## 1

#### Text: The Executive Branch of the United States should issue an executive order to ban the authorization of preemptive strikes and release a statement announcing the ban

#### Executive action is De Facto and De Jure self-binding create accountability from the courts and risk political alienation for going back on promises

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 138-139//wyo-sc]

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is "yes, at least to the same extent that a legislature can." Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.61 However, there may be political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

## 2

#### Immigration reform will pass – PC is key

Lopez 1/1/14 (Oscar, Latin Times, "New Year 2014: 4 Reasons Immigration Reform Will Pass In 2014," http://www.latintimes.com/new-year-2014-4-reasons-immigration-reform-will-pass-2014-141778)

Immigration reform is set to be the key issue of 2014. Following Mitt Romney's dismal performance among Latino voters in the 2012 election, both sides of the Government woke up to the necessity for comprehensive reform on immigration. Indeed, in his State of the Union address in February, President Obama declared that “the time has come to pass comprehensive immigration reform.” Yet with the House divided over Obamacare and the budget crisis, the Government Shutdown let immigration reform die. 2014 will change that: and here are 4 Reasons Why.¶ 1. Republican Support: A fundamental lack of support from the GOP has always been one of the major obstacles for passing comprehensive reform legislation, and indeed this seemed to be the case this year after the Bill passed by the Senate was struck down by Congress. However, more and more GOP members are realizing the significance of the Latino vote and understanding that passing comprehensive immigration reform is the most significant way of securing support from Latino voters. ¶ A July poll from Latino Decisions found that immigration reform was the most important issue facing the Latino community for 60 percent of those surveyed. The poll also found that 70 percent of those questioned were dissatisfied with the job Republicans were doing on the issue. The survey also found the 39 percent would be more likely to support a Republican congressional candidate if immigration reform was passed with Republican leadership. ¶ Republican candidates have become aware of the significance of immigration reform for the party. Even in traditionally conservative Republican strongholds like Texas, candidates are turning towards immigration reform. According to Republican strategist and CNN en Español commentator Juan Hernandez, "it also wouldn’t surprise me if after the primary, the candidates move to the center and support reform. For Republicans to stay in leadership in Texas, we must properly address immigration.”¶ The March 2014 primaries will be a key moment in determining how reform progresses: Republican Strategist John Feehery suggests, “The timing on this is very important. What was stupid to do becomes smart to do a little bit later in the year.” Once the primaries are over, GOP members will have the chance to implement reform legislation without fear of challenges from the right. ¶ 2. Legalization Over Citizenship: While the Senate’s 2013 immigration reform bill was struck down by Congress, GOP party members have indicated that they will support legislation which favors legalization of undocumented immigrants over a path to citizenship.¶ Meanwhile, a recent survey from Pew Research Hispanic Trends Project demonstrated that 55 percent of Hispanic adults believe that legalizing immigrants and removing the fear of deportation is more important than a pathway to citizenship (although citizenship is still important to 89 percent of Latinos surveyed.)¶ As CBS suggests, “Numbers like these could give leverage to lawmakers who are interested in making some reforms to the legal immigration system, but not necessarily offering any kind of citizenship.”¶ If House Republicans offered legalization legislation for the undocumented community, this could put pressure on the President to compromise. And while this kind of reform would not be as comprehensive as the Senate’s bill, a bipartisan agreement would be a significant achievement towards accomplishing reform.¶ 3. Activism Steps Up: 2013 saw one of the biggest surges in grassroots activism from immigration supporters, and political leaders started to listen. The hunger strike outside the White House was a particularly significant demonstration and drew visits of solidarity from a number of leaders from both sides of Congress, including the President and First Lady.¶ Immigration reform activists have promised "we will be back in 2014." Indeed, 2014 promises to be a year of even greater activism. Activist Eliseo Medina has pledged that immigrant advocacy groups would visit “as many congressional districts as possible” in 2014 to ensure further support.¶ Protests, rallies and marchers are likely to increase in 2014, putting greater pressure on Congress to pass legislation. Such visual, vocal protests will be key in ensuring comprehensive reform.¶ 4. Leadership: As immigration reform comes to the fore, party leaders will step up in 2014 to ensure change is achieved. While President Obama has made clear his support for comprehensive reform, House Speaker John Boehner previously stated that he had “no intention” of negotiating with the Senate on their comprehensive immigration bill. ¶ However, towards the end of 2013, it seemed that Representative Boehner was changing his tune. In November, President Obama revealed that “the good news is, just this past week Speaker Boehner said that he is “hopeful we can make progress” on immigration reform.” As if to prove the point, Boehner has recently hired top aide Rebecca Tallent to work on immigration reform.¶ With bipartisan leadership firmly focused on immigration reform and party members on both sides realizing the political importance of the issue, comprehensive legislation is one thing we can be sure of in 2014.

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

**Kriner, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

**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.59 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. 60 **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** 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 proprieties, 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.**61 **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.

**Immigration key to clean tech – solves warming.**

**Herman and Smith ‘10** (Richard T. Herman is the founder of Richard T. Herman & Associates, law firm in Cleveland, Ohio, also the co-founder of a chapter of TiE, a global network of entrepreneurs started in 1992 in Silicon Valley. He has appeared on National Public Radio, FOX News, and various affiliates of NBC, CBS, and ABC. He has also been quoted in such publications as USA Today,InformationWeek, PCWorld, ComputerWorld, CIO, Site Selection and National Lawyers Weekly, Robert L. Smith is a veteran journalist who covers international cultures and immigration issues for the Cleveland Plain Dealer, Ohio’s largest newspaper. Bob He has written extensively about immigration issues and has interviewed people at all points of the immigrant experience, from undocumented field workers to hugely successful entrepreneurs, Parts of this paper were excerpted from the book “Immigrant Inc.: Why Immigrant Entrepreneurs are Driving the New Economy (and how they will save the American worker)” (John Wiley & Sons, 2009) by Richard T. Herman & Robert L. Smith.  Available wherever books are sold, “Why Immigrants Can Drive the Green Economy,” Immigation Policy Center)

Raymond Spencer, an Australian-born entrepreneur based in Chicago, has a window on the future—and a gusto for investing after founding a high-technology consulting company that sold for more than $1 billion in 2006. “I have investments in maybe 10 start-ups, all of which fall within a broad umbrella of a ‘green’ theme,” he said. “And it’s interesting, the vast majority are either led by immigrants or have key technical people who are immigrants.” It should come as no surprise that immigrants will help **drive the green revolution**. America’s young scientists and engineers, especially the ones drawn to emerging industries like alternative energy, tend to speak with an accent. The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly **half of the all scientists and engineers** with doctorate degrees. Their importance will only grow. Nearly 70 percent of the men and women who entered the fields of science and engineering from 1995 to 2006 were immigrants. Yet, the connection between immigration and the development and commercialization of alternative energy technology is rarely discussed. Policymakers envision millions of new jobs as the nation pursues renewable energy sources, like wind and solar power, and builds a smart grid to tap it. But Dan Arvizu, **the leading expert** on solar power and the director of the National Renewable Energy Laboratory of the U.S. Department of Energy in Golden, Colorado, warns that **much of the clean-technology talent lies overseas**, in nations that began **pursuing alternative energy** sources **decades ago.** Expanding our **own clean-tech industry will require working closely with foreign nations and** foreign-born **scientists**, he said. Immigration restrictions are making collaboration difficult. His **lab’s** **efforts to work with a Chinese energy lab**, for example, **were** **stalled due to U.S. immigration barriers**. “We can’t get researchers over here,” Arvizu, the son of a once-undocumented immigrant from Mexico, said in an interview in March 2009, his voice tinged with dismay. “It makes no sense to me. We need a much more enlightened approach.” Dr. Zhao Gang, the Vice Director of the Renewable Energy and New Energy International Cooperation Planning Office of the Ministry of Science and Technology in China, says that America needs that enlightenment fast. “The Chinese government continues to impress upon the Obama administration that **immigration restrictions are creating major impediments to U.S.-China collaboration on clean energy** development,” he said during a recent speech in Cleveland. So what’s the problem? Some of it can be attributed to national security restrictions that impede international collaboration on clean energy. But Arvizu places greater weight on immigration barriers, suggesting that national secrecy is less important in the fast-paced world of green-tech development. “We are innovating so fast here, what we do today is often outdated tomorrow. Finding solutions to alternative energy is a complex, global problem that requires global teamwork,” he said. **We need** an **immigration** system **that prioritizes** the attraction and retention of **scarce, high-end talent** needed **to invent and commercialize alternative energy technology** and other emerging technologies. One idea we floated by Arvizu was a new immigrant “Energy Scientist Visa,” providing fast-track green cards for Ph.D.s with the most promising energy research, as reviewed by a panel of top U.S. scientists. Arvizu enthusiastically responded, “Wow, that’s a brilliant idea.” As the recent submission of the Startup Visa Act bill suggests, there’s really no shortage of good ideas of leveraging immigration to jumpstart the economy. The challenge is getting the American people to understand that high-skill immigration creates jobs, that the current system is broken, and that action is required now.

**Studies show warming is human caused and will cause extinction**

**Ahmed 2010**

(Nafeez Ahmed, Executive Director of the Institute for Policy Research and Development, professor of International Relations and globalization at Brunel University and the University of Sussex, Spring/Summer 2010, “Globalizing Insecurity: The Convergence of Interdependent Ecological, Energy, and Economic Crises,” Spotlight on Security, Volume 5, Issue 2, online)

Perhaps **the most notorious indicator is anthropogenic global warming**. **The landmark** 2007 Fourth **Assessment** Report of the UN Intergovernmental Panel **on Climate Change** (IPCC) – which **warned that at then-current rates of increase of fossil fuel emissions, the earth’s global average temperature would likely rise by 6°C by the end of the 21st century** **creating a** largely **uninhabitable planet** – was a wake-up call to the international community.[v] **Despite the pretensions of ‘climate sceptics,’ the peer-reviewed scientific literature has continued to produce evidence that the IPCC’s original scenarios were wrong – not because they were too alarmist**, but on the contrary, **because they were far too conservative**. According to a paper in the Proceedings of the National Academy of Sciences, **current CO2 emissions are worse than all six scenarios contemplated by the IPCC. This implies that the IPCC’s worst-case six-degree scenario severely underestimates the most probable climate trajectory** under current rates of emissions.[vi] It is often presumed that a 2°C rise in global average temperatures under an atmospheric concentration of greenhouse gasses at 400 parts per million (ppm) constitutes a safe upper limit – **beyond which further global warming could trigger rapid and abrupt climate changes that, in turn, could tip the whole earth climate system into a process of irreversible, runaway warming.[**vii] Unfortunately, we are already well past this limit, with the level of greenhouse gasses as of mid-2005 constituting 445 ppm.[viii] Worse still, cutting-edge scientific data suggests that the safe upper limit is in fact far lower**. James Hansen**, director of the NASA Goddard Institute for Space Studies, **argues that the absolute upper limit for CO2 emissions is 350 ppm: “If the present overshoot of this target CO2 is not brief, there is a possibility of seeding irreversible catastrophic effects.**”[ix] A wealth of **scientific studies** has **attempted to explor**e the role of **positive-feedback mechanisms between different climate sub-systems**, the operation of which could intensify the warming process. **Emissions beyond 350 ppm over decades are likely to lead to the total loss of Arctic sea-ice** in the summer **triggering magnified absorption** of sun radiation, **accelerating warming**; the melting of Arctic permafrost triggering **massive methane injections** into the atmosphere, accelerating warming; the **loss of half the Amazon rainforest** triggering the momentous release of billions of tonnes of stored carbon, accelerating warming; and **increased microbial activity in the earth’s soi**l leading to further huge releases of stored carbon, accelerating warming; to name just a few. **Each of these feedback sub-systems alone is sufficient by itself to lead to irreversible, catastrophic effects that could tip the whole earth climate system over the edge**.[x] Recent studies now estimate that the **continuation of business-as-usual would lead to global warming of three to four degrees Celsius before 2060 with multiple irreversible, catastrophic impacts; and six, even as high as eight, degrees by the end of the century – a situation endangering the survival of all life on earth.[**xi]

## 3

#### Squo use of OCO’s has created a deterrent effect.

Limnell ‘13

[Jarno Limnéll, Director of Cyber Security in Stonesoft Corporation, “Offensive Cyber Capabilities are

Needed Because of Deterrence,” National Defense University Department of Leadership and Military Pedagogy, Series 2, Article Collection 10, 2013, <http://www.doria.fi/bitstream/handle/10024/88689/The%20Fog%20of%20Cyber%20Defence%20NDU%202013.pdf?sequence=1> // wyo-ch]

The nation states are “forced” to conduct cyber attacks in real situations and against real targets. This will mean attacks against terrorist or activist groups, industrial plants, or even against other states. After conducting attacks, the nation states will claim the responsibility in order to increase their cyber deterrence. As an example, in May 2012 the US Secretary of State Hillary Clinton announced that the agency’s specialists attacked sites related to Al Qaeda on which the organisation tried to recruit new members.10 This was a strong political message of intent to use cyber weapons. It was a glimpse into the future of cyberwarfare – and it served to build credible deterrence.

#### Unrestrained use deters cyber war – legal norms increase risk of conflict by reducing fear.

Crosston 12 (Dr. Matthew Crosston is the Miller Endowed Chair for Industrial and International Security and founder and director of the International Security and Intelligence Studies (ISIS) program at Bellevue University. He has authored two books, several book chapters, and nearly a dozen peer-reviewed articles on counterterrorism, corruption, democratization, radical Islam, and cyber deterrence, “Virtual Patriots and a New American Cyber Strategy” Winter 2012, Strategic Studies Quarterly, p. 100-118)

These proposed behavioral rules about jus in cyber bello are paradoxical: with so many constraints on allowable action, the underlying motivational framework of fear—so essential in the original Cold War in moderating behavior—becomes nonexistent. Indeed, if the above parameters were observed, then a state could arguably be more motivated to attack. Remove the civilian population and domestic infrastructure from cyber attack, and you have sanitized cyber war to a point where there is no fear of engagement. A Cyber Cold War would be multilateral rather than bilateral: it would involve many nations, with different interests and not allied by treaty. Furthermore, the parties would include major non-governmental players such as private compa nies or even individuals or groups of individual hackers, perhaps with political interests. It is unlikely, in the more capitalistic and constitutionally free countries, which national governments can easily rein in these potential corporate and indi vidual cyber attackers. 20 The problem with this formulation is that it envisions a so-called cyber cold war beholden to apparently voluntary parameters of constraint. The parameters elaborated, however, do not honor but corrupt the true deterring force that existed in the Cold War. If an overt strategy of credible cyber debilitation were allowed to openly develop, then most of the problems mentioned above would be inconsequential to the proper functioning of the virtual global commons—multilateral or bilateral, individuals or groups, national governments or private corporations, clearly defined adversaries or anonymous, nonattributable attacks. A system that does not rely on arbitrary good behavior and instead proactively establishes overt cyber-weaponization strategies alongside continued covert capabili ties creates an environment where the futility of first-strike efficacy and perceived retaliatory devastation reigns in behavior globally. The United States tends to be obsessive about keeping its technological capabilities classified. This is partially explained by the need to maintain effective surprise in retaliation to an attack rather than striving to prevent an attack initially. Yet, it is also explained by the US attempt to be the leading voice for liberally idealistic global cyber norms. This was confirmed in 2008 when former intelligence official Suzanne Spaulding testified before the House Cybersecurity Subcommittee. My concern is that (the Department of Defense) has been so vocal about the development and deployment of [classified] cyber-warfare capabilities that it will be very difficult for that department to develop and sustain the trust necessary to undertake essential collaboration on defensive cybersecurity efforts with the private sector and with international stakeholders. . . . There is significant risk that these vital partners will suspect that the collaboration is really aimed at strengthening our offensive arsenal (emphasis added). 21 There are two problems with the above quote. On the one hand, policymakers continue to focus on apparent voluntary trust in a domain that is not typified by such behavior. On the other hand, the DoD remains stead fast in its worship of clandestine capability and thus loses the preemptive deterrence of overt strategy which can compel cooperation as opposed to just hoping for it. These are not small problems, as trust and collaboration between dangerous actors work when there is an element of consequence to poor action. An overt strategy of offensive cyber capability—revealing some cards while not revealing all, with no nod to ethical considerations that demand targeting constraints and a focus purely on the efficacy of preemptive deterrence—arguably has a chance to shine a light of consequence into the shadowy anarchy of cyber. This is how the United States, as men tioned at the beginning of this article, could be inspired by the essence of Chinese cyber strategy, but it must ultimately elevate to a higher capability and competence. Further hindering this evolution, the academic community has re mained too enamored with trying to connect ethical theories into the cyber domain to create a liberal, idealistic governing code. Many scholars have acknowledged that these theories, whether utilitarianism, Kantian theory, or natural rights theory, have cast relatively little new light into the cyber domain. 22 Despite such sincere if misguided efforts, the best possibility for preemptive cyber deterrence might be old-school strategic realism and not new-school ethical liberalism. As awkward as it may be to admit publicly, the Chinese might have something for the United States to truly consider. A fusion of Sun Tzu’s pragmatism with Machiavelli’s overt strategic amorality carries the potential to deter negative cyber action before it ever begins. As Sun Tzu as serted, the highest realization of warfare is to attack the enemy’s plans; next is to attack its alliances; next to attack the army; and the lowest is to attack its fortified cities. Machiavelli made it clear that if an injury has to be done to a man, it should be so severe that his vengeance need not be feared. This overt, amoral offensive fusion has one purpose: not to logistically conduct war but to strategically avoid it. At the present time there is no current discussion of US cyber strategy broaching these subjects, and subsequently, the zero-sum cyber game remains unchanged.

#### OCOs give the US coercive leverage to deescalate North Korean nuclear brinksmanship --- speed is key

Martin C. Libicki 13, Senior Management Scientist @ RAND and adjunct fellow @ Georgetown’s Center for Security Studies, “Brandishing Cyberattack Capabilities,” RAND, <http://www.rand.org/pub> s/research\_reports/RR175.html

Our inquiry is therefore more humble. Could a U.S. threat that it might interfere with a rogue state’s nuclear weapon delivery help shape a nuclear confrontation? For this question, assume a rogue nuclear power with a handful of weapons capable of hitting nearby countries (but generally incapable of hitting the continental United States). The United States has a robust cyberattack capability (in general terms), from which the rogue state’s nuclear arsenal is not provably immune. Although the United States enjoys escalation dominance, the rogue state is far more willing to go to the nuclear brink than the United States is. The rogue state (thinks it) has more at stake (i.e., regime survival). Furthermore, it may act in ways that are irrational by Western perspectives.¶ We first model a two-state confrontation, then later introduce a friendly state on whose behalf the United States has intervened. The United States enters this scenario facing the choice of acting when doing so risks the rogue state releasing a nuclear weapon. Whether the threat is explicit or implicit is secondary. The usual calculus applies. The rogue state is better off if its threat leads the United States to stop. The United States is better off ignoring the threat and going ahead with what it would have done in the absence of the threat if the threat can be nullified but cannot know that it will be for certain. The rogue state understands that if it does use nuclear weapons, it could face great retaliation.1¶ If the United States acts (successfully) in the face of warning and if the rogue state does not use nuclear weapons, the United States achieves its objectives and wins the overall confrontation.2 If the United States flinches, the rogue state wins. If the rogue state uses its nuclear weapons and if, as is likely, the United States responds likewise, the rogue state loses greatly, but the United States is also far worse off.3¶ Two-Party Confrontations¶ In a confrontation in which disaster would result from both sides carrying out their threats, each must ask: Are such threats credible? If one side thinks the other will yield, it pays to stand firm. If it thinks, however, that the other is implacable, it may have no good choice but to yield itself. The projection of implacability is beneficial, but the reality of implacability is frequently suicidal.¶ Note that the basis for the implacability can also be entirely subjective, which is to say, unfounded on the facts of the matter. If one party is convinced that it will never pay a high price for being implacable, communicates as much, and acts as if it were so, the other cannot take any comfort from the fact that the first has no technical basis for the belief. The only consideration is whether the first party actually believes as much, is willing to act accordingly, and can ignore the logic that whispers that no one can possibly be completely confident on the basis of iffy information. To one party, the willingness to act on the basis of the impossible seems like cheating. To use an analogy, imagine a game of “chicken” in which the driver of one of the two oncoming cars throws the steering wheel out the window. This cheat forces the opponent to choose between a certain crash or veering away (and thus losing). However, when the consequences of a crash are far greater than the benefits of winning, this strategy is irrational if there is a nontrivial likelihood that the other side will be intent on punishing cheaters at the cost of all other values. In the analogy, the second driver might rather crash than lose to a cheater.4 But in general, a strategy of implacability, can, if credible, do well, as long as the other side is not equally implacable.¶ So, the United States creates the belief (whether by saying so, hinting, or letting others draw their own conclusion) that the rogue state cannot carry out its nuclear threat. That is, the United States acts as though a flaw somewhere in the nuclear command-and-control cycle, probably an induced flaw, prevents immediate nuclear use. A lesser case is that the command and control is less certain, the weapon is weaker, and/or the delivery system is far less accurate than feared.5 Although permanently disabling a nuclear command-and-control system is quite a stretch for cyberwar, it is less fantastic to imagine that the United States could delay a weapon’s use. A temporary advantage, though, may still give the United States time to cross the red line and thereby attain a fait accompli.¶ So posturing, the United States prepares to cross the red line, while communicating its confidence that the rogue state will not retaliate. This confidence stems from a combination of its own nuclear deterrence capability plus its ability to confound the rogue state’s nuclear capability: The rogue nuclear state probably will not decide to retaliate, and if it did decide to, probably cannot retaliate. The combination, in this case, is what reduces the odds of a nuclear response to a sufficiently low level, if the rogue state is at all rational. Even if it later assures itself and others that its nuclear capacity is intact, but the United States has already acted, the onus then falls on the rogue nuclear state to respond to what could well be a done deal. If the rogue state understands the logic before brandishing its own nuclear weapons, it may choose not to ratchet up tensions in advance of the U.S. crossing red lines.

**An unchecked North Korea causes global catastrophe**

**Hayes and Green, 10**

[\*Victoria University AND Executive Director of the Nautilus Institute (Peter and Michael, “-“The Path Not Taken, the Way Still Open: Denuclearizing the Korean Peninsula and Northeast Asia”, 1/5, http://www.nautilus.org/fora/security/10001HayesHamalGreen.pdf) uwyo//amp]

**The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community. At worst, there is the possibility of nuclear attack1, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities.** On the Korean Peninsula itself, **key population centres are well within short or medium range missiles.** **The whole of Japan is likely to come within North Korean missile range**. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. **Even a limited nuclear exchange would result in a holocaust of unprecedented proportions. But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming.** Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that **the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years**.3 In Westberg’s view: **That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years.** The temperature over the continents would decrease substantially more than the global average. **A decrease in rainfall over the continents would also follow…The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger…To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4** These, of course, are not the only consequences. **Reactors might also be targeted, causing further mayhem and downwind radiation effects, superimposed on a smoking, radiating ruin left by nuclear next-use.** Millions of refugees would flee the affected regions. **The direct impacts, and the follow-on impacts on the global economy via ecological and food insecurity, could make the present global financial crisis pale by comparison. How the great powers, especially the nuclear weapons states respond to such a crisis, and in particular, whether nuclear weapons are used in response to nuclear first-use, could make or break the global non proliferation and disarmament regimes. There could be many unanticipated impacts on regional and global security relationships5, with subsequent nuclear breakout and geopolitical turbulence, including possible loss-of-control over fissile material or warheads in the chaos of nuclear war, and aftermath chain-reaction affects involving other potential proliferant states.** The Korean nuclear proliferation issue is not just a regional threat but a global one that warrants priority consideration from the international community.

## 4

#### Obama has cultivated broad enforcement discretion and that makes executive flexibility inevitable in the status quo.

Will 13

[George F. Will, Pulitzer Prize winning journalist and Washington Post columnist, “Obama’s extreme use of executive discretion,” Washington Post, December 18, 2013, http://www.washingtonpost.com/opinions/george-will-obamas-extreme-use-of-executive-discretion/2013/12/18/656ae4be-680d-11e3-ae56-22de072140a2\_story.html // wyo-ch]

Congressional Republicans’ long-simmering dismay about Barack Obama’s offenses against the separation of powers became acute when events compelled him to agree with them that the Affordable Care Act (ACA) could not be implemented as written. But even before he decreed alterations of key ACA provisions — delaying enforcement of certain requirements for health insurance and enforcement of employers’ coverage obligations — he had effectively altered congressionally mandated policy by altering work requirements of the 1996 welfare reform; and compliance requirements of the No Child Left Behind education law; and some enforcement concerning marijuana possession; and the prosecution of drug crimes entailing mandatory minimum sentences; and the enforcement of immigration laws pertaining to some young people. Republicans tend to regard Obama’s aggressive assertion of enforcement discretion as idiosyncratic — an anti-constitutional impatience arising from his vanity. This interpretation is encouraged by his many assertions that he “can’t wait” for our system of separated powers to ratify his policy preferences. Still, to understand not only the extravagance of Obama’s exercises of executive discretion but also how such discretion necessarily grows as government does, read Zachary S. Price’s “Enforcement Discretion and Executive Duty” forthcoming in the Vanderbilt Law Review. Price, a visiting professor at the University of California’s Hastings College of the Law, demonstrates that the Constitution’s “text, history, and normative underpinnings” do not justify the permissive reading Obama gives to its take care clause, which says the president “shall take care that the laws be faithfully executed.” It is, says Price, part of America’s “deeply rooted constitutional tradition” that “presidents, unlike English kings, lack authority to suspend statutes” or make them inapplicable to certain individuals or groups. Indeed, the take care clause may have been intended to codify the Framers’ repudiation of royal suspending prerogatives. Hence the absence of an anti-suspension provision in the Bill of Rights. Congress’s excessive expansion of the number of federal crimes, however, has required the husbanding of scarce prosecutorial and judicial resources, which has made enforcement discretion central to the operation of today’s federal criminal justice system. But Obama’s uses of executive discretion pertain to the growth of the administrative state. The danger, Price says, is that the inevitable non-enforcement of many federal criminal laws will establish “a new constitutional norm of unbounded executive discretion” beyond the criminal justice system. Price says the enforcement discretion exercised in the context of the resource-constrained criminal justice system provides “no support for presidential authority to decline enforcement with respect to any other given civil regulatory regime, such as the Affordable Care Act.” The difference is between priority-setting and policy-setting, the latter being a congressional prerogative because of Congress’s primacy in lawmaking. Absent “a clear statutory basis, an executive waiver of statutory requirements” is “presumptively impermissible.” It has, however, become “a nearly irresistible temptation” for presidents to infer permission from the courts’ abandonment of judicial review that limits Congress’s power to delegate essentially legislative powers to the executive branch. So, Price asks: “If President Obama may postpone enforcement of the ACA’s insurance requirements and employer mandate, could a subsequent president ignore the Affordable Care Act altogether?”

**Presidential power is zero-sum- the branches compete**

**Barilleaux and Kelley 2010** [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. P 196-197, 2010// wyo-sc]

In their book *The Broken Branch,* Mann and Ornstein paint a different view. They discuss a wider range of public policy areas than just uses of force. Their argument is that although party is important as a conditioning factor for times when Congress might try to restrain an aggressive or noncompliant executive, **there has** also **been a broad**er **degrading of institutional power that has allowed,** **in a zero-sum context**, **the president to expand executive power at the expense of** **Congress**. Mann and Ornstein thus posit that congressional willingness to subordinate its collective power to that of the president has occurred across domestic politics and foreign affairs. They argue that a variety of factors are at fault for this trend, including the loss of institutional identity, the willingness to abdicate responsibility to the president, the demise of "regular order," and most importantly that **Congress has lost its one key advantage as a legislative body—the decay of the deliberative process.** Thus, they do recognize that party politics has played an important role in the degrading of congressional power, but they see a larger dynamic at work, one that reaches beyond partisanship. While we agree with Howell and Pevehouse that Congress retains important mechanisms for constraining the president, we tend to agree with the Mann and Ornstein view that there has been a significant and sustained decline in Congress's willingness to use these mechanisms to challenge presidential power. This tendency has been more prevalent in foreign affairs but has occurred noticeably across the spectrum of public policy issues. Building from both of those perspectives, and others, we argue that it is helpful to understand the pattern of congressional complicity in the rise of presidential power by viewing Congress's aiding and abetting as the logical outcomes of a collective action problem.31 By constitutional design, **the legislative** branch **is in competition with the president for** institutional **power**, **yet Congress is less than** ideally **suited for** such **a political conflict**. **Congress's** comparative **disadvantage begins with its 535 "interests**" **that are** very **rarely aligned,** and if so, only momentarily. **Because** individual **reelection overshadows all** other **goals**, members of Congress naturally seek to take as much credit and avoid as much blame from their constituencies as possible.32 The dilemma this creates for members is how to use or delegate its collective powers in order to maximize credit and minimize blame in the making of public policy. Congress can choose to delegate power internally to committees and party leaders or externally to the executive branch. **One can conceptualize** the strategic situation of members of **Congress** **in** terms of **a prisoner's dilemma**.33 **If members cooperate** (that is, in Mann and Ornstein's parlance, if members identify with the institution), **they could** maintain and **advance Congress's** institutional **power**. **But they would have to bypass** some potential **individual payoffs** **that could come from defection**, **such as "running against Congress" as an electoral strategy**. **A stronger institution should make** all members of **Congress better off, but it** also **makes them responsible for policymaking**. **If members defect** from the institution, **they** thus seek to **maximize constituency interests** either by simply allowing power to fall by the wayside or by simply **delegating it to the president**. **As more** and more **members choose to defect** over time, **the "public good" of a strong Congress is not provided** for or maintained—and **Congress's** institutional **authority** **erodes and presidential power fills in the gap**. Why, in other words, is congressional activism so often "less than meets the eye," as Barbara Hinckley maintained in her book by that title? Or why has the ''culture of deference" that Stephen Weissman identified developed as it has?34 We argue that the collective action problem that exists in Congress leads to the development of these trends away from meaningful congressional stewardship of foreign policy andspending**.**

**Lack of restrictions on OCO key to presidential flexibility**

**Lorber 2013**

[Eric Lorber, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science, Jan 2013, EXECUTIVE WARMAKING AUTHORITY AND OFFENSIVE CYBER OPERATIONS: CAN EXISTING LEGISLATION SUCCESSFULLY CONSTRAIN PRESIDENTIAL POWER?, <https://www.law.upenn.edu/live/files/1773-lorber15upajconstl9612013>, uwyo//amp]

**The lack of congressional oversight of offensive cyber operations under the Intelligence Authorization Act also likely does not seriously shift the balance between congressional and executive war-making powers.** The reason is inherent in the limitations of the legislation itself: the Intelligence Authorization Act specifies reporting requirements, but does not require the non-use or withdrawal of forces.234 Further, these reports must be made in a “timely” fashion (the definition of which is undefined) and only to a small number of Congressmen (at most eight).235 **Thus even if the President had to report offensive cyber operations to Congress, it is unclear he would have to do so in a way that gave Congress an effective check, as these reports would be made only to a small group of Congressmen (**who would not be able to share the information, because of its classified nature, with other members of the legislature) **and could be done well after the employment of these capabilities**. **The resulting picture is one of increased presidential flexibility; the War Powers Resolution and the Intelligence Authorization Act**—while arguably ineffective in many circumstances**—provide increased congressional oversight of presidential war-making actions such as troop deployments and covert actions. Yet these statutes do not cover offensive cyber operations, giving the President an increasingly powerful foreign policy tool outside congressional reach.**

**Constrained executive makes it impossible to respond to the rapid and existential nature of the threat posed by terrorism-strong, flexible executive key to check nuclear, chemical, and biological attacks**

**Royal 2011**

[John Paul, Fellow of the Institute for World Politics, 2011, War Powers and the Age of Terrorism, <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>, uwyo//amp]

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago**. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction** developed organically or obtained from rogue regimes, **presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. I**n the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. **Because large states were more powerful, they also had more to lose. They could be deterred"** (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, **we know that threats can emerge quickly. Terrorist organizations** half-way around the world **are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats** and the resultant changes to the international system, **peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attac**k on the United States. In the emerging security environment described above, **pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat** to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that **the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries.** For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, **fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond,** as we approach the tenth anniversary of the September 11, 2001 attacks. **Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States**. We know from the 9/11 Commission Report that A**l Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation** **while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials**” (National Commission 2004, 397). Considering these statements**, rogue regimes** that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, **or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests**. These nations were not necessarily a direct threat to the United States in the past. Now, however, **due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels** and magnitudes than in the past. In addition, **these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interest**s both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). **Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission,** authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

**Terrorist retaliation causes nuclear war – draws in Russia and China**

Robert **Ayson**, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, **2010** (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the **major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal**, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But **these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack**, and especially an act of **nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them.** In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. t may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, **if the act** of nuclear terrorism **came as a** complete **surprise**, and **American** officials refused to believe that a terrorist group was fully responsible (or responsible at all) **suspicion would shift immediately to state possessors**. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list **consisting of North Korea,** perhaps **Iran** if its program continues, and possibly **Pakistan**. But at what stage would **Russia and China** be definitely ruled out in this high stakes game of nuclear Cluedo? In particular**, if the act of** **nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst**? Of course, the chances of **this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war,** as unlikely as these developments may seem at the present time. **The reverse might well apply too**: **should a nuclear terrorist attack occur in Russia or China** during a period of heightened tension or even limited conflict with the United States, **could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack**? **Washington’s** early **response** to a terrorist nuclear attack on its own soil might also **raise the possibility of** an unwanted (and **nuclear** aided) **confrontation with Russia and/or China.** For example, **in the noise and confusion during the immediate aftermath of the terrorist nuclear attack**, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, **it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against** them. In that situation, **the temptations to preempt such actions might grow**, although it must be admitted that any preemption would probably still meet with a devastating response.

## Iran

**Iran isn’t a cyberthreat-capabilities are limited**

**Waterman 13**

[Shaun, Washington Times reporter and was the senior editor correspondent for United Press International, “Iran’s cyber warfare could hit public more than military: report”, Washington Times, July 29, 2013,http://www.washingtontimes.com/news/2013/jul/29/irans-cyber-warfare-could-hit-public-more-military/, wyo-bw]

**Iran’s limited cyber capabilities enable it to launch attacks against the U.S. that would do more damage to public perceptions than actual infrastructure,** a new study said.¶ “Iran does not need the equivalent of a Ferrari to inflict damage on U.S. infrastructure: A Fiat may do,” states the study “Iran: How a Third Tier Cyber Power Can Still Threaten the United States.”¶ **The study was published** Monday **by the Atlantic Council**, a pro-NATO think tank in Washington.¶ Previous cyberattacks on nation-states, like the Russian-backed one against Estonia in 2007, were not destructive and “caused a political crisis, not a military one,” the study says. In the same way, “a significant Iranian cyberattack against the United States would take on outsized importance, regardless of its technical sophistication.”¶ **An anonymous cyberattack that shuts down the New York Stock Exchange for a few hours or cuts electricity to a major U.S. city could color public public perceptions during a military confrontation with Iran**, the report says.¶ The Atlantic Council's Iran Task Force and its Cyber Statecraft Initiative worked together on the study — an analysis of various cyber warfare options available to Tehran in the event of a confrontation with U.S. forces.¶ The study cites the U.S., some Western nations and Russia as “tier one” cyber powers. China is “a step behind them” at “tier two,” and **Iran**, which only recently has begun to develop an online warfare capability, **is a “third tier” power**.¶ Hackers widely believed to be backed by Tehran already have launched attacks over the past year that slowed or knocked offline the websites of major U.S. banks.¶ And North Korea has been blamed for a cyberattack using malicious software that paralyzed ATM networks and three TV broadcasters in South Korea in March.¶ “**There is no reason to believe that Iran’s growing cyber army is any less capable than that of an isolated Asian rogue state with few IT graduates, limited Internet access, and a paucity of computers**,” the study says.¶ Iran could easily hide its hand in any cyberattacks by mounting them via hackers-for-hire in other countries like Russia or Lebanon, the study says.¶ “Given Iran’s conventional weakness, cyber is an attractive alternative — the ultimate asymmetric weapon,” states the study.¶

**Iran poses little cyber threat to the U.S.**

**Berman 12**

[Ilan, vice president of the American Foreign Policy Council, “ Cyberwar and Iranian Strategy”, American Foreign Policy Council , August 2012, [http://www.afpc.org/files/august2012.pdf page 12](http://www.afpc.org/files/august2012.pdf%20page%2012) &, wyo-bw]

There is an old axiom that the gravity of a threat is determined by both capability and intent, and this holds true for cyberwarfare as well. Today**, Iran is not the greatest cyber threat arrayed against the United States.** Indeed, while significant, **Iranian capabilities are generally judged to be inferior to those of China and Russia—perhaps considerably so.** What Iran lacks in capability, however, it makes up for in intent. Politically, a cyber attack from Iran is significantly more likely than from either China or Russia, in light of the ongoing international impasse over its nuclear program.

**Restrictions gut US military ability to respond to Iranian threats which means 1ac restrictions trigger their Iran impact.**

**Bucci, Rosenzweig, and Inserra ‘2013**

[Steven P. Bucci Ph.D, director of the Allison Center for Foreign Policy Studies at The Heritage Foundation, served America for three decades as an Army Special Forces officer and top Pentagon official; Paul Rosenzweig, visiting fellow for the Heritage Foundation, helped craft policy and strategy inside the Department of Homeland Security; Research Assistant, National Security and Cyber Security <http://www.heritage.org/research/reports/2013/04/a-congressional-guide-seven-steps-to-us-security-prosperity-and-freedom-in-cyberspace> //wyo-sf]

**Failure to take** responsible **action,** however, **leaves the U.S. vulnerable** to a variety of threats. Nation-states such as Russia, China, and **Iran are more than willing to steal or destroy U.S. digital property to further their power** or prestige. **Non-state actors** such as Hamas and Hezbollah **have** also **shown the capability to employ cyber methodologies** and criminal organizations from around the world, and have acted as hired guns as well as on their own, **using cyber tools as their weapon of choice**.[1] **Cyber espionage is rampant, with U.S. companies estimated to be losing a staggering $250 billion every year** in intellectual property.[2] **The latent nature of this threat leads many people to forgo investment in security because it has not yet harmed their organization** or because they mistakenly believe that they have nothing a cyber adversary would want. More important, they misunderstand that **their own cyber insecurity has collateral effects on othe**rs—effects for which they are responsible. **There is, therefore, a role for the federal government to encourage actions that will improve the overall cybersecurity posture of the U.S. That role**, however**, is not to set mandatory regulations. As** the U.S. Government Accountability Office (GAO) has found, **such an approach would be** more **like an anchor holding back U.S. entities while not providing additional security.[3]**

**Iranian retaliation would be intentionally limited—they don’t want WWIII**

**Kroenig ‘12**

[Matthew Kroenig, professor of government at Georgetown University and an affiliate with the Project on Managing the Atom at Harvard's Belfer Center for Science and International Affairs, “Time to Attack Iran - Why a Strike Is the Least Bad Option,” Foreign Affairs, JANUARY/FEBRUARY 2012 ISSUE, [http://www.foreignaffairs.com/articles/136917/matthew-kroenig/time-to-attack-iran //](http://www.foreignaffairs.com/articles/136917/matthew-kroenig/time-to-attack-iran%20//) wyo-ch]

None of these outcomes is predetermined, however; indeed, the United States could do much to mitigate them. **Tehran would certainly feel like it needed to respond to a U.S. attack**, in order to reestablish deterrence and save face domestically. **But it would also likely seek to calibrate its actions to avoid starting a conflict that could lead to the destruction of its military or the regime itself.** In all likelihood, **the Iranian leadership would resort to its worst forms of retaliation**, such as closing the Strait of Hormuz or launching missiles at southern Europe, **only if it felt that its very existence was threatened. A targeted U.S. operation need not threaten Tehran in such a fundamental way.**

**There is no causal relationship between the economy and conflict—the best study proves.**

**Brandt and Ulfelder 11**—\*Patrick T. Brandt, Ph.D. in Political Science from Indiana University, is an Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas. \*\*Jay Ulfelder, Ph.D. in political science from Stanford University, is an American political scientist whose research interests include democratization, civil unrest, and violent conflict. [April, 2011, “Economic Growth and Political Instability,” Social Science Research Network]

These statements anticipating political fallout from the global economic crisis of 2008–2010 reflect a widely held view that economic growth has rapid and profound effects on countries’ political stability. When economies grow at a healthy clip, citizens are presumed to be too busy and too content to engage in protest or rebellion, and governments are thought to be flush with revenues they can use to enhance their own stability by producing public goods or rewarding cronies, depending on the type of regime they inhabit. When growth slows, however, citizens and cronies alike are presumed to grow frustrated with their governments, and the leaders at the receiving end of that frustration are thought to lack the financial resources to respond effectively. The expected result is an increase in the risks of social unrest, civil war, coup attempts, and regime breakdown.

Although it is pervasive, the assumption that countries’ economic growth rates strongly affect their political stability has not been subjected to a great deal of careful empirical analysis, and evidence from social science research to date does not unambiguously support it.Theoretical models of civil wars, coups d’etat, and transitions to and from democracy often specify slow economic growth as an important cause or catalyst of those events, but empirical studies on the effects of economic growth on these phenomena have produced mixed results. Meanwhile, the effects of economic growth on the occurrence or incidence of social unrest seem to have **hardly been studied in recent years**, as empirical analysis of contentious collective action has concentrated on political opportunity structures and dynamics of protest and repression. This paper helps fill that gap by rigorously re-examining the effects of short-term variations in economic growth on the occurrence of several forms of political instability in countries worldwide over the past few decades. In this paper, we do not seek to develop and test new theories of political instability. Instead, we aim to subject a hypothesis common to many prior theories of political instability to more careful empirical scrutiny. The goal is to provide a detailed empirical characterization of the relationship between economic growth and political instability in a broad sense. In effect, we describe the conventional wisdom as seen in the data. We do so with statistical models that use smoothing splines and multiple lags to allow for nonlinear and dynamic effects from economic growth on political stability. We also do so with an instrumented measure of growth that explicitly accounts for endogeneity in the relationship between political instability and economic growth. To our knowledge, ours is the first statistical study of this relationship to simultaneously address the possibility of nonlinearity and problems of endogeneity. As such, we believe this paper offers what is probably the most rigorous general evaluation of this argument to date. As the results show, some of our findings are surprising. Consistent with conventional assumptions, we find that social unrest and civil violence are more likely to occur and democratic regimes are more susceptible to coup attempts around periods of slow economic growth. At the same time, our analysis shows no significant relationship between variation in growth and the risk of civil-war onset, and results from our analysis of regime changes contradict the widely accepted claim that economic crises cause transitions from autocracy to democracy. While we would hardly pretend to have the last word on any of these relationships, our findings do suggest that the relationship between economic growth and political stability is neither as uniform nor as strong as the conventional wisdom(s) presume(s). We think these findings also help explain why the global recession of 2008–2010 has failed thus far to produce the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social unrest associated with the crisis.

## China

**China won’t participate in restraint of its cyberwarfare capabilities-benefits outweigh**

**Cheng, 13**

(“China Renews Cyber Attacks Against U.S.” [Dean Cheng](http://blog.heritage.org/author/chengd/) The Heritage Foundation's research fellow on Chinese political and security affairs May 23, 2013

<http://blog.heritage.org/2013/05/23/china-renews-cyber-attacks-against-u-s/>) KH

When news surfaced months ago that [elements](https://www.mandiant.com/blog/mandiant-exposes-apt1-chinas-cyber-espionage-units-releases-3000-indicators/) of the PLA were engaged in cyber attacks, there was a hope in some quarters that the Chinese government might be “shamed” into suspending such attacks. It was hoped that, coupled with [comments](http://www.bloomberg.com/news/2013-03-11/china-cyber-attacks-harm-u-s-bid-for-tighter-ties-donilon-says.html) by National Security Advisor Tom Donilon that Chinese cyber attacks were jeopardizing U.S.–Chinese ties, Beijing would suspend such activities. Instead, after only a brief pause, the Chinese appear to have renewed their cyber activities, although they have modified some of their methods.

**This renewed set of attacks highlights the flawed assumption that Beijing can be coerced into suspending its broad range of computer network penetrations**, which span the gamut of government, commercial, civilian, and private computers and networks. **This naïve assumption presumes that publicizing Chinese cyber activities will somehow outweigh the evident benefits China gains from hacking—including access to key American**[**intelligence databases**](http://www.washingtonpost.com/world/national-security/chinese-hackers-who-breached-google-gained-access-to-sensitive-data-us-officials-say/2013/05/20/51330428-be34-11e2-89c9-3be8095fe767_print.html)**. Is it really credible to believe that the Chinese will forgo opportunities to learn the identities of American agents in China, because its activities will be highlighted**?

Indeed, the entire American approach seems to start from questionable assumptions. General Martin Dempsey, in his recent trip to China, reportedly told Chinese leaders that it was [against their strategic and economic interests](http://articles.washingtonpost.com/2013-04-24/world/38776652_1_chinese-leaders-martin-dempsey-cyberattacks) to allow cyber intrusions to continue—as though Chinese cyber activities were the product of independent hackers, rather than the Chinese military itself. Indeed, he [seems to accept at face value](http://news.yahoo.com/blogs/power-players-abc-news/gen-dempsey-china-takes-no-ownership-cyber-attack-111925637.html) Chinese denials that they have anything to do with computer attacks.

It should be remembered, though, that **General Dempsey has**[**previously stated**](http://security.blogs.cnn.com/2012/02/14/hacking-by-china-not-necessarily-a-hostile-act/)**that, “should China’s military be found to be behind hacks into the U.S. infrastructure, it would not necessarily be a ‘hostile act.’”** It is therefore perhaps not surprising that, **despite evidence that the PLA is in fact behind various computer attacks, he remains open to cooperation with China, rather than viewing them as the source of attacks,** i.e., “hostile.”

**No cyber war with China—interdependence checks**

**Austin and Gady 2012**

(Greg, professorial fellow at the EastWest Institute and senior visiting fellow in the department of War Studies at King’s College London, and Franz-Stefan, associate and foreign policy analyst at the EastWest Institute, "Cyber Detente Between the united States and China: Shaping the Agenda", http://www.ewi.info/system/files/detente.pdf)

That said**, the two countries’ economies, though very different in many respects, are each highly dependent on a global Internet and shared communications platforms** and hardware. While the Chinese economy is not as dependent on the Internet as the U.S., economy is, the difference between the two is fast shrinking. **China’s export-driven economy and its trade in financial services make it as vulnerable to cyber attack as the United States. This interdependence—despite occasional outbursts of confrontational rhetoric coming from both Beijing and Washington— can be leveraged to promote stability in bilateral relations.** In fact, **this is already happening. We can think of this interdependency as a bal-ance of cyber power. If one accepts that both governments make rational calculations, than this new interconnectedness can be exploited to make conflict less likely**. In today’s interconnected, digitalized world, the “opportunity cost” associated with embarking on a confrontational course will deter both parties from engaging in open hostile actions. This of course does not preclude cyber espionage, intellectual property theft, or even what some analysts have called the “long game,” i.e. the slow and gradual infiltration of strategically significant economic ICT systems by hackers on both sides.

#### No US-China war – regional stability

Ackerman 11

(Robert, quoting former admiral Timothy Keating, the official blog of the Armed Forces Communication and Electronics Association, 5/10/11, “War Between China, U.S. Not Likely,” <http://www.afcea.org/signal/signalscape/index.php/2011/05/10/11510/>)

The United States and China are not likely to go to war with each other because neither country wants it and it would run counter to both nations’ best interests. That was the conclusion of a plenary panel session hosted by former Good Morning America host David Hartman at the 2011 Joint Warfighting Conference in Virginia Beach. Adm. Timothy J. Keating, USN (Ret.), former head of the U.S. Pacific Command, noted that China actually wants the United States to remain active in the Asia-Pacific region as a hedge against any other country’s adventurism. And, most of the other countries in that region want the United States to remain active as a hedge against China. Among areas of concern for China is North Korea. Wallace “Chip” Gregson, former assistant secretary of Defense for Asian and Pacific Security Affairs, said that above all China fears instability, and a North Korean collapse or war could send millions of refugees streaming into Manchuria, which has economic problems of its own. As for Taiwan, Adm. Keating offered that with each day, the likelihood of a Chinese attack on Taiwan diminishes. Economic ties between the two governments are growing, as is social interaction. He predicts that a gradual solution to reunification is coming. The United States can hasten that process by remaining a powerful force in the region, he added.

# 2NC

## OCO

**US-China cooperating over cyberspace now.**

**Press TV, 13**

(“China, US talks on cyber security go well” Jul 10, 2013 http://www.presstv.com/detail/2013/07/10/313127/china-us-talks-on-cyber-security-work/) KH

Cyber security is one of the main issues for the four-day talks in Washington, began on Monday, as both countries accuse each other of hacking attacks.
**Snowden’s recent revelations of US electronic surveillance across the world gave Beijing an argument to counter America’s claims that China steals private intellectual property** (IP) from American research centers and companies.
**However**, **China’s Xinhua news agency said that the talks between the world’s two largest economies have made progress** on Monday and Tuesday.
"**The two sides held candid in-depth discussions on cyber security, including the mechanism of a bilateral cyber working group, international cyberspace rules, and measures to boost dialogue and cooperation on cyber security**," the news agency said.
**The two countries agreed to improve cooperation to “play a positive role in enhancing mutual trust, reducing mutual suspicion, managing disputes and expanding cooperation**,” it also said.

## CP

#### CP solves better- statutory is bound to fail and makes the impacts worse- executive exploits increasing Congressional limits

Moe and Howell 99

(Terry, prof of political science @ Stanford, and William, Associate Prof @ Harvard, "The Presidental Power of Unilateral Action") KH

While Congress will sometimes have incentives to make broad delegations, legislators are more often likely to see the value in putting statutory restrictions on what presidents can do. Presidents, after all, have broad national constituencies, are less susceptible to pressures from special interest groups, are concerned about their historical legacies as strong national leaders, and in general have different political stakes in policy than parochially oriented legislators do-and the coalitions behind particular pieces of legislation, especially on domestic issues, will often have good reason to fear that presidents might use any discretion delegated them in unwanted ways. If so, they will want to constrain the president's powers of unilateral action through narrow and strategically crafted delegations (Moe, 1990; Epstein and O'Halloran, 1999).

How well can this be expected to work? To begin with, legislators can only go so far with a strategy of truly narrow delegations. They are fundamentally concerned with making constituents happy, and thus with ensuring the flow of benefits. For policies of even moderate complexity in an ever-changing world, this unavoidably calls for placing most decisions in the hands of executives and allowing them to use their own expert judgment in fleshing out the details. Like the founders, then, the best legislators can do is to write statutory analogues to incomplete contracts, and thus to set up governing structures that, while perhaps restrictive in certain ways, still contain substantial discretion. And once these statutory governing structures are set up, it is the president and the agencies who do the governing, not the Congress.

To the extent that legislators find themselves proposing highly restrictive delegations, moreover, they have to reckon with the fact that presidents are pivotal players in the legislative process. They can veto any piece of legislation they want, and if they do, it is exceedingly difficult for Congress to override them. (Empirically, only about 7% of presidential vetoes have been overridden; see Cronin and Genovese, 1998). Since everyone is aware ex ante of how consequential the veto can be, presidents will have a major say in shaping the content of legislation, and as they do they will be highly sensitive to how legislation stands to affect their own formal power. Among other things, they will push hard for provisions that give them as much discretion as possible, and they will seriously discourage provisions that limit their prerogatives.

Even when restrictions are included in final bills, Congress faces the problem of making them stick in practice-for a president will not be easy to control once governing shifts to his bailiwick. In part, this is due to the same problem that owners face in trying to control the management of a private firm, for managers-like presidents and their agencies-have expertise, experience, and operational leverage that allow them to engineer outcomes to their own advantage. Although expected to faithfully execute the laws, managers have a very substantial capacity to shirk. The problem that Congress faces, however, is even more severe than this classic economic analogy can suggest. The president possesses all the resources for shirking that the corporate manager does, but his position is far stronger, precisely because he is not really Congress's agent. He is not a subordinate, but a coequal authority. As a result, Congress cannot hire him, cannot fire him, and cannot structure his powers and incentives in any way it might like, yet it is forced to entrust the execution of the laws to his hands. From a control standpoint, this is a nightmare come true.

Finally, whatever the discretion contained in specific pieces of legislation, and whatever opportunities for shirking they open up, it is crucial to recognize that the president is greatly empowered by the sheer proliferation of statutes over time. In part, the reasons are pretty obvious. When new statutes are passed, almost whatever they are, they increase the president's total responsibilities and give him a formal basis for extending his authoritative reach into new realms. At the same time, they add to the total discretion available for presidential control, as well as to the resources contained within the executive.

Less obviously, though, the proliferation of statutes creates substantial ambiguity about what the "take care" clause ought to mean in operation, ambiguity that presidents can use to their great advantage (Corwin, 1973, 1984). While it may seem that the burgeoning corpus of legislative requirements would tie the president up in knots, the aggregate impact is liberating. For the president, as chief executive, is responsible for all the laws, and inevitably the laws turn out to be interdependent and conflicting in ways that the individual statutes themselves do not recognize. In the aggregate, what they require of him is ambiguous. The president's proper role, as would be true for any executive, is to rise above a myopic focus on each statute in isolation, to coordinate policies by taking account of their interdependence, and to resolve statutory conflicts by balancing their competing requirements. All of this affords him enormous discretion to impose his own priorities on government unilaterally and to push out the boundaries of his own power-claiming all the while that he is faithfully executing the laws.

Even though presidents are mere executives, then, charged with "taking care that the laws be faithfully executed," Congress cannot be expected to use statutory constraints with great effectiveness in restricting the expansion of presidential power.

**Clarity about attacks about attacks solves**

**Walker 8/2/13** (Richard, Pen Name for New York News Producer, American free Press, “OBAMA EXPANDS WAR POWERS; CAN UNLEASH CYBERWAR ANY TIME <http://americanfreepress.net/?p=11966#sthash.GqeI03l8.dpuf>)

The very moment United States President Barack **Obama** authorized the “dropping” of an electronic bomb on Iran’s nuclear industry he **crossed a line into a new kind of warfare that could have global consequences today and far into the future.** The weapon used against Iran was built **with** the cooperation of Israel and was named **Stuxnet**. It was a “worm” that infected the computers running Iran’s nuclear industry. German systems control expert, Ralph Langer, who told the world about Stuxnet, remarked Stuxnet represented a dangerous capability and that its code could be used by hackers and others. In other words, **Obama had unleashed a weapon that could be re-engineered by anyone to attack computer networks controlling American infrastructure.**

Perhaps the most significant aspect of the **Stuxnet** attack was it **demonstrated how Obama had given to himself new powers to launch a cyberwar against any country without Congressional approval.** **Unlike conventional** war in which soldiers are sent to the front and bombs are dropped from the skies, **cyberweapons silently and stealthily attack information systems, as well as financial and power centers.** **We do not know how many times Obama has used his new Cyber Command unit to attack nations other than Iran.**

Obama’s Presidential Policy Directive 20, known as **PPD 20**, which he signed in October 2012, **was a stark example of a power grab to accord to him special powers to launch a cyber war at a moment of his choosing.** The Guardian newspaper, which first revealed the existence of the directive, **claimed it sought a larger target list for cyber attacks and contemplated the use of cyber weapons within the U.S.** **if the president gave the green light and only in an emergency. But what kind of emergency remains unclear, as does the list of nations he might target in the future.**

**Obama has restrained OCO empirically**

**Sanger & Shanker 2013**

[David E. Sanger is chief Washington correspondent of The New York Times., Thom Shanker, writer for nYT, February 3rd, 2013, Broad Powers Seen for Obama in Cyberstrikes, <http://www.nytimes.com/2013/02/04/us/broad-powers-seen-for-obama-in-cyberstrikes.html?pagewanted=all&_r=0>, uwyo//amp]

Mr. **Obama is known to have approved the use of cyberweapons** only **once,** early in his presidency, when he ordered an escalating series of cyberattacks against Iran’s nuclear enrichment facilities. **The operation** was code-named Olympic Games, and while it began inside the Pentagon under President George W. Bush, it **was** quickly **taken over by the National Security Agency**, the largest of the intelligence agencies, **under the president’s authority to conduct covert action**. As the process of defining the rules of engagement began more than a year ago, **one senior administration official emphasized that the United States had restrained its use of cyberweapons**. “There are levels of cyberwarfare that are far more aggressive than anything that has been used or recommended to be done,” the official said. The attacks on Iran illustrated that a nation’s infrastructure can be destroyed without bombing it or sending in saboteurs. While many potential targets are military, a country’s power grids, financial systems and communications networks can also be crippled. Even more complex, nonstate actors, like terrorists or criminal groups, can mount attacks, and it is often difficult to tell who is responsible. Some critics have said the cyberthreat is being exaggerated by contractors and consultants who see billions in potential earnings. One senior American official said **that officials quickly determined that the cyberweapons were so powerful that — like nuclear weapons — they should be unleashed only on the direct orders of the commander in chief.**

**Obama determines whether or not to carry out OCO**

**Sanger & Shanker 2013**

[David E. Sanger is chief Washington correspondent of The New York Times., Thom Shanker, writer for nYT, February 3rd, 2013, Broad Powers Seen for Obama in Cyberstrikes, <http://www.nytimes.com/2013/02/04/us/broad-powers-seen-for-obama-in-cyberstrikes.html?pagewanted=all&_r=0>, uwyo//amp]

WASHINGTON — **A secret legal review on the use of America’s** growing arsenal of **cyberweapons has concluded that** President **Obama has the broad power to order a pre-emptive strike if the United States detects credible evidence of a major digital attack looming** from abroad, according to officials involved in the review. Related That decision is among several reached in recent months **as the administration moves**, in the next few weeks**, to approve the nation’s first rules for how the military can defend, or retaliate, against a major cyberattack**. **New policies will also govern how the intelligence agencies can carry out searches of faraway computer networks** **for signs of potential attacks on the United States and, if the president approves, attack adversaries** by injecting them with destructive code — even if there is no declared war. **The rules will be highly classified**, just as those governing drone strikes have been closely held. John O. Brennan, Mr. Obama’s chief counterterrorism adviser and his nominee to run the Central Intelligence Agency, played a central role in developing the administration’s policies regarding both drones and cyberwarfare, the two newest and most politically sensitive weapons in the American arsenal.

### AT: LX to Politics F/L

**Only Congressional moves to reclaim war power authority triggers the war power and politics disad**

William **Howell**, Sydney Stein professor in American politics at the University of Chicago, **9/3/13**, All Syria Policy Is Local, www.foreignpolicy.com/articles/2013/09/03/all\_syria\_policy\_is\_local\_obama\_congress?page=full

From a political standpoint, **seeking congressional approval** for a limited military strike against the Syrian regime, as President Barack Obama on Saturday announced he would do**, made lots of sense**. And let's be clear, this call has everything to do with political considerations, and close to nothing to do with a newfound commitment to constitutional fidelity. The first reason is eminently local. Obama has proved perfectly willing to exercise military force without an express authorization, as he did in Libya -just as he has expanded and drawn down military forces in Afghanistan, withdrawn from Iraq, significantly expanded the use of drone strikes, and waged a largely clandestine war on terrorism with little congressional involvement. **The totality of Obama's record**, which future presidents may selectively cite as precedent, hardly **aligns with a plain reading of the war powers** described in the first two articles of the constitution. Obama isn't new in this regard. Not since World War II has Congress declared a formal war. And since at least the Korean War, which President Harry Truman conveniently called a "police action," commanders-in-chief have waged all sorts of wars -small and large -without Congress's prior approval. **Contemporary debates about** Congress's **constitutional obligations on** matters involving **war have lost a good deal of their luster**. Constitutional law professors continue to rail against the gross imbalances of power that characterize our politics, and **members of whichever party happens to be in opposition can be counted on to decry the abuses of war powers** propagated by the president. But these criticisms -no matter their interpretative validity -rarely gain serious political traction. Too often they appear as arguments of convenience, duly cited in the lead-up to war, but **serving primarily as footnotes rather than banner headlines** in the larger case against military action. Obama's recent decision to seek congressional approval is not going to upend a half-century of practice that has shifted the grounds of military decision-making decisively in the president's favor**,** any more than it is going to imbue the ample war powers outlined in Article I with newfound relevance and meaning. **For that to happen, Congress itself must claim for itself its constitutional powers regarding war.** Obama did not seek Congress's approval because on that Friday stroll on the White House lawn he suddenly remembered his Con Law teaching notes from his University of Chicago days**. He did so for political reasons**. Or more exactly, **he did so to force members of Congress to go on the record today in order to mute** their **criticisms** tomorrow. And let's be clear, Congress -for all its dysfunction and gridlock -still has the capacity to kick up a good dust storm over the human and financial costs of military operations. Constitutional musings from Capitol Hill -of the sort a handful of Democrats and Republicans engaged in this past week -rarely back the president into a political corner. The mere prospect of members of Congress casting a bright light on the human tolls of war, however, will catch any president's attention. Through hearings, public speeches, investigations, and floor debates, members of Congress can fix the media's attention -and with it, the public's -on the costs of war, which can have political repercussions both at home and abroad. Think, then, about the stated reasons for some kind of military action in Syria. No one is under the illusion that a short, targeted strike is going to overturn the Assad regime and promptly restore some semblance of peace in the region. In the short term, the strike might actually exacerbate and prolong the conflict, making the eventual outcome even more uncertain. And even the best-planned, most-considered military action won't go exactly according to plan. Mishaps can occur, innocent lives may be lost, terrorists may be emboldened, and anti-American protests in the region will likely flare even hotter than they currently are. The core argument for a military strike, however, centers on the importance of strengthening international norms and laws on chemical and biological weapons, with the hope of deterring their future deployment. The Assad regime must be punished for having used chemical weapons, the argument goes, lest the next autocrat in power considering a similar course of action think he can do so with impunity. But herein lies the quandary. The most significant reasons for military action are abstract, largely hidden, and temporally distant. The potential downsides, though, are tangible, visible, and immediate. And in a domestic political world driven by visual imagery and the shortest of time horizons, it is reckless to pursue this sort of military action without some kind of political cover. **Were Obama to proceed without congressional authorization, he would invite House Republicans to make all sorts of hay about his misguided, reckless foreign policy**. **But by putting the issue before Congress, these same Republicans** either **must explain why the use of chemical weapons** against one's people **does not warrant** some kind of military **intervention; or they must concede** that some form of exacting punishment is needed. Both options present many of the same risks for members of Congress as they do for the president. But crucially, if they come around to supporting some form of military action -and they just might -members of Congress will have an awfully difficult time criticizing the president for the fallout. **Will the decision** on Saturday **hamstring the president** in the final few years of his term? **I doubt it**. **Having gone to Congress on this crisis, must he do so on every future one? No.** Consistency is hardly the hallmark of modern presidents in any policy domain, and certainly not military affairs. Sometimes presidents seek Congress's approval for military action, other times they request support for a military action that is already up and running, and occasionally they reject the need for any congressional consent at all. And for good or ill, it is virtually impossible to discern any clear principle that justifies their choices. **The particulars of every specific crisis** -its urgency, perceived threat to national interests, connection to related foreign policy developments, and what not -**can be expected to furnish the president with ample justification for pursuing whichever route he would like**. Like jurists who find in the facts of a particular dispute all the reasons they need for ignoring inconvenient prior case law, presidents can characterize contemporary military challenges in ways that render past ones largely irrelevant. Partisans and political commentators will point out the inconsistencies, but their objections are likely to be drowned out in rush to war. Obama's decision does not usher in a new era of presidential power, nor does it permanently remake the way we as a nation go to war. It reflects a temporary political calculation -and in my view, the right one -of a president in a particularly tough spot. Faced with a larger war he doesn't want, an immediate crisis with few good options, and yet a moral responsibility to act, he is justifiably expanding the circle of decision-makers. But don't count on it to remain open for especially long.

#### CP is executive action—obviously avoids Congressional fights

Fine 12

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

We also should expect presidents to prioritize and be strategic in the types of executive orders that they create to maneuver around a hostile Congress. There are a variety of reasons that can drive a president’s decision. For example, presidents can use an executive order to move the status quo of a policy issue to a position that is closer to their ideal point. By doing so, presidents are able to pressure Congress to respond, perhaps by passing a new law that represents a compromise between the preferences of the president and Congress. Forcing Congress’s hand to enact legislation might be a preferred option for the president, if he perceives Congress to be unable or unwilling to pass meaningful legislation in the ﬁrst place. While it is possible that such unilateral actions might spur Congress to pass a law to modify or reverse a president’s order, such responses by Congress are rare (Howell 2003, 113-117; Warber 2006, 119). Enacting a major policy executive order allows the president to move the equilibrium toward his preferred outcome without having to spend time lining up votes or forming coalitions with legislators. As a result, and since reversal from Congress is unlikely, presidents have a greater incentive to issue major policy orders to overcome legislative hurdles.

### 2NC Rollback

**And executive orders have the force of law:**

**Oxford** Dictionary of English **2010**

(Oxford Reference, Georgetown Library)

executive order

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

**Executive orders are permanent**

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

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

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

**CP constrains future Presidents – it creates a legal framework**

**Brecher**, JD University of Michigan, December **2012**

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

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

**Epirics prove**

**Jensen**, JD Drake University, Summer **2012**

(Jase, FIRST AMERICANS AND THE FEDERAL GOVERNMENT, 17 Drake J. Agric. L. 473, Lexis)

At the historic 1994 meeting with the tribes, President Clinton signed a Presidential memorandum which provided executive departments and agencies with principles to guide interaction with and policy concerning Indian tribes. n83 President Clinton sought to ensure that the government recognizes that it operates on a government-to-government relationship with the federally recognized tribes. n84 Agencies were to consult with tribes prior to taking action which would affect them, consider tribal impact regarding current programs and policies, and remove barriers to communication. n85

Toward the end of Clinton's second term he issued an executive order which provided the executive branch with more detailed directions on how to implement the broader policy of government-to-government tribal consultation set forth in the 1994 memorandum. n86 **The order had a stronger binding effect on future administrations**. President Clinton signed Executive Order 13175 on November 6, 2000, and the order went into effect on January 5, 2001. n87 The order was binding upon all executive departments and executive agencies and all independent agencies were encouraged to comply with the order on a voluntary basis. n88 Each agency was required to designate an official which is to head the crea [\*486] tion of a tribal consultation plan, prepare progress reports, and ensure compliance with Executive Order 13175. n89

## Case

**No US-China cyber war**

**Fox 2011** (Stuart Fox, Assistant Editor, July 2, 2011, “Why Cyberwar Is Unlikely,” Tech News Daily, http://www.technewsdaily.com/6962-cyberwar-unlikely-deterrence-cyber-war.html)

**Even as more and more countries invest in the idea of cyberwarfare, cyberspace remains largely peaceful** insofar as actual war is concerned.¶ In the two decades since cyberwar first became possible, **there hasn't been a single event** that politicians, generals and security experts agree on as **having passed the threshold for strategic cyberwar .¶** In fact, the attacks that have occurred have fallen so far short of a proper cyberwar that many have begun to doubt that cyberwarfare is even possible.¶ **The reluctance to engage in strategic cyberwarfare stems mostly from the uncertain results such a conflict would bring, the lack of motivation on the part of the possible combatants and their shared inability to defend against counterattacks .¶** Many of the systems that an aggressive cyberattack would damage are actually as valuable to any potential attacker as they would be to the victim.¶ The five countries capable of large-scale cyberwar (Israel, the U.S., the U.K., Russia and **China**) **have more to lose if a cyberwar were to escalate into a shooting war than they would gain from a successful cyberattack.¶** **"The half-dozen countries that have cyber capability are deterred from cyberwar because of the fear of the American response. Nobody wants this to spiral out of control,"** said James Lewis, senior fellow and director of technology and public policy at the Center for Strategic and International Studies in Washington, D.C.

**No US-China cyber war and no impact**

**Sanders 7/6** (Doug Sanders, author and journalist, “Our Computers Are Not Going to Kill Us: Cyber War is Military Fiction,” http://dougsaunders.net/2013/07/our-computers-are-not-going-to-kill-us-cyber-war-is-military-fiction/)

We tend to believe them. To those of us who grew up in the early decades of the Internet, reading William Gibson and watching Tron, the idea of a distinct and tangible “cyberspace,” as Mr. Gibson coined it, seems believable. If war is hell in meatspace, then imagine what it will be like when it moves into the online world, where all our communications and private data are stored, where the machines that control our entire lives can be hacked. If the Internet is everywhere, **wouldn’t a cyberwar be a total war?¶** Once we started believing this, **the whole world seemed to confirm it.** An online virus was used by Israel and the United States to disable a uranium-enrichment facility in Iran. **China uses a facility to steal data from the West.** France, Britain and the United States, as we’ve recently learned, are mass-harvesting the online communications and phone calls of foreigners (and possibly their own citizens), and the man who revealed this, Edward Snowden, is in the midst of a globe-trotting flight across the settings of vintage James Bond movies. If this is what cyber cold war looks like, how horrid would real cyberwars be?¶ We can imagine them, and make movies about them, **but the reality is far more mundane and less threatening.¶** **That’s the conclusion made by** Thomas Rid, **an expert on cybersecurity** and intelligence **at the department of war studies at London’s King’s College.** His forthcoming book’s straight-up title, Cyber War Will Not Take Place, is a call for sanity: **There is no distinct “online world,” and the many forms of online crime and mischief are not a threat to our existence** or our civilization.¶ **“Cyber war has never happened in the past, it does not occur in the present, and it is highly unlikely that it will disturb our future,”** Mr. Rid writes.¶ Instead, he says, “the opposite is taking place: a computer-enabled assault on violence itself. All past and present political cyberattacks – in contrast to computer crime – are sophisticated versions of three activities that are as old as human conflict itself: sabotage, espionage and subversion … In several ways, cyberattacks are not creating more vectors of violent interaction; rather, they are making previously violent interactions less violent.”¶ **People who understand distributed systems and networks realize this: It may be possible**, if hundreds of people work on the problem for years, **to damage a single centrifuge facility using a virus – but still only if there’s also a human sabotage agent placed on site. To destroy or disable an entire country’s or region’s infrastructure using lines of code or electromagnetic pulses would be impossible – or,** at least, given the need for human agents at each target, **it would be the same as using bombs to do so** (and bombs would be quicker and easier).

### Iran

#### No econ decline war---best and most recent data

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

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

# 1NR

## Politics

**Immigration reform is key to bringing high skilled workers and engineers to the US, this will fuel the green revolution and lead to clean technology- Herman 10**

#### Warming leads to famine, and conflict

Demirdjian 11

(Z S Demirdjian is a professor at California State University and is a board member at the ACADEMIC JOURNAL PUBLICATION & ACADEMIC CONFERENCES. “The Effects of Global Warming On Plants, Animals, and the Ecosystem” September 2011. Proquest//wyoccd)

Finally, let us briefly discuss the global warming effects on the Homo sapiens who are the top banana at the food chain and who are the prime culprit as changers of the physical appearance of the Earth. In view of the most important areas from the standpoint of well-being, humans will be affected in terms of shortage of water supplies, food supplies, and human health. Water makes up 70 percent of the human body's chemical composition. It is, therefore, a vital resource. Contrary to expectations that because of melting of ice, the dry areas of the world will get even drier and will suffer severe droughts, especially southern Africa, Middle East, Western North America, and Western Australia. Agricultural food production will be further affected by extreme weather events such as droughts and floods. The warming of oceans will have a negative impact on commercial fisheries. Famine will increase around the globe due to shortage of food. The water quality will also be negatively affected by heavy precipitation events which may contaminate drinking water supplies. Stagnant water pools will harbor all sorts of virus and bacteria harboring insects which eventually weaken the health of the human system around the globe. We have already seen an example of the damage caused by a heat-wave that hit Europe in 2003, claiming 35, 000 deaths. Floods, tropical cyclones, and other extreme events will be another major cause of human deaths. Of all the debilitating effects of global warming is the expectation of infectious diseases to rise. It is a wellknown fact that disease-carrying insects breed prodigiously in wet hot conditions, especially in tropical countries. Millions of people will suffer from malnutrition on account of shortages in food supply. This, in turn, will lead to weakened immune systems and general health deterioration of humans. In sum, the human condition will deteriorate with the global warming effects. To survive under austere conditions, humans will resort to violence such as killing and war. Many people are not aware of the fact that it was global warming effects that lie at the very heart of the well-known, little understood, tragic ethnic conflict in Darfur, Sudan. The conflict that began in 2003 was preceded by decades of drought, desertification, and overpopulation in this African nation. This sad situation forced camel-herding nomads from the Arab Baggara tribes searching for water for their livestock to travel south, which was heavily populated by non-Arab farming communities. The fight ensued for scarce resources the country could provide its people. Violence erupted and many people perished. This shows that global warming will affect every aspect of life on Earth and that we should be prepared to counter its negative effects on plants, animals, and humans because without these entities the Earth would be a dreary place just like the planet Mars.

**Immigration reform key to solve tech and creates cooperation**

**Herman et al 2010**

(Richard, “Why Immigrants Can Drive the Green Economy”, Immigration Policy Center <http://immigrationpolicy.org/perspectives/why-immigrants-can-drive-green-economy>, ldg)

It should come as no surprise that **immigrants will help drive the green revolution**. America’s young scientists and engineers, especially the ones drawn to emerging industries like alternative energy, tend to speak with an accent. The 2000 Census found that **immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees**. Their importance will only grow. Nearly 70 percent of the men and women who entered the fields of science and engineering from 1995 to 2006 were immigrants. Yet, the connection between immigration and the development and commercialization of alternative energy technology is rarely discussed. Policymakers envision millions of new jobs as the nation pursues renewable energy sources, like wind and solar power, and builds a smart grid to tap it. But Dan Arvizu, the leading expert on solar power and the director of the National Renewable Energy Laboratory of the U.S. Department of Energy in Golden, Colorado, warns that **much of the clean-technology talent lies overseas, in nations that began pursuing alternative energy sources decades ago**. **Expanding our own clean-tech industry will require working closely with foreign nations and foreign-born scientists**, he said. **Immigration restrictions are making collaboration difficult**. His lab’s efforts to work with a Chinese energy lab, for example, were stalled due to U.S. immigration barriers. “We can’t get researchers over here,” Arvizu, the son of a once-undocumented immigrant from Mexico, said in an interview in March 2009, his voice tinged with dismay. “It makes no sense to me. We need a much more enlightened approach.” Dr. Zhao Gang, the Vice Director of the Renewable Energy and New Energy International Cooperation Planning Office of the Ministry of Science and Technology in China, says that America needs that enlightenment fast. “The Chinese government continues to impress upon the Obama administration that **immigration restrictions are creating major impediments to U.S.-China collaboration on clean energy development**,” he said during a recent speech in Cleveland. So what’s the problem? Some of it can be attributed to national security restrictions that impede international collaboration on clean energy. But Arvizu places greater weight on immigration barriers, suggesting that national secrecy is less important in the fast-paced world of green-tech development. “We are innovating so fast here, what we do today is often outdated tomorrow. Finding solutions to alternative energy is a complex, global problem that requires global teamwork,” he said. **We need an immigration system that prioritizes the attraction and retention of scarce, high-end talent needed to invent and commercialize alternative energy technology and other emerging technologies**. One idea we floated by Arvizu was a new immigrant “Energy Scientist Visa,” providing fast-track green cards for Ph.D.s with the most promising energy research, as reviewed by a panel of top U.S. scientists. Arvizu enthusiastically responded, “Wow, that’s a brilliant idea.” As the recent submission of the Startup Visa Act bill suggests, there’s really no shortage of good ideas of leveraging immigration to jumpstart the economy. The challenge is getting the American people to understand that high-skill immigration creates jobs, that the current system is broken, and that action is required now.

**CIR leads to sustainable employment for the industry**

**Plotkin 9**--Norman C.,partner in the Jackson and Hertogs LLP, immigration law firm, "Time to plan for the H-1B visa filing deadline", Cleantech Forum, March 16th, <http://cleantech.com/news/4270/time-plan-h-1b-visa-filing-deadline>

**Clean technology companies in the U.S.** may **find themselves** in the unusual position of receiving federal stimulus funding while at the same time **not being able to hire and retain key employees.** The economic downturn has stopped many employers across all industries from making new hires, but cleantech companies are gearing up for even greater hiring to meet the challenges of our changing economy. However, **many of the best potential hires will be foreign nationals who require employment authorization issued by U.S. Citizenship & Immigration Services** (USCIS) **to legally work in the U.S.** Many times the most appropriate visa for these workers is the H-1B visa. The H-1B nonimmigrant visa is for highly skilled workers and is one of the few visas available to foreign scientists and engineers to work for U.S. companies. The predicament is that H-1B visas are not always available. **Strict annual quotas have meant that many more H-1B visas have been requested in each of the last few years than available numbers**. What this means for cleantech companies is that **they** in particular **may be barred from hiring key personnel because of strict reductions in visa numbers**. Since most cleantech **companies are startups**, **they** **may not be prepared to deal with this hiring issue because they do not have the infrastructure** **in human resources** to make them aware of the restrictions. For individuals who have not already been counted against the annual H-1B cap, there is only a short window in which to file H-1B visa petitions: between April 1 and 7, 2009. Given the relative youth of cleantech, **cleantech companies are particularly vulnerable to being shut out by the H-1B cap**. How many F-1 students (recent Masters and PhD candidates) has your company hired in the past year? If you even have one, you should be looking at a long term solution to keeping the F-1 student on board. What are your hiring needs going into the balance of the calendar year?

Turns-- Iran-US War

#### Collapse of the ag industry leads to extinction

Lugar 2k

(Richard, a US Senator from Indiana, is Chairman of the Senate Foreign Relations Committee, and a member and former chairman of the Senate Agriculture Committee. “calls for a new green revolution to combat global warming and reduce world instability,” pg online @ <http://www.unep.org/OurPlanet/imgversn/143/lugar.html>)

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. **But we do so at our peril.** One of the most daunting of them is meeting the world’s need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that states may go to war over access to resources, and that poverty and famine have often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability and the proliferation of weapons of mass destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, the demand for affordable food will increase well beyond current international production levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: developing countries often use limited arable land to expand cities to house their growing populations. As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe. Productivity revolution To meet the expected demand for food over the next 50 years, we in the United States will have to grow roughly three times more food on the land we have. That’s a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it’s been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The United States can take a leading position in a productivity revolution. And our success at increasing food production may **play a decisive** humanitarian **role in the survival of** billions of people and the health of **our planet.**

### UQ

**Capital’s key but limited – the plan disrupts Obama’s careful strategy**

**Eilperin and Tumulty 12/10** (Juliet, House of Representatives reporter for Washington Post, and Karen, national political correspondent for The Washington Post, “Podesta, Schiliro to return to White House,”<http://www.washingtonpost.com/politics/podesta-schiliro-to-return-to-white-house/2013/12/10/194b22f4-61a7-11e3-94ad-004fefa61ee6_story.html>)

President **Obama is embarking on his biggest organizational overhaul** of the White House **since 2010, bringing in Washington veterans and rethinking the way he approaches** some of the most pressing policy **decisions** he will make during the remainder of his second term. **The decision to enlist influential Democratic strategist John D. Podesta, just days after bringing back** his former legislative affairs chief Phil **Schiliro, signals a larger shift in how the White House will operate i**n coming months. Eager to salvage his landmark health-care law and advance climate-change policy before he leaves office, Obama and his aides are open to empowering a handful of advisers with broader policy portfolios to ensure the administration achieves its goals. The president and his aides have been discussing a possible reorganization with some trusted outside advisers for at least a month, according to a senior White House official, who spoke on the condition of anonymity because of the topic’s sensitive nature. The staff ­changes will continue in the coming weeks, the official said. **The moves mark a recognition by the White House that it needed to change its operations in light of the botched Oct. 1 rollout of the health-care law,** particularly given that Pete Rouse, the president’s longest-serving aide, will be leaving by the end of the year. Obama has been hesitant to replace many within his small inner circle operating in the West Wing, in part because his limited time in Washington before the presidency left him with relatively few trusted advisers. While he replaced several key members of his Cabinet after his 2012 re­election — including his secretaries of state, Treasury and defense — it is a measure of how static White House staff has been that the recruitment of two former advisers, on a temporary basis, amounts to a staff shake-up. “**Obama still has an opportunity to get one or two major initiatives through Congress, possibly immigration reform, but he doesn’t have much gas left in the tank,” New York University public affairs professor Paul C. Light wrote in an e-mail. “Podesta and Schiliro may be able to ration Obama’s declining political capital, and hold the line on House Republican attacks. The door is closing on Obama’s presidency** — these two advisers know how to do it as well as it can be done.” The White House’s handling of the health-care law’s implementation, Obama’s lack of knowledge about the scope of the National Security Agency’s eavesdropping program and other missteps have damaged the president’s credibility and raised questions about the West Wing’s competence. Republican critics and Democratic allies have called on Obama to fire at least one senior staff member, a step Obama has so far resisted. Podesta has done multiple stints on Capitol Hill and served twice in the Clinton White House, taking over as chief of staff in 1998 and steering the ship through Clinton’s House impeachment. After Clinton left office, Podesta founded the Center for American Progress (CAP), a liberal think tank, and managed Obama’s transition team in 2008. Obama officials emphasized that the two recent hires were distinct: Schiliro will serve only for a few months and is focused exclusively on steering the administration’s health-care policy. But the moves, along with Rouse’s imminent departure, mark one of the most significant shifts in White House staffing since the ­changes Obama made in the wake of Democratic losses in the 2010 midterms. After that election, senior aides David Axelrod, Jim Messina and Mona Sutphen left and the political director’s job occupied by Patrick Gaspard was eliminated. Obama political strategist David Plouffe came on as a senior adviser, and William Daley took over as chief of staff. Former White House deputy senior adviser Stephanie Cutter, now a partner at the consulting firm Precision Strategies, wrote in an e-mail that adding **the two advisers “brings some fresh thinking and brain power, because they haven’t been in the foxhole these last several months or even years.” “They also bring institutional knowledge of the workings of the West Wing” and other parts of Washington, she added. Several former administration officials and Obama supporters said the realignment amounts to an acknowledgment that the current policy and legislative affairs operations have key vulnerabilities**. The president felt the need to quiet “the chattering classes” who have suggested his team needs “more inside Washington experience,” the senior White House aide said. One former White House official, who asked for anonymity in order to speak frankly, said the ­changes reflect a recognition that the White House’s insular leadership was no longer capable of managing the administration’s myriad problems. Much of the key decision making rests with White House Chief of Staff Denis McDonough, Rouse and senior adviser Valerie Jarrett. Several White House officials said recruiting Podesta was McDonough’s idea. Schiliro will be focused on bolstering the administration’s relationship with lawmakers who are nervous about the health-care law’s impact and head off any further problems with the law’s implementation. The decision to bring in Podesta reflects the president’s intent to exercise his executive authority on several key fronts. White House communications director Jennifer Palmieri said Podesta will help the administration strategize about “how do you leverage all the resources you have in the federal government to advance your agenda in a political year.” In an interview with The Washington Post this fall, Podesta said Obama’s “path to success is going to come through every single place that you can squeeze some authority which he has. That is **where you’ve got to focus your attention and where you could spend your political capital.”**

#### Immigration reform is passing now but it is close- Republican support is building because of pressure from Obama, but its close. Lopez 1-1

#### Immigration reform will pass now – momentum is building and the GOP is on board

Best 12/30/13 (Tony, "Immigration Reform Logjam on Capitol Hill Can End Early in New Year" AERO)

There may be some light at the end of the long stalled comprehensive immigration reform tunnel in Washington, a development that can bring relief to hundreds of thousands of Caribbean immigrants in the U.S.  And the Black Institute, the New York Immigration Coalition, members of the Congressional Black Caucus in New York City — Hakeem Jeffries and Yvette Clarke in Brooklyn, Gregory Meeks in Queens and Charlie Rangel in Manhattan – along with millions of foreign-born residents across the U.S. are keeping their proverbial fingers crossed that at last the immigration measure that has been bottled up by Republicans in the House of Representatives may spring to life in 2014.  The civil war that has broken out between America’s conservative lawmakers and their financial backers outside of the House of Representatives and the Senate is likely to have the salutary effect of breaking the logjam that has prevented the House leadership from bringing the immigration bill to the floor of the chamber for debate and ultimately a vote, say analysts and lawmakers.  There is now talk of a bipartisan deal to legalize the more than 11 million people living in the country as undocumented immigrants, residents who are out of status.  Although House Speaker John Boehner (D-Ohio), the person mainly responsible for the immigration bottleneck has not spoken about his intention but has chastised extremist conservative forces in and out of Congress for their opposition to the recent budget deal agreed to by the Republicans and the Democrats, outside Republican groups have complained that his sharp attacks on the right was simply clearing the way for immigration reform to be placed high on the Congressional agenda in the New Year when Congress reconvenes after the Christmas recess.  Indeed, Heritage Action, a fund-raising and lobbying group that has supported many tea party representatives complained openly that Boehner’s verbal assault on certain right-wing backers of his party, accusing them of losing “all credibility” with the American people said in a statement that the House leader was clearing the political deck to place immigration reform on the docket for consideration.  Just as important, Boehner added a prominent immigration expert, Becky Tallent, to his staff, presumably to pave the way for a debate on the reform proposals. She had worked with Sen. John McCain (R-Ariz.) on his immigration reform plan that eventually failed to gain traction several years ago.  “It seems very unlikely that Becky would have gone to work for the Speaker on this unless there was a serious plan to move on this in the New Year,” said Ted Alden, a specialist on immigration at the Council on Foreign Relations. Rep. Luis Gutierrez (D-Ill.), a major Hispanic immigration voice on Capitol Hill, has hinted that that his party would consider a deal in order to get the immigration bill moving.

### Link

#### Plan means immigration reform doesn’t pass:

#### [\_\_]Obama has built up momentum and racked up a big win – plan flips the momentum and forces Obama to spend time and energy defending his policies which saps capital necessary for immigration.

#### Historical examples prove restrictions on presidential war authority are a loss that jacks the agenda - Kriner 10

#### Plan is a perceived loss for Obama that saps his capital

Loomis, 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, ¶ In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. ¶ Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. ¶ The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.¶ This brief review of the literature suggests how legitimacy norms enhance presidential influence in ways that structural powers cannot explain. Correspondingly, increased executive power improves the prospects for policy success. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.¶ **Political capital is finite --- the plan would tradeoff with domestic economic priorities** ¶ **Moore, 9/10** --- Guardian's US finance and economics editor¶ (Heidi, 9/10/2013, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” [http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester)](http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester%29))¶ Before President Obama speaks to the nation about Syria tonight, take a look at what this fall will look like inside America.¶ There are 49 million people in the country who suffered inadequate access to food in 2012, leaving the percentage of "food-insecure" Americans at about one-sixth of the US population. At the same time, Congress refused to pass food-stamp legislation this summer, pushing it off again and threatening draconian cuts.¶ **The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short.**¶ The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding.¶ Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon.¶ The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem.¶ These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria.¶ More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas.¶ The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect.¶ This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria.¶ Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad.¶ Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told:¶ Leon, you don't understand. The Congress is resigned to failure.¶ Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington.¶ **Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor.** It's fair to say that **congressional Republicans**, particularly in the House, **have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.**¶The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today.¶ It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria.¶ **There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda** that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.

### Other args

#### (--) Obama’s popularity will give him political influence in his second term:

Andrew Dugan, 1/11/2013 (staff writer, “U.S. Presidents Typically Less Popular in Second Term,” <http://www.gallup.com/poll/159809/presidents-typically-less-popular-second-term.aspx>, Accessed 1/24/2013, rwg)

Obama is now slightly more popular than he typically was through most of his first term; consequently, he may have a heightened amount of influence as he begins to pursue his next-term agenda. New presidential terms are difficult -- regardless of the size of the re-election victory -- as Obama himself admitted recently when he cautioned he was "more than familiar with all the literature about presidential overreach in second terms." Yet, setbacks and opprobrium need not permanently derail a president, as Reagan's and Clinton's presidencies show.

**Won’t Thump – Focus**

**The Root 1/3**/14 [David Swerdlick, associate editor, “Obama’s Last Year Wasn’t as Bad as They Say”, <http://www.theroot.com/articles/politics/2014/01/five_things_obama_got_right_last_year.html>]

Unless you opted for your own news blackout during the holiday season, by now you’ve probably read one of the many year-end recaps that described 2013 as President Barack Obama’s worst year. If not, just read here, here, here, here and here.¶ Reviews were bad, with even Chris Matthews—of “thrill going up my leg when Obama speaks” fame—lamenting that last year “feels like the seventh or eighth year of a presidency,” not the fifth.¶ The overall gist, of course, is that between Edward Snowden’s National Security Agency leaks, the administration’s clumsy messaging on Syria, Congress’ inability to enact background-check legislation and the lousy rollout of Obamacare—including PolitiFact’s naming “If you like your health care plan, you can keep it” as its lie of the year—the president heads into 2014 digging himself out of a hole.¶ Indeed, the last 12 months were far from stellar.¶ The president and his key surrogates have failed to capitalize on an improving economic picture, with their seeming inability to proactively communicate to the American electorate where they’re trying to take it from day to day and year to year. And as my The Root colleague Keli Goff explains, he’s still battling persistently high unemployment, particularly among African Americans.¶ But the first year of his second term wasn’t quite as bad as everyone says. Background-check legislation didn’t happen, but that wasn’t on Obama’s agenda until the Sandy Hook massacre in Newtown, Conn. Immigration reform only got through the Senate, but it’s not completely dead in the House. His approval numbers took a hit, but in last week's Gallup poll, they made a modest five-point rebound.¶ He deserves criticism, sure, but also some credit. Here are five good moves he made last year:¶ Syria¶ It wasn’t pretty watching Obama send Secretary of State John Kerry out to make a full-throated case for military action in Syria, only to pull back days later and call for Congress to weigh in—we’re used to seeing commanders in chief go to war without reservation. But you could argue that one of the main reasons Obama was elected in the first place was that Americans wanted a president who was willing to pull back from the brink if that was what circumstances called for.¶ The Government Shutdown¶ There’ll be more fights ahead between the White House and Congress, but the president scored a win (later squandered) when he forced House Republicans to blink first in the standoff that led to the government shutdown, and got—temporarily, at least—Washington’s political fever to break. When the dust settled, the path cleared for Sen. Patty Murray (D-Wash.) and Rep. Paul Ryan (R-Wis.)—budget chairs in their respective legislative chambers—to come to terms on a deal.¶ Janet Yellen¶ The same president who tripled the number of women on the Supreme Court went on to nominate respected economist and current Federal Reserve Vice Chair Janet Yellen as the Fed’s first female chair, and she's expected to be confirmed by the Senate this month.¶ Civil Rights¶ He hasn’t really done much that’s new on gay civil rights, but over the course of his tenure repealing “Don’t ask, don’t tell,” and Obama's public support of same-sex marriage helped make the high court’s decisions to strike down provisions of the so-called Defense of Marriage Act and not to reinstate California’s Proposition 8 seem inevitable.¶ Obamacare (Seriously)¶ And, OK, for now, keep Obamacare in the fail column. For reasons that can’t adequately be explained, team Obama—including Sec. Kathleen Sebelius and the president himself—kept their eye off the ball for four years while overpaid contractors botched a rollout that The Root’s development team could have handled in their sleep with one hand tied behind their keyboards.¶ Policywise, the Affordable Care Act works—and premiums come down—only if enough healthy enrollees sign up to offset the cost of covering those who already need care. That hasn’t happened yet, and we won’t know if it does for a year. ¶ Without cost savings to individuals, or a bending of the infamous “cost curve,” the law is a loser. ¶ **On the politics**, though, **Obama is playing a longer game.** As of this week, more than 6 million people have signed up for Medicaid or for coverage on the ACA exchanges—nowhere near the planned enrollment goals, but not the fiasco of two months ago. To the degree that he’s failing, he’s doing it while trying to bring health care to the uninsured. In time, politically, that might wind up being a win.