pulling off complex, mass-casualty assaults. Benghazi, and the January attack on an Algerian oil field, look like models for the terrorist threats of the future: ones that occur far from U.S. soil, launched by unaffiliated groups that are primarily focused on a local agenda, yet sufficiently inspired by al-Qaida’s rhetoric or sympathetic to its worldview that unsecured western targets of opportunity are in its cross-hairs. Left unsaid and un-debated at the hearing: whether that diminished threat means it’s time to roll back the U.S. global wartime apparatus; or whether it’s only diminished because of an aggressive wartime apparatus that **needs to keep doing what it’s doing, lest the threat re-emerge**.

#### No WMD terror- recruitment/lethality tradeoff

Shapiro, 13 – Princeton University politics and international affairs professor

[Jacob N., Ph.D. Political Science, Association for Analytic Learning about Islam and Muslim Societies faculty fellow, Center for Economic Research in Pakistan research fellow, Princeton University Empirical Studies of Conflict Project co-director, Council on Foreign Relations member, World Politics associate editor, "The Business Habits of Highly Effective Terrorists," Foreign Affairs, 8-14-13, www.foreignaffairs.com/articles/139817/jacob-n-shapiro/the-business-habits-of-highly-effective-terrorists?page=show, accessed 8-18-13, mss]

In addition to being a ruthless jihadist, Ayman al-Zawahiri long ago earned a reputation for being a terrible boss. When he took over al Qaeda in 2011, senior U.S. intelligence officials were already pointing out his penchant for micro-management. (In one instance in the 1990s, he reached out to operatives in Yemen to castigate them for buying a new fax machine when their old one was working just fine.) Reports that last week’s terror alert was triggered when Zawahiri reached out to Nasir al-Wuhayshi, his second-in-command and the leader of al Qaeda in the Arabian Peninsula -- a communication that Washington predictably managed to intercept -- only hardened the impression that he lacks the savvy to run a global terror organization. But few of Zawahiri’s many critics have paused to consider what the task of leading a terror organization actually entails. It is true that Zawahiri’s management style has made his organization vulnerable to foreign intelligence agencies and provoked disgruntlement among the terrorist rank and file, not to mention drawing last week’s drone strikes. But it is equally true that Zawahiri had few other options. Given that terrorists are, by definition, engaged in criminal activity, you would think that they would place a premium on secrecy. But historically, many terrorist groups have been meticulous record keepers. Members of the Red Brigades, an Italian terrorist group active in the 1970s and early 1980s, report having spent more time accounting for their activities than actually training or preparing attacks. From 2005 through at least 2010, senior leaders of al Qaeda in Iraq kept spreadsheets detailing salary payments to hundreds of fighters, among many other forms of written records. And when the former military al Qaeda military commander Mohammed Atef had a dispute with Midhat Mursi al-Sayid Umar, an explosives expert for the Egyptian Islamic Jihad, in the 1990s, one of his complaints was that Umar failed to turn in his receipts for a trip he took with his family. Such bureaucracy makes terrorists vulnerable to their enemies. But terrorists do it anyway. In part, that is because large-scale terror plots and extended terror campaigns require so much coordination that they cannot be carried out without detailed communication among the relevant actors and written records to help leaders track what is going on. Gerry Bradley, a former terrorist with the Provisional Irish Republican Army, for example, describes in his memoir how he required his subordinates in Belfast in 1973 to provide daily reports on their proposed operations so that he could ensure that the activities of subunits did not conflict. Several leaders of the Kenyan Mau Mau insurgency report that, as their movement grew in the early 1950s, they needed to start maintaining written accounting records and fighter registries to monitor their finances and personnel. But the deeper part of the answer is that the managers of terrorist organizations face the same basic challenges as the managers of any large organization. What is true for Walmart is true for al Qaeda: Managers need to keep tabs on what their people are doing and devote resources to motivate their underlings to pursue the organization’s aims. In fact, terrorist managers face a much tougher challenge. Whereas most businesses have the blunt goal of maximizing profits, terrorists’ aims are more precisely calibrated: An attack that is too violent can be just as damaging to the cause as an attack that is not violent enough. Al Qaeda in Iraq learned this lesson in Anbar Province in 2006, when the local population turned against them, partly in response to the group’s violence against civilians who disagreed with it. Terrorist leaders also face a stubborn human resources problem: Their talent pool is inherently unstable. Terrorists are obliged to seek out recruits who are predisposed to violence -- that is to say, young men with a chip on their shoulder. Unsurprisingly, these recruits are not usually disposed to following orders or recognizing authority figures. Terrorist managers can craft meticulous long-term strategies, but those are of little use if the people tasked with carrying them out want to make a name for themselves right now. Terrorist managers are also obliged to place a premium on bureaucratic control, because they lack other channels to discipline the ranks. When Walmart managers want to deal with an unruly employee or a supplier who is defaulting on a contract, they can turn to formal legal procedures. Terrorists have no such option. David Ervine, a deceased Irish Unionist politician and onetime bomb maker for the Ulster Volunteer Force (UVF), neatly described this dilemma to me in 2006. “We had some very heinous and counterproductive activities being carried out that the leadership didn’t punish because they had to maintain the hearts and minds within the organization,” he said, referring to a period in the late 1980s when he and the other leaders had made a strategic calculation that the Unionist cause was best served by focusing on nonviolent political competition. In Ervine’s (admittedly self-interested) telling, the UVF’s senior leaders would have ceased violence much earlier than the eventual 1994 cease-fire, but they could not do so because the rank and file would have turned on them. For terrorist managers, the only way to combat those “counterproductive activities” is to keep a tight rein on the organization. Recruiting only the most zealous will not do the trick, because, as the alleged chief of the Palestinian group Black September wrote in his memoir, “diehard extremists are either imbeciles or traitors.” So someone in Zawahiri’s position has his hands full: To pull off a major attack, [they need]~~he needs~~ to coordinate among multiple terrorists, track what his operatives are doing regardless of their intentions, and motivate them to follow orders against their own maverick instincts. Fortunately for the rest of us, the things terrorists do to achieve these tasks **sow the seeds of their undoing**. Placing calls, sending e-mails, keeping spreadsheets, and having members request reimbursements all create opportunities for intelligence agencies to learn what terrorists are up to and then disrupt them. In that way, Zawahiri’s failures are not just a reflection of his personal weaknesses but a case study in the inherent limits that all terror groups face. That is good news, of course, for potential terror targets: As long as our intelligence and law enforcement agencies remain vigilant, **there is no way terrorist** organization**s** **will ever rise above the level of** the **tolerable nuisance**, which is what they have been for the last decade. But for aspiring terror managers, it is a dispiriting reminder that **there is no escape from the red tape that** ultimately **dooms their cause**.

[Matt note: gender-modified]

#### Heg cause prolif – multipolarity will solve it

Weber et al 07 Professor of Political Science and Director of the Institute for International Studies at the University of California-Berkeley (Steven with Naazneen Barma, Matthew Kroenig, and Ely Ratner, Ph.D. Candidates at the University of California-Berkeley and Research Fellows at its New Era Foreign Policy Center, [“How Globalization Went Bad,” Foreign Policy, Issue 158, January/February,)

Axiom 3 is a story about the preferred strategies of the weak. It's a basic insight of international relations that states try to balance power. They protect themselves by joining groups that can hold a hegemonic threat at bay. But what if there is no viable group to join? In today's unipolar world, every nation from Venezuela to North Korea is looking for a way to constrain American power. But in the unipolar world, it's harder for states to join together to do that. So they turn to other means. They play a different game. Hamas, Iran, Somalia, North Korea, and Venezuela are not going to become allies anytime soon. Each is better off finding other ways to make life more difficult for Washington. Going nuclear is one way. Counterfeiting U.S. currency is another. Raising uncertainty about oil supplies is perhaps the most obvious method of all. Here's the important downside of unipolar globalization. In a world with multiple great powers, many of these threats would be less troublesome. The relatively weak states would have a choice among potential partners with which to ally, enhancing their influence. Without that more attractive choice, facilitating the dark side of globalization becomes the most effective means of constraining American power. SHARING GLOBALIZATION'S BURDEN The world is paying a heavy price for the instability created by the combination of globalization and unipolarity, and the United States is bearing most of the burden. Consider the case of nuclear proliferation. There's effectively a market out there for proliferation, with its own supply (states willing to share nuclear technology) and demand (states that badly want a nuclear weapon). The overlap of unipolarity with globalization ratchets up both the supply and demand, to the detriment of U.S. national security. It has become fashionable, in the wake of the Iraq war, to comment on the limits of conventional military force. But much of this analysis is overblown. The United States may not be able to stabilize and rebuild Iraq. But that doesn't matter much from the perspective of a government that thinks the Pentagon has it in its sights. In Tehran, Pyongyang, and many other capitals, including Beijing, the bottom line is simple: The U.S. military could, with conventional force, end those regimes tomorrow if it chose to do so. No country in the world can dream of challenging U.S. conventional military power. But they can certainly hope to deter America from using it. And the best deterrent yet invented is the threat of nuclear retaliation. Before 1989, states that felt threatened by the United States could turn to the Soviet Union's nuclear umbrella for protection. Now, they turn to people like A.Q. Khan. Having your own nuclear weapon used to be a luxury. Today, it is fast becoming a necessity. North Korea is the clearest example. Few countries had it worse during the Cold War. North Korea was surrounded by feuding, nuclear armed communist neighbors, it was officially at war with its southern neighbor, and it stared continuously at tens of thousands of U.S. troops on its border. But, for 40 years, North Korea didn't seek nuclear weapons. It didn't need to, because it had the Soviet nuclear umbrella. Within five years of the Soviet collapse, however, Pyongyang was pushing ahead full steam on plutonium reprocessing facilities. North Korea's founder, Kim II Sung, barely flinched when former U.S. President Bill Clinton's administration readied war plans to strike his nuclear installations preemptively. That brinkmanship paid off. Today North Korea is likely a nuclear power, and Kim's son rules the country with an iron fist. America's conventional military strength means a lot less to a nuclear North Korea. Saddam Hussein's great strategic blunder was that he took too long to get to the same place. How would things be different in a multipolar world? For starters, great powers could split the job of policing proliferation, and even collaborate on some particularly hard cases. It's often forgotten now that, during the Cold War, the only state 'with a tougher nonproliferation policy than the United States was the Soviet Union. Not a single country that had a formal alliance with Moscow ever became a nuclear power. The Eastern bloc was full of countries with advanced technological capabilities in every area except one— nuclear weapons. Moscow simply wouldn't permit it. But today we see the uneven and inadequate level of effort that non-superpowers devote to stopping proliferation. The Europeans dangle carrots at Iran, but they are unwilling to consider serious sticks. The Chinese refuse to admit that there is a problem. And the Russians are aiding Iran's nuclear ambitions. When push comes to shove, nonproliferation today is almost entirely America's burden.

#### Extinction

**Asal and Beardsley 09** (Victor, Department of Political Science, State University of New York, Albany, and Kyle, Department of Political Science, Emory University, Winning with the Bomb, <http://belfercenter.ksg.harvard.edu/files/uploads/Beardsley-Asal_Winning_with_the_Bomb.pdf>)

Conclusion Why do states proliferate? Nuclear weapons and the programs necessary to create them are expensive. They are dangerous. Other countries may attack a state while it is trying to create a nuclear arsenal and there is always the risk of a catastrophic accident. They may help generate existential threats by encouraging first strike incentives amongst a state's opponents. This paper has explored the incentives that make nuclear weapons attractive to a wide range of states despite their costly and dangerous nature. We have found that nuclear weapons provide more than prestige, they provide leverage. They are useful in coercive diplomacy, and this must be central to any explanation of why states acquire them. Since 9 August 1945 no state has used a nuclear weapon against another state, but we find evidence that the possession of nuclear weapons helps states to succeed in their confrontations with other states even when they do not “use” them. Conflict with nuclear actors carries with it a potential danger that conflict with other states simply does not have. Even though the probability of full escalation is presumably low, the evidence confirms that the immense damage from the possibility of such escalation is enough to make an opponent eager to offer concessions. Asymmetric crises allow nuclear states to use their leverage to good effect. When crises involve a severe threat – and nuclear use is not completely ruled out – the advantage that nuclear actors have is substantial. Nuclear weapons help states win concessions quickly in 25 salient conflicts. Consistent with the other papers in this issue and the editors’ introduction (Gartzke and Kroenig this issue), we report that nuclear weapons confer tangible benefits to the possessors. These benefits imply that there should be a general level of demand for nuclear weapons, which means that explanations for why so few states have actually proliferated should focus more on the supply side, as applied by Matthew Kroenig (this issue) and Matthew Fuhrmann (this issue). The findings here importantly suggest an additional reason why “proliferation begets proliferation,” in the words of George Shultz (Shultz 1984, 18). If both parties to a crisis have nuclear weapons, the advantage is effectively cancelled out. When states develop nuclear weapons, doing so may encourage their rivals to also proliferate for fear of being exploited by the shifting bargaining positions. And once the rivals proliferate, the initial proliferator no longer has much bargaining advantage. On the one hand, this dynamic adds some restraint to initial proliferation within a rivalry relationship: states fear that their arsenal will encourage their rivals to pursue nuclear weapons, which will leave them no better off (Davis 1993; Cirincione 2007). On the other hand, once proliferation has occurred, all other states that are likely to experience coercive bargaining with the new nuclear state will also want nuclear weapons. The rate of proliferation has the potential to accelerate because the desire to posses the “equalizer” will increase as the number of nuclear powers slowly rises. Our theoretical framework and empirical findings are complementary to Gartzke and Jo (this issue), who posit and find that nuclear states enjoy greater influence in the international realm. An interesting dynamic emerges when comparing the results to Rauchhaus (this issue), who finds that nuclear weapons in asymmetric dyads tend to increase the propensity for escalation. We have argued that nuclear weapons improve the bargaining leverage of the 26 possessors and tested that proposition directly. It is important to note that the factors that shape conflict initiation and escalation are not necessarily the same factors that most shape the outcome of the conflict. Even so, one explanation for why a stronger bargaining position does not necessarily produce less escalation is that escalation is a function of decisions by both sides, and even though the opponent of a nuclear state is more willing to back down, the nuclear state should be more willing to raise its demands and push for a harder bargain in order to maximize the benefits from the nuclear weapons. Nuclear weapons appear to need ever-greater shares of their bargains in order to be satisfied, which helps to explain both their proclivity to win and their proclivity toward aggressive coercive diplomacy. An important implication in light of these findings is thus that even though nuclear weapon states tend to fare better at the end of their crises, this does not necessarily mean that the weapons are a net benefit for peace and stability.

**Heg can’t solve war or influence outcomes-globalization and legitimacy syndrome**

**Ikenberry et al. 9 \***G. John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, Michael Mastanduno is the associate professor of government at Dartmouth, William C. Wohlforth is Assistant Professor of International Relations in the Edmund A. Walsh School of Foreign Service at Georgetown University [http://muse.jhu.edu/journals/world\_politics/summary/v061/61.1.ikenberry.html, “Introduction: Unipolarity, State Behavior, and Systemic Consequences, PDF, January 2009]

It has long been an axiom of social science that resources (or capabilities as defined herein) do not translate automatically into power (control over outcomes or over the behavior of other actors).28� Yet most observers regard it as similarly axiomatic that there is some positive relationship between a state’s relative capability to help or harm others and its ability to get them to do what it wants. Even if the relationship is complex, more capabilities relative to others ought to translate generally into more power and influence. By this commonsense logic, a unipole should be expected to have more influence than either of the two great powers in a bipolar system. Articles in this special issue argue that the shift from bipolarity to unipolarity may not be an unambiguous benefit for the unipole’s ability to wield influence. On the contrary, a unipolar state may face the paradoxical situation of being simultaneously more capable and more constrained. Two distinct theoretical logics suggest that a unipole might enjoy less power to shape the international system than a superpower in bipolarity. First is the logic of balancing, alliance, and opposition, discussed in the contributions by Stephen Walt and Mastanduno. The increased concentration of capabilities in the unipole may elicit increased opposition from other states—in the form of either traditional counterbalancing or subtler soft balancing. Even if such resistance falls short of offering a real counterweight, it may materially hamstring the unipole’s ability to exercise influence. As Walt argues, the structural shift to unipolarity removed one of the major motivations for the middle-ranked great powers to defer to the United States. Mastanduno offers a similar argument: the collapse of a unifying central threat signifies that in this post–cold war era the United States has less control over adjustment struggles with its principal economic partners, because it can no longer leverage their security dependence to dictate international economic outcomes. Globalization reinforces this U.S. predicament by expanding the number of relevant players in the world economy and by offering them alternatives to economic reliance on the United States. While under bipolarity the propensity of other middle powers to defer to the United States was structurally favored, under unipolarity the opposite may obtain. Even if observable balancing behavior reminiscent of bipolarity or multipolarity never occurs, a structurally induced tendency of the middle-ranked great powers to withhold cooperation may sap the unipole’s effective power. Second is a social logic of legitimacy, analyzed by Martha Finnemore. To use capabilities effectively, she argues, a unipole must seek to legitimate its role. But any system of legitimation imposes limits on the unipole’s ability to translate capabilities into power. Finnemore stresses that the legitimation strategy followed by the United States after World War II—institutionalization—imposes especially severe constraints on the use of its material capabilities in pursuit of power. The rules, norms, and institutions that constitute the current international order are thus especially resistant to the unilateral use of superior capabilities to drive outcomes. Hence, for reasons Finnemore spells out in detail, the shift from bipolarity to unipolarity may well have diminished the effective utility of the preponderant capabilities of the United States.

#### No transition wars – even if the U.S. declines, liberal norms and institutions check the impact

Ikenberry 11 (G. John, PhD, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, “The Future of the Liberal World Order,” May/June issue of Foreign Affairs, http://www.foreignaffairs.com/ articles/67730/g-john-ikenberry/the-future-of-the-liberal-world-order?page=show)

For all these reasons, many observers have concluded that world politics is experiencing not just a changing of the guard but also a transition in the ideas and principles that underlie the global order. The journalist Gideon Rachman, for example, says that a cluster of liberal internationalist ideas -- such as faith in democratization, confidence in free markets, and the acceptability of U.S. military power -- are all being called into question. According to this worldview, the future of international order will be shaped above all by China, which will use its growing power and wealth to push world politics in an illiberal direction. Pointing out that China and other non-Western states have weathered the recent financial crisis better than their Western counterparts, pessimists argue that an authoritarian capitalist alternative to Western neoliberal ideas has already emerged. According to the scholar Stefan Halper, emerging-market states "are learning to combine market economics with traditional autocratic or semiautocratic politics in a process that signals an intellectual rejection of the Western economic model." Today's international order is not really American or Western--even if it initially appeared that way. But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order -- benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system. In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system -- the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession -- the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it. To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive. Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

#### There are no cred silver bullets- takes years to escape legacies

**Gray ’11** [Colin S, Professor of International Politics and Strategic Studies at the University of Reading, England, and Founder of the National Institute for Public Policy, “Hard Power And Soft Power: The Utility Of Military Force as An Instrument Of Policy In The 21st Century,” April, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1059>]

It bears repeating because it passes unnoticed that culture, and indeed civilization itself, are dynamic, not static phenomena. They are what they are for good and sufficient local geographical and historical reasons, and cannot easily be adapted to fit changing political and strategic needs. For an obvious example, the dominant American strategic culture, though allowing exceptions, still retains its principal features, the exploitation of technology and mass.45 These features can be pathological when circumstances are not narrowly conducive to their exploitation. Much as it was feared only a very few years ago that, in reaction to the neglect of culture for decades previously, the cultural turn in strategic studies was too sharp, so today there is a danger that the critique of strategic culturalism is proceeding too far.46 The error lies in the search for, and inevitable finding of, “golden keys” and “silver bullets” to resolve current versions of enduring problems. Soft-power salesmen have a potent product-mix to sell, but they fail to appreciate the reality that American soft power is a product essentially unalterable over a short span of years. As a country with a cultural or civilizational brand that is unique and mainly rooted in deep historical, geographical, and ideational roots, America is not at liberty to emulate a major car manufacturer and advertise an extensive and varied model range of persuasive soft-power profiles. Of course, some elements of soft power can be emphasized purposefully in tailored word and deed. However, foreign perceptions of the United States are no more developed from a blank page than the American past can be retooled and fine-tuned for contemporary advantage. Frustrating though it may be, a country cannot easily escape legacies from its past.

#### NSA scandal makes counter-terror distrust inevitable

**AP ’13** [Associated Press, “US counterterrorism officials defend Internet and phone surveillance to skeptical lawmakers,” June 12, <http://www.foxnews.com/us/2013/06/12/us-counterterrorism-officials-defend-internet-and-phone-surveillance-to/>]

Lawmakers voiced their confusion and concern, and some called for the end of sweeping surveillance programs by U.S. spy agencies after receiving an unusual briefing on the government's yearslong collection of phone records and Internet usage.¶ "People aren't satisfied," Rep. Tim Murphy, R-Pa., said as he left the briefing Tuesday. "More detail needs to come out."¶ The phalanx of FBI, legal and intelligence officials who briefed the entire House was the latest attempt to soothe outrage over National Security Agency programs that collect billions of Americans' phone and Internet records. Since they were revealed last week, the programs have spurred distrust in the Obama administration from around the world.¶ Congressional leaders and intelligence committee members have been routinely briefed about the spy programs, officials said, and Congress has at least twice renewed laws approving them. But the disclosure of their sheer scope stunned some lawmakers, shocked foreign allies from nations with strict privacy protections and emboldened civil liberties advocates who long have accused the government of being too invasive in the name of national security.

#### Shutdown killed cred

**Alexaner 10-1**-13 [David, Reuters, “Pentagon chief says shutdown hurts U.S. credibility with allies,” <http://www.reuters.com/article/2013/10/01/us-usa-fiscal-pentagon-idUSBRE9900FB20131001>]

The U.S. government shutdown will undermine American credibility abroad and lead allies to question its commitment to treaty obligations, the U.S. defense chief warned on Tuesday as he prepared to put 400,000 civilian workers on unpaid leave.¶ Defense Secretary Chuck Hagel, who was visiting South Korea to celebrate the two nations' 60-year-old mutual defense treaty, said Pentagon lawyers were analyzing a new law passed by Congress to see if additional civilian workers could be spared unpaid leave.¶ But for the moment, when the department's 800,000 civilians report to work on Tuesday, approximately half will be told they are not exempted by law from the government shutdown and asked to go home, Hagel told reporters.¶ The Pentagon and other U.S. government agencies began to implement shutdown plans on Tuesday after Congress failed to reach a deal to fund the federal government in the new fiscal year beginning October 1.¶ A last-minute measure passed by Congress and signed by President Barack Obama will ensure the Pentagon's 1.4 million military employees worldwide will continue to receive paychecks during the shutdown. They were required to work under prior law but would not have been paid until Congress approved funding.¶ The new law also ensures that civilians who are required to work despite the shutdown will also be paid, Hagel said. But under law, anyone not directly involved in protecting lives and property are not considered exempt and must be placed on leave.¶ "Our lawyers are now looking through the (new) law that the president signed ... to see if there's any margin here or widening in the interpretation of the law regarding exempt versus non-exempt civilians," Hagel said. "Our lawyers believe that maybe we can expand the exempt status."¶ Hagel said he didn't know how many people the department might be able to call back from leave, or how long it would take to reach a determination, but he said it was "the priority" in the Pentagon's general counsel's office.¶ The shutdown has direct implications for the staff with Hagel on his week-long trip to South Korea and Japan. They are considered exempt while supporting the secretary's mission abroad, but that status may change for some when they return home on Friday, Pentagon spokesman George Little said.¶ The U.S. defense chief said he broke away from celebrations in South Korea on Monday to discuss the shutdown by phone with Deputy Defense Secretary Ashton Carter and Pentagon Comptroller Robert Hale. He said they would hold another round of talks on Tuesday as the shutdown went into force.¶ "We'll probably have to furlough about 400,000 DoD (Defense Department) civilians when they come to work here in a couple of hours," Hagel said. "Those that have been designated non-exempt will be told and will be asked to go home."¶ The Pentagon chief said since arriving in Seoul on Sunday night, he had been questioned by South Korean officials about the threatened shutdown and why it seemed likely to take place.¶ "It does have an effect on our relationships around the world and it cuts straight to the obvious question: Can you rely on the United States as a reliable partner to fulfill its commitments to its allies?" Hagel told reporters.¶ "Here this great republic and democracy, the United States of America, shuts down its government," he added. "The Pentagon, even though we are (partly) exempted, the military has no budget. We are still living under this dark cloud of uncertainty not knowing what's going to happen.¶ "It does cast a very significant pall over America's credibility with our allies when this kind of thing happens. It's nonsensical ... It's completely irresponsible," Hagel said.

### Venezuela

#### No US judicial modeling- EU model outweighs

**Law and Versteeg ’12** [David S. Law, Professor of Law and Professor of Political Science, Washington University in St. Louis. B.A., M.A., Ph.D., Stanford University; J.D., Harvard Law School; B.C.L. in European and Comparative Law, University of Oxford, Mila Versteeg, Associate Professor, University of Virginia School of Law. B.A., LL.M., Tilburg University; LL.M., Harvard Law School; D.Phil., University of Oxford, “The Declining Influence of the United States Constitution,” New York University Law Review, Vol. 87, No. 3, pp. 762-858, June 2012, online]

It is perhaps ironic that the most popular innovation of American¶ constitutionalism has been judicial review,64 given that this celebrated¶ institution is nowhere mentioned in the U.S. Constitution itself.¶ Today, the majority of the world’s constitutions mandate judicial¶ review in some form, as shown in Figure 9.65 In 1946, only 25% of all¶ constitutions explicitly provided for judicial review; by 2006, that proportion¶ had increased to 82%. The particular form of judicial review that has proven most popular,¶ however, is not the form that was pioneered by the United¶ States.66 Under the American model, the power of judicial review is¶ vested in courts of general jurisdiction, which rule upon the constitutionality¶ of government action as the need arises in the course of ordinary¶ litigation.67 Under the European model, by contrast, the power¶ to decide constitutional questions is exercised exclusively by a¶ specialized constitutional court that stands apart from the regular judiciary.68 The prototypical examples of this model are the constitutional¶ courts that Hans Kelsen devised for Austria.69 A further distinction¶ is routinely drawn between concrete review, which characterizes¶ the American model, and abstract review, which typifies the¶ European model. In a system of concrete review, courts decide constitutional¶ questions in the course of ordinary litigation, as part of what¶ Americans would call a case or controversy,70 whereas in a system of¶ abstract review, the constitutionality of a law can be decided in the¶ absence of a concrete, adversarial dispute and, indeed, before the law¶ has even gone into effect.71¶ Over the last six decades, a growing proportion of constitutions¶ have adopted the European model of abstract review by specialized¶ courts, as opposed to the American model of concrete review by ordinary courts. At the close of World War II, the American model¶ enjoyed a commanding lead over the European model as the choice of¶ over 80% of constitution makers, but its popularity began to erode in¶ the 1970s. By the mid-1990s, the European model had overtaken the¶ American model as the choice of over half the world’s constitutions.¶ Figure 10 illustrates these global trends. The creation of specialized¶ constitutional courts of the European variety has proven especially¶ popular among newly democratic states, where distrust of existing¶ judicial institutions associated with the old regime is often widespread.¶ 72 Thus, although the U.S. Constitution may have pioneered¶ the idea of binding judicial enforcement of individual rights—an idea¶ that now enjoys nearly universal acceptance—it is no longer the¶ leading source of inspiration for how such enforcement is to be institutionalized.¶ America’s long and successful experience with judicial¶ review may be responsible for encouraging other countries to adopt¶ the practice, but the form of judicial review that other countries actually¶ choose to adopt has a more European than American flavor.

**Venezuela is stable and will not become a failed state – their authors are right-wing alarmists**

**Joubert-Ceci, 13** – Independent Political Organization Professional and journalist for Worker’s World (Berta, “Venezuela more stable than Chávez’s enemies claim,” Workers’ World, 1/23/2013, http://www.workers.org/2013/01/23/venezuela-more-stable-than-chavezs-enemies-claim) // MS

While millions of people around the world hold vigils and actions in support of the Venezuelan Bolivarian Revolution and the health of its leader, Hugo Chávez, the U.S.-supported right-wing opposition works around the clock disseminating lies through the international corporate media. These lies are meant to bring doubts to Venezuelans in the hope that they will abandon their trust in the government and facilitate a “transition” toward the forces against Chávez. As usual with the right wing everywhere, these forces resort to every available means, such as the despicable act of wishing and even announcing Chávez’s death, releasing articles by so-called “prestigious” academics — who themselves are often on the payroll of some U.S. agency established with the pretext of “promoting democracy.” The rightist reports mostly try to spread vile lies about the Chávez government: that the leadership is divided, there is instability and uncertainty in the country, and most of all, the economy is about to collapse and the currency will be devalued. We’ll respond to these lies one by one. Is the Venezuelan leadership divided? It would be naive to think that in any given organization the leaders are interchangeable. Each leader has had different life experiences, even different political experiences, has different personalities, can approach problems from different angles, etc. The point is not their differences, but their goals for the country and the people. Is the Venezuelan leadership, during the now temporary absence of President Chávez, moving the country and the revolution forward or not? That is the real issue. So far, Vice President Nicolas Maduro, Exterior Minister Elias Jaua, Communications Minister Ernesto Villegas and Minister of Oil and Mines Rafael Ramirez seem to be playing an important, very public role and sending a consistent message. If there is any difference among them, they have apparently put it aside for the benefit of the people. At a time of crisis like the one experienced in Venezuela now — with the unexpected, prolonged absence of the president — some difficulties at every level should be anticipated. This is a relatively young revolution. Socialist transformation of society is its goal, but this has not been accomplished yet. These processes are difficult and cannot be accelerated at will. There is still much to be done and younger leadership to be fully developed. The government party, the Partido Socialista Unido de Venezuela (PSUV; United Socialist Party of Venzuela), is barely 6 years old! It has not yet developed a shared leadership of the revolution. That the revolution depends on a single person, Chávez, is obviously cause for concern. Ultimately, it is the people who decide who their leaders will be. It is the people who have kept Chávez in power, not only through numerous elections since 1999, but by rescuing him from the 2002 coup by the U.S.-sanctioned Venezuelan oligarchy. The people of Venezuela participate actively in forging their future, so whichever leadership continues or develops, it will only prevail if the people so decide. Is there instability in Venezuela? The capitalist press make it look like Venezuela is in shambles and at a standstill. But aside from sadness and serious concern about Chávez’s health, the country is moving forward. Social and political organizations aligned with Chávez’s program are holding events in support of the revolution and Chávez, and many are discussing the political implications of his absence and the course ahead. The Misiones — those programs initiated by the government to improve the basic needs of the population like health, education, housing, etc. — are moving forward. International relations are thriving through the recent incorporation of Venezuela into Mercosur (an economic and political agreement among five Latin American countries) and the developments within the ALBA (Bolivarian Alliance for the Americas) association, CELAC (Community of Latin American and Caribbean States) organization and other regional groups. A new development is the attempt to diversify energy sources to avoid complete reliance on oil. In February, the first wind farm will start up in La Guajira, built in collaboration with Argentina. On Jan.18, the Ecuadorian and Venezuelan exterior ministers met in Caracas to discuss agreements in the areas of culture, production and commerce. Another agreement involved social security for Ecuadorian and Venezuelan immigrants, who will now enjoy these benefits in both countries as if it were one country. A day earlier, Venezuela signed accords with Colombia for bilateral economic development of the border states, which lie along a 1,378-mile border. Vicious Colombian paramilitaries and right-wing landowners in the area have filled these border states with tremendous violence. Thousands of people, particularly the Indigenous, have had to flee and abandon their ancestral land. A Venezuelan scholar now at the Carnegie Endowment for International Peace, Moisés Naím, wrote an op-ed for the Jan. 3 issue of the New York Times, entitled “An Economic Crisis of Historic Proportions.” Naím was the minister of industry who was instrumental in creating the neoliberal austerity measures of President Carlos Andrés Pérez (1974-79, 1989-93). These austerity measures and the increase of oil prices led to the 1989 “Caracazo,” the uprising that Chávez frequently says was the origin of the current Bolivarian Revolution. The state then responded with enormous violence, shooting at the protesters, leaving 3,000 dead. Naím wrote: “Last month, Jorge Botti, the head of Fedecámaras, Venezuela’s business federation, explained that unless the government supplies more dollars to pay for imports, shortages — from food to medicine — would be inevitable.” This became a self-fulfilling prophecy. Not much later, shortages of basic foodstuff were reported around the country. The privately owned anti-government media accompanied the shortages with a campaign of disinformation. Reports from people in the communities and the government’s National Plan of Inspection and Auditing exposed the reason behind the shortages: private producers hoarded products, including 9,000 tons of refined sugar in storehouses in Aragua and 450 tons of precooked corn flour in Polar storehouses. Hoarding is a common tactic of the opposition. According to Venezuelanalysis.com, “Last month the government, through its goods and services monitoring institute, carried out 1,542 inspections, which resulted in 212 fines and 47 closures of premises, for violating rules.” (Jan. 9) Shortages of food have been common in the past due to reliance on exports. That is why the revolutionary Chávez administration initiated several programs of food production and distribution. According to the same article, “In 2012 the proportion of Venezuela’s food produced within the country reached 71 percent. Local production of red meat was 65 percent last year, and chicken was 100 percent.” Is the economy collapsing? Another opposition scare tactic is claiming that Venezuela’s economy is on the verge of collapse. Naím’s article mentions the same lies — a high level of debt and inflation, a 20 percent fiscal deficit, hard currency shortages, etc. Naím blames these alleged problems on the government’s “gross mismanagement.” But even “according to calculations by Bank of America, Venezuela’s fiscal deficit for 2012 is around 8.8 percent of [the gross domestic product], much lower than the 20 percent number that has been circulating among opposition sources and used to criticize government spending.” (Venezuelanalysis.com, Dec. 28) It’s worth exploring the details of Venezuela’s economy, but that’s beyond the scope of this article. Here we’ll just quote a U.S. economist Mark Weisbrot, columnist and co-director of the Center for Economic and Policy Research in Washington, D.C. His September 2012 article, “Venezuela’s Economic Recovery: Is It Sustainable?” co-authored with Jake Johnston, puts to rest Naím’s evaluation: “The Venezuelan economy has had two recessions in the past thirteen years. The first was brought on by an oil strike, and the second — which could probably have been avoided with sufficient counter-cyclical policies — was during the world recession of 2009. The predictions of economic collapse, balance of payments or debt crises and other gloomy prognostications, as well as many economic forecasts along the way, have repeatedly proven wrong. “The sharp fall in inflation over the past year indicates that the government has the ability to keep inflation under control while maintaining economic growth. As we have seen, Venezuela’s internal debt burden is very low, and its external debt burden is modest. Even if oil prices were to crash as they did in 2008-2009, the government would have plenty of capacity to borrow in order to counter a drop in private demand. “With a sizeable trade surplus, Venezuela is unlikely to see any balance of payments crisis in the foreseeable future, and its currency does not have to be devalued.”

#### US and Russia are cooperating in the Arctic now

Robinson 12 (Seth Robson, US uses Russian icebreaker to get fuel supplies to Antarctica”, Starts and Stripes News, 2/12/12, <http://www.stripes.com/news/pacific/japan/us-uses-russian-icebreaker-to-get-fuel-supplies-to-antarctica-1.168398>) //CL

McMURDO STATION, Antarctica — The U.S. is relying on a Russian icebreaker to deliver supplies to its main base in Antarctica thanks to continued problems with its own shrinking fleet of the cold-water vessels. Late last month, the Russian icebreaker Vladimir Ignatyuk cut a channel through Antarctic sea ice so that a Military Sealift Command tanker — the Maersk Peary — could deliver millions of gallons of fuel to McMurdo Station. A second MSC ship, the Green Wave, also is bound for McMurdo and will need the Russian icebreaker’s help to deliver supplies and equipment that will sustain the station through the harsh Antarctic winter. The job of cutting supply channels through the ice has traditionally fallen to the U.S. Navy and Coast Guard. However, the military’s inaction on updating its fleet has led to an increased reliance on foreign vessels. The U.S. has only one operational icebreaker, the Coast Guard Cutter Healy, which has been busy escorting a Russian-flagged tanker through the iced-over waters in the Bering Sea to supply Nome, Alaska. The Coast Guard owns two other icebreakers, but the Polar Sea is being decommissioned, and the Polar Star is being refitted at a cost of $62.8 million, according to Lt. Eric Quigley, a capabilities manager with the Coast Guard. The shortage of U.S. icebreakers, which cost $1 billion each to build, contrasts with a large Russian fleet that comprises more than two dozen of the massive ships, including several nuclear-powered vessels. Russian icebreakers are in high demand to escort commercial shipping along the Northern Sea Route that follows Russia’s northern coast through Arctic waters between the Pacific and Atlantic oceans, according to Cmdr. Steve Wittrock, a Coast Guard budget officer. The route is open for only two months each year, and moving sea ice means ships risk being trapped. However, the route is far shorter than traditional sea lanes connecting Europe and Asia, he said

#### No chance of Arctic war – international law, institutions, and sovereign rights preclude competition

Byers 9 (Michael Byers, holds a Canada Research Chair (Tier 1) in Global Politics and International Law at the Liu Institute for Global Issues, University of British Columbia. Prior to 2004, he was a professor of law and Director of Canadian Studies at Duke University; from 1996-1999, he was a research fellow at Jesus College, Oxford University. He is the author of Custom, Power and the Power of Rules (1999), editor of The Role of Law in International Politics (2000), translator of Wilhelm Grewe, The Epochs of International Law (2000), and coeditor of United States Hegemony and the Foundations of International Law (2003), Carnegie Council for Ethics in International Affairs, 11/16/09, “Cold Peace: International Cooperation Takes Hold in the Arctic”, <http://www.carnegiecouncil.org/publications/articles_papers_reports/0040.html> | AK)

Future Prospects One occasionally hears talk of the need for an Arctic treaty modeled on the 1959 Antarctic Treaty, or for an Arctic-wide nuclear-weapons-free zone. Achieving multilateral agreement on such matters will not be easy, given the continued strategic importance of the Arctic for the United States and Russia; the significant populations that live there, especially in Alaska and Russia; and the considerable jurisdiction already vested in the Arctic Ocean coastal states under the law of the sea. Fortunately, a great deal of cooperation and international law already exists in the Arctic, beginning with UNCLOS and extending through the Arctic Council, the International Maritime Organization, and the very many ad hoc meetings between different governments. Treaties exist—and are complied with—on icebreaker transits, the protection of species at risk, the prevention and cleanup of pollution, and many other subjects. The few remaining boundary disputes are relatively minor and susceptible to negotiated solutions. Much of the cooperation is based on the sovereign rights that Arctic countries hold over their territories, adjoining waters, and continental shelf. This should come as no surprise, for the international legal system is the result of centuries of cooperation between sovereigns, as countries defined the boundaries between their respective jurisdictions and worked together in pursuit of common goals. In the Arctic, sovereign rights can facilitate cooperation by providing clear jurisdiction for regulating shipping and the extraction of natural resources, and for guarding against nonstate security threats. Thanks to international law, there is no race for Arctic resources. Nor is there any appetite for military confrontation. The Arctic, instead, has become a zone of quiet cooperation, as countries work together to map the seabed, protect the environment, and guard against new, non-state security threats.

**And Empirically Denied – If the US and Russia didn’t engage in conflict during the Cold War, there is no chance that they will go to war over some ice.**

#### No Russia threat – their arsenal is laughable

Lieber and Press 6 **–** Keir is a professor of political science at Notre Dame and Daryl G. is an associate professor of political science at the University of Pennsylvania (Foreign Affairs, “The Rise of U.S. Nuclear Primacy” March/April 2006)

EVEN AS the United States' nuclear forces have grown stronger since the end of the Cold War, Russia's strategic nuclear arsenal has sharply deteriorated. Russia has 39 percent fewer long-range bombers, S8 percent fewer ICBMs, and 8o percent fewer SSBNS than the Soviet Union fielded during its last days. The true extent of the Russian arsenal's decay, however, is much greater than these cuts suggest. What nuclear forces Russia retains are hardly ready for use. Russia's strategic bombers, now located at only two bases and thus vulnerable to a surprise attack, rarely conduct training exercises, and their warheads are stored off-base. Over 8o percent of Russia's silo-based ICBMS have exceeded their original service lives, and plans to replace them with new missiles have been stymied by failed tests and low rates of production. Russia's mobile ICBMS rarely patrol, and although they could fire their missiles from inside their bases if given sufficient warning of an attack, it appears unlikely that they would have the time to do so. The third leg of Russia's nuclear triad has weakened the most. Since 2000, Russia's SSBNS have conducted approximately two patrols per year, down from 6o in 1990. (By contrast, the U.S. SSBN patrol rate today is about 40 per year.) Most of the time, all nine of Russia's ballistic missile submarines are sitting in port, where they make easy targets. Moreover, submarines require well-trained crews to be effective. Operating a ballistic missile submarine-and silently coordinating its operations with surface ships and attack submarines to evade an enemy's forces-is not simple. Without frequent patrols, the skills of Russian submariners, like the submarines themselves, are decaying. Revealingly, a 2004 test (attended by President Vladimir Putin) of several submarine-launched ballistic missiles was a total fiasco: all either failed to launch or veered off course. The fact that there were similar failures in the summer and fall of 2005 completes this unflat tering picture of Russia's nuclear forces. Compounding these problems, Russia's early warning system is a mess. Neither Soviet nor Russian satellites have ever been capa ble of reliably detecting missiles launched from U.S. submarines. (In a recent public statement, a top Russian general described his country's early warning satellite constellation as "hopelessly out dated.")

#### No internal link to oil dependence- their Miller ev just says theres a focus tradeoff- not reverse casual

#### 97 percent of Arctic resources are already claimed

Mahony, 3-13 – EU observer reporter, citing an Arctic expert and former Danish admiral

[Honor, "Fears of Arctic conflict are 'overblown'," EU Observer, 3-19-13, euobserver.com/foreign/119479, accessed 3-28-13, mss]

This resource potential - although tempered by the fact that much of it is not economically viable to exploit - has led to fears that the Arctic region is ripe for conflict. But this is nonsense, says Nil Wang, a former Danish admiral and Arctic expert. Most resources have an owner "There is a general public perception that the Arctic region holds great potential for conflict because it is an ungoverned region where all these resources are waiting to be picked up by the one who gets there first. That is completely false," he said. He notes that it is an "extremely well-regulated region," with international rules saying that coastal states have territorial jurisdiction up to 12 nautical miles off their coast. On top of that is a further 200 nautical miles of exclusive economic zone "where you own every value in the water and under the seabed." "Up to 97 percent of energy resources is actually belonging to someone already," says Wang. He suggest the actors in the region all want to create a business environment, which requires stable politics and security.

#### Venezuela won’t cut off oil supplies to U.S. --- mutual dependence guarantees future oil trade

Restrepo, 6 --- Director, The Americas Project Center for American Progress (December 2006, Dan, “US-Venezuela Policy: A Reality Based Approach,” <http://www.americanprogress.org/wp-content/uploads/issues/2006/12/pdf/venezuela.pdf>, JMP)

Beyond the rhetoric….oil¶ The often vitriolic rhetoric exchanged between Caracas and Washington suggests a near complete and irreconcilable estrangement between the two countries. Although at a political level such an estrangement may exist, beyond the rhetoric lays a very different reality—a connection as deep as Venezuela’s abundant oils wells.¶ As President Bush has noted, the United States is addicted to oil.1111 One of the chief dealers feeding the addiction is none other than Chávez. Venezuela sits atop among the world’s largest oil reserves.12 Venezuela is the world’s eighth-largest exporter of crude oil.13 It is the fourth-largest supplier of oil and petroleum products to the United States, trailing only Canada, Saudi Arabia, and Mexico.14¶ What’s more, Venezuela has reliably provided oil to the United States since before 1960, making it one of the country’s longest standing and most stable sources of petroleum.15 The magnitude of the U.S. addiction to Venezuelan oil is perhaps best captured by these two facts: Venezuela is only the fourth-largest economy in Latin America, with a 2005 Gross Domestic Product of approximately $13 0 billion,16 yet the United States’ sixth-largest trade deficit that year was with Venezuela, totaling nearly $27 billion.17¶ Despite this dependence, the physical properties of Venezuelan crude oil seriously impair Chávez’s ability to use the dependence to harm the United States. Most of the oil currently extracted in Venezuela is heavy, sour crude oil that requires specialized and costly refinement.18 Not surprisingly most of the world’s refining capacity for such oil is found a three-to-four day tanker trip from Venezuela to its closest and largest customer—the United States. Petroleos de Venezuela S.A, or PdVSA, the Venezuelan state-owed oil company, owns all or part of nine refineries serving the United States market from either inside the country or in the Caribbean. In combination, the nine facilities have a capacity of more than 1.5 million barrels per day,19 which is equal to more than half of Venezuela’s daily export output.20¶ Any unilateral interruption of oil supply between Venezuela and the United States, be it initiated by one or the other country, would therefore impinge on the total refining capacity serving the United States market. Even if the U.S. government forced Venezuelan-owned refineries to continue operations during such an interruption, the specialized refining capacity cannot function at peak efficiency with alternative grades of oil.21 This phenomenon would likely be exacerbated because there is very little untapped production capacity elsewhere in the world to provide replacement oil.22¶ Notwithstanding Chávez’s nascent efforts to generate it, large-scale alternative refining capacity does not exist. Nor will efforts to develop such capacity in, for example, China or even Brazil ever replicate the unique blend of volume and proximity that shapes the U.S.-Venezuelan energy relationship.¶ The U.S.-Venezuela oil relationship is thus one of co-dependence. The U.S. Department of Energy has estimated that a disruption of Venezuelan oil supply to the United States under current global market conditions would likely increase the per barrel price of oil by eight percent to 11 percent and the per gallon cost of gasoline by 1111 cents to 15 cents for the duration of any such disruption.23 Assuming Venezuela could still sell its oil on the world market, such a disruption in sales to the United States would curtail Venezuelan oil revenues by approximately $3 billion to $4 billion per year.24 The complete removal of Venezuelan oil from the world market would have a far more profound impact on Venezuela’s finances and would lower U.S. GDP by at least $23 billion by significantly boosting the price of oil and gasoline, even if it only lasted a relatively short period of time.25¶ In short, neither the United States nor Venezuela is in a position to end their energy relationship with the other in the foreseeable future. That fact both mitigates the national security threat presented by a Chávez-led Venezuela and limits the levers available to U.S. policy makers in relation to the country.¶

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## Solvo

#### Double bind – either the immediacy of fiat rushes the judicial decision-making process, which turns the aff or the court takes too long and won’t be able to enforce precedent fast enough

Darren Wheeler (Assistant Professor of Political Science and Public Administration at the University of North Florida, USA) December 2009 “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly¶ Volume 39, Issue 4, pages 677–700, Wiley Online Library

The first argument against the Supreme Court serving as an effective check on presidential detention power in the war on terror is that the judiciary simply takes too much time to make decisions (Rehnquist 1998). This does not mean that it takes longer to resolve detainee cases than other types of cases in the federal judicial system, but rather that the entire judicial decision-making process itself is one that simply takes a lot of time. The workload of the federal court system has consistently risen over the past several decades (Carp and Stidham 2001). Both civil and criminal cases usually take years to wind their way through the federal judicial system and reach the Supreme Court. Even then, the Supreme Court may decide not to hear a case, or it may simply remand the case back to the lower courts for further proceedings. Some cases travel up and down the federal judicial system multiple times, with decisions at each level often taking months or even years. This lengthy process can be referred to as “judicial time,” and it is a recognition that courts often take longer to make decisions than many other political actors. The concept of “judicial time” is similar in some respects to Stephen Skowronek's (1993) idea of thinking about a president's ability to impact policy in terms of cyclical “political time,” as it also highlights the importance of looking at policy making in a temporal context. The time it takes for courts to make decisions—especially relative to other actors—is the key. While the judiciary contemplates cases before it, other actors may not be inclined to wait for judicial resolution of policy issues, opting instead to take action on their own terms and timetables (Moe and Howell 1999a, 1999b). It is fair to say that lengthy deliberation is an institutional feature of the judicial system and, indeed, even a reflection that the judiciary is functioning in the manner in which it was intended (Hamilton, Madison, and Jay 1961). The courts are supposed to be deliberative and sort through often complicated legal arguments. This phenomenon of judicial time is not inherently good or bad, but it can influence the policy-making process and the decision-making calculus of other political actors (Rehnquist 1998).¶ When the Supreme Court is pressured to act quickly, institutional procedures and norms can break down and the Court can respond poorly. The World War II case of Ex Parte Quirin (1942) involving the use of military tribunals to try suspected Nazi saboteurs is a prime example. Upon capturing eight Nazi saboteurs who had landed on the shores of the eastern United States, President Franklin D. Roosevelt quickly devised a special military tribunal to try the suspects instead of prosecuting them in civilian courts. The Supreme Court hastily convened a special session (after the tribunal hearings had already commenced), heard oral arguments, and issued a decision against the defendants in a period of only a few days. The saboteurs were eventually found guilty and several were executed. It wasn't until three months later that the Supreme Court issued an opinion justifying its hurried decision, an opinion that Justice Felix Frankfurter later remarked was “not a happy precedent” (Fisher 2003). A more contemporary example, Bush v. Gore (2000), engenders similar criticism. In a decision that effectively handed the presidency to George W. Bush, the Court's involvement from start to finish could be measured in a mere handful of days. The opinions that resulted from this case, many critics contend, reflected the hurried nature of the Court's judgment (Correspondents of the New York Times 2001; Greenhouse 2001).¶ On the other hand, the ability to make decisions with dispatch has been trumpeted as a strength of the executive branch since the founding. This is especially true when it comes to war powers. One of the primary arguments that Alexander Hamilton made in the Federalist Papers for placing the commander-in-chief authority in the executive branch lay in the belief that presidents have the ability to act quickly and decisively in military matters needed to protect the nation. President Bush responded proactively to policy questions in the war on terror in cases involving detainees. The president quickly put detainee policies into place, and reactive efforts on the part of the courts and Congress to modify those policies have proven especially difficult (Ball 2007; Schwarz and Huq 2007; Wheeler 2008). It can truly be said that the executive and the judiciary often operate at very different speeds. This can complicate judicial efforts to check executive power (Koh 1990; Moe and Howell 1999a, 1999b; Wheeler 2008).

#### Plan causes extraordinary rendition shift

Kenneth Anderson 09, Professor of International Law at American University, 5/31, “Security Issues Like Squeezing Jello? Reversion to the Mean? Jack Goldsmith on the Effects of Security Alternatives,” http://opiniojuris.org/2009/05/31/security-issues-like-squeezing-jello-reversion-to-the-mean-jack-goldsmith-on-the-effects-of-security-alternatives/#sthash.TB1xcePu.dpuf

One way you might look at this is that there is a sort-of national security constant that remains in equilibrium over time, using one tactic or another, gradually evolving but representing over time a reversion to the national security mean. Or you might say that national security, seen over time, looks a little like squeezing jello – if squeezed one place it pops out another. ¶ I think Jack is right that the administration – any administration – tends to strive for a certain equilibrium, as it is confronted with a flow of threats that the public discounts to near-zero but which it does not see itself quite so able to do, however much it might want to. However, as the op-ed also notes, and I agree, these methods are not completely equivalent or compensating. That is so not just with regards to third party costs, but also with respect to security as such. Intelligence gathering, by all accounts not very effective to begin with, has become much more difficult. This is not compensation, it is a seemingly permanent downward shift in the security mean. ¶ Besides the consequences that Jack identifies, I would add that the current move to semi-compensating policies means two things. First, intelligence is likely to be increasingly outsourced to foreign intelligence services. That can provide valuable information, but it will be increasingly uncorroborated and subject to filtering by those services. That is not good. ¶ Second, in a somewhat unrelated matter, I would guess that future conflicts, where not fought by Predator, will be increasingly outsourced to proxy forces. ¶ In the focus on intelligence and security, I think this second point has not received sufficient attention. The United States has a long familiarity with proxy forces as a form of deniability, among other things – Ronald Reagan, for example, faced with many limitations placed by Congress on his uses of force, found proxy forces an essential element of his foreign policy, in Central America particularly. The domestic risks that policy can entail are illustrated by the Iran-Contra contra-temps; on the other hand, Reagan was reasonably successful in pursuing his administration’s anti-Communist and anti-Soviet policy aims in Salvador and Nicaragua, among other places, by proxy forces. ¶ But I would be quite surprised if proxy war were not today under active discussion for places like Somalia (where we have already undertaken measures close to it) and other places. More precisely, I would surprised if it were not an active discussion among the New Liberal Realists of the Obama administration, whatever the transnationalists say or think.¶ In any case, whether those last two speculations prove true or not, the tendency of the administration to seek compensating policies seems likely at a minimum to complicate the issues of Guantanamo, Bagram, and other matters besides.

#### Means they solve nothing

Anna-Katherine Staser McGill 12, School of Graduate and Continuing Studies in Diplomacy, Norwich University, David Gray, Campbell University, Summer 2012, “Challenges to International Counterterrorism Intelligence Sharing,” http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf

The CIA’s use of “extraordinary rendition”, the practice of transporting a suspect to a third country for interrogation, has also stoked the ire of many traditional allies. Critics charge that this tactic quite simply allows the CIA to sidestep international laws and obligations by conducting interrogations in nations with poor human-rights records. In 2003, an Italian magistrate formally indicted 13 CIA agents for allegedly kidnapping an Italian resident and transporting him to a third country for interrogation. Ultimately 22 CIA agents and one US military officer were convicted in absentia of crimes connected to the abduction (Stewart, 1). The case not only heightened criticism of the US in Italy but challenged U.S. strategic communications aimed at reducing anti-Americanism worldwide (Reveron 462). According to Julianne Smith, director of the Europe program at the Center for Strategic and International Studies (CSIS), “[extraordinary rendition] makes it extremely difficult [for European governments] to stand shoulder-to-shoulder with the U.S.” (Heller 1).

## Terror

### Prolif card

#### It’s fast which increases the likelihood of accidents

**Killop 10** (Andrew, founding member of the Asian chapter of the International Association of Energy Economics, May 4, <http://www.raisethehammer.org/article/1069/nuclear_weapons_and_proliferation_-_are_you_kidding>) LL

Obama rightly called nuclear weapons a dangerous relic of the period from 1945 to 1989, from the Second World War's end to the Cold War's end. Today's focus for ending nuclear weapons proliferation is terrorism, completely ignoring the Chernobyl catastrophe of 1986, which had a "zero terror" component, and was 100% accidental, whether human error only or combined technology failure-and-human error. Obama's call also ignores the entire "back end" of nuclear power, whether civil or not: wastes have to be stored, separated by re-treatment or destroyed, and reactors have to be decommissioned. Ensuring 100% security against technology failure and human error is a pipe dream, assiduously preached by the World Nuclear Association and all other interested parties. Due to accumulated stocks, aging reactors and storage facilities, aging fuel re-treatment capacities (only in France and UK), and other weak links across the spectrum from "front end" uranium and thorium mining, to planned but not built "final repositories" the potential for accident can only increase. This is intensified by factors as wide ranging as the quest for national energy security, the role of high oil prices, calls for "low carbon" energy in the fight against climate change, the perception that nuclear electricity is cheap, non-electricity uses of nuclear power, and others. Today there are great plans for expanding nuclear power's role in world energy, to be sure well distanced from facts on the ground, but growing all the same. The pro-nuclear World Nuclear Association claims 50 civil reactors were under construction in 13 countries as of February 2010, while other sources give as few as 45 under construction in early 2010, the difference again including research reactors and their definition, for example reactors under construction for both research-and-power production, as in several countries. When we move up to the category of "planned or proposed" civil reactors, numbers can extend to over 100 for the period 2010-2020. Further complicating the outlook, but not in the immediate and short-term (2010-2015) we have increasing likelihood of reactor-equivalent nuclear heat source applications being proposed, and extended from their present few major industrial applications. These include heat sources already used in Russia's metals refining industry, and its nuclear powered icebreaker fleet. Outside Russia, these reactor-equivalent installations could for example be used as cheap heat supply for tarsand oil production, seawater desalination, large-scale horticulture operations (as operated in Russia), in synthetic hydrocarbon liqfuels processing, the cement industry and other heat-intensive industries. Reactors for industrial heat supply are already commercial in Russia (for example VK 300 type), but proposed versions include fast or high neutron intensity reactors using (or burning down) MOX-type uranium-plutonium fuels, or thorium-plutonium fuel mixes. This nuclear "proliferation" is increasingly possible or probable as energy prices rise and nuclear waste stockpiles increase, creating rising pressures to "recycle" or destroy it. This further raises the risks of major nuclear accidents. Error not terror is already, and will likely remain the biggest nuclear risk we face.

### Terror

#### Heg causes terror – 9/11 proves

Layne 6 (Christopher, Associate Professor in the Bush School of Government and Public Service at Texas A & M University, 2006, The Peace of Illusions: American Grand Strategy from 1940 to the Present, p. 190-191)

The events of 9/11 are another example of how hegemony makes the United States less secure than it would be if it followed an offshore balancing strategy. Terrorism, the RAND Corporation terrorism expert Bruce Hoff­man says, is “about power: the pursuit of power, the acquisition of power, and use of power to achieve political change.”56 If we step back for a moment from our horror and revulsion at the events of September 11, we can see that the attack was in keeping with the Clausewitzian paradigm of war: force was used against the United States by its adversaries to advance their political objectives.87 As Clausewitz observed, “War is not an act of senseless passion but is controlled by its political object.”88 September 11 represented a violent counterreaction to America’s geopolitical—and cultural—hegemony. As the strategy expert Richard K. Betts presciently observed in a 1998 Foreign Affairs article: It is hardly likely that Middle Eastern radicals would be hatching schemes like the destruction of the World Trade Center if the United States had not been identified so long as the mainstay of Israel, the shah of Iran, and conservative Arab regimes and the source of a cultural assault on Islam.89 U.S. hegemony fuels terrorist groups like al Qaeda and fans Islamic funda­mentalism, which is a form of “blowback” against America’s preponderance and its world role.

### Ven

#### Hegemonic retrenchment’s key to prevent war with Russia and China---defuses Georgia, Taiwan and the South China Seas

MacDonald and Parent 11 \*Paul K. MacDonald, Assistant Professor of Political Science at Williams College, and Joseph M. Parent, Assistant Professor of Political Science at the University of Miami [November/December 2011, “The Wisdom of Retrenchment: America Must Cut Back to Move Forward,” Foreign Affairs, Vol. 90, No. 6]

Curbing the United States' commitments would reduce risks, but it cannot eliminate them. Adversaries may fill regional power vacuums, and allies will never behave exactly as Washington would prefer. Yet those costs would be outweighed by the concrete benefits of pulling back. A focus on the United States' core interests in western Europe would limit the risk of catastrophic clashes with Russia over ethnic enclaves in Georgia or Moldova by allowing the United States to avoid commitments it would be unwise to honor. By narrowing its commitments in Asia, the United States could lessen the likelihood of conflict over issues such as the status of Taiwan or competing maritime claims in the South China Sea. Just as the United Kingdom tempered its commitments and accommodated U.S. interests in the Western Hemisphere at the turn of the last century, the United States should now temper its commitments and cultivate a lasting compromise with China over Taiwan.

### China

#### Conflict with China goes nuclear

**Glaser 2011** (Professor of Political Science and International Affairs and Director of the Institute for Security and Conflict Studies at the Elliott School of International Affairs at George Washington University, Will China's Rise Lead to War? Subtitle: Why Realism Does Not Mean Pessimism, Foreign Affairs, March/April, lexis)

ACCOMMODATION ON TAIWAN? The prospects for avoiding intense military competition and war may be good, but growth in China's power may nevertheless require some changes in U.S. foreign policy that Washington will find disagreeable -- particularly regarding Taiwan. Although it lost control of Taiwan during the Chinese Civil War more than six decades ago, China still considers Taiwan to be part of its homeland, and unification remains a key political goal for Beijing. China has made clear that it will use force if Taiwan declares independence, and much of China's conventional military buildup has been dedicated to increasing its ability to coerce Taiwan and reducing the United States' ability to intervene. Because China places such high value on Taiwan and because the United States and China -- whatever they might formally agree to -- have such different attitudes regarding the legitimacy of the status quo, the issue poses special dangers and challenges for the U.S.-Chinese relationship, placing it in a different category than Japan or South Korea. A crisis over Taiwan could fairly easily escalate to nuclear war, because each step along the way might well seem rational to the actors involved. Current U.S. policy is designed to reduce the probability that Taiwan will declare independence and to make clear that the United States will not come to Taiwan's aid if it does. Nevertheless, the United States would find itself under pressure to protect Taiwan against any sort of attack, no matter how it originated. Given the different interests and perceptions of the various parties and the limited control Washington has over Taipei's behavior, a crisis could unfold in which the United States found itself following events rather than leading them. Such dangers have been around for decades, but ongoing improvements in China's military capabilities may make Beijing more willing to escalate a Taiwan crisis. In addition to its improved conventional capabilities, China is modernizing its nuclear forces to increase their ability to survive and retaliate following a large-scale U.S. attack. Standard deterrence theory holds that Washington's current ability to destroy most or all of China's nuclear force enhances its bargaining position. China's nuclear modernization might remove that check on Chinese action, leading Beijing to behave more boldly in future crises than it has in past ones. A U.S. attempt to preserve its ability to defend Taiwan, meanwhile, could fuel a conventional and nuclear arms race. Enhancements to U.S. offensive targeting capabilities and strategic ballistic missile defenses might be interpreted by China as a signal of malign U.S. motives, leading to further Chinese military efforts and a general poisoning of U.S.-Chinese relations

### D

#### Great power war is a myth – nuclear deterrence and liberal democracies ensure NO conflict is likely to erupt -

Ikenberry 11 (G. John, “A World of our Making” <http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all>)

There are four reasons to think that some type of updated and reorganized liberal international order will persist. First, the old and traditional mechanism for overturning international order—great-power war—is no longer likely to occur. Already, the contemporary world has experienced the longest period of great-power peace in the long history of the state system. This absence of great-power war is no doubt due to several factors not present in earlier eras, namely nuclear deterrence and the dominance of liberal democracies. Nuclear weapons—and the deterrence they generate—give great powers some confidence that they will not be dominated or invaded by other major states. They make war among major states less rational and there-fore less likely. This removal of great-power war as a tool of overturning international order tends to reinforce the status quo. The United States was lucky to have emerged as a global power in the nuclear age, because rival great powers are put at a disadvantage if they seek to overturn the American-led system. The cost-benefit calculation of rival would-be hegemonic powers is altered in favor of working for change within the system. But, again, the fact that great-power deterrence also sets limits on the projection of American power presumably makes the existing international order more tolerable. It removes a type of behavior in the system—war, invasion, and conquest between great powers—that historically provided the motive for seeking to overturn order. If the violent over-turning of international order is removed, a bias for continuity is introduced into the system.

#### American hegemony is IRRELEVENT to the success of the current world order – international interconnectedness ensures there is an incentive to preserve the peace -

Ikenberry 11 (G. John, “A World of our Making” http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all)

Second, the character of liberal international order itself—with or without American hegemonic leadership—reinforces continuity. The complex interdependence that is unleashed in an open and loosely rule-based order generates expanding realms of exchange and investment that result in a growing array of firms, interest groups, and other sorts of political stakeholders who seek to preserve the stability and openness of the system. Beyond this, the liberal order is also relatively easy to join. In the post-Cold War decades, countries in different regions of the world have made democratic transitions and connected themselves to various parts of this system. East European countries and states within the old Soviet empire have joined NATO. East Asian countries, including China, have joined the World Trade Organization (WTO). Through its many multilateral institutions, the liberal international order facilitates integration and offers support for states that are making transitions toward liberal democracy. Many countries have also experienced growth and rising incomes within this order. Comparing international orders is tricky, but the current liberal international order, seen in comparative perspective, does appear to have unique characteristics that encourage integration and discourage opposition and resistance.

### TW

#### Flow

#### Now is key – US is slowly declining – ensures that the transition is peaceful and that it can dictate the post-unipolar world -

MacDonald and Parent 2011(Paul, Assistant Professor of Political Science at Williams College, and Joseph, Assistant Professor of Political Science at the University of Miami, Spring, "Graceful Decline?", International Security, Volume 35, No. 4, Spring 2011, pp. 7-44)jn

Some observers might dispute our conclusions, arguing that hegemonic transitions are more conflict prone than other moments of acute relative decline. We counter that there are deductive and empirical reasons to doubt this argument. Theoretically, hegemonic powers should actually find it easier to manage acute relative decline. Fallen hegemons still have formidable capability, which threatens grave harm to any state that tries to cross them. Further, they are no longer the top target for balancing coalitions, and recovering hegemons may be influential because they can play a pivotal role in alliance formation. In addition, hegemonic powers, almost by definition, possess more extensive overseas commitments; they should be able to more readily identify and eliminate extraneous burdens without exposing vulnerabilities or exciting domestic populations. We believe the empirical record supports these conclusions. In particular, periods of hegemonic transition do not appear more conflict prone than those of acute decline. The last reversal at the pinnacle of power was the Anglo- American transition, which took place around 1872 and was resolved without armed confrontation. The tenor of that transition may have been influenced by a number of factors: both states were democratic maritime empires, the United States was slowly emerging from the Civil War, and Great Britain could likely coast on a large lead in domestic capital stock. Although China and the United States differ in regime type, similar factors may work to cushion the impending Sino-American transition. Both are large, relatively secure continental great powers, a fact that mitigates potential geopolitical competition.93 China faces a variety of domestic political challenges, including strains among rival regions, which may complicate its ability to sustain its economic performance or engage in foreign policy adventurism.94 Most important, the United States is not in free fall. Extrapolating the data into the future, we anticipate the United States will experience a “moderate” decline, losing from 2 to 4 percent of its share of great power GDP in the five years after being surpassed by China sometime in the next decade or two.95 Given the relatively gradual rate of U.S. decline relative to China, the incentives for either side to run risks by courting conflict are minimal. The United States would still possess upwards of a third of the share of great power GDP, and would have little to gain from provoking a crisis over a peripheral issue. Conversely, China has few incentives to exploit U.S. weakness.96 Given the importance of the U.S. market to the Chinese economy, in addition to the critical role played by the dollar as a global reserve currency, it is unclear how Beijing could hope to consolidate or expand its increasingly advantageous position through direct confrontation.

#### Any US retrenchment would be diplomatic not military –

#### A. Our evidence is comparative -

MacDonald and Parent 2011(Paul, Assistant Professor of Political Science at Williams College, and Joseph, Assistant Professor of Political Science at the University of Miami, Spring, "Graceful Decline?", International Security, Volume 35, No. 4, Spring 2011, pp. 7-44)jn

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a comprehensive study of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by systematically examining the relationship between acute relative decline and the responses of great powers. We examine eighteen cases of acute relative decline since 1870 and advance three main arguments. First, we challenge the retrenchment pessimists’ claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, peaceful retrenchment is the most common response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61–83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations. Second, we find that the magnitude of relative decline helps explain the extent of great power retrenchment. Following the dictates of neorealist theory, great powers retrench for the same reason they expand: the rigors of great power politics compel them to do so.12 Retrenchment is by no means easy, but necessity is the mother of invention, and declining great powers face powerful incentives to contract their interests in a prompt and proportionate manner. Knowing only a state’s rate of relative economic decline explains its corresponding degree of retrenchment in as much as 61 percent of the cases we examined.

#### B. It’s empirical -

MacDonald and Parent 2011(Paul, Assistant Professor of Political Science at Williams College, and Joseph, Assistant Professor of Political Science at the University of Miami, Spring, "Graceful Decline?", International Security, Volume 35, No. 4, Spring 2011, pp. 7-44)jn

Wars, preventive or otherwise, do not appear to be a common fate for declining states, and recovery of lost rank was fairly frequent. Declining great powers found themselves embroiled in an interstate war in only four of the eighteen cases, and in only one of these cases—1935 United Kingdom—did the declining power go to war with the power that had just surpassed it in ordinal rank.60 In addition, in six of fifteen cases, declining great powers that adopted a policy of retrenchment managed to rebound, eventually recovering their ordinal rank from the state that surpassed them. These findings suggest that retrenching states rarely courted disaster and occasionally regained their prior position. Further, even if retrenchment was not successful, this does not prove that a preferable policy existed.61 In many cases of decline, there are few restorative solutions available; politics is often a game of unpalatable alternatives. Short of a miracle, it is hard to say what great powers such as Britain, France, or the Soviet Union could have done to stay aloft, even with the benefit of hindsight.

**No transition war-economic interdependence and empirics**

**Gartzke 9** \*Erik Gartzke is an associate professor of political science at UC San Diego [Gartzke Power Shuffle: Will the Coming Transition Be Peaceful? [Gartzke, Erik](http://search.proquest.com.ezproxy.library.wisc.edu/docview.lateralsearchlink:lateralsearch/sng/author/Gartzke,+Erik/$N?t:ac=200780115/fulltext/1359B17966B78DAEF0F/7&t:cp=maintain/resultcitationblocks). [Current History](http://search.proquest.com.ezproxy.library.wisc.edu/docview.lateralsearchlinkbypubid:lateralsearch/sng/pubtitle/Current+History/$N/41559?t:ac=200780115/fulltext/1359B17966B78DAEF0F/7&t:cp=maintain/resultcitationblocks)[108. 721](http://search.proquest.com.ezproxy.library.wisc.edu/docview.issuebrowselink:searchpublicationissue/41559/Current+History/02009Y11Y01$23Nov+2009$3b++Vol.+108+$28721$29/108/721?t:ac=200780115/fulltext/1359B17966B78DAEF0F/7&t:cp=maintain/resultcitationblocks) (Nov 2009): 374-380]

THE BRITISH PRECEDENT There is precedent for a successful policy of engagement in hegemonic transition. At the dawn of the twentieth century, Great Britain found it could work with the nouveau riche United States. Unlike in preceding transitions, protagonists did not become antagonists because they had so much in common. The United States, late to the European-led game of imperial enterprise, quickly discovered that conquest did not pay. America, after fiascos in Cuba and the Philippines, was happy to be a commercial, rather than imperial, power. Britain, too, found that the promotion of free commerce served its interests. As the world's largest trading power, the United Kingdom benefited disproportionately from encouraging a system of reciprocal access to national and colonial markets. Market economics rapidly made control of territory much less important than access to consumers. Promoting the prosperity of dependent powers further weakened the appeal of colonial administration. Thus the United States was able to peacefully assume the mantle of hegemon because the two powers had developed compatible international objectives through a common system of global commerce. Under British hegemony, the United States had obtained much of what it wanted from the established world order, and it enjoyed the additional benefit of not having to pay the high price of policing a system that was largely acceptable. The United States could free-ride on British efforts to manage a market-based global economy. The British, meanwhile, respected the US sphere of influence in the Americas, while the United States had no interest in controlling traditional British spheres of influence in Europe, the Middle East, and South Asia, as long as American manufacturers retained access to commercial markets in these regions. This system, though it included numerous colonial holdings, was not all that different from the one that the United States preferred and eventually sponsored. Indeed, the problem from an international perspective was that America was reluctant to inherit hegemony. The United States persisted as a largely demilitarized power until World War II, despite the fact that the United Kingdom's relative decline was taxing its ability to sustain the system from which the United States benefited. Only in the aftermath of World War II, when it became clear that Britain could no longer manage the global system, did the United States decide to run the world. More important than British decline, however, was the fact that the Soviet Union posed the chief alternative to American hegemony. Recognition of the increasing importance of global public goods to its own and other nations' prosperity, and cognizance of the consequences of a Soviet-led system, forced the United States to dramatically shift its foreign policy and assume the position of global leadership. It is tempting to conclude that the peaceful transition from British to US hegemony was the result of a common Anglo culture, or of unique characteristics of the United States as a nation. But Anglo amity had not prevented the American Revolution, nor had a common Anglo culture stopped the Union and the Confederacy from fighting the deadliest contest in US history. And while it is possible that American accession to hegemony was exceptional, one must hope this is not the case, given the inevitability that the United States will someday be replaced as hegemon. THE RISE OF THE REST For a time in the post-World War II period, it appeared that the Soviet Union might surpass the United States. In retrospect, those fears appear wildly misplaced, but they exemplify the power of uncertainty as a determinant of international affairs. Not knowing caused the United States to be more defensive than was perhaps necessary, while uncertainty supplied the Soviets with ammunition that made them more effective than if the truth had been fully known. World War III was avoided thanks to luck and caution, rather than averted as a product of power relations and system structure. For a time in the 1980s strategic thinkers contemplated a succession by Europe or Japan. Anglo culture, inci- dentally, cannot explain how the United States and other powers addressed debate over the prospect of these transi- tions. While there was consid- érable anxiety in the United States about commercial com- petition, there was never a serious suggestion that Japanese or European aspirations constituted a real threat to the security of the United States. Europe was at peace with itself, while the Japanese seemed more eager to copy the United States commercially than to eclipse it politically. Again, a power transition between the United States and its allies never came to pass, but it is exceedingly unlikely in any case that such a transition would have involved significant international violence. What emerged in the twentieth century, and what appears likely to persist in the twenty-first century, is the realization that commerce creates compatible interests among world powers. Other objectives remain in tension today; if substantial enough they could open up the opportunity for ambiguity, conflict, and possibly war. But a common commitment to global trade at least creates the basis for an important set of mutual or compatible interests among states. America's fear is that a successor hegemon, or a group of powers enjoying dominance over different regions, might be inimical to US interests. Such hegemons could alter or supplant the institutions and commercial, social, and political norms that have helped the United States govern a prosperous system and made America thrive as well. If hegemonic successors or competing coalitions are bound to want different things, then the United States may find that it prefers to resist the transition to a new configuration of power. If, in addition, the net effect of conflict is difficult to judge, then conflict itself will be more likely, since both sides in a dispute could expect that they might prevail in a fight. Fortunately, there is reason to believe that the interests of current and future rivals for global power may not be incompatible. As with the [Anglo-American](http://search.proquest.com.ezproxy.library.wisc.edu/docview/200780115/fulltext/1359B17966B78DAEF0F/7?accountid=465) transition, future power transitions may involve states that want very similar things from the international system. Changes in the global economy since the late twentieth century have made global governance more important, valuable, and relatively neutral in terms of political conflict. The developed world, the BRIC nations (Brazil, Russia, India, China), and other developing countries all benefit from institutions that promote trade, finan- cial stability, and politi- cal consensus. The more that China, for example, becomes integrated

into the global economic system, the more that its preferences will reflect objectives similar to those of the United States. Indeed, development has led to a world system in which most candidates for regional or global power have common or compatible interests. Whereas in the past, power reflected an inherent incompatibility with other nations, today power derives from the very interactions that make nations more similar. If there is a good prospect that the world will remain peaceful, it is because the power now needed to run the world comes from cooperation, not from military conflict.

### MPS

**Multipolarity solves war- lack of great power aggressiveness makes war unthinkable, empirical examples fail this system will be different**

**Schweller 10 \*Randall Schweller is a** Professor of Political Science at Ohio State University [“Entropy and the trajectory of world politics: why polarity has become less meaningful,” Cambridge Review of International Affairs, Volume 23, Number 1, March 2010]

Though rarely mentioned, system equilibrium can emerge without balancing or power-seeking behaviour. This should not come as a surprise; for we know that a Concert system existed during a multipolar phase, roughly between 1815 and 1853. That system, however, arose from the ashes of war, the purpose of which was to defeat an aspiring hegemon before it rolled up the system. The current system, however, has already been ‘rolled up’ for all intents and purposes. So how could a balance of power be restored without deliberate balancing against the US? The answer is that uneven rates of growth among states seeking merely to get rich (wealth, not military power, security, or political influence over others) can produce a rough equivalence in capabilities among several states, none of which feel particularly threatened by each other or seek relative gains at the expense of one another. In other words, the major actors in the system are strictly egoistic, and they interact cooperatively, not competitively or strategically in a military sense, with each other. It is essentially an orthodox liberal world, in which international politics becomes a positive-sum game and the concept of equilibrium is, by definition, a Pareto optimal condition that no actor has an interest in changing (see Callinicos 2007, 546). Here, global equilibrium means maximum entropy. What has changed? Simply put, there is no longer an expectation of violent expansion among the great powers. Balance of power is built on the assumption not only that war is a legitimate instrument of statecraft (Jervis 1986, 60) but that states will settle their differences by fighting. This expectation exercises a profound influence on the types of behaviours exhibited by states and the system as awhole (Lasswell 1965 [1935], chapter 3). It was not just the prospect of war that triggered the basic dynamics of past multipolar and bipolar systems. It was the anticipation that powerful states sought to and would, if given the right odds, carry out territorial conquests at each others’ expense that shaped and shoved actors in ways consistent with the predictions of Waltzian balance of power theory.Without the very real fear of Soviet expansion, why would bipolarity have compelled the US to adopt a grand strategy of containment and deterrence? Without the traditional expectations of great power war and conquest, why would the added complexity and uncertainty of multipolar systems make them unstable? Why would states form alliances in the first place, much less worry about who aligns with whom? When war is unthinkable among the great powers, it is hard to see how polarity exerts the constraints predicted by structural balance of power theory. To the extent that this driving force of history is no longer in play, the system will experience increasing entropy. The current system’s ideational or social structures also seem to be pushing in the direction of greater entropy, suggesting that the world may be reaching an endpoint of sorts. This view of history is consistent with Kant’s (2005 [1795]) ‘perpetual peace’, Richard Rosecrance’s (1987) ‘rise of the trading state’, Francis Fukuyama’s (1992) ‘end of history’ and, for slightly different reasons, John Ikenberry’s (2001) vision of a ‘constitutional order’ rooted in liberalism. Regarding the latter, a ‘multipolar’ constitutional order would not be all that different from the current world because: (1) constitutional orders place limits on the returns to power, so presumably a switch from unipolarity to multipolarity would not be terribly significant; (2) the system, though multipolar, would retain the basic foundations of the American liberal order, its underlying social values would remain intact, and (3) there would be, just as today, no balancing behaviour among the major powers against each other, and major power war would be virtually unthinkable. That noted, Ikenberry’s view of order is more centralized, structured and deliberate than the one I have in mind. An entropy version of Ikenberry’s order would be a watered-down, more decentralized and spontaneously generated liberal order—but one that still devalues power. Liberals are not the only ones making such claims. Several prominent realists have also acknowledged that the world has fundamentally changed to the point that, if and when unipolarity ends, we will not likely see a return to traditional great power politics among the core states. Robert Jervis (2005), for instance, stresses the unprecedented development of a Security Community among all the leading powers as the defining feature of today’s world politics. The existence of this security community means not only that major power war has become unthinkable but also that bandwagoning and balancing ‘will not map on the classical form of the balance of power’ (Jervis 2005, 31). Similarly, Jonathan Kirshner (2008, 335) sees fewer prospects for great power war as a consequence of globalization. Along these lines, Fareed Zakaria (2008, 243) predicts a postAmerican world governed by a messy ad hoc order composed of a` la carte multilateralism and networked interactions among state and nonstate actors. The provision of international order in this future world will no longer be a matter decided solely by the political and military power held by a single hegemon or even a group of leading states. The bottomline is that, if war no longer lurks in the background of great power relations

and if strong states must share power with institutions and nonstate actors, then to say that the world is becoming multipolar is, if not meaningless, grossly misleading. The dynamics of this new multipolar world will be significantly different from those of past multipolar systems. When great powers built arms in traditional multipolar settings, they did so under the belief that it was not only possible but probable that their weapons would be targeted and used against each other. Likewise, when they formed alliances, they targeted them at one another. A Community composed of the most developed states in the international system was not on the menu of traditional alliance politics under multipolarity. Of course, international politics can change rapidly and the mere prediction that the Community will survive into the foreseeable future, no matter how compelling it appears to us today, does not mean that the Community will not dissolve sooner than later. Even so, it is difficult to see how major power war becomes thinkable again given the intolerably high costs of war and the obvious destructiveness of nuclear weapons, the benefits of peace grounded in the perceived decoupling of territorial conquest from national prosperity, and the shared values and beliefs about how the world works among the leading states (Jervis 2005).

## Modeling

**Stability checks Venezuelan collapse**

**Tamayo, 13** – journalist for the Newspaper of Cuban Youth (René, “Venezuela Remains Politically Stable Despite Opposition Pressure,” Newspaper of Cuban Youth, 1/15/2013, http://www.juventudrebelde.co.cu/international/2013-01-15/-venezuela-remains-politically-stable-despite-opposition-pressure) // MS

CARACAS.— Venezuela´s revolutionary government has began a nationwide campaign to encourage people to demonstrate en masse in support of Chavez and the Bolivarian Revolution on January 23, in an effort to repel opposition plans to take the streets on that day. Leader of the United Socialist Party of Venezuela (PSUV) Jorge Rodriguez assured that Venezuela´s current political and social atmosphere is stable, despite repeated attempts by the opposition at promoting internal subversion. In statements on Sunday January 13 the revolutionary leader noted that the country´s calm environment proves that the Venezuelan people have become increasingly compromised with the revolution; and that they have not let themselves be misled by lies. Jorge Rodriguez, who heads the Great Patriotic Pole electoral coalition gathering small progressive groups, revealed that some PSUV and government leaders have travelled to Cuba to receive instructions from Venezuelan President Hugo Chavez ─recovering from a cancer surgery at a hospital in Havana─ and to also brief him on the latest development taking place in Venezuela. Among the Venezuelan leaders visiting Cuba were Executive Vice President Nicolas Maduro, and PSUV First Vice President Diosdado Cabello. Political stability is a reality in Venezuela, said Jorge Rodriguez, pointing out that all Venezuelan public bodies and institutions are fully functioning, that people are working and living their daily lives normally, and that even private companies are following their normal work routines. Later on, the PSUV leader said that the alleged “instability” is just a fabrication of Venezuelan reactionary factions that continue trumping up information and sparing no efforts to instigate civil disobedience. During the usual Monday press conference at the PSUV´s main headquarters in Caracas, Rodriguez stressed that the Venezuelan people remain alert and committed to do no matter what to preserve the country’s political, social and economic balance.

#### Trend is towards cooperation now – economic interests prevent war

Zdeněk Kříž 12, associate professor at the Department of International Relations and European Studies of Faculty of Social Studies of Masaryk University, and Filip Chrášťanský, "Existing Conflicts in the Arctic and the Risk of Escalation: Rhetoric and Reality," January, Perspectives, Vol. 20, No. 1, EBSCOhost

The conflicts mentioned above represent bilateral disputes, and their subject is the demarcation of disputed borders. Such clashes are no exception to the pattern of conflicts in the world at large. As for their dynamics and intensity, the states have only used diplomatic means, legal argumentation, and symbolic steps (such as raising their respective flags) in the conflicts. In addition, none of the conflicts mentioned above are new. Plus, we can consider the checking and detaining of ships under the opposing country’s flag as the most significant manifestation of antagonism in the conflicts. But over the last few years, there were some activities of the involved states that were conducted towards finding the solution of these disputes. In most cases, negotiations are to come, which implies a mutually constructive approach and the existence of at least an elementary mutual trust between the two sides. This process has already caused the de-escalation and termination of one of the most serious disputes – although this statement is made with reservations because the corresponding treaty has still not been ratified. Furthermore, economic interests have helped to facilitate provisional agreements in a few cases (e.g. the case of Russia’s dispute with the USA), which in turn have enabled the countries to use the Arctic’s natural resources in an effective way. One interesting fact is that in the case of Russia and Norway, such a consensus had de facto already been achieved during the Cold War period.

#### 4. Commercial interests

Young 9 (Oran R. Young, is Professor and Codirector of the Program on Governance for Sustainable Development at the Bren School of Environmental Science and Management, University of California, Santa Barbara, and Chair of the Scientific Committee of the International Human Dimensions Programme on Global Environmental Change, sponsored by the International Council Of Science (ICSU), the International Social Science Council (ISSC), and the United Nations University (UNU). He is the author of The Institutional Dimensions of Environmental Change: Fit, Interplay, and Scale (2002) and coeditor (with Leslie A. King and Heike Schroeder) of Institutions and Environmental Change: Principal Findings, Applications, and Research Frontiers (2008), both published by the MIT Press, January 2009, The Polar Record, “Whither the Arctic? Conflict or cooperation in the circumpolar north”, ProQuest | AK)

Since the thawing of the cold war during the late 1980s, a particularly striking feature of the Arctic has been the blossoming of cooperative arrangements, ranging from non-governmental bodies like the International Arctic Science Committee (IASC) through associations of subnational units of government like the Northern Forum and on up to more conventional intergovernmental bodies like the Arctic Council (Young 1996). Most of us who have been involved in the development of these mechanisms tend to point to Mikhail Gorbachev's well known 'Arctic zone of peace' speech in Murmansk in October 1987 as a good marker or indicator of this shift from cold war thinking envisaging the Arctic as a theatre of operation in military terms to new thinking giving rise to a range of initiatives involving environmental protection and, more recently, sustainable development under the conditions prevailing in the Arctic (Scrivener 1989). Are we now witnessing another shift in Arctic politics, such that we will look back later to the 1990s and the first years of this century as a cooperative moment separating two periods of geopolitical tension in the Arctic? Affirmative responses to this question typically rest on a (neo)realist perspective on world affairs in which states remain the dominant force, seeking to maximise their control over sectors of the Earth's surface and jockeying with one another for position in a manner that is not guided or governed by widely accepted rules of the game or a significant concern for the common good. As Bogerson, the author of the Foreign Affairs article, puts it in a section entitled 'The coming anarchy', '[t]he situation is especially dangerous because there are currently no overarching political or legal structures that can provide for the orderly development of the region or mediate political disagreements over Arctic resources or sea-lanes' (Borgerson 2008: 71). According to the author of the Time cover story, this may brew up '. . . a perfect storm seeded with political opportunism, national pride, military muscle flexing, high energy prices and the arcane exigencies of international law' (Graff 2007: 2). On this account, we should expect more or less severe disagreements among the Arctic states over jurisdictional claims to areas of the seabed in the Arctic coupled with aggressive efforts to exploit the reserves of oil and gas thought to exist in the Arctic and regarded as attractive due to their location in the Arctic rather than in more or less unstable areas such as the Middle East. High prices for oil should make the extraction of hydrocarbons in the Arctic profitable, while geopolitical considerations make these hydrocarbons appealing to those countries like the United States seeking to decrease their dependence on foreign oil. Following up on this theme, Borgerson asserts that 'Arctic powers are fast approaching diplomatic gridlock, and that could eventually lead to the sort of armed brinkmanship that plagues other territories . . . where multiple states claim sovereignty but no clear picture of ownership exists' (Borgerson 2008: 71). It is a short step from this observation to the conclusion that '[d]iplomatic gridlock could lead the Arctic to erupt in an armed mad dash for its resources' (Borgerson 2008: 72). Scenarios emanating from this approach to recent developments in the Arctic are indeed scary. But are they realistic or at least plausible enough to be taken seriously by those concerned with Arctic governance? There is always something to be said for considering the possibility of extreme events, regardless of the likelihood of their occurrence; the focus of the media on scary scenarios regarding the future of the Arctic may be healthy. Nonetheless, there is ample reason to regard some elements of these scenarios as far-fetched. And it seems important not to allow our thoughts to run wild in this realm in a manner that may trigger self fulfilling prophecies and complicate the development of sensible arrangements to deal with the rising demand for governance in this region. Lest we allow ourselves to be swept along with this new wave of speculation about conflict in the Arctic, consider the following sober realities. With regard to matters of jurisdiction, the main event deals with coastal state claims under the terms of Article 76 of the UN Law of the Sea Convention (UNCLOS) to control over areas of the continental shelf extending beyond the outer boundaries of their Exclusive Economic Zones (EEZs). All the coastal states in the Arctic have ratified UNCLOS with the exception of the United States and are eligible to make such claims. 2 Continental shelves are particularly wide in the Eurasian Arctic, so it is not surprising that the Russian Federation filed such claims in 2001 and that Norway followed suit in 2006. It is likely that Canada and Denmark will file claims of their own under the terms of Article 76. Some observers believe that the resultant situation will motivate the United States finally to ratify UNCLOS and become a formal member of a legal arrangement that has been in force since 1994. Under the terms of UNCLOS, a Commission of the Limits of the Continental Shelf (CLCS) will examine these claims and make recommendations regarding their persuasiveness, with the expectation that the relevant coastal states will accept these recommendations and put them into practice. Does this amount to a new 'land rush' in the Arctic? It is worth noting that the actions of Russia and Norway in filing their claims in 2001 and 2006 went largely unnoticed. Although these are certainly significant actions, no one thought to sound a general alarm about 'who owns the Arctic' in the wake of these submissions to the CLCS. 3 Recently, the media have made much of the actions of a Russian team headed by Artur Chilangarov that placed a titanium Russian flag on the sea floor at the North Pole during the summer of 2007. Reading many of the resultant stories would lead one to believe that the Russian Federation is in the process of making a bid for complete control over a huge swath of the Arctic. But the planting of the flag was a private affair; the government of Russia has not articulated any jurisdictional clams based on this attention grabbing action. The development of oil and gas reserves located beneath the continental shelves of the Arctic beyond the limits of the existing EEZs is highly unlikely during the foreseeable future. There are numerous technological and regulatory issues that would arise regarding such activities, and it is a safe bet that efforts to tap offshore oil and gas reserves located in the Arctic will focus on oil and gas fields lying well within the limits of EEZs during the foreseeable future (AMAP 2007). Other activities are even less likely to depend on the resolution of jurisdictional claims beyond the limits of EEZs in the Arctic. There is evidence that fish stocks are moving north as a consequence of climate change, and this may have important consequences for fisheries management. But it seems likely that we can address issues arising from these (as yet highly uncertain) developments by adapting existing arrangements, such as the North East Atlantic Fisheries Commission in the case of Arctic cod and spring spawning herring in the Norwegian Sea, and developing new arrangements modelled on the 1994 six nation Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea in the case of pollock moving northward into the Chukchi Sea. With regard to the growth of commercial shipping, which many commentators see as the single most important development in the Arctic, similar words of caution are in order. The most realistic prospects during the foreseeable future involve the development of through shipping using the northwest passage and especially the northern sea route, as ice conditions attributable to climate change open up these passages to commercial shipping for longer parts of the year. But apart from tensions between Canada and the United States regarding the legal status of the northwest passage, there is no basis for expecting commercial shipping to trigger an 'armed mad dash' among those interested in the resources of the Arctic. Commercial shipping in the Arctic may not encounter smooth sailing, even after sea ice retreats during the summer months. Navigation under Arctic conditions could well turn out to be far more complex and costly than superficial assessments lead us to believe. In any case, a set of 'Guidelines for ships operating in Arctic ice-covered waters' developed under the auspices of the International Maritime Organization (IMO) has been in place since 2002 (PAME 2006; Heubert and Yaeger 2008). These guidelines will need to be updated and made more operational to provide an effective regulatory regime in the event that commercial shipping becomes a significant activity in the Arctic. But it is not far-fetched to believe that this is the sort of challenge that existing bodies like the IMO are relatively well prepared to handle. What can or should we infer from these observations? In my judgment, there is a large gap between reality and the sorts of images conjured up by phrases like 'Arctic meltdown', 'a cold war for energy resources', or the 'next land rush'. While such themes may sell newspapers and magazines, they are only loosely grounded in reality. Nevertheless, we are witnessing significant changes in the Arctic, driven largely by the impacts of climate change which are both threatening the welfare of the Arctic's permanent residents and opening up Arctic resources to outsiders interested in extracting natural resources and especially oil and gas. It is therefore timely to consider emerging demands for governance in the far north and to take steps to adjust existing governance systems in a prompt and orderly way so that we can adjust existing arrangements as the need arises and bring new arrangements on-stream when the initiation and growth of new human activities indicate that such changes are needed.

**Venezuela won’t cut imports and the impact would be quickly remedied**

Arias, 09 --- M.A. Strategic Intelligence, B.A. Political Science (2/9/2009, Frances, “Venezuela’s Threats to U.S. Economic Security,” <http://www.e-ir.info/2009/02/09/venezuela%E2%80%99s-threats-to-us-economic-security/>, JMP)

The likelihood of Venezuela cutting oil exports is highly unlikely. “Venezuela beleaguered by food shortages, depends heavily on oil exports for about 90 percent of its export earnings and about half of the government revenue” (Mufson 2008, 1). The United States is Venezuela’s biggest customer. Halting crude sales would affect CITGO. “Halting crude sales to the U.S. would divert heavy feed from CITGO, which PDVSA owns and which has a total of 756,000 b/cd of deep-conversion capacity in three wholly owned U.S. refineries – 597,000 b/d of it on the Gulf Coast” (Oil & Gas Journal 2008, 21). According to Oil & Gas Journal, “If Chavez did lose his senses and halts sales of Venezuelan oil in the U.S., crude prices might jump in a trading panic but would quickly resettle

as U.S. refineries found new sellers – probably the traders moving in to buy from PDSA” (Oil & Gas 2006, 21). Also, Venezuelans are importing more U.S. products such as construction machinery, cars, and computers. “Although it may be Chavez’s ultimate desire to end U.S.-Venezuelan interdependence, such close economic linkages cannot be easily dismantled” (Lapper 2006, 17).

Not only would the stopping of oil exports hurt Venezuela’s economy, it would affect U.S. foreign aid being sent there. “According to the State Department’s fiscal year 2007 budget, Venezuela will receive $1 million in Andean Counter Drug Initiative funds this year – a decrease of nearly $2 million since 2005 – and $1.5 million in Economic Support Funds to strengthen civil society and the rule of law” (Lapper 2006, 23).

# 1NR

### Overview

**IMMIGRATION solves their resource tradeoff internal**

**GRISWOLD 2**. [Daniel T., associate director of the Cato Institute’s Center for Trade Policy Studies, 10-15-2002, http://www.freetrade.org/pubs/pas/tpa-019.pdf]

Members of Congress rightly understood, when crafting the legislation, that **Mexican migration is not a threat to national security**. Indeed, **legalizing and regularizing the movement of workers across the U.S.-Mexican border could enhance our national security** **by bringing** much of **the underground labor market into the open**, **encouraging** newly documented **workers to cooperate** fully **with law enforcement** officials, **and freeing resources for border security and the war on terrorism**. Legalization of Mexican migration would drain a large part of the underground swamp that facilitates illegal immigration. **It would reduce the demand for fraudulent documents, which** in turn **would reduce the supply avail- able for terrorists trying to operate** surrepti- tiously **inside the U**nited **S**tates. **It would encourage** millions of currently undocumented **workers to make themselves known to authorities** by registering with the government, **reducing cover for terrorists who manage to enter the country and overstay their visas**. **Legalization would allow the government to devote more of its resources to keeping ter- rorists out of the country**. Before September 11, the U.S. government had stationed more than four times as many border enforcement agents on the Mexican border as along the Canadian border, even though the Canadian border is more than twice as long and has been the preferred border of entry for Middle Easterners trying to enter the United States illegally. 74 A system that allows Mexican work- ers to enter the United States legally would free up thousands of government personnel and save an estimated $3 billion a year75—resources that would then be available to fight terrorism. **The ongoing effort to stop** Mexican **migration only diverts attention and resources from the war on terrorism**. Yet some anti-immigra- tion groups continue to demand that even more effort be devoted to stopping Mexican migra- tion. According to Steven Camarota of the Center for Immigration Studies, “A real effort to control the border with Mexico would require perhaps 20,000 agents and the development of a system of formidable fences and other barriers along those parts of the border used for illegal crossings.”76 Such a policy would be a waste of resources and personnel and would do nothing to make America more secure against terrorists.

**CIR solves Latin American Relations and stability**

**Coates ’10** (Posted by David Coates at 1:38 pm August 25, 2010 1 COMMENT Immigration and the Problem of the Two-Legged Stool (co-authored with Peter Siavelis) David Coates holds the Worrell Chair in Anglo-American Studies. Born in the United Kingdom and educated at the universities of York and Oxford, he came to Wake Forest University in 1999, having previously held personal chairs at the universities of Leeds (in contemporary political economy) and Manchester (in labor studies). He has written extensively on UK labor politics, contemporary political economy and US public policy.

The diplomatic case for comprehensive immigration reform needs also to be factored in. The lack of comprehensive immigration reform imperils U.S. diplomacy in Latin America, undermining U.S. interests in the region and beyond. The U.S.’s immigration model has historically provided the best and brightest immigrants and students the chance to succeed, reinforcing the notion internationally of the U.S. as the land of opportunity. Workers who stay in the U.S. provide living proof of this reality and international students take back a positive image of the U.S. to their home countries. Tighter immigration has undermined both of these processes, and hurt the reputation of the United States internationally, as visitors become increasingly frustrated with the hostility and suspicion in the visa process. In more concrete terms, the lack of immigration reform has poisoned the well of U.S.-Latin American relations, and particularly U.S.-Mexican relations. Mexico is the U.S.’s second largest trading partner after Canada and an important gateway to markets farther south. The inability to achieve reform interferes with the deepening of mutually beneficial economic relations and complicates joint efforts at progress toward a solution to the scourge of narco-trafficking. The scathing condemnation of Arizona’s immigration law by Venezuelan President Hugo Chavez and a group of Cuban parliamentarians provides ample evidence of how the immigration impasse also provides negative diplomatic ammunition to avowed enemies of the U.S.

### Food Impact Overview

#### Probability- History proves food shortages are the most likely cause of extinction

**Brown ’11** (from World on the Edge: How to Prevent Environmental and Economic Collapse, by Lester R. Brown © 2011 Earth Policy Institute

For the Mayans, it was deforestation and soil erosion. As more and more land was cleared for farming to support the expanding empire, soil erosion undermined the productivity of their tropical soils. A team of scientists from the National Aeronautics and Space Administration has noted that the extensive land clearing by the Mayans likely also altered the regional climate, reducing rainfall. In effect, the scientists suggest, it was the convergence of several environmental trends, some reinforcing others, that led to the food shortages that brought down the Mayan civilization. 26 Although we live in a highly urbanized, technologically advanced society, we are as dependent on the earth’s natural support systems as the Sumerians and Mayans were. If we continue with business as usual, civilizational collapse is no longer a matter of whether but when. We now have an economy that is destroying its natural support systems, one that has put us on a decline and collapse path. We are dangerously close to the edge. Peter Goldmark, former Rockefeller Foundation president, puts it well: “**The death of our civilization is no longer a theory** or an academic possibility; it is the road we’re on.” 2 **Judging by the archeological records of earlier civilizations, more often than not food shortages appear to have precipitated their decline and collapse**. Given the advances of modern agriculture, I had long rejected the idea that food could be the weak link in our twenty-first century civilization. **Today I think not only that it could be the weak link but that it is the weak link.**

**Magnitude- food shortages mean extinction**

**Takacs ‘96** (David, The Idea Of Diversity: Philosophies Of Paradise, 1996, p. 200-1.)

So biodiversity keeps the world running. It has value and of itself, as well as for us. Raven, Erwin, and Wilson oblige us to think about the value of biodiversity for our own lives. The Ehrlichs’ rivet-popper trope makes this same point; by eliminating rivets, we play Russian roulette with global ecology and human futures: “It is likely that destruction of the rich complex of species in the Amazon basin could trigger rapid changes in global climate patterns. Agriculture remains heavily dependent on stable climate, and human beings remain heavily dependent on food. By the end of the century the extinction of perhaps a million species in the Amazon basin could have entrained famines in which a billion human beings perished. And if our species is very unlucky, the famines could lead to a thermonuclear war, which could extinguish civilization.” Elsewhere Ehrlich uses different particulars with no less drama: What then will happen if the current decimation of organic diversity continues? Crop yields will be more difficult to maintain in the face of climatic change, soil erosion , loss of dependable water supplies, decline of pollinators, and ever more serious assaults by pests. Conversion of productive land to wasteland will accelerate; deserts will continue their seemingly inexorable expansion. Air pollution will increase, and local climates will become harsher. Humanity will have to forgo many of the direct economic benefits it might have withdrawn from Earth's well­stocked genetic library. It might, for example, miss out on a cure for cancer; but that will make little difference. As ecosystem services falter, mortality from respiratory and epidemic disease, natural disasters, and especially famine will lower life expectancies to the point where can­cer (largely a disease of the elderly) will be unimportant. Humanity will bring upon itself consequences depressingly similar to those expected from a nuclear winter. Barring a nuclear conflict, it appears that civilization will disappear some time before the end of the next century - not with a bang but a whimper.

### Will Pass

#### CIR will pass now-

#### 1. Momentum- key House republicans are tackling legalization, multiple defections for a comprehensive approach, comprehensive lobbying is opening possibilities. Prefer predictive evidence- The democratic bill is bipartisan, which means more people will move there over time- that’s 1NC Nowicki.

**Will pass with Obama leadership – firm but not overpowering**

**Sanders 10/28**, Bob Ray Sanders, columnist for the Fort Worth Star-Telegram, “There’s no better time for Obama to push immigration reform,” October 28, 2013, <http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner>

Just a few months ago, **immigration reform looked promising, garnering bipartisan support in the Senate**. A measure that was long overdue passed the upper chamber in Congress last June, **but has been stalled in the House** as recalcitrant Republicans simply couldn't stomach the idea of providing a path to citizenship for the millions of illegal immigrants already in the country.¶ **While the Senate bill has its faults** — including adding 700 miles of new fencing along the U.S.-Mexico border **— it is a compromise that**, if passed, **would be a giant step toward** [**improvinghttp://images.intellitxt.com/ast/adTypes/icon1.png**](http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner) **the entire immigration system** and, at the same time, bringing illegal immigrants out of the shadows.¶ [**Obama**http://images.intellitxt.com/ast/adTypes/icon1.png](http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner) **got re-elected partly on his promise to pursue the issue aggressively**, receiving 71 percent of the Latino vote. He has not been as aggressive as many would like, even though they're willing to cut him a little slack because of all the uncontrollable international crises and manufactured domestic distractions (like the shutdown of the government) he has had to deal with.¶ **But he shouldn't let anything get in his way this time, even though Republicans in the House are vowing not to negotiate** with him because the president stood his ground and refused to negotiate on his healthcare law in connection with raising the debt ceiling and ending the [governmenthttp://images.intellitxt.com/ast/adTypes/icon1.png](http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner) shutdown.¶ House Speaker John **Boehner,** who has refused to bring the Senate bill to a vote, has **said he won't bring any immigration legislation to the floor until a majority of his Republican caucus agrees**.¶ That, in effect, means never. Or, if there is a bill that the majority of his party would support, you can almost bet it will be terribly inadequate, one that would not pass the Senate and one that the president wouldn't sign if it did.¶ **Boehner**, who has been on the losing end a lot lately, **ought to be pressured into bringing the Senate bill to a vote**. It's clear that on many of the important matters facing this country, the majority of his party in the House will reject just about anything the president supports.¶ Therefore, **it will be left up to the House Democrats and the moderate Republicans who are not afraid of the "tea party" to get an immigration bill passed**.¶ Since the government shutdown fiasco, in which the GOP unmistakably was the loser, **the president has the upper hand, and he should take the opportunity to press forward with his agenda**.¶ **By no means am I suggesting that Obama become a bully or deliberately attempt to undermine Boehner's leadership, but he shouldn't back away from this fight again.**

#### Momentum and bipart now

Lee, 10-30 -- Think Progress immigration reporter

[Esther Yu-Hsi, "Third House Republican Backs Democrats’ Immigration Reform Bill," thinkprogress.org/immigration/2013/10/30/2862871/house-republican-supports-democrats-immigration/, accessed 10-31-13, mss]

On Wednesday, Rep. David Valadao (R-CA) became the third House Republican to support an immigration reform bill introduced by Democrats, helping to build momentum for a vote by the end of the congressional year. Valadao’s support follows two other House Republicans, Reps. Jeff Denham (R-CA) and Ileana Ros-Lehtinen (R-FL) both of whom said earlier this week that they would support the bill as cosponsors. “I have been working with my colleagues on both sides of the aisle to find common ground on the issue of immigration reform. Recently, I have focused my efforts on joining with like-minded Republicans in organizing and demonstrating to Republican Leadership broad support within the Party to address immigration reform in the House by the end of the year,” stated Congressman Valadao in a press release. “By supporting H.R. 15 I am strengthening my message: Addressing immigration reform in the House cannot wait. I am serious about making real progress and will remain committed to doing whatever it takes to repair our broken immigration system.” Based on his history of immigrant-friendly policies, Valadao’s support may not necessarily be surprising. Latinos comprise 65.8 percent of the voter age population in his district. More than 75 percent of all Latino voters believe that immigration reform is incredibly important and a top priority. In early June, Valadao supported the basic framework of the Senate immigration bill. He was also only one of six House Republicans to vote against an amendment by Rep. Steve King (R-IA) that would give immigration authorities wider discretion to deport undocumented immigrants. At the time Valadao said, “That King amendment, I just didn’t think it was good policy.” Supporting immigration reform could provide a massive economic boost to Valadao’s state of California– according to a White House report, reform would increase the total personal income of California families by $29.1 billion by 2020. Immigration reform would help to expand the guest worker program in his agriculture-heavy district, which would likely create 9,426 new jobs for U.S. citizens and immigrants in the agriculture, retail trade, and construction sector. Like Rep. Joe Garcia (D-FL) who introduced the House Democrats’ bill, Valadao may have a personal reason for supporting immigration reform. His parents are Portuguese immigrants and he is fluent in Portuguese and Spanish. Valadao’s public support lends **additional bipartisanship** to what had been a strictly Democratic bill up until a week ago. And it’s something that Denham– the first House Republican to support the immigration bill– hoped to break during a Google Hangout interview with Garcia on Wednesday. During the Google Hangout, Denham said, “I believe it’s critical to get it done this year. If we don’t get it done, we’ll have to deal with Continuing Resolution issues, like the budget. These are issues that have deadlines. The challenge for immigration is that there is no real deadline so we need to create self-imposed deadlines. We really have to increase the pressure and the focus… ultimately, just saying no, that’s amnesty.”

#### Will pass- Obama and Boehner optimism

Chakraborty, 10-24 -- Fox News politics reporter

[Barnini, "A pivot in priorities? Obama touts immigration reform," 10-24-13, www.foxnews.com/politics/2013/10/24/pivot-in-priorities-obama-touts-immigration-reform/, accessed 10-31-13, mss]

President Obama shifted focus Thursday from the pile-up of problems related to the rollout of his health care law to another prickly political topic: immigration. Obama made his case for comprehensive reform at a White House event and insisted that Congress had enough time to pass the immigration bill by the end of the year. “It doesn’t get easier to put it off,” Obama said. Over the summer, the Senate passed a bipartisan bill on immigration, but the measure has stalled since being sent to the House. The lower chamber of Congress has just five legislative weeks left to push the plan through – something Obama as well as House Speaker John Boehner believes can be accomplished. “I still think immigration reform is an important subject that needs to be addressed,” Boehner told reporters at a Capitol Hill news conference earlier this week. “And I’m hopeful.”

### Link

**The plan makes Obama look soft on terror – jacks the agenda**

Klaidman 13 (Daniel, Author for Newsweek Magazine and the Daily BEast, "How Gitmo Imprisoned Obama" 5/15 The Daily Beast)

But one of his very first tactical moves on Guantánamo backfired spectacularly. Obama’s plan to bring to the United States a handful of detainees—Chinese Uighurs who were cleared by the courts—caused a political furor. Obama pulled the plug on the plan, and Congress soon began passing measures to restrict transfers out of Gitmo. For Obama’s political advisers, the episode demonstrated that the toxic politics of terrorism could overwhelm the administration’s domestic agenda; for civil libertarians, it was an ominous sign that Obama lacked the political will to aggressively engage Congress on one of their core concerns. Even some of Obama’s top national-security aides were frustrated with the White House’s timid approach toward Congress. John Brennan—then Obama’s counterterrorism czar, now his CIA chief—believed the administration needed to show more backbone in its dealings with Congress, according to a source who spoke with him at the time. Brennan’s outrage was fueled by the knowledge that many detainees, who were still at Guantánamo after years of detention, had no record of terrorism.¶ Christoph Bangert/Laif/Redux¶ Former Gitmo detainee Abdul Salam Zaeef.¶ A few weeks after the Uighur debacle, Obama made his first attempt to save his faltering Guantánamo policy: in a sweeping address at the National Archives, he laid out a detailed plan for closing the prison. But in the end, however eloquent, it was only a speech. It did not, in any measurable way, push the policy forward.¶ Things only got worse from there. On Christmas Day 2009, the so-called underwear bomber attempted to bring down a plane over Detroit—a plot that was directed by al Qaeda’s Yemen affiliate. The frightening near miss took a powerful psychic toll on the White House, which was still dogged by the perception that Democrats were weak on national security. Obama became convinced that he could not send any of the nearly 100 Yemeni detainees at Gitmo back to their home country, for fear they would link up with extremists and begin plotting attacks against America. Suddenly, the fate of the Yemenis was another giant obstacle to closing the prison.¶ Ed Alcock/eyevine/Redux¶ Former Gitmo detainee Lakhdar Boumediene.¶ Then came the unraveling of Attorney General Eric Holder’s plans to try some Gitmo detainees, including 9/11 mastermind Khalid Sheikh Mohammed, in New York. Obama had initially backed Holder’s decision. But when it blew up in Congress, he seemed to equivocate. His own chief of staff, Rahm Emanuel, actually worked behind the scenes with Republican senators to undermine Holder’s initiative, according to multiple sources with knowledge of the episode. Once the plan cratered, lawmakers smelled blood. They began passing ever more restrictive legislation tying the administration’s hands on Guantánamo.¶ For much of the past few years, without any signal that Obama was going to fight on Gitmo, the policy drifted. Daniel Fried, the veteran State Department official in charge of resettling detainees, was transferred to a different position. Even the steps Obama took to move things forward were of a highly limited nature. One of those steps came in March 2011, when Obama issued an executive order designed to solve a thorny problem. Forty-eight of the detainees could not be prosecuted, either for lack of evidence or because they had been tortured—yet they were nonetheless considered too dangerous to release. This meant they had to be held in indefinite detention, a prospect that troubled Obama. His compromise, issued via executive order, was to set up Periodic Review Boards—administrative bodies that would allow such prisoners to challenge their incarceration, including by presenting new evidence.

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### A2 PC Fails

#### *Not our PC-* Obama’s negotiations are key- but he’s using restraint

Nowicki, 10-25 -- Arizona Republic's national political reporter

[Dan, "Pleas from Obama may hinder immigration bill push," USA Today, 10-25-13, www.usatoday.com/story/news/politics/2013/10/25/obama-immigration-bill-partisanship/3188629/, accessed 10-31-13, mss]

One leading national champion of immigration change dismissed the idea that Obama should defer to House Republicans who dislike him. Frank Sharry, executive director of the pro-reform organization America's Voice and an expert in immigration politics, said **the restraint** that **Obama has shown** thus far is testament to how badly the president wants a bill passed. For example, Obama has refrained from trying to punish Republicans politically for holding it up, he said. "Come on, he's the president. He gets to use the bully pulpit to try to set the agenda," Sharry said. "Obviously, it's only going to happen if the House Republicans decide to do it. Everybody in the world knows that everybody wants to get it done except for the divided House GOP." Another immigrant advocate called on Obama to show more leadership by curtailing his administration's "outrageous number of deportations" although such a step also could rile House Republicans. Some GOP lawmakers already have suggested they don't trust the Obama administration to properly enforce any new immigration or border-security laws that might be passed. "From our perspective, the president is definitely a big stakeholder and player in getting immigration reform done," said Cristina Jimenez, managing director of the immigrant-youth network United We Dream. "We don't believe that for the president to step up and push Congress to get this done undermines the efforts," she said. "But we also believe that the president himself could do more."

#### Capital is key – Obama’s the necessary broker for compromise

Bennett and Parsons 10/24/13 (Brian and Christi, The Los Angeles Times, "Obama Softens Tone on Immigration Reform")

After months of insisting the House should take up the comprehensive [immigration bill](http://www.latimes.com/topic/politics/migration/immigration-reform-legislation-%282013%29-EVGAP00073.topic) that passed the [Senate](http://www.latimes.com/topic/politics/government/u.s.-senate-ORGOV0000134.topic) in June, President [Obama](http://www.latimes.com/topic/politics/government/barack-obama-PEPLT007408.topic) changed tactics Thursday and said he might consider [GOP](http://www.latimes.com/topic/politics/parties-movements/republican-party-ORGOV0000004.topic) proposals to overhaul separate parts of the immigration system.¶ [The White House](http://www.latimes.com/topic/politics/government/executive-branch/white-house-PLCUL000110.topic) is hoping that public anger at the 16-day [government shutdown](http://www.latimes.com/topic/politics/government/u.s.-government-shutdown-controversy-%282013%29-EVGAP00081.topic) has so badly damaged the GOP that House Republican leaders will consider immigration reform as a way to improve their popularity with moderate voters.¶ Obama's aides also are intent on showing the president is willing to compromise, partly to counter GOP charges that he was inflexible during the bitter shutdown standoff.¶ In remarks at the White House, Obama hinted that he was no longer tied to the Senate bill, the elaborate product of months of intense bipartisan negotiations, to achieve what he has called a major priority for his second term.¶ Obama instead signaled that he might consider a package of smaller bills, if necessary, as long as they provide a path to citizenship for the estimated 11 million people in the country without legal status.¶ "If House Republicans have new and different additional ideas on how we should move forward, then we want to hear them. I'll be listening," Obama told several dozen pro-reform activists from labor, business and religious groups.¶ White House spokesman [Jay Carney](http://www.latimes.com/topic/politics/government/jay-carney-PEPLT008453.topic) echoed the shift, telling reporters there are "a variety of ways that you can reach the ultimate goal" of a bill that Obama could sign into law.¶ "The House's approach will be up to the House," Carney said. "There is a comprehensive bill the House Democrats have put together that is similar to the Senate bill and reflects the president's principles. But the means by which we arrive at our destination is in some ways of course up to the lawmakers who control the houses of [Congress](http://www.latimes.com/topic/politics/government/u.s.-congress-ORGOV0000131.topic)."¶ The White House effort to resuscitate a bill that seemed all but dead in the House before the shutdown still faces steep and perhaps insurmountable odds. But the jockeying Thursday raised at least some hope that compromise remains possible.¶ "I hope President Obama meant what he said today about listening to new and different ideas presented by House Republicans," [House Judiciary Committee](http://www.latimes.com/topic/politics/government/u.s.-house-committee-on-the-judiciary-ORGOV000310.topic) Chairman [Robert W. Goodlatte](http://www.latimes.com/topic/politics/government/bob-goodlatte-PEPLT002435.topic) (R-Va.) said in a statement. "The president should work with Congress, including House Republicans, to achieve immigration reform, and not against us."¶ In recent weeks, GOP leaders have worked behind the scenes to craft legislative proposals that might pass muster with rank-and-file Republicans and — if joined with a legalization program — could appeal to the White House.¶ Majority Leader [Eric Cantor](http://www.latimes.com/topic/politics/government/eric-cantor-PEPLT000945.topic) and other House Republicans have met in small groups to write bills that would change parts of the immigration system. GOP proposals include adding high-tech visas, revamping farm and low-skilled immigrant labor programs, and ramping up border security.¶ "I expect us to move forward this year in trying to address reform and what is broken about our system," Cantor said on the House floor Wednesday.¶ Whether the House will go as far as the Senate, and include a 13-year pathway to citizenship for qualified immigrants, is far from clear. Republicans seemed unwilling to accept the entire Senate bill, which includes $46 billion over 10 years for extra border security and other programs, as well as numerous legal reforms.¶ On Thursday, House Speaker [John A. Boehner](http://www.latimes.com/topic/politics/government/john-boehner-PEPLT007549.topic)'s office said the House would not consider "massive, [Obamacare](http://www.latimes.com/topic/health/healthcare-laws/affordable-care-act-%28obamacare%29-EVGAP00039.topic)-style legislation that no one understands," referring to the Senate bill. "Instead, the House is committed to a common-sense, step-by-step approach that gives Americans confidence that reform is done the right way."¶ In his comments Thursday, Obama offered some unsolicited advice to House Republicans, who took the brunt of the blame for the bruising budget and debt battles of recent weeks.¶ "Good policy is good politics in this instance," Obama said. "If folks are really that consumed with the politics of fixing our broken immigration system, they should take a closer look at the polls, because the American people support this."¶ Outside analysts and advocates say Obama needs to gain support from House Republicans who might be tempted to support immigration reform but are wary of supporting a bill he has embraced. Simply urging the House to pass the Senate bill may antagonize them.¶ "He has zero credibility," said Rep. Mario Diaz-Balart (R-Fla.), who has worked for months on a House bill that would increase border security and make it possible for some immigrants without legal status to pay a penalty and eventually apply for legal status. "If he wants to be helpful on immigration reform, he has to do what he has been doing for the past five years, which is nothing."¶ Rep. [Luis V. Gutierrez](http://www.latimes.com/topic/politics/government/luis-gutierrez-PEPLT002585.topic) (D-Ill.), who asked the president in a meeting at the White House earlier this year to step back from negotiations in Congress for fear his involvement would spook Republicans, thought Obama struck the right tone Thursday.¶ "He didn't say, 'It's my way or the highway,'" said Gutierrez, who is involved in discussions with House Republicans on immigration proposals. Gutierrez wants Obama to step up his involvement in crafting a deal, including bringing together both sides for a face-to-face meeting.

### June

#### 1. If they go for this they lose on T- the court announcement is part of their decision which means they violate should if they aren’t immediate

Summers, 94 - Justice, Supreme Court of Oklahoma, 11-8-1994, “Kelsey v. Dollarsaver Food Warehouse of Durant,” online: http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14

The legal question to be resolved by the court is whether the word "should"13 in the May 18 order connotes futurity or may be deemed a ruling in praesenti.14

\*\*\*TO FOOTNOTES

In praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or immediately effective, as opposed to something that will or would become effective in the future [in futurol]. See Van Wyck v. Knevals, 106 U.S. 360, 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

\*\*\*END FOOTNOTES

The answer to this query is not to be divined from rules of grammar;15 it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.

Nisi prius orders should be so construed as to give effect to every words and every part of the text, with a view to carrying out the evident intent of the judge's direction.17 The order's language ought not to be considered abstractly. The actual meaning intended by the document's signatory should be derived from the context in which the phrase to be interpreted is used.18 When applied to the May 18 memorial, these told canons impel my conclusion that the judge doubtless intended his ruling as an in praesenti resolution of Dollarsaver's quest for judgment n.o.v. Approval of all counsel plainly appears on the face of the critical May 18 entry which is [885 P.2d 1358] signed by the judge.19 True minutes20 of a court neither call for nor bear the approval of the parties' counsel nor the judge's signature. To reject out of hand the view that in this context "should" is impliedly followed by the customary, "and the same hereby is", makes the court once again revert to medieval notions of ritualistic formalism now so thoroughly condemned in national jurisprudence and long abandoned by the statutory policy of this State.

**The court also gives decisions anytime during the year- given the should definition you should err on the side of caution**

**US Courts 13** (United States Courts, “U.S. Supreme Court Procedures”, Accessed 2/18/2013, http://www.uscourts.gov/EducationalResources/ConstitutionResources/SeparationOfPowers/USSupremeCourtProcedures.aspx)

#### Blue highlighting

All **opinions of the Court are, typically**, be **handed down by** the last day of the Court's term (the day inlate June/early July when the Court recesses for the summer). With the exception of this deadline, there are no rules concerning when decisions must be released. Typically, decisions that are unanimous are released sooner than those that have concurring and dissenting opinions. **While some unanimous decisions are handed down as early as** December, some **controversial opinions, even if heard in October, may not be handed down until the last day of the term.** A majority of Justices must agree to all of the contents of the Court's opinion before it is publicly delivered. Justices do this by "signing onto" the opinion. The Justice in charge of writing the opinion must be careful to take into consideration the comments and concerns of the others who voted in the majority. If this does not happen, there may not be enough Justices to maintain the majority. On rare occasions in close cases, a dissenting opinion later becomes the majority opinion because one or more Justices switches their votes after reading the drafts of the majority and dissenting opinions. No opinion is considered the official opinion of the Court until it is delivered in open Court (or at least made available to the public). On days when the Court is hearing oral arguments, decisions may be handed down before the arguments are heard. **During the months of May and June**, **the Court meets** at 10 a.m. **every Monday to release opinions**. **During the last week of the term, additional days may be designated as "opinion days."**

### A2 Politics Net Benefit

#### The courts link to politics

Calabresi 2008(Massimo Calabresi, June 26, 2008, “Obama's Supreme Move to the Center Washington” TIME Magazine, <http://www.time.com/time/politics/article/0,8599,1818334,00.html>)

When the Supreme Court issues rulings on hot-button issues like gun control and the death penalty in the middle of a presidential campaign, Republicans could be excused for thinking they'll have the perfect opportunity to paint their Democratic opponent as an out-of-touch social liberal. But while Barack Obama may be ranked as one of the Senate's most liberal members, his reactions to this week's controversial court decisions showed yet again how he is carefully moving to the center ahead of the fall campaign. On Wednesday, after the Supreme Court ruled that the death penalty was unconstitutional in cases of child rape, Obama surprised some observers by siding with the hardline minority of Justices Scalia, Thomas, Roberts and Alito. At a press conference after the decision, Obama said, "I think that the rape of a small child, six or eight years old, is a heinous crime and if a state makes a decision that under narrow, limited, well-defined circumstances the death penalty is at least potentially applicable, that that does not violate our Constitution." Then Thursday, after Justice Scalia released his majority opinion knocking down the city of Washington's ban on handguns, Obama said in a statement, "I have always believed that the Second Amendment protects the right of individuals to bear arms, but I also identify with the need for crime-ravaged communities to save their children from the violence that plagues our streets through common-sense, effective safety measures. The Supreme Court has now endorsed that view." John McCain's camp wasted no time in attacking, with one surrogate, conservative Senator Sam Brownback of Kansas, calling Obama's gun control statement "incredible flip-flopping." McCain advisor Randy Scheunemann was even tougher in a conference call Thursday. "What's becoming clear in this campaign," Scheunemann said, is "that for Senator Obama the most important issue in the election is the political fortunes of Senator Obama. He has demonstrated that there really is no position he holds that isn't negotiable or isn't subject to change depending on how he calculates it will affect his political fortunes." Politicians are always happy to get a chance to accuse opponents of flip-flopping, but McCain's team may be more afraid of Obama's shift to the center than their words betray. Obama has some centrist positions to highlight in the general election campaign on foreign policy and national security, social issues and economics. His position on the child rape death penalty case, for example, is in line with his record in Illinois of supporting the death penalty. He is on less solid ground on the gun ban as his campaign said during the primary that he believed the D.C. law was constitutional. A top legal adviser to Obama says both cases are consistent with his previous positions. "I don't see him as moving in his statements on the death penalty or the gun case," says Cass Sunstein, a former colleague of Obama's at the University of Chicago. Sunstein says Obama is "not easily characterized" on social issues, and says the Senator's support for allowing government use of the Ten Commandments in public, in some cases, is another example of his unpredictability on such issues. On the issue of gun control, he says Obama has always expressed a belief that the Second Amendment guarantees a private right to bear arms, as the court found Thursday. But Obama's sudden social centrism would sound more convincing in a different context. Since he wrapped up the primary earlier this month and began to concentrate on the independent and moderate swing voters so key in a general election, Obama has consistently moved to the middle. He hired centrist economist Jason Furman, known for defending the benefits of globalization and private Social Security accounts, to the displeasure of liberal economists. On Father's Day, Obama gave a speech about the problem of absentee fathers and the negative effects it has on society, in particular scolding some fathers for failing to "realize that what makes you a man is not the ability to have a child — it's the courage to raise one." Last week, after the House passed a compromise bill on domestic spying that enraged liberals and civil libertarians, Obama announced that though he was against other eavesdropping compromises in the past, this time he was going to vote for it. Whether Obama's new centrist sheen is the result of flip-flopping or reemphasizing moderate positions, the Supreme Court decisions have focused attention again on the role of the court in the campaign season. McCain himself is vulnerable to charges of using the Supreme Court for political purposes. Earlier this month, when the court granted habeas corpus rights to accused terrorist prisoners at Guantanamo Bay, McCain attacked the opinion in particularly harsh language, though advisers say closing the prison there is high on his list of actions to rehabilitate America's image around the world. Liberals are hoping that despite Obama's moderate response to the Supreme Court decisions, the issues alone will rally supporters to him. "What both of these decisions say to me is that the Supreme Court really is an election-year issue," says Kathryn Kolbert, president of People For the American Way. "We're still only one justice away from a range of really negative decisions that would take away rights that most Americans take for granted," she says. And Obama's run to the center surely won't stop conservatives from using the specter of a Democratic-appointed Supreme Court to try to rally support. "Its pretty clear that if he's elected and Justice Scalia or Kennedy retires that he's going to appoint someone who's very likely to reverse [the gun control decision]," says Eugene Volokh, a professor at the UCLA School of Law. Given how Obama has been responding to the recent Supreme Court decisions, however, you're not likely to hear him talking about appointing liberal justices much between now and November.

### TOD

**Top of Obama’s agenda now**

**Murthy Law Firm 10-28** (Murthy Law Firm specializes in US Immigration Law, "Prospects for Immigration Reform Remain Murky, Post-Shutdown", http://www.murthy.com/2013/10/28/prospects-for-immigration-reform-remain-murky-post-shutdown/, 10-28-13)

Shortly after the shutdown ended, President Obama spoke from the White House about the need to move forward with several key agenda items that were stalled "for the duration" - specifically: passing a budget, reforming our nation's immigration system, and passing the long-awaited farm bill. [See Remarks by the President on the Reopening of the Government, White House Press Office, 17.Oct.2013.] **The President's first priority, after fixing the budget - a tall order unto itself - is to pass meaningful and comprehensive immigration reform. Speaking from the State Dining Room, the President told reporters:¶ "…the Senate has already passed a bill with strong bipartisan support that would make the biggest commitment to border security in our history; would modernize our legal immigration system; make sure everyone plays by the same rules, makes sure that folks who came here illegally have to pay a fine, pay back taxes, meet their responsibilities**. That bill has already passed the Senate. And economists estimate that if that bill becomes law, our economy would be 5 percent larger two decades from now. That's $1.4 trillion in economic growth.¶ "The majority of Americans think this is the right thing to do. And it's sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let's hear them. **Let's start the negotiations. But let's not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of the year."**

#### Obama is focusing on it AFTER immigration

**PABST 10/21 -** MILWAUKEE JOURNAL SENTINEL ( OCTOBER 21, 2013 <http://www.cpapracticeadvisor.com/news/11195662/congress-takes-up-farm-bill-again>)

Oct. 18 -- With the end of the government shutdown, farmers and advocates for those who rely on federal food assistance programs are pushing for a new farm bill to win approval from Congress. The day after the government reopened this week, President Barack Obama called a new farm bill his third legislative priority, after a budget deal and immigration reform.

### PC High

#### Obama’s political capital is high – and it’s key to get moderate Republicans on board for his agenda

Balz 10/17/13 (Dan, Writer for the Washington Post, The Buffalo News, "Analysis: Shutdown fight Gives Obama a Chance to Reboot"

It’s rare when a president is given an opportunity to reboot in the middle of a term, but that’s what the end of the government shutdown has provided President Obama. The question now is: What will he do with it?¶ The first clues came Thursday morning and produced an ambiguous answer. Speaking for the first time after signing the bill that reopened the federal government, Obama was both conciliatory and challenging, offering outreach to some and a scolding to others.¶ His calls for bipartisan cooperation were aimed at what he called the “responsible” Republicans who in the end yielded to the obvious – that their party could not allow itself to be blamed for the first U.S. debt default in history as well as the first federal shutdown in 17 years – and voted to reopen the government and extend its borrowing power.¶ Obama focused his anger, or exasperation, on those hard-liners in the opposition party who were spurred on by the tea party wing of the GOP and whose tactics led the Republicans into a battle that they could not win and that significantly diminished the party in the eyes of many Americans.¶ Scorekeepers have done a running tally of winners and losers from this latest spectacle. On Thursday, Obama declared that there were no winners, but he knows better. He won this round, and his opposition is in more disarray than ever. That the opposition is now badly split was obvious from the votes in the Senate and the House on Wednesday night: A majority of House Republicans opposed the bill that reopened the government. Republicans have their own battles to fight.¶ Against a divided foe, with unity among his Democratic forces, Obama might now have an opportunity to lead in ways he hasn’t been able to for most of this year and much of his first term. His success or failure is likely to depend on his ability to exploit those divisions in his and the country’s interests.¶ In some ways, Thursday was a third Inauguration Day for the president after another bitter campaign. His first inauguration was a moment of high hopes and great expectations amid the worst economic crisis since the Great Depression. Within months, the era of good feeling had given way to partisan infighting.¶ The president was emboldened by his re-election in 2012. His second inaugural address was strikingly different from the first – more assertive, more impatient, more dismissive of those he viewed as obstructionist, more celebratory of the new America coalition that had given him a second term.¶ Obama had high hopes last winter for gun control and immigration, and even perhaps fixing the economy and striking a budget agreement. Gun control quickly died in the Senate. Immigration has been stalled in the House. Budget talks never got to the serious stage, despite two years of informal discussions among senators of both parties. The economy continues to recover slowly.¶ That’s where things stood a few weeks ago, before House Speaker John Boehner, R-Ohio, yielded to the demands of his tea party members and brought about the shutdown and brinkmanship over the debt ceiling.¶ The key now is whether the president has a strategy to govern around the tea partyers by winning support from what he called responsible Republicans.

#### Obama’s political capital is high now – debt battles make him look strong

The Christian Science Monitor 10/16/13 (Linda Feldmann, "Debt Limit Deal: Obama May Have Won, But Victory Is Hardly Lasting")

As the partial government shutdown and debt ceiling crisis draw to a close, President Obama looks like a winner.¶ ¶ After all, Mr. Obama ended up not conceding much to get congressional Republicans to agree to renew funding of government operations and raise the limit on government borrowing authority.¶ Republican firebrands had set the bar very high, demanding the defunding or delaying of Obamacare – the president’s signature achievement – in exchange for a return to normal business.¶ But the Republican leadership couldn’t muster the votes, and had to settle for small concessions, including a minor tweak to Obamacare and the continuation of the across-the-board spending cuts known as sequestration. Both houses of Congress are expected to vote on the deal in time for the government to reopen Thursday or Friday.