### 2AC – T – Restrict = Prohibit

#### We meet:

#### Requiring congressional approval restricts

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Through a variety of measures, Congress has increased its ability to restrict¶ presidential actions and to hold the president and the executive branch more¶ accountable to itself by allowing for formal congressional disapproval in some instances, requiring to be provided with critical information in others, and¶ mandating that certain presidential initiatives cease automatically in other cases¶ in the absence of congressional action to affirmatively approve those initiatives.

#### And, it’s a prohibition

Center for Constitutional Rights 2009, not credence, Restore. Protect. Expand. Amend the War Powers Resolution, <http://ccrjustice.org/files/CCR_White_WarPowers.pdf>, jj

The War Powers Resolution should explicitly prohibit executive acts of war without previous ¶ Congressional authorization. The only exception should be the executive’s power in an emergency ¶ to use short-term force to repel sudden attacks on US territories, troops or citizens.

#### Counter-interp:

#### Restriction means a limit and includes conditions on action

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

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

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

### 2AC A2: Statutory Restrictions Fail

#### External checks are effective

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

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

### Yoo da [1:45]

#### Requiring Congressional approval doesn’t hurt flexibility in a crisis

The plan helps flex --- knee-jerk decisions made by the executive limit flexibility in the long term

Streichler ’08, Stuart Streichler, Adjunct Faculty, Seattle University School of Law. Ph.D., Johns Hopkins University; J.D., University of Michigan Law School; B.S., Bowling Green State University, Winter, 2008¶ Journal Of Law And Politics¶ 24 J. L. & Politics 93, ARTICLE: Mad about Yoo, or Why Worry about the Next Unconstitutional War, Lexis, jj

 [\*123] When Yoo discusses the need for flexibility in the process for warmaking, he creates a false dilemma. He suggests that the president has discretionary power to start wars or that the president must secure prior authorization from Congress through a "fixed, legalistic process." n230 For Yoo, the latter would inevitably hamper the government's ability to respond to terrorist threats. n231 Yet even if Congress has the power to decide whether to go to war, the presi-dent retains substantial powers to respond quickly to defend the country. No lawmaker would insist on Congress delib-erating while terrorists set off weapons of mass destruction in the United States. Americans who lived with the risk of nuclear attack during the Cold War accepted the president's authority to respond to the Soviet Union without waiting for the results of legislative debate. Additionally, Congress has demonstrated that it can move quickly to authorize the use of military force. Three days after September 11, the Senate voted 98-0 to authorize the president to use force in response to the attacks, n232 and the House approved the measure a few hours later (420-1). n233 Another four days passed before the president signed it. n234 The last time Congress declared war in response to an attack on the United States, it did not take lawmakers long to do so. The Senate (82-0) and the House (388-1) issued a declaration of war thirty-three minutes after President Franklin D. Roosevelt's "Day of Infamy" speech. n235 Furthermore, whatever their capacity for dynamic response, presidents do not always react to security threats with speed and energy. While Yoo cleverly aligns his position with flexibility, there is more to constructing an adaptive foreign policy than letting the president initiate military hostilities. Executive decisions on war that appear, in the short term, to reflect a flexible approach may limit policy options over the long run, constraining foreign policymakers and military planners.

#### Congressional deliberation during peace time is key to leadership

Zelizer ’11, Julian E. Zelizer is a professor of history and public affairs at Princeton University. He is the author of "Jimmy Carter," published by Times Books, and editor of a book assessing former President George W. Bush's administration, published by Princeton University Press. June 27, 2011, CNN, War powers belong to Congress and the president, <http://www.cnn.com/2011/OPINION/06/27/zelizer.war.powers/index.html>, jj

The second cost of presidents going to war rather than Congress doing so is that major mistakes result when decisions are made so quickly. When there is not an immediate national security risk involved, the slowness of the legislative process does offer an opportunity to force policymakers to prove their case before going to war.¶ Speed is not always a virtue. In the case of Iraq, the president started the war based on the shoddiest of evidence about WMD. The result was an embarrassment for the nation, an operation that undermined U.S. credibility abroad.¶ Even in military actions that have stronger justifications, there are downsides to speed. With President Obama and the surge in Afghanistan, there is considerable evidence that the administration went in without a clear strategy and without a clear objective. With Libya, there are major concerns about what the administration hopes to accomplish and whether we are supporting rebel forces that might be connected with terrorist networks intent on harming the U.S.

### 2AC – A2: Nzelibe Adventurism Turn

#### \*\*Nzelibe is wrong and there’s no link

Adam Shinar\*, 8 S.J.D. Candidate, Harvard Law School, LL.M., Harvard University; LL.B., Hebrew University, August, 2008, Florida Journal of International Law, ARTICLE: CONSTITUTIONS IN CRISIS: A COMPARATIVE APPROACH TO JUDICIAL REASONING AND SEPARATION OF POWERS, 20 Fla. J. Int'l L. 115, Lexis, jj

n188 See Jide Nzelibe, Are Congressionally Authorized Wars Perverse?, 59 Stan. L. Rev. 907 (2007). Admittedly, that line of thought is perverse in itself. It implies that we should only go to war only when it is controversial. Moreover, it confuses the order of causation. The President will only get authorization when there is already consensus, but it does not induce him to present a higher risk war to Congress than was already contemplated. While it might give him more leeway in the war itself, it will not induce him to present a higher risk war to Congress. When war is necessary, we would want the government to pursue it despite the risk. I am indebted to Yuval Abrams for this point.

#### Their risk-taking DA is wrong—plan checks war

Matthew Fleischman\*, \* J.D. Candidate, 2010, New York University School of Law; B.A., 2007, Washington University in St. Louis, 2010, NEW YORK UNIVERSITY JOURNAL OF LEGISLATION AND PUBLIC POLICY, 13 N.Y.U. J. Legis. & Pub. Pol'y 137, NOTE: A FUNCTIONAL DISTRIBUTION OF WAR POWERS, Lexis, jj

Another risk associated with congressional authorization is that it could lead the executive to engage in wars that otherwise would be too politically risky. Specifically, congressional authorization diffuses the cost of military failure, acting as a form of insurance. n90 Given that legislators lose more by voting against winning wars than voting for losing wars, n91 Congress members are likely to defer to the President and approve most wars. In fact, "risk-averse members of Congress may actually prefer that the President go solo without consulting them because this gives them the flexibility to jump on the ... bandwagon if things go well, or to sharpen their swords and distances themselves politically from the President if things go badly." n92 This means that the Executive selectively uses congressional authorization in times when the wars pose the greatest risk because he feels confident that he will get political support and, at the same time, will share responsibility for any political failure. Therefore, the congressional authorization is insurance for the Executive's political career, not the public.

 [\*151] This notion is made worse since Congress will likely "delegate authority over issues that are either informationally complex or in which the consequences of government are difficult to predict." n93 By consulting with Congress on the decision to go to war, the Executive limits the opposing party's ability to gain politically from military failure, n94 as flip-flopping on support for a war tends to be politically costly. n95 Neutralizing the opposition is smart politically, but it can be used to facilitate reelection of those politicians that make the decision to enter bad wars. As discussed above, Congress's political motivation will lead to frequent approvals, and this pattern will likely repeat itself frequently. Therefore, congressional authorization would not be deliberative; it would incentivize excessive war-making, and it would limit the opposition's ability to effectively mount a response to an unpopular war. If Congress is approving wars due to its incentive structure, and doing so limits opponents' ability to respond, this could suggest that congressional involvement produces the worst results and the least ability to correct those results.

While Nzelibe and Yoo's model is clearly plausible, it misses certain critical institutional constructs. Their analysis attempts to determine which branch is the more effective agent in this principal-agent problem; however, they fail to realize that the institutional design is not an either-or choice. n96 The whole notion of separation of powers or checks and balances is rooted in the idea of having one agent checking the other agent. n97 The system's design "promotes deliberation among multiple agents, which encourages them to reveal private information that might otherwise remain hidden." n98 While there is little empirical evidence on the value of deliberation, Professor James Fishkin has found evidence that "significant shifts in opinion" take place after participating in public policy deliberations. n99 Studies [\*152] such as this one show that there is value to deliberating. Thus, there must be something unique and different about war powers that justifies abandoning the traditional and effective means of coming to a decision.

The first argument offered by Nzelibe and Yoo reasons that presidents tend to be held more democratically accountable for foreign policy than Congress and should therefore be given significant power in this area, and asserts that ex post congressional action is sufficient to mitigate the effects of poor decisions. n100 First of all, while the President may be seen as the key decision maker in the war powers arena, that does not mean that congressional actors are immune from being held democratically accountable for the decision to engage in significant armed conflict. n101 Beyond overestimating the negative accountability effects of going to war, Nzelibe and Yoo fail to account for the numerous benefits from going to war. Professors Cecil Crabb and Pat Holt observed that "once a president has made a foreign affairs decision that becomes known to the public, he automatically receives the support of at least 50 percent of the American people, irrespective of the nature of the decision." n102 This is commonly known as the "rally around the flag" effect. n103 This surge of patriotic sentiment is temporary, n104 but very real. When this sentiment evaporates, the President can react in a multitude of ways. While accountability can breed prudence, it can also lead to "gambling for resurrection." n105 This is an [\*153] agency problem in which leaders prolong unsuccessful wars in the hope that the tides of war will eventually turn, saving the leader's legacy. n106 Ultimately, unilateral Executive action does garner increased accountability, but can lead to short-term political gain and an unwillingness to concede defeat.

Furthermore, ex post congressional constraints on presidential actions are insufficient. The fact is, "ex post congressional involvement can only terminate some presidential mistakes and can never recover the sunk costs of bad presidential decisions." n107 Not only are there sunk costs, but "even some opponents of the initial decision to go to war recognize that overly hasty withdrawal could be a poor policy at later stages." n108 Ex post decisions are made in response to a new status quo, one in which use of the power of the purse can be viewed as endangering troops n109 or giving America a weaker image abroad. n110

### A2: asia da

#### Obama’s cred in Asia is collapsing now

Cronin 11/4 [Richard Cronin is director of the Southeast Asia program at the Stimson Center, a nonpartisan and nonprofit international security think tank. November 04 2013, International Business Times, Obama Faces Serious Challenges in ‘Pivot’ to Asia, <http://www.ibtimes.com/obama-faces-serious-challenges-pivot-asia-1454202>, jj]

One of the many foreign policy challenges that U.S. President Barack Obama now faces is the need to show nations in Asia that his much-heralded “pivot” to focus greater U.S. attention on them is a real policy and not just rhetoric. Obama suffered a setback in efforts to build stronger ties with Asian nations after he was forced to cancel an important trip to the region in October to focus on ending the partial government shutdown and averting default on the national debt. The U.S. president’s absence from critical multi-national meetings and state visits to Malaysia and the Philippines raised predictable questions about the strength of America’s commitment to the region.

#### The pivot fails---just symbolic

Aaron L. Friedberg 12, Professor of Politics and International Affairs at the Woodrow Wilson School of Public and International Affairs at Princeton University, September/October 2012, “Bucking Beijing,” Foreign Affairs, Vol. 91, No. 5, p. 48-58

The problem with the pivot is that to date it has lacked serious substance. The actions it has entailed either have been merely symbolic, such as the pending deployment of a small number of U.S. marines to Australia, or have involved simply the reallocation of existing air and naval assets from other theaters. Apart from vague references to a new "air-sea battle" concept, which the Pentagon describes, in typical jargon, as "networked, integrated, attack-in-depth to disrupt, destroy and defeat" opposing forces, the administration has not made clear how it actually intends to respond to China's increasing military capabilities. To the contrary, having announced the new approach, Defense Department spokespeople have been at pains to avoid acknowledging the obvious fact that it will be aimed primarily at China. Especially in the current fiscal climate, it is hard to see how any administration could mobilize the public support necessary to maintain a favorable balance of power in Asia if it is not willing to be far more candid about the nature of the challenge posed by China's growing strength.

#### Sequestration thumper

Jeff Lightfoot 13, deputy director of the Brent Scowcroft Center on International Security at the Atlantic Council, 3/1/13, “Sequestration’s Credibility Costs,” http://nationalinterest.org/commentary/sequestrations-credibility-costs-8172

The debate over sequestration is focused nearly entirely on the impact of spending reductions on the U.S. economy. Far less attention is given to how the automatic spending cuts would undermine the credibility of American power abroad. As sequestration comes into force, the White House and Congress signal a dangerous lack of resolve to both allies and adversaries. In doing so, they run the risk that a nervous Israel and an adventurous Iran could plunge the Mideast into a war the United States can ill afford.

#### Syria tanked resolve --- the process of backing down invites attack

Anthony Cordesman 9/1/13, holds the Arleigh A. Burke Chair in Strategy at the Center for Strategic and International Studies (CSIS) in Washington, D.C., “President Obama and Syria: The ‘Waiting for Godot’ Strategy,” http://csis.org/publication/president-obama-and-syria-waiting-godot-strategy

Instead, the Administration first rushed into the kind of rhetoric you only use if you actually intend to act regardless of domestic and international support. It tied its entire effort to Syrian use of chemical weapons and the precedent for using such weapons forever. And only then did it suddenly spun around and talked about then need for delay, measured action, and Congressional approval.¶ While Beckett might not appreciate my efforts to define Godot as the Syrian Civil war, the Administration followed the script of Beckett’s play to the extent it never defined the reasons for what the actors were doing, why they were waiting, or what would happen after Godot came. Chemical weapons are a very real issue, but they are only a subset of the real issue: the overall level of suffering and growing regional instability coming out of the Syrian civil war.¶ We now face the inevitable reaction. The President’s decisions have reinforced all of the doubts about American strength, and our willingness to act, of both our friends and foes. We now have ten days of confusion and uncertainty to deal with, and then Congress will be evidently be asked to act only on a strike tailored to deter the future use of chemical weapons. It will still lack a meaningful plan for dealing with the Syrian civil war and its impact on the region.¶ Israel is threatening to return to hawk mode over Iran. Russia and China are in the “we told you so” mode. Assad has already launched new conventional artillery barrages against Syrian civilian areas and now has time enough to disperse a significant number of key physical assets from fixed target sites. France is left hanging – as is Britain for very different reasons. Our Arab allies and Turkey have no clear lead to follow. Our whole strategy in the Middle East remains unclear, as is our entire national security posture in an era of Sequestration and funding crises.¶ If the Congress does support the President, it will only be after we have openly faltered, and after having rushed forward before deciding on a course of delay. The President will have set a uniquely dangerous precedent by turning to Congress only after he appeared weak, rather than doing from the start, and will have then committed himself to wait at least ten days for the congress to return for its holiday. The message to the world is obvious.

#### Stronger statutory checks on Presidential war powers increase America’s deterrence capabilities by providing credibility behind threats

Matthew C. Waxman 13, Professor of Law at Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations, “The Constitutional Power to Threaten War”, Forthcoming in Yale Law Journal, vol. 123 (2014), 8/25/2013, PDF

A second argument, this one advanced by some congressionalists, is that stronger legislative checks on presidential uses of force would improve deterrent and coercive strategies by making them more selective and credible. The most credible U.S. threats, this argument holds, are those that carry formal approval by Congress, which reflects strong public support and willingness to bear the costs of war; requiring express legislative backing to make good on threats might therefore be thought to enhance the potency of threats by encouraging the President to seek congressional authorization before acting.181 A frequently cited instance is President Eisenhower’s request (soon granted) for standing congressional authorization to use force in the Taiwan Straits crises of the mid- and late-1950s – an authorization he claimed at the time was important to bolstering the credibility of U.S. threats to protect Formosa from Chinese aggression.182 (Eisenhower did not go so far as to suggest that congressional authorization ought to be legally required, however.) “It was [Eisenhower’s] seasoned judgment … that a commitment the United States would have much greater impact on allies and enemies alike because it would represent the collective judgment of the President and Congress,” concludes Louis Fisher. “Single-handed actions taken by a President, without the support of Congress and the people, can threaten national prestige and undermine the presidency. Eisenhower’s position was sound then. It is sound now.”183 A critical assumption here is that legal requirements of congressional participation in decisions to use force filters out unpopular uses of force, the threats of which are unlikely to be credible and which, if unsuccessful, undermine the credibility of future U.S. threats.¶ A third view is that legal clarity is important to U.S. coercive and deterrent strategies; that ambiguity as to the President’s powers to use force undermines the credibility of threats. Michael Reisman observed, for example, in 1989: “Lack of clarity in the allocation of competence and the uncertain congressional role will sow uncertainty among those who depend on U.S. effectiveness for security and the maintenance of world order. Some reduction in U.S. credibility and diplomatic effectiveness may result.”184 Such stress on legal clarity is common among lawyers, who usually regard it as important to planning, whereas strategists tend to see possible value in “constructive ambiguity”, or deliberate fudging of drawn lines as a negotiating tactic or for domestic political purposes.185 A critical assumption here is that clarity of constitutional or statutory design with respect to decisions about force exerts significant effects on foreign perceptions of U.S. resolve to make good on threats, if not by affecting the substance of U.S. policy commitments with regard to force then by pointing foreign actors to the appropriate institution or process for reading them.

### A2 consult CP

#### Unambiguous congressional re-definition key --- otherwise executive circumvents

Hemesath ‘2k, Paul A. Hemesath \*, \* J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, 2001; B.A. University of California at Los Angeles, 1996, Georgetown Law Journal¶ August, 2000¶ 88 Geo. L.J. 2473, NOTE: Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era, Lexis, jj

Second, based on this consensus, the Congress must enact a new War Powers Act, perhaps of the style suggested by Professor Ely, with the goal of drafting a law that is unambiguous and not subject to subtle points of misinterpretation. Such a law would grant the Congress an unequivocal basis for opposing unilateral presidential military action that would not be vulnerable to definitional objections or timing ambiguities. n199 Explicit exceptions should be made, however, as was the intention of the Framers, for situations that require the Executive to repel sudden attacks. n200

#### Executive action doesn’t solve --- congressional restrictions key to create binding policy

Friedersdorf 5-28-13, Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. MAY 28 2013, The Atlantic, Does Obama Really Believe He Can Limit the Next President's Power?, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/>

Standards he sets within the executive branch to govern drone strikes won't bind the next person who orders them.¶ Over at Fox News, Chris Wallace and Brit Hume are musing about President Obama's aims on national security. What exactly does he hope to accomplish before leaving office in January 2017? Let's listen in:¶ Chris Wallace: It's been suggested that that's exactly what the president wants to do. He wants to leave a different national-security structure, different rules of the road, different limits, for the next president than what he inherited when he came in.¶ Brit Hume: Not only what he inherited, but what he made generous use of for the purposes of fighting this conflict. There's an odd quality, Chris, to this whole thing. And it its almost like he's saying with regard to the drone policy, 'We need something to stop me before I kill again.' You see that in his support -- on an unrelated matter -- of this shield law for journalists. He's carried out these oversteps in pursuing journalists who are doing their jobs. And now he says, 'We need a shield law,' as if to say, a law to protect them from us. I think it's peculiar. ¶ I admit to being a bit puzzled myself, if for slightly different reasons. It's perfectly understandable to serve in a position, appreciate its power, and believe it should be limited by outside constraints, even when they'd constrain you. George Washington and Thomas Jefferson both felt that way at times. If Obama feels that way about a shield law, good for him. And it isn't as if he personally approves every interaction the Department of Justice has with journalists. ¶ But something puzzles me about his behavior with regard to the War on Terrorism. It does sometimes appear, as Wallace suggests, that he wants to leave a different national-security structure to his predecessor that limits him or her more than Obama himself was limited in 2009.¶ Administration officials have said as much. A disposition matrix! Strict protocol for putting an American citizen on the kill list! That sort of thing. There was talk, before Election 2012, of Team Obama hurriedly developing changes just in case. ¶ So unlike Hume, I don't think it's "stop me before I kill again," so much as, "I trust myself with this power more than anyone. You won't always be so lucky as to have me, but don't worry, I'm leaving instructions."¶ Will anyone follow them? That's what I don't understand. Why does Obama seem to think his successors will constrain themselves within whatever limits he sets? Won't they just set their own limits? Won't those limits be very different? What would Chris Christie do in the White House? I have no idea, but I'm guessing that preserving the decisionmaking framework Obama established isn't what he'd do.¶ Does anyone think Hilary Clinton would preserve it?¶ Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in secret, per his precedent.¶ Some new John Brennan-like figure, with different values and a different personality, will serve as Moral Rectitude Czar.¶ Even ending torture was done by executive order. The folks guilty of perpetrating it weren't punished. Congress wasn't asked to act. (There was an ambitious domestic agenda to focus on!) So who knows what we'll get next, save for a new president who witnessed all the previously unthinkable things post-9/11 presidents got away with so long as they invoked fighting "terror."¶ The fact that every new president is likely to be a power-seeking egomaniac seems like too obvious a flaw in Obama's plan for a smart guy like him not to see it. So what gives? Is all the talk of limiting the executive branch just talk? But why even talk at this point, if so? He isn't running again. Yet if he really does think his office wields too much power, why is he putting in place safeguards the next president can and probably will undo instead of zealously trying to get Congress to act? Yet he does seem to be concerned. Here's Peter Baker reporting in The New York Times:¶ For nearly four years, the president had waged a relentless war from the skies against Al Qaeda and its allies, and he trusted that he had found what he considered a reasonable balance even if his critics did not see it that way. But now, he told his aides, he wanted to institutionalize what in effect had been an ad hoc war, effectively shaping the parameters for years to come "whether he was re-elected or somebody else became president," as one aide said.¶ Ultimately, he would decide to write a new playbook that would scale back the use of drones, target only those who really threatened the United States, eventually get the C.I.A. out of the targeted killing business and, more generally, begin moving the United States past the "perpetual war" it had waged since Sept. 11, 2001. Whether the policy shifts will actually accomplish that remains to be seen, given vague language and compromises forced by internal debate, but they represent an effort to set the rules even after he leaves office. ¶ "We've got this technology, and we're not going to be the only ones to use it," said a senior White House official who, like others involved, declined to be identified talking about internal deliberations. "We have to set standards so it doesn't get abused in the future."¶ There's that same obvious flaw, but everyone seems oblivious to it. The standards you're setting? The next president can just change them. In secret, even! That's the problem with extreme executive power: It is capricious, prone to abuse, and difficult to meaningfully check. Does Obama think the next man or woman will just behold the wisdom of his approach and embrace it? That error, unthinkable as it seems, would not be without precedent for this president.

#### CP is the status quo – the WPR is weak consultation requirements – president will ignore congress – CP has no teeth

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Congress is not unaware of its self-inflicted diminishing role in foreign affairs. The War Powers Resolution is a quintessential congressional response to this growing diminution. n239 As Congress's restraint on the Executive has di-minished, it has relied more and more on reporting requirements to maintain [\*603] oversight on government agen-cies. n240 However, "the War Powers Resolution experience shows that reporting and consultation requirements lack teeth and are all too easily evaded." n241 Some assert this can only be cured by even stronger reporting requirements, supplemented by expert advice from the military. Kelly Cowan argues:¶ ¶ The wording of the [War Powers] Resolution must be changed, requiring the president to present to Congress the jus-tifications for entering into hostilities abroad before he or she takes action. These modifications would require the pres-ident to assemble military experts and thoroughly evaluate the ramifications of military involvement. Congress should then vote on whether this is a dispute that United States Armed Forces should enter." n242

#### Just holding a vote isn’t enough --- formal declaration key to war fighting success

Simons & McGraw ’11, Anna Simons, Professor of Defense Analysis at the Naval Postgraduate School, Joe McGraw is a LTC in the US Army. He has served for nearly 18 years in the US Army after graduating from the United States Military Academy in 1994. ¶ Sovereignty Solution, Annapolis, MD, USA: Naval Institute Press, 2011. p 61-62.¶ http://site.ebrary.com/lib/wayne/Doc?id=10527986&ppg=71¶ Copyright © 2011. Naval Institute Press. All rights reserved. Ebook accessed via Wayne State, jj

America’s Founding Fathers engineered a brilliant thing. The system of governance they devised for us not only still works, but the principles they committed to paper— and thereby fixed for all time— were crafted flexibly enough so that the Constitution remains just as relevant and central today as when they signed off on it 230 years ago. If a document like that still endures, given all the changes in the world, we should be able to come up with a twenty-first-century national security strategy that endures from one presidential administration to the next. The relationship framework outlined in the previous chapter offers one means toward such an end. The Constitution offers another. The United States has issued formal Declarations of War eleven times and has followed each declaration with a victory. 1 Not a single Declaration of War has been issued in the past sixty years, yet the United States has pursued political objectives through military force almost continuously. The correlation should be striking. Declarations of War appear to be the proven method for reaching political objectives through military means. When Congress has issued them, the United States has succeeded in war. When Congress has not, the United States has reached inconclusive end states at best. 2 This track record alone suggests the United States should return to constitutionally mandated Declarations of War and points to why we should pursue military objectives under only such authority. 3 If we were to consider this from a slightly different angle, for fifty years presidents and Congress have declared “war” on poverty, hunger, crime, drugs, and— most recently— terrorism; but our government has waged “real” war only under the banner of “authorizations of force.” We currently have close to 200,000 troops¶ deployed in designated hostile fire zones. We spend billions of dollars each week in support of military objectives. And we bury casualties from Afghanistan, Iraq, and elsewhere weekly, sometimes daily. It defies common sense that any American should be able to legitimately question the nation’s strategic footing, or question whether or not America is “at war.” However, without a formal Declaration of War, what should otherwise be considered absurd has become routine. Tens of millions of Americans do not seem to realize the United States is at war; rather, they might acknowledge, our armed forces are.

### CIR 2ac – armed forces

#### Wont pass – Hastert Rule

Poppe, 1/2/14 (Ryan, Ryan started his radio career in 2002 working for Austin’s News Radio KLBJ-AM as a show producer, This slowly evolved into the group’s executive producer, then became on-air reporter, Ryan is the cook in the family and it is understood that the kitchen is his territory. His favorite menu items range from traditional French to modern Thai-cusine.¶ Texas Public Radio: “Castro Sees Challenges Ahead For Congress On Immigration & Farm Bill,” http://tpr.org/post/castro-sees-challenges-ahead-congress-immigration-farm-bill)

U.S. Congressman Joaquín Castro of San Antonio said he fears the nation will not see the passage of several key bills, including comprehensive immigration reform.¶ Castro said despite majority support for a comprehensive immigration bill, it will be tough to get something passed on Capitol Hill because of rulemaking.¶ "So really the big issue is: Is the speaker (Rep. John Boehner, R-Ohio) going to stick to the Hastert Rule, which says he won’t allow a piece of legislation to come to the floor unless it has the support of the majority of the majority?" Castro said.¶ Castro said that would require a "yes" vote from the entire conference of Republicans.

#### Healthcare thumps

Darren Samuelsohn is a senior policy reporter for POLITICO Pro. 12/30/13, Politico, 2014: The year to 'go small', <http://www.politico.com/story/2013/12/obamacare-clouds-future-for-big-legislation-101565.html>, jj

For policy advocates off the Hill, Obamacare’s role in dampening prospects for other policy issues is beyond frustrating. They’ve been told for several years to get in line behind a seemingly endless series of budget battles. Now it’s sounding like Obamacare will cool the legislative agenda for one — and perhaps two — more campaign cycles. “Obama’s credibility is shot,” said GOP strategist John Feehery. “Frankly, Republicans simply don’t trust this president to keep his word on anything. That makes it harder to legislate big things. Most Republicans would rather wait to see who the next president will be.”

#### Lame duck session solves

Dallas News 1/1-14, http://www.dallasnews.com/news/local-news/20140101-boehner-signals-he-may-back-limited-immigration-changes.ece

If a comprehensive overhaul is not completed by summer, strategists say they could make another push during a lame-duck session at the end of the year, after the November elections. If it did not happen then, lawmakers could wait until 2015, although any measure would have to start again in the Senate because the legislation would expire at the end of 2014.

**Issues compartmentalized**

**Edwards 2k** [Distinguished Professor of Political Science, director of the Center for Presidential Studies, Texas A&M University (George C. III, March. “Building Coalitions.” Presidential Studies Quarterly, Vol. 30, Iss. 1.)]

Besides not considering the full range of available views, members of Congress are **not** generally **in a position to make trade-offs** between policies. Because of its **decentralization**, Congress usually considers policies **serially**, that is, **without reference to other policies**. Without an integrating mechanism, members have few means by which to set and enforce priorities and to emphasize the policies

#### The plan pits moderate republicans against conservative republicans

Denver Post ’11, 6-20, Libya has exposed GOP divide over U.S. role in world, <http://www.denverpost.com/ci_18312620>, jj

WASHINGTON — Republicans are facing a widening fissure over the U.S. role on the world stage as party leaders decide whether to confront President Barack Obama this week over U.S. policy toward Libya.¶ House Speaker John Boehner, R-Ohio, and other congressional Republican leaders have said that U.S. involvement in NATO's bombing campaign, which hit the 90-day mark Sunday, violates the War Powers Act. The House could seek to cut off money for the war as it takes up the annual Pentagon spending bill late this week.¶ Meantime, several of the party's potential presidential candidates have called for the U.S. to quit the fight in Libya and questioned the depth of U.S. involvement in Afghanistan.¶ Other Republican¶ figures have begun pushing back, criticizing what they see as a growing "isolationist" agenda within the party. The result is that ¶ Republicans, once relatively unified on foreign policy issues, now have a division that parallels the long-standing split in Democratic ranks.¶ Divide out in open¶ The debate was on public display Sunday as two of the GOP's leading figures on defense and foreign policy, Sens. John McCain of Arizona and Lindsey Graham of South Carolina, sharply criticized Republican presidential hopefuls and congressional figures who question the country's military intervention around the world.¶ "There has always been an isolationist strain in the Republican Party," McCain said on ABC's "This Week," "but now it seems to have moved more center stage. . . . That is not the Republican Party that has been willing to stand up for freedom for people all over the world."¶ Graham said on NBC's "Meet the Press" that any debate over cutting money for the Libya war would encourage resistance by Libyan leader Moammar Khadafy.¶ "Congress should sort of shut up," he said.¶ McCain and Graham also criticized the apparent front- runner for the party's presidential nomination, former Massachusetts Gov. Mitt Romney, for referring to the fighting in Afghanistan as a "war for independence" that the U.S. should leave to others.¶ "I wish that candidate Romney and all the others would sit down" with U.S. commanders "and understand how this counterinsurgency is working and succeeding," McCain said.¶ Timing sharpens rift¶ The rift among Republicans has been developing for some time but is coming into sharper relief as the wars become increasingly unpopular and as the election year nears. The arguments became louder last week after the White House released its rationale for not asking Congress to authorize the Libya conflict.¶ Boehner, who is trying to balance the conflicting positions within the Republican caucus, gave a carefully worded answer on the subject late last week, hinting at a possible move to cut off money.¶ The Republican skeptics about Libya and Afghanistan tend to frame their arguments in fiscal rather than foreign policy terms. The $700 million cost of the Libya operation has fueled their opposition to what Sen. Rand Paul, R-Ky., called "an overreaching and sometimes unnecessary foreign policy."¶ At the same time, the GOP has a strong interventionist faction that has long opposed most efforts to restrain presidential power. Many prominent Republicans have argued for years, for example, that the War Powers Act is unconstitutional, a position Graham repeated Sunday.

#### That’s key to the agenda

Dickerson 1/18/13 (John, Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent, Go for the Throat!, http://tinyurl.com/b7zvv4d)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That **bipartisan** bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the **environment stinks**. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s **partisan rancor**, the size of the problems facing government, and the limited amount of **time** before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about **bipartisanship** and cooperation can only cement his legacy if he **destroys the GOP**. If he wants to transform American politics, he must **go for the throat**. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. **He has abandoned that**. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s **only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of **clarifying fights over controversial issues**, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray. This theory of political transformation rests on the weaponization (and slight bastardization) of the work by Yale political scientist Stephen Skowronek. Skowronek has written extensively about what distinguishes transformational presidents from caretaker presidents. In order for a president to be transformational, the old order has to fall as the orthodoxies that kept it in power exhaust themselves. Obama's gambit in 2009 was to build a new post-partisan consensus. That didn't work, but by exploiting the weaknesses of today’s Republican Party, Obama has an opportunity to hasten the demise of the old order by increasing the political cost of having the GOP coalition defined by Second Amendment absolutists, climate science deniers, supporters of “self-deportation” and the pure no-tax wing.

#### No impact – Obama will executive order reform if Congress doesn’t act

Stephanie Condon August 15, 2013, “With or without Congress, immigration reform moves along,” CBS News, <http://www.cbsnews.com/8301-250_162-57598583/with-or-without-congress-immigration-reform-moves-along/>, KEL

The debate over comprehensive immigration reform, however, doesn't appear to be over in Congress, based on remarks from Republicans this month. And one of the biggest GOP proponents of immigration reform suggested this week that if Congress doesn't act, Mr. Obama could make more immigration policy decisions on his own. "I believe that this president tempted, will be tempted, if nothing happens in Congress, to issue an executive order as he did for the Dream Act kids a year ago, where he basically legalizes 11 million people by the sign of a pen," Rubio said in an interview Tuesday on WFLA radio's "The Morning Show with Preston Scott." Immigration reform advocates have, in fact, called on Mr. Obama to halt his aggressive deportation policies while Washington hashes out a bill.

#### The plan is popular

Gelb & Slaughter, 05 (Leslie H. Gelb, is a former correspondent for [The New York Times](http://en.wikipedia.org/wiki/The_New_York_Times) and is currently President Emeritus of the [Council on Foreign Relations](http://en.wikipedia.org/wiki/Council_on_Foreign_Relations). ¶ & Anne-Marie Slaughter, contributing editor at the Atlantic, the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University. Beginning in September 2013, she will assume the presidency of the New America Foundation, , and will become a professor emerita at Princeton. From 2009–2011 she served as Director of Policy Planning for the United States Department of State, Prior to her government service, Dr. Slaughter was the Dean of Princeton's Woodrow Wilson School of Public and International Affairs from 2002–2009 and the J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law at Harvard Law School from 1994-2002.¶ November 07, 2005, American Foreisng Policy: “It’s Time to Stop slipping into armed conflict,” http://www.theatlantic.com/doc/200511/declare-war)

Passing this legislation might not be easy. But the time is right. Liberals and conservatives alike have become increasingly concerned about the carelessness and costs of wars over the past forty years. A law that established a clear and solemn process for taking the nation to war, while acknowledging the joint responsibility of Congress and the president, could command broad support—especially if it were framed as a return to our constitutional roots. Moderates and liberals would presumably go along. The bill would satisfy their concerns about how easily the United States has gone to war, with subsequent regrets about either the war itself or how it was fought. But in the wake of the Iraq War such a law might also appeal to many conservatives and neo-conservatives—particularly those who have come to feel that the United States is not getting the foreign-policy results it should, despite its awesome military power. Since the Vietnam War, hawks have felt that we tend to lose wars not on the battlefield but at home. The public, they correctly argue, becomes disenchanted with combat as casualties and costs mount, particularly if no steady progress toward victory can be seen. Demands to bring the troops home begin. The enemy becomes emboldened, and we begin to lose—first psychologically and then literally.

***PC theory is wrong***

**Hirsh, 2-7** – National Journal chief correspondent, citing various political scientists

[Michael, former Newsweek senior correspondent, "There’s No Such Thing as Political Capital," National Journal, 2-9-13, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207]

**There’s No Such Thing as Political Capital**

The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get itwrong. On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much “political capital” Obama possesses to push his program through. Most of **this** talk **will have no bearing on what actually happens** over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.” As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The **political tectonics** have **shift**ed **dramatically in very little time**. Whole new possibilities exist now that didn’t a few weeks ago. Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all. The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of **political capital**—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, **political capital** is a concept that **misleads** far more than it enlightens. **It is** **distortionary**. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it ***discounts the way unforeseen events can suddenly change everything***. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “**Winning wins.”** In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some **political scientists** **who study** the elusive calculus of **how to pass legislation** and run successful presidencies **say** that **political capital is**, at best, **an empty concept**, and that **almost nothing in** the **academic literature** successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning** on one issue often **changes the** **calculation** for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where **the conventional wisdom is that president is not going to get what he wants**, and [they]he gets it, then each time that happens, it changes the calculus of the **other actors**” Ornstein says. “If they think he’s going to win, they may **change positions to get on the winning side**. **It’s a bandwagon effect**.” ALL THE WAY WITH LBJ Sometimes, a clever practitioner of power can get more done just **because [they’re]*he’s*** aggressive and knows the hallways of Congress well. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?” Johnson didn’t worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, antipoverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. “Momentum is not a mysterious mistress,” LBJ said. “It is a controllable fact of political life.” Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)

[Matt note: gender paraphrased]

#### STEM workers high now – Current immigration solves any shortage - the status quo is Goldilocks

Hal Salzman et al, Professor at the John J. Heldrich Center for Workforce Development and the Edward J. Bloustein School of Planning and Public Policy at Rutgers University, ECONOMIC POLICY INSTITUTE , April 24th 2013, http://www.epi.org/files/2013/bp359-guestworkers-high-skill-labor-market-analysis.pdf

Our review and analysis of the best available evidence indicates that the supply of STEM-potential and STEM-educated students has remained strong and appears to be quite responsive to standard economic signals of wage levels and unemployment rates. In the meantime, the flow of guestworkers has been substantial and targeted to one specific segment of the overall STEM labor market, namely IT occupations and industries. There are multiple routes into the IT labor force provided by high-skill immigration policy, from work permits to student visas to a range of nonimmigrant work visas, but these multiple routes of entry for high-skill guestworkers are not adequately tracked in immigration or labor force statistics. Moreover, policy analyses do not account for the wide range of visa and work permits, and thus do not account for the extent of available supply of guestworkers for the STEM workforce. The IT industry was able to attract increasing numbers of domestic graduates during periods of rising wages and employment, leading to a peak in wages and numbers of computer science graduates in the early 2000s. Since that time, the IT industry appears to be functioning with two distinct market patterns: a domestic supply (of workers and students) that responds to wage signals (and other aspects of working conditions such as future career prospects), and a guestworker supply that appears to be abundantly available even in times of relatively weak demand and even when wages decline or are stagnant. Workers from countries with low wages and limited career opportunities will find the U.S. IT labor market attractive even when wages are too low and career opportunities too limited to increase the IT supply from domestic students and workers. In other words, the data suggest that current U.S. immigration policies that facilitate large flows of guestworkers appear to provide firms with access to labor that will be in plentiful supply at wages that are too low to induce a significantly increased supply from the domestic workforce.

#### Intervention makes economic collapse inevitable

Bandow ’12, Doug Bandow is a senior fellow at the Cato Institute and former special assistant to President Ronald Reagan. March 12, 2012, CATO Institute, Americans for Permanent War: Target Syria, <http://www.cato.org/publications/commentary/americans-permanent-war-target-syria>, jj

Moreover, the U.S. would have to act without international sanction. It is one thing to war unilaterally to defend America. It is quite another to initiate another illegal attempt at international social engineering. And every time Washington acts lawlessly it loses credibility to criticize other states — say China or Russia — for doing the same.¶ Finally, Americans cannot afford to continue a policy of promiscuous military intervention. Washington’s authority and resources are increasingly limited. The best way to husband them would be to avoid unnecessary wars — starting with Syria.

#### Even massive economic decline has zero chance of war

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

#### Resilience makes the impact impossible

Zakaria 2009 – PhD in political science from Harvard, editor of Newsweek International, former managing editor of Foreign Affairs (12/12, Fareed, Newsweek, “The Secrets of Stability”, http://www.newsweek.com/id/226425/page/2, WEA)

One year ago, the world seemed as if it might be coming apart. The global financial system, which had fueled a great expansion of capitalism and trade across the world, was crumbling. All the certainties of the age of globalization—about the virtues of free markets, trade, and technology—were being called into question. Faith in the American model had collapsed. The financial industry had crumbled. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s.

Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression."

Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets.

Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization.

One year later, how much has the world really changed? Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). Some regional banks have gone bust. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis—soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. The predictions of economic and political collapse have not materialized at all.

A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' " says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?"

This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the through central banks and national treasuries—they buffered the worst of the damage. (Whether they made new mistakes in the process remains to be seen.) The extensive social safety nets that have been established across the industrialized world also cushioned the pain felt by many. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies.

It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again—the animal spirits of investors, consumers, and companies seeking risk and profit.

Beyond all this, though, I believe there's a fundamental reason why we have not faced global collapse in the last year. It is the same reason that we weathered the stock-market crash of 1987, the recession of 1992, the Asian crisis of 1997, the Russian default of 1998, and the tech-bubble collapse of 2000. The current global economic system is inherently more resilient than we think. The world today is characterized by three major forces for stability, each reinforcing the other and each historical in nature.

The first is the spread of great-power peace. Since the end of the Cold War, the world's major powers have not competed with each other in geomilitary terms. There have been some political tensions, but measured by historical standards the globe today is stunningly free of friction between the mightiest nations. This lack of conflict is extremely rare in history. You would have to go back at least 175 years, if not 400, to find any prolonged period like the one we are living in. The number of people who have died as a result of wars, civil conflicts, and terrorism over the last 30 years has declined sharply (despite what you might think on the basis of overhyped fears about terrorism). And no wonder—three decades ago, the Soviet Union was still funding militias, governments, and guerrillas in dozens of countries around the world. And the United States was backing the other side in every one of those places. That clash of superpower proxies caused enormous bloodshed and instability: recall that 3 million people died in Indochina alone during the 1970s. Nothing like that is happening today.

Peace is like oxygen, Harvard's Joseph Nye has written. When you don't have it, it's all you can think about, but when you do, you don't appreciate your good fortune. Peace allows for the possibility of a stable economic life and trade. The peace that flowed from the end of the Cold War had a much larger effect because it was accompanied by the discrediting of socialism. The world was left with a sole superpower but also a single workable economic model—capitalism—albeit with many variants from Sweden to Hong Kong.

This consensus enabled the expansion of the global economy; in fact, it created for the first time a single world economy in which almost all countries across the globe were participants. That means everyone is invested in the same system. Today, while the nations of Eastern Europe might face an economic crisis, no one is suggesting that they abandon free-market capitalism and return to communism. In fact, around the world you see the opposite: even in the midst of this downturn, there have been few successful electoral appeals for a turn to socialism or a rejection of the current framework of political economy. Center-right parties have instead prospered in recent elections throughout the West.

The second force for stability is the victory—after a decades-long struggle—over the cancer of inflation. Thirty-five years ago, much of the world was plagued by high inflation, with deep social and political consequences. Severe inflation can be far more disruptive than a recession, because while recessions rob you of better jobs and wages that you might have had in the future, inflation robs you of what you have now by destroying your savings. In many countries in the 1970s, hyperinflation led to the destruction of the middle class, which was the background condition for many of the political dramas of the era—coups in Latin America, the suspension of democracy in India, the overthrow of the shah in Iran. But then in 1979, the tide began to turn when Paul Volcker took over the U.S. Federal Reserve and waged war against inflation. Over two decades, central banks managed to decisively beat down the beast. At this point, only one country in the world suffers from -hyperinflation: Zimbabwe. Low inflation allows people, businesses, and governments to plan for the future, a key precondition for stability.

Political and economic stability have each reinforced the other. And the third force that has underpinned the resilience of the global system is technological connectivity. Globalization has always existed in a sense in the modern world, but until recently its contours were mostly limited to trade: countries made goods and sold them abroad. Today the information revolution has created a much more deeply connected global system.

Managers in Arkansas can work with suppliers in Beijing on a real-time basis. The production of almost every complex manufactured product now involves input from a dozen countries in a tight global supply chain. And the consequences of connectivity go well beyond economics. Women in rural India have learned through satellite television about the independence of women in more modern countries. Citizens in Iran have used cell phones and the Internet to connect to their well-wishers beyond their borders. Globalization today is fundamentally about knowledge being dispersed across our world.

This diffusion of knowledge may actually be the most important reason for the stability of the current system. The majority of the world's nations have learned some basic lessons about political well-being and wealth creation. They have taken advantage of the opportunities provided by peace, low inflation, and technology to plug in to the global system. And they have seen the indisputable results. Despite all the turmoil of the past year, it's important to remember that more people have been lifted out of poverty over the last two decades than in the preceding 10. Clear-thinking citizens around the world are determined not to lose these gains by falling for some ideological chimera, or searching for a worker's utopia. They are even cautious about the appeals of hypernationalism and war. Most have been there, done that. And they know the price.