# 1NC

## 1

#### First: interpretation – restriction is distinct from conditions.

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Limits – commander in chief powers blow the barn door off, creates tiny unpredictable affs.

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First, consider the constitutional issue of power imbalance. Central to the Constitution is the foundational principle of power distribution and provisions to check and balance exercises of that power. This clearly intended separation of powers across the three branches of government ensures that no single federal officeholder can wield an inordinate amount of power or influence. **The founders carefully crafted constitutional war-making authority** **with** the branch most representative of the people—**Congress**.4 The Federalist Papers No. 51, “The Structure of Government Must Furnish the Proper Checks and Balances Between the Different Departments,” serves as the wellspring for this principle. Madison insisted on the necessity to prevent any particular interest or group to trump another interest or group.5 This principle applies in practice to all decisions of considerable national importance. **Specific to** war powers authority**, the Constitution empowers the legislative branch with the authority to declare war but endows the Executive with the authority to act as Commander-in-Chief**.6 This construct designates **Congress, not the president, as the primary decisionmaking body to commit the nation to war**—a decision that ultimately requires the consent and will of the people in order to succeed. By vesting the decision to declare war with Congress, the founders underscored their intention to engage the people—those who would ultimately sacrifice their blood and treasure in the effort. **The Constitution**, on the other hand, **vaguely delegates authority to execute foreign policy. It contains no instructions regarding the use or custody of that power, except to “preserve, protect, and defend the Constitution of the United States**.”7 Alexander Hamilton, known widely as an advocate of executive power, asserted: "The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States."8 Accordingly, the **founders never intended for the military to serve as the nation’s primary agency to interface with the rest of the world or stand as the dominant instrument of foreign policy. So the presidential authority of** Commander-in-Chief does not permit **a president to use the nation’s military simply to execute a president’s foreign policy.**9 Kenneth B. Moss, Undeclared War and the Future of U.S. Foreign Policy, (Baltimore: The Johns Hopkins University Press, 2008), 217.

## 2

#### The Executive branch of the United States federal government should issue an executive order that precludes the president from excluding women from forces introduced into hostilities.

**XOs can solve military actions**

**Cooper 2**

Phillip J. Cooper, Gund Professor of Liberal Arts at the University of Vermont and was the first recipient of the Charles Levin Award given by the American Society for Public Administration and the National Association of Schools of Public Affairs and Administration. By Order of the President: The Use & Abuse of Executive Direct Action pg.33 University Press of Kansas, 2002

Among the standard executive orders issued by each administration is a variety of actions concerning military personel including adjustments of rates of pay and allowances for the uniform services and amendments to the manual for court marshall. Particularly during periods of heightened national security activity, orders are regularly used to transfer responsibility**,** people or resources from one part of the government to the military or the reverse. Many orders have been used to manage public lands, but it is often not recognized that frequently the lands are part of military reservations or sites. In fact, many of the orders issued by presidents in time of war or national emergency are very focused actions of this sort. Even in peace time there are manifold organizational issues to detail for statuettes but that require action beyond the Department of Defense. President Clinton’s order of succession of officers to act as secretary of the army is a typical example. (pg. 33)

#### Backlash against Obama on executive actions won’t gain traction

Ramsey 12

(MICHAEL D. RAMSEY, is Professor of Law at the University of San Diego School of Law, “THE FEDERALIST SOCIETY NATIONAL LAWYERS CONVENTION--2011: MEET THE NEW BOSS: CONTINUITY IN PRESIDENTIAL WAR POWERS?” Summer, 2012, Harvard Journal of Law & Public Policy, LexisNexis, KB)

Thus there has been an escalation in the use of unconstitutional executive war power under President Obama, yet there has not been an outcry against him resembling the outcry against the Bush Administration, which was routinely attacked for exceeding the limits of executive power. n29 Although some voices have been raised against President Obama's claims of executive power, n30 they have been marginalized. They have not [\*871] been taken up by the mainstream in the manner of similar criticisms of President Bush. My speculation is that there is an identification by legal and media elites with the establishment Democratic Party that makes it difficult for these criticisms to gain traction in the way they did in the Bush Administration. I think this makes it easier for Democratic presidents than for Republican presidents to unconstitutionally extend executive power. Thus Obama's policies, which are much more deserving of constitutional criticism, do not generate the popular pushback that we saw, perhaps unjustifiably, against President Bush. In any event, what is most striking about executive war power under President Obama is not the commonly recognized continuity as compared to the prior administration, but rather the increased disregard of constitutional limits.

## 3

#### Immigration reform will pass now.

TNR 10/24 (Seven Reasons To Stop Being Fatalistic About Immigration Reform. http://www.newrepublic.com/article/115341/immigration-reform-may-actually-pass)

President Obama’s East Room pitch on Thursday to revitalize comprehensive immigration reform was met with a collective shrug, as was Speaker John Boehner’s comment the day before that “immigration reform is an important subject that needs to be addressed. And I'm hopeful.” The prevailing conventional wisdom is that the issue is defunct for now, lost in the welter of the Republican civil war. Plus, it’s more fun to talk about illicit Twitter accounts, concocted ad hominem blind quotes and, of course, Web site malfunctions.¶ But the natural optimist in me thinks that the odds for some sort of serious immigration reform happening in the months ahead are better than many realize. A few reasons why, in no particular order:¶ Boehner has space. To the extent that there was any logic to the Speaker’s letting the government shutdown and debt-ceiling brinkmanship drag out as long as he did, it was that he had strengthened his position with his caucus’s hard-right flank and thereby created some room to maneuver on other fronts. “Boehner’s hold is a little stronger than it was” a few months ago, his near-predecessor as speaker, the lobbyist supreme Bob Livingston, told me when I ran into him at a function Wednesday night.¶ Well, there is no better opportunity for Boehner to show that this is the case – to retroactively justify a gambit that cost the country billions of dollars – than to press forward with immigration reform. To do that will require more than just casual comments like the one he tossed off Wednesday – it will require making clear that the leadership is serious about this and setting aside time on the calendar for it.¶ But wouldn’t pushing the issue forward mean once again breaking the not-so-hallowed Hastert Rule, which requires leadership to bring up for a vote only measures supported a majority of the caucus? Well, yes and no. There is increasing talk of taking a piecemeal route in the House – with, among others, one Dream Act-style measure to legalize those who came into the country as minors, one to stiffen border enforcement, one to expand visas for skilled foreign workers, and, yes, one to provide some sort of eventual path to citizenship for illegal immigrants beyond the Dreamers. The latter would not get a majority of House GOP support, but perhaps if brought through in a stream of other measures would not set off the Hastert Rule alarms as loudly. There would remain the question of how to reconcile whatever passed with the comprehensive reform bill already passed by the Senate – House conservatives say they are wary of a conference committee. But the fact remains that there is a conceivable path forward – if Boehner wants to pursue it. “He’s in a much stronger place for himself job-security-wise all around,” says one House Democratic aide.¶ It’s in the Republicans’ interest. Why would the cautious, conflict-averse Boehner want to put himself through the hassle, even if he does have a path forward? Because, of course, he and so many other leaders of his party and the conservative movement – Paul Ryan, Karl Rove, Grover Norquist – grasp that the party cannot continue be seen as obstructing immigration reform by the country’s growing legions of Hispanic and Asian-American voters. Yes, many of the same leaders were warning the hard-liners in the House and Senate off of the defund-Obamacare government-shutdown path to no avail, but those warnings were highly ambivalent, a matter of tactical disagreement after years in which the leaders had been banging the same anti-Obamacare drum. Whereas in this case the leaders are truly in favor of immigration reform, even if just for reasons of self-preservation.¶ It’s not Obamacare. This is the other reason why Boehner might be able to push forward on this front: as incendiary an issue as immigration reform has been for many Republican voters in recent years, it’s actually less threatening than the two-headed beast of Obamacare and government spending. For one thing, it predates Obama as an issue – it was fellow Republicans George W. Bush and John McCain who were most identified with the 2007 push. For another, some of the most ardent anti-Obamacare soldiers are in favor of immigration reform to varying degrees, from Idaho Rep. Raul Labrador to border congressmen like New Mexico's Steve Pearce to the evangelical groups that have come out for reform. “In the grand scheme of Republican issues, it just doesn’t match up to Obamacare – that’s health care and Obama. That’s partly because they haven’t yet made it about Obama,” said the House Democratic aide.¶ Follow the money. Put simply: the pro-reform side has lots of it, the opponents not so much. Again, this is a crucial contrast with the battles over Obamacare, where the Club for Growth, Koch Brothers and the like are spending heavily to thwart the reformers, even to the point of punishing Republican state legislators who dare to contemplate embracing federal funds for Medicaid expansion. In the immigration realm, the big bucks are coming from these guys.¶ The pro-reform side isn’t giving up. This is the element too often discounted in drawn-out legislative battles: the energy and resolve of the footsoldiers. And it has not abated as much on the pro-reform side as much as the pessimistic Beltway take on the issue would have one think. There are millions of people in this country with a huge stake in this fight, and plenty others who have taken up arms in their support, and not just in the usual places: I was amazed to see several dozen people agitating for reform at the annual Fancy Farm political picnic in far western Kentucky, in August. Advocates have gotten further than ever before – they’ve gotten a bipartisan vote in their favor in the Senate, and they’ve gotten key agreements between the AFL-CIO and Chamber of Commerce and growers and farmworkers in California, among others. They’re not about to give up now. “This is the absolute best opportunity we have to pass reform,” says Angelica Salas, executive director of the Coalition for Humane Immigrant Rights of Los Angeles. “If we were going to leave it to the national pundits, this issue would have died a long time ago, but the reality is that it’s in the hands of the immigration rights movement and people are not going to end the fight until there’s a fix to this cruel situation that we’re living in.”¶ Obama wants to make it happen. One might think this would be the biggest obstacle for reform, in that Republicans would be unwilling to grant the president a legislative triumph. In fact, Democrats are having to contend with the reverse, a suspicion among many House Republicans that Obama and the Democrats secretly want reform to fail, so that they can keep bludgeoning Republicans with the issue among Hispanic voters. This is hogwash, as far as Obama is concerned: he desperately wants a major achievement in his second term, not least given the troubles that have arisen in implementing his main first-term one. As for the Republicans’ suspicion, there’s an easy way to keep Democrats from using immigration as a wedge issue: voting for a reform package. “It’s a self-fulfilling prophecy,” says the Democratic House aide.¶ Redemption. This one applies to both sides of the aisle. This may be overly naïve, but I suspect there are members of both parties who are genuinely abashed by how badly Congress has come across in recent weeks, not to mention recent years, and would like to be able to show that they can come to Washington and address a major national problem. For the reasons listed above, this could offer just the ticket. And it sure beats spending the next year talking about chained CPI.

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

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

Speaker John Boehner (R-Ohio) generally adheres to the unwritten Republican rule that bars him from allowing votes on bills opposed by a majority of Republicans, even if they would win a majority of the full House. But he's caved four times this year, allowing big bills to pass with mainly Democratic support. They include repealing the Bush tax cuts for the wealthiest Americans; providing Hurricane Sandy relief; expanding the Violence Against Women act to better cover immigrants, Native Americans, and LGBT survivors of abuse; and this week's bill raising the debt limit and reopening the federal government. Many presume the Republican House is a black hole sucking President Obama's second-term agenda into oblivion. But the list of Boehner's past retreats offers a glimmer of hope, especially to advocates of immigration reform. Though it has languished in the House, an immigration overhaul passed with bipartisan support in the Senate, and was given a fresh push by Obama in the aftermath of the debt limit deal. The big mystery that immigration advocates need to figure out: What makes Boehner cave? Is there a common thread? Is there a sequence of buttons you can push that forces Boehner to relent? Two of this year's caves happened when Boehner was backed up against hard deadlines: The Jan. 1 fiscal cliff and the Oct. 17 debt limit. Failure to concede meant immediate disaster. Reject the bipartisan compromise on rolling back the Bush tax cuts, get blamed for jacking up taxes on every taxpayer. Reject the Senate's three-month suspension of the debt limit, get blamed for sparking a global depression. Boehner held out until the absolute last minute both times, but he was not willing to risk blowing the deadline. A third involved the response to an emergency: Hurricane Sandy. Conservative groups were determined to block disaster relief because — as with other federal disaster responses — the $51 billion legislative aid package did not include offsetting spending cuts. Lacking Republican votes, Boehner briefly withdrew the bill from consideration, unleashing fury from New York and New Jersey Republicans, including Gov. Chris Christie. While there wasn't a hard deadline to meet, disaster relief was a time-sensitive matter, and the pressure from Christie and his allies was unrelenting. Two weeks after pulling the bill, Boehner put it on the floor, allowing it to pass over the objections of 179 Republicans. The fourth cave occurred in order to further reform and expand a government program: The Violence Against Women Act. The prior version of the law had been expired for over a year, as conservatives in the House resisted the Senate bill in the run-up to the 2012 election. But after Mitt Romney suffered an 18-point gender gap in his loss to Obama, and after the new Senate passed its version again with a strong bipartisan vote, Boehner was unwilling to resist any longer. Two weeks later, the House passed the Senate bill with 138 Republicans opposed. Unfortunately for immigration advocates, there is no prospect of widespread pain if reform isn't passed. There is no immediate emergency, nor threat of economic collapse. But there is a deadline of sorts: The 2014 midterm elections. If we've learned anything about Boehner this month, it's that he's a party man to the bone. He dragged out the shutdown and debt limit drama for weeks, without gaining a single concession, simply so his most unruly and revolutionary-minded members would believe he fought the good fight and stay in the Republican family. What he won is party unity, at least for the time being. What Boehner lost for his Republicans is national respectability. Republican Party approval hit a record low in both the most recent NBC/Wall Street Journal poll and Gallup poll. Here's where immigration advocates have a window of opportunity to appeal to Boehner's party pragmatism. Their pitch: The best way to put this disaster behind them is for Republicans to score a big political victory. You need this. A year after the Republican brand was so bloodied that the Republican National Committee had to commission a formal "autopsy," party approval is the worst it has ever been. You've wasted a year. Now is the time to do something that some voters will actually like. There's reason to hope he could be swayed. In each of the four cases in which he allowed Democrats to carry the day, he put the short-term political needs of the Republican Party over the ideological demands of right-wing activists. Boehner will have to do another round of kabuki. He can't simply swallow the Senate bill in a day. There will have to be a House version that falls short of activists' expectations, followed by tense House-Senate negotiations. Probably like in the most formulaic of movies, and like the fiscal cliff and debt limit deals, there will have to be an "all-is-lost moment" right before we get to the glorious ending. Boehner will need to given the room to do all this again. But he won't do it without a push. A real good push.

#### The plan drains political capital and derails CIR

Shane**,** Ohio State law school chair 2011

(Peter, “ARTICLE: The Obama Administration and the Prospects for a Democratic Presidency in a Post-9/11 World”, 56 N.Y.L. Sch. L. Rev. 27, lexis)

The second is politics. With the country still grappling with the effects of a devastating recession, as well as the need for pressing action on healthcare, climate change, and immigration, the President might well want to avoid the appearance of diluting his focus. Moreover, since the Johnson administration, Republicans have consistently--and with some success--cowed the Democrats by portraying them as soft on national security issues. The partisan pushback against any Obama administration effort to reinvigorate the rule of law in the national security context is likely to be vicious, threatening to erode whatever modicum of goodwill might otherwise be available to accomplish seemingly more concrete and immediate objectives. This, of course, is not hypothetical. We can see it in Republican efforts to derail the closing of Guantanamo and in proposals to prohibit the trial of foreign terrorists in civilian courts n108--a practice that Republicans seemed happier to live with under George W. Bush. n109

#### Current immigration law endangers all innovation – reform is key

McCraw, professor emeritus at Harvard Business School, 11/1/2012

(Thomas, “Innovative Immigrants,” <http://www.nytimes.com/2012/11/02/opinion/immigrants-as-entrepreneurs.html?pagewanted=all>)

SOME 70 million **immigrants** have come to America since the first colonists arrived. The role their labor has played in economic development is widely understood. Much less familiar is the extent to which their remarkable **innovations have driven American prosperity**. Indeed, while both Barack Obama and Mitt Romney have lauded entrepreneurship, innovation and “job creation,” neither candidate has made comprehensive immigration reform an issue, despite immigrants’ crucial role in those fields. Yet understanding how **immigrants have fueled innovation through history** is critical to making sure they continue to drive prosperity in the future. At the country’s beginning, the three most important architects of its financial system were immigrants: Alexander Hamilton, from St. Croix, then part of the Danish West Indies; Robert Morris, born in Liverpool, England; and Albert Gallatin of Geneva. Morris was superintendent of finance during the Revolutionary War, using every resource at his command to support the army in the field. Hamilton, as the first secretary of the Treasury, rescued the country from bankruptcy and designed its basic financial system. Gallatin paid down much of the national debt, engineered the financing of the Louisiana Purchase and remains the longest-serving Treasury secretary ever. Immigrants’ financial innovations continued through the 19th century. In 1808 Alexander Brown, from Ireland, founded the nation’s first investment bank, and his immigrant sons set up Brown Brothers. The Lehman brothers, from Germany, began as dry-goods merchants and cotton brokers in Alabama, then moved to New York just before the Civil War and eventually founded a bank. Many other immigrants, including Marcus Goldman of Goldman Sachs, followed similar paths, starting very small, traveling to new cities and establishing banks. Meanwhile, “Yankee” firms like Kidder, Peabody and Drexel, Morgan — whose partners were native-born — remained less mobile, tied by family and high society to Boston and New York. Immigrant innovators were pioneers in many other industries after the Civil War. Three examples were Andrew Carnegie (Scotland, steel), Joseph Pulitzer (Hungary, newspapers) and David Sarnoff (Russia, electronics). Each came to America young, poor and full of energy. Carnegie’s mother brought the family to Pittsburgh in 1848, when Andrew was 12. He became a bobbin-boy in a textile mill, a telegram messenger, a telegraph-key operator, a low-level manager at the Pennsylvania Railroad, a division superintendent for the same railroad and a bond salesman for the railroad in Europe. Recognizing the limitless market for the rails that carried trains, Carnegie jumped to steel. His most important innovation was “hard driving” blast furnaces, wearing them out quickly. This violated the accepted practice of “coddling” furnaces, but he calculated that his vastly increased output cut the price of steel far more than replacing the furnaces cost his company. In turn, an immense quantity of cheap steel found its way into lucrative new uses: structural steel for skyscrapers, sheet steel for automobiles. Pulitzer was the home-tutored son of a prosperous Hungarian family that lost its fortune. He came to the United States in 1864 at age 17, recruited by a Massachusetts Civil War regiment. Penniless after the war ended, he went to St. Louis, a center for German immigrants, whose language he spoke fluently. He worked as a waiter, a railroad clerk, a lawyer and a reporter for a local German newspaper, part of which he eventually purchased. In 1879, he acquired two English-language papers and merged them into The St. Louis Post-Dispatch. In 1883, he moved to New York, where he bought The New York World and began a fierce competition with other New York papers, mainly the Sun and, later, William Randolph Hearst’s New York Journal. The New York World was pro-labor, pro-immigration and, remarkably, both serious and sensationalist. It achieved a huge circulation. Sarnoff was just 9 years old when he arrived from Russia in 1901. He earned money selling Yiddish newspapers on the street and singing at a synagogue, and then worked as an office clerk, a messenger and, like Carnegie, a telegraph operator. From there he became part of the fledgling radio firm RCA and rose rapidly within its ranks. Sarnoff was among the first to see radio’s potential as “point-to-mass” entertainment, i.e., broadcasting. He devoted a huge percentage of profits to research and development, and won an epic battle with CBS over industry standards for color TV. For decades, RCA and electronics were practically synonymous. As these men show, **one of the key traits of** immigrant **innovators is geographic mobility**, both from the home country and within the United States. Consider the striking roster of 20th-century immigrants who led the development of fields like movies and information technology: the Hollywood studios MGM, Warner Brothers, United Artists, Paramount and Universal; the Silicon Valley companies Intel, eBay, Google, Yahoo and Sun Microsystems. The economist Joseph Schumpeter — yet another immigrant, and the most perceptive early analyst of innovation — considered it to be the fundamental component of entrepreneurship: “The typical entrepreneur is more self-centered than other types, because he relies less than they do on tradition and connection” and because his efforts consist “precisely in breaking up old, and creating new, tradition.” For that reason, innovators always encounter resistance from people whose economic and social interests are threatened by new products and methods. Compared with the native-born, who have extended families and lifelong social and commercial relationships, **immigrants without** such ties — without businesses to inherit or family **property to protect** — **are** in some ways **better prepared to play** the i**nnovator**’s role. A hundred academic monographs could not prove that immigrants are more innovative than native-born Americans, because each spurs the other on. **Innovations by the blended population** were, and still **are**, **integral to the economic growth of the** United States. **But our** overly complex **immigration law hampers** even the most obvious **innovators**’ efforts to become citizens. **It endangers our tradition of entrepreneurship**, and it must be repaired — soon.

#### Solves warming

Norris and Jenkins 9, \*Project Director at the Breakthrough Institute, \* Director of Energy and Climate Policy, The Breakthrough Institute,(Teryn and Jessie, “ Want to Save the World? Make Clean Energy Cheap,” Huffington Post, March 10, <http://www.thebreakthrough.org/blog/2009/03/want_to_save_the_world_make_cl.shtml>)

Whatever the cause, we have very little chance of overcoming climate change without enlisting young innovators at a drastically greater scale. Simply put, they represent one of the most important catalysts for creating a clean energy economy and achieving long-term prosperity. The reason is this: at its core, climate change is a challenge of technology innovation. Over the next four decades, global energy demand will approximately double. Most of this growth will happen in developing nations as they continue lifting their citizens out of poverty and building modern societies. But over the same period, global greenhouse gas emissions must fall dramatically to avert the worst consequences of climate change. Shortly before his untimely death in 2005, the Nobel Prize-winning physicist Richard Smalley coined this the "Terawatt Challenge": increasing global energy production from roughly 15 terawatts in 2005 to 60 terawatts annually by 2100 in a way that simultaneously confronts the challenges of global warming, poverty alleviation, and resource depletion. The single greatest obstacle to meeting the Terawatt Challenge is the "technology gap" between dirty and clean energy sources. Low-carbon energy technologies remain significantly more expensive than fossil fuels. For example, solar photovoltaic electricity costs up to three to five times that of coal electricity, and plug-in hybrid and electric vehicles can be twice as expensive as their gasoline-fueled competitors. Unless this technology gap is bridged and clean energy technologies become affordable and scalable, poor and rich nations alike will continue opposing significant prices on their carbon emissions and will continue relying primarily upon coal and other fossil fuels to power their development. This will virtually assure massive climate destabilization. So the task is clear: to avoid climate catastrophe and create a new energy economy, we must unleash our forces of innovation - namely, scientists, engineers and entrepreneurs- to invent a new portfolio of truly scalable clean energy technologies, chart new paths to bring these technologies to market, and ensure they are affordable enough to deploy throughout the world.

#### Warming leads to extinction.

Sify ‘10 (Sify, Sydney newspaper citing Ove Hoegh-Guldberg, professor at University of Queensland and Director of the Global Change Institute, and John Bruno, associate professor of Marine Science at UNC (Sify News, “Could unbridled climate changes lead to human extinction?”, <http://www.sify.com/news/could-unbridled-climate-changes-lead-to-human-extinction-news-international-kgtrOhdaahc.html>)

The findings of the comprehensive report: 'The impact of climate change on the world's marine ecosystems' emerged from a synthesis of recent research on the world's oceans, carried out by two of the world's leading marine scientists. One of the authors of the report is Ove Hoegh-Guldberg, professor at The University of Queensland and the director of its Global Change Institute (GCI). 'We may see sudden, unexpected changes that have serious ramifications for the overall well-being of humans, including the capacity of the planet to support people. This is further evidence that we are well on the way to the next great extinction event,' says Hoegh-Guldberg. 'The findings have enormous implications for mankind, particularly if the trend continues. The earth's ocean, which produces half of the oxygen we breathe and absorbs 30 per cent of human-generated carbon dioxide, is equivalent to its heart and lungs. This study shows worrying signs of ill-health. It's as if the earth has been smoking two packs of cigarettes a day!,' he added. 'We are entering a period in which the ocean services upon which humanity depends are undergoing massive change and in some cases beginning to fail', he added. The 'fundamental and comprehensive' changes to marine life identified in the report include rapidly warming and acidifying oceans, changes in water circulation and expansion of dead zones within the ocean depths. These are driving major changes in marine ecosystems: less abundant coral reefs, sea grasses and mangroves (important fish nurseries); fewer, smaller fish; a breakdown in food chains; changes in the distribution of marine life; and more frequent diseases and pests among marine organisms. Study co-author John F Bruno, associate professor in marine science at The University of North Carolina, says greenhouse gas emissions are modifying many physical and geochemical aspects of the planet's oceans, in ways 'unprecedented in nearly a million years'. 'This is causing fundamental and comprehensive changes to the way marine ecosystems function,' Bruno warned, according to a GCI release. These findings were published in Science.

## 4

#### Presidential war powers authority captures the legal system—statutory and judicial restrictions on the president only serve to legitimate state monopolies on violence which make the worst atrocities possible.

Morrissey 2011 [John, Department of Geography at the National University of Ireland, “Liberal Lawfare and Biopolitics: US Juridical Warfare in the War on Terror,” *Geopolitics* 16:280-305]

Nearly two centuries ago, Prussian military strategist, Carl von Clausewitz, observed how war is merely a “continuation of political commerce” by “other means”.70 Today, the lawfare of the US military is a continuation of war by legal means. Indeed, for US Deputy Judge Advocate General, Major General Charles Dunlap, it “has become a key aspect of modern war”.71 For Dunlap and his colleagues in the JAG corps, the law is a “force multiplier”, as Harvard legal scholar, David Kennedy, explains: it “structures logistics, command, and control”; it “legitimates, and facilitates” violence; it “privileges killing”; it identifies legal “openings that can be made to seem persuasive”, promissory, necessary and indeed therapeutic; and, of course, it is “a communication tool” too because defining the battlefield is not only a matter of “privileging killing”, it is also a “rhetorical claim”.72 Viewed in this way, the law can be seen to in fact “contribute to the proliferation of violence rather than to its containment”, as Eyal Weizman has instructively shown in the case of recent Israeli lawfare in Gaza.73 In the US wars in Iraq, Afghanistan and broader war on terror, the Department of Defense has actively sought to legalise its use of biopolitical violence against all those deemed a threat. Harvey Rishikof, the former Chair of the Department of National Security Strategy at the National War College in Washington, recently underlined ‘juridical warfare’ (his preferred designation over ‘lawfare’) as a pivotal “legal instrument” for insurgents in the asymmetric war on terror.74 For Rishikof and his contemporaries, juridical warfare is always understood to mean the legal strategies of the weak ‘against’ the United States; it is never acknowledged as a legal strategy ‘of’ the United States. However, juridical warfare has been a proactive component of US military strategy overseas for some time, and since the September 11 attacks in New York and Washington in 2001, a renewed focus on juridical warfare has occurred, with the JAG Corps playing a central role in reforming, prioritising and mobilising the law as an active player in the war on terror.75 Deputy Judge Advocate General, Major General Charles Dunlap, recently outlined some of the key concerns facing his corps and the broader US military; foremost of which is the imposing of unnecessary legal restraints on forward-deployed military personnel.76 For Dunlap, imposing legal restraints on the battlefield as a “matter of policy” merely “play[s] into the hands of those who would use [international law] to wage lawfare against us”.77 Dunlap’s counter-strategy is simply “adhering to the rule of law”, which “understands that sometimes the legitimate pursuit of military objectives will foreseeably – and inevitably – cause the death of noncombatants”; indeed, he implores that “this tenet of international law be thoroughly understood”.78 But ‘the’ rule of international law that Dunlap has in mind is merely a selective and suitably enabling set of malleable legal conventions that legitimate the unleashing of military violence.79 As David Kennedy illuminates so brilliantly in Of War and Law: We need to remember what it means to say that compliance with international law “legitimates.” It means, of course, that killing, maiming, humiliating, wounding people is legally privileged, authorized, permitted, and justified.80 The recent ‘special issue on juridical warfare’ in the US military’s flagship journal, Joint Force Quarterly, brought together a range of leading judge advocates, specialists in military law, and former legal counsels to the Chairman of the Joint Chiefs of Staff. All contributions addressed the question of “which international conventions govern the confinement and interrogation of terrorists and how”.81 The use of the term ‘terrorists’ instead of suspects sets the tone for the ensuing debate: in an impatient defence of ‘detention’, Colonel James Terry bemoans the “limitations inherent in the Detainee Treatment Act of 2005 and the Military Commissions Act of 2006” (which he underlines only address detainees at the US Naval Base at Guantanamo) and asserts that “requirements inherent in the war on terror will likely warrant expansion of habeas corpus limitations”;82 considering ‘rendition’, Colonel Kevin Cieply asks the shocking question “is rendition simply recourse to the beast at a necessary time”;83 Colonel Peter Cullen argues for the necessity of the “role of targeted killing in the campaign against terror”;84 Commander Brian Hoyt contends that it is “time to reexamine U.S. policy on the [international criminal] court, and it should be done through a strategic lens”;85 while Colonel James Terry furnishes an additional concluding essay with the stunningly instructive title ‘The International Criminal Court: A Concept Whose Time Has Not Come’.86 These rather chilling commentaries attest to one central concern of the JAG Corps and the broader military-political executive at the Pentagon: that enemies must not be allowed to exploit “real, perceived, or even orchestrated incidents of law-of-war violations being employed as an unconventional means of confronting American military power”.87 And such thinking is entirely consistent with the defining National Defense Strategy of the Bush administration, which signalled the means to win the war on terror as follows: “We will defeat adversaries at the time, place, and in the manner of our choosing”.88 If US warfare in the war on terror is evidently underscored by a ‘manner of our choosing’ preference – both at the Pentagon and in the battlefield – this in turn prompts an especially proactive ‘juridical warfare’ that must be simultaneously pursued to legally capacitate, regulate and maximise any, and all, military operations. The 2005 National Defense Strategy underlined the challenge thus: Many of the current legal arrangements that govern overseas posture date from an earlier era. Today, challenges are more diverse and complex, our prospective contingencies are more widely dispersed, and our international partners are more numerous. International agreements relevant to our posture must reflect these circumstances and support greater operational flexibility.89 It went on to underline its consequent key juridical tactic and what I argue is a critical weapon in the US military-legal arsenal in the war on terror: the securing of ‘Status of Forces Agreements’ – to “provide legal protections” against “transfers of U.S. personnel to the International Criminal Court”.90

#### The alternative is to reject their understanding of the law as an independent neutral entity with the power to restrict practices apart from practices. Instead, we should conceive of the law and practice as co-constitutive—this opens up the space to change the relationship between lived decisionmaking and the autocracy of bureaucratic legal determinations.

Krassman 2012 [Susan, Professor at the Institute for Criminological Research at the University of Hamburg. “Targeted Killing and Its Law: On a Mutually Constitutive Relationship,” *Leiden Journal of International Law* 25.03]

Foucault did not elaborate on a comprehensive theory of law – a fact that critics have attributed to his allegedly underestimating law's political and social relevance. Some statements by Foucault may have provoked this interpretation, among them his assertion that law historically ‘recedes’ with,46 or is being ‘colonized’ by,47 forms of knowledge that are addressed at governing people and populations. It is, though, precisely this analytical perspective that allows us to capture the mutually productive relationship between targeted killing and the law. In contrast to a widely shared critique, then, Foucault did not read law merely as a negative instrument of constraint. He referred, instead, to a particular mode of juridical power that operates in terms of repressive effects.48 Moreover, rather than losing significance coextensively with the ancient sovereign power, law enters new alliances, particularly with certain knowledge practices and attendant expertise.49 This linkage proves to be relevant in the present context, considering not only the interchange between the legal and political discourse on targeted killing, but notably the relationship between law and security. According to Foucault, social phenomena cannot be isolated from and are only decipherable within the practices, procedures, and forms of knowledge that allow them to surface as such.50 In this sense, ‘all phenomena are singular, every historical or social fact is a singularity’.51 Hence, they need to be studied within their historically and locally specific contexts, so as to account for both the subject's singularity and the conditions of its emergence. It is against this background that a crucial question to be posed is how targeted killing could emerge on the political stage as a subject of legal debate. Furthermore, this analytical perspective on power and knowledge intrinsically being interlinked highlights that our access to reality always entails a productive moment. Modes of thinking, or what Foucault calls rationalities, render reality conceivable and thus manageable.52 They implicate certain ways of seeing things, and they induce truth effects whilst translating into practices and technologies of government. These do not merely address and describe their subject; they constitute or produce it.53 Law is to be approached accordingly.54 It cannot be extracted from the forms of knowledge that enact it, and it is in this sense that law is only conceivable as practice. Even if we only think of the law in ideal terms, as being designated to contain governmental interference, for example, or to provide citizens’ rights, it is already a practice and a form of enacting the law. To enforce the law is always a form of enactment, since it involves a productive moment of bringing certain forms of knowledge into play and of rendering legal norms meaningful in the first place. Law is susceptible to certain forms of knowledge and rationalities in a way that these constitute it and shape legal claims. Rather than on the application of norms, legal reasoning is on the production of norms. Legality, within this account of law, then, is not only due to a normative authority that, based in our political culture, is external to law, nor is it something that is just inherent in law, epitomized by the principles that constitute law's ‘inner morality’.55 Rather, the enforcement of law and its attendant reasoning produce their own – legal – truth effects. Independently of the purported intentions of the interlocutors, the juridical discourse on targeted killing leads to, in the first instance, conceiving of and receiving the subject in legal terms. When targeted killing surfaced on the political stage, appropriate laws appeared to be already at hand. ‘There are more than enough rules for governing drone warfare’, reads the conclusion of a legal reasoning on targeted killing.56 Yet, accommodating the practice in legal terms means that international law itself is undergoing a transformation. The notion of dispositifs is useful in analysing such processes of transformation. It enables us to grasp the minute displacements of established legal concepts that,57 while undergoing a transformation, at the same time prove to be faithful to their previous readings. The displacement of some core features of the traditional conception of the modern state reframes the reading of existing law. Hence, to give just one example for such a rereading of international law: legal scholars raised the argument that neither the characterization of an international armed conflict holds – ‘since al Qaeda is not a state and has no government and is therefore incapable of fighting as a party to an inter-state conflict’58 – nor that of an internal conflict. Instead, the notion of dealing with a non-international conflict,59 which, in view of its global nature, purportedly ‘closely resembles’ an international armed conflict, serves to provide ‘a fuller and more comprehensive set of rules’.60 Established norms and rules of international law are preserved formally, but filled with a radically different meaning so as to eventually integrate the figure of a terrorist network into its conventional understanding. Legal requirements are thus meant to hold for a drone programme that is accomplished both by military agencies in war zones and by military and intelligence agencies targeting terror suspects beyond these zones,61 since the addressed is no longer a state, but a terrorist network. However, to conceive of law as a practice does not imply that law would be susceptible to any form of knowledge. Not only is its reading itself based on a genealogy of practices established over a longer period.62 Most notably, the respective forms of knowledge are also embedded in varying procedures and strategic configurations. If law is subject to an endless deference of meaning,63 this is not the case in the sense of arbitrary but historically contingent practices, but in the sense of historically contingent practices. Knowledge, then, is not merely an interpretive scheme of law. Rather than merely on meaning, focus is on practices that, while materializing and producing attendant truth effects, shape the distinctions we make between legal and illegal measures. What is more, as regards anticipatory techniques to prevent future harm, this perspective allows for our scrutinizing the division made between what is presumably known and what is yet to be known, and between what is presumably unknown and has yet to be rendered intelligible. This prospect, as will be seen in the following, is crucial for a rereading of existing law. It was the identification of a new order of threat since the terror attacks of 9/11 that brought about a turning point in the reading of international law. The identification of threats in general provides a space for transforming the unknowable into new forms of knowledge. The indeterminateness itself of legal norms proves to be a tool for introducing a new reading of law.

## Case

#### Ethical obligations are tautological—the only coherent rubric is to maximize number of lives saved

Greene 2010 – Associate Professor of the Social Sciences Department of Psychology Harvard University (Joshua, Moral Psychology: Historical and Contemporary Readings, “The Secret Joke of Kant’s Soul”, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf))

¶ **What** **turn-of-the-millennium science** **is telling us** **is** **that** **human** **moral judgment is not a** **pristine** **rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural**. **Because of this, it is** exceedingly unlikely that there is anyrationallycoherentnormativemoral theory that can accommodateourmoral intuitions. Moreover, **anyone who claims to have such a theory**, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization.¶ It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977).¶ **Missing the Deontological Point** I suspect that **rationalist** **deontologists will remain unmoved** **by the arguments presented here**. Instead, I suspect, **they** **will insist that I have** simply misunderstoodwhatKant and like-minded deontologistsare all about. **Deontology, they will say, isn't about this intuition or that intuition**. It's not defined by its normative differences with consequentialism. **Rather, deontology is about taking humanity seriously**. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).**This is, no doubt, how many deontologists see deontology. But this insider's view**, as I've suggested, may be misleading. **The problem**, more specifically, is that it defines deontology in terms of values that are notdistinctivelydeontological, though they may appear to be from the inside. **Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love**, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." **This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things**. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of **the standard** **deontological/Kantian self-characterizatons** fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that **consequentialists**, as much as anyone else, have respect for persons, **are** against treating people asmereobjects, **wish** to act for reasons that rational creatures can share**, etc**. **A consequentialist respects other persons, and refrains from treating them as mere objects,** **by** counting every person's well-beingin the decision-making process. **Likewise, a** **consequentialist** **attempts to act according to reasons that rational creatures can share by acting according to** **principles** **that** give equal weight to everyone's interests**, i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. **If you ask a deontologically-minded** **person why it's wrong to push someone in front of** **speeding** **trolley** **in order** **to save five others**, you will getcharacteristically deontological **answers**. Some will be**tautological**: "Because it's murder!"**Others will be more sophisticated: "The ends don't justify the means**." "You have to respect people's rights." But, as we know, **these answers don't really explain anything**, because **if you give the same people** (on different occasions) **the trolley case** or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. **Talk about rights,** **respect for persons, and reasons we can share** **are natural attempts to explain, in "cognitive" terms, what we feel** **when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism**. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about thembecause they give voice to powerful moral emotions. **But, as with many religious people's accounts of what's essential to religion,** **they don't** **really** **explain what's distinctive about** **the philosophy in question**.

#### And the military won’t account or provide legal rights to new women integrated into the military, creating a systemic culture of rape

Burke 12 (Susan, civil discrimination lawyer known for cases in which she has represented plaintiffs suing the American military, she has represented former detainees of Abu Ghraib and military translators, On Appeal from the United States District Court: APPELLANTS’ OPENING BRIEF, KORI CIOCA et al. Plaintiffs-Appellants, v. DONALD RUMSFELD et al., april 23, http://protectourdefenders.com/images/Burke\_Cicoa\_Appeal\_Brief.pdf)

It is clear that the District Court created a per se rule against servicemembers’ Bivens claims because it dismissed the lawsuit without any factfinding on whether adjudication would impact military discipline in any way, let alone in a negative way. The rape survivors allege Defendants substituted their own views on what should be done for the views of Congress. They allege former Secretaries Rumsfeld and Gates refused to cooperate with Congressional oversight and violated, among others, Public Law 105-85 and the National Defense Authorization Act for Fiscal Year 2009. They allege they were harmed by the Defendants’ intentional flouting of the Congressional rules and regulations designed to reduce unpunished rape and sexual assault in the military. J.A. 52-57 ¶¶ 319-340. The federal courts generally have a duty to adjudicate Constitutional claims, and should voluntarily abstain from such adjudication only in those rare instances when adjudication undermines, rather than strengthens, the democratic values enshrined in the Constitution. In the instant case, adjudication, not abstention, serves to ensure that the entity answerable to the electorate, Congress, controls military discipline, and that its efforts to do so are not intentionally thwarted by unelected Executive branch officials. Rapes and sexual assaults serve no military mission, as has been conclusively established by the military’s own statements. See J.A. 47¶ 304, quoting the 2009 Annual Report on Sexual Assaults in the Military: “In the armed forces sexual assault not only degrades individual resilience but also erodes unit integrity. Service members risk their lives for each other to keep fellow service members out of harm’s way. Sexual assault breaks this important bond and tears apart military units. An effective fighting force cannot tolerate sexual assault within its ranks. Sexual assault is incompatible with military culture, and the costs and consequences for mission accomplishments are unbearable.” It is for all these reasons that Congress acted, not once but repeatedly, to direct Defendants on what they should do to reduce the amount of unpunished sexual predation in the military. Yet Secretaries Rumsfeld and Gates intentionally violated these directives, and instead ushered in an era of an ever-greater number of unpunished rape and sexual assaults. Holding Defendants accountable for intentionally violating Congressional rules and regulations cannot possibly negatively impact military discipline. To the contrary, allowing wrongdoing to flourish at the very highest level of the military, and allowing Defendants to ignore the civilian control required by the Constitution, undermines not only military discipline but the Constitution itself. Our democracy has never elevated the military to a special status outside the reach of Congress and its laws. Yet these two men persuaded the District Court, and seek to persuade this Court, that they should be considered above the law of the land. This Court should reject this cynical and democracy-destroying effort, and hold that a jury of Americans should decide whether these two men should pay damages to the individuals irreparably harmed by their misconduct. The District Court erred by adopting a per se rule and concluding without any fact finding that permitting the rape survivors to bring Bivens claims would impair military discipline or impede a military mission. Such a per se rule contradicts, not adheres to, the Supreme Court’s Chappell decision. Permitting the rape survivors to seek Bivens damages from the former military leaders who viewed themselves as beyond the reach of Congressional rules and regulations will send a clear message of accountability and civilian control over the military.

#### Evaluating high-impact, low-probability events key to prevent catastrophe.

Blyth and Taleb, ‘11

[Mark (Professor of International Political Economy at Brown University) and Nassim (Distinguished Professor of Risk Engineering at New York University’s Polytechnic Institute), “The Black Swan of Cairo, Foreign Affairs, May/June 2011, 90(3), mss]

Why is surprise the permanent condition of the U.S. political and economic elite? In 2007-8, when the global financial system imploded, the cry that no one could have seen this coming was heard everywhere, despite the existence of numerous analyses showing that a crisis was unavoidable. It is no surprise that one hears precisely the same response today regarding the current turmoil in the Middle East. The critical issue in both cases is the artificial suppression of volatility--the ups and downs of life--in the name of stability. It is both misguided and dangerous to push unobserved risks further into the statistical tails of the probability distribution of outcomes and allow these high-impact, low-probability "tail risks" to disappear from policymakers' fields of observation. What the world is witnessing in Tunisia, Egypt, and Libya is simply what happens when highly constrained systems explode. Complex systems that have artificially suppressed volatility tend to become extremely fragile, while at the same time exhibiting no visible risks. In fact, they tend to be too calm and exhibit minimal variability as silent risks accumulate beneath the surface. Although the stated intention of political leaders and economic policymakers is to stabilize the system by inhibiting fluctuations, the result tends to be the opposite. These artificially constrained systems become prone to "Black Swans"--that is, they become extremely vulnerable to large-scale events that lie far from the statistical norm and were largely unpredictable to a given set of observers. Such environments eventually experience massive blowups, catching everyone off-guard and undoing years of stability or, in some cases, ending up far worse than they were in their initial volatile state. Indeed, the longer it takes for the blowup to occur, the worse the resulting harm in both economic and political systems. Seeking to restrict variability seems to be good policy (who does not prefer stability to chaos?), so it is with very good intentions that policymakers unwittingly increase the risk of major blowups. And it is the same misperception of the properties of natural systems that led to both the economic crisis of 2007-8 and the current turmoil in the Arab world. The policy implications are identical: to make systems robust, all risks must be visible and out in the open--fluctuat nec mergitur (it fluctuates but does not sink) goes the Latin saying.

#### The plan doesn’t solve any culture shifting - women in the military don’t want to engage combat roles, won’t come forward

Ahlert 13 (Arnold, Obama ignores deadly risks to Women in Combat, FrontPageMag, http://frontpagemag.com/2013/arnold-ahlert/obama-ignores-deadly-risks-to-women-in-combat/)

There is another reality that feminists and their enablers fail to acknowledge. As it currently stands, there is little appetite demonstrated by women themselves for serving in combat units. Army Research Institute (ARI) surveys taken from 1993-2001 revealed that the majority of military women were strongly opposed to combat assignments–so much so that the ARI dropped the question from its survey the following year. Less than a month ago, a Huffington Post article regarding interviews with “a dozen female soldiers and Marines” revealed that they had “little interest in the toughest fighting jobs,” contending “they’d be unable to do them.” When the Marines asked women to go through their infantry training course last year, only two women volunteered. Both of them failed to get through it. No one volunteered for the next one. Army Sgt. Cherry Sweat, who did a tour in Iraq installing communications equipment, reveals a sentiment that most military women apparently share. “The job I want to do in the military does not include combat arms,” she said. “I enjoy supporting the soldiers. The choice to join combat arms should be a personal decision, not a required one,” she added.

#### Their add women and stir method doesn’t solve.

Ackerly and True 6, Feminist Methodologies or International Relations, edited by Brooke A. Ackerly: Assistnat Professor in the Department of Political Science at Vanderbilt University, Maria Stern: Lecturer and Researcher at the Department of Peace and Development Research, Goteborg University, and Jacqui True: Senior Lecturer in the Department of Political Studies at the Univeristy of Auskland, New Zealand, 2006, Cambridge University Press p.245-6 in the same epistemological…international relations

In the same epistemological vein, feminist scholarship can be seen as a collective effort to make theories of IR better able to wrestle with questions of global justice. IR feminists recognize that the reification of disciplinary and political boundaries limits the possibilities for a truly critical IR theory (see e.g., Zalewski, this volume). Specifically, but not exclusively, they address the gender-based oppression and injustice suffered by women and men within and across states. Although it is possible to include women within existing IR frameworks, such as constructivism, while leaving these frameworks theoretically intact and empirically strengthened, in their attention to women’s experience feminist scholars do not seek to merely add women to theoretical frameworks derived from men’s experiences in the world (cf. Keck and Sikkink 1998; Carpenter 2002). Rather, knowledge about the diversity of women’s experiences and contexts leads to appreciate the interrelated character of social hierarchies and their influence on oppression and the gendered ontology of the discipline that professes to study global justice (Brown 1988; Elshtain 1981; 1985;1987; 1998). Consequently, feminists seek to break down not only the exclusionary boundaries of gender, but also those of race, class, sex, sexuality, ethnicity, caste, religion, country of origin, national identity, aboriginal status, immigration status, regional geography, language, cultural practices, forms of dress, beliefs, ability, health status, family history, age, and education. By focusing on intersections rather than boundaries as loci of power and oppression, feminist scholars reenvision the way we conceptualize international relations (Crenshaw 1989; 2000).

#### Sexual assault in the military is a much greater issue AND the SQ has already generated a dialogue on patriarchy in the military through high-profile hearings on sexual assault in the military

Marshall 13 (Lucinda, Confronting Militarism And Patriarchy–The Take Away From The Congressional Hearings On Sexual Assault In The Ranks, Common Dreams, https://www.commondreams.org/view/2013/06/18)

The decision last week by both houses of Congress not to consider measures that would remove absolute control over the prosecution of sexual assault cases in the military from the chain of command sends a clear signal that preserving the system of power over that our military both depends upon and upholds is far more important than actually protecting the citizens of this country who serve in its ranks from attacks by those who supposedly have their backs. While disappointing, it is hardly surprising. After days of grueling hearings, in the end the congressional status quo effectively bitch slapped those who dared question how this country maintains its power structure.\*¶ As Jason Easley writes,¶ The Senate Armed Services Committee had a chance to stand up for victims. They could have put our country on the path to joining allies Israel, Great Britain, Australia, Canada by investigating sexual assault cases outside of the military. They could have stood up the people who are victimized by sexual predators while serving their country. Seventeen senators could have, should have, but they didn’t.Instead, Armed Services Committee chairman Sen. Carl Levin (D-MI) replaced Sen. Kirsten Gillibrand’s plan with his own. The Levin plan is back by Defense Secretary Hagel, and would keep the military in charge of prosecuting sexual assaults. Sen. Levin said, “We need to change some things. We can do some things much better. We have to. But I think we’ve got to be very careful when we talk about taking the command structure out of this process.”¶ It doesn’t seem to have occurred to Sen. Levin that many of these sexual assaults are being committed by people within his precious chain of command. It didn’t matter to the Armed Services Committee that Gillibrand’s legislation has bipartisan group of 27 cosponsors. For Sen. Levin and 16 other members of the committee, all that mattered was protecting the status quo. If they have to protect thousands of rapists within the military to do so, so be it.¶ If we are ever to truly stem this epidemic it is crucial to understand that sexual assault in our own ranks is not a stand alone issue, it is just one of many examples of military sexual trauma and abuse that has always taken place at the hands of military forces and continues to do so around the globe today. In a report for Women Under Siege, Kerry K. Patterson writes that,¶ Saran Keïta Diakité painted a dismal reality for women in Mali in a speech she gave to the UN Security Council in April. As Diakité, a lawyer and president of the Malian branch of the NGO Working Group on Women, Peace and Security, explained: “The Islamists perform religious marriages in order to escape the clutches of international criminal justice.”…¶ …“They carry out a form of ‘marriage’ so that, at night, you can be treated as a sexual slave,” Diakité said. “During the day, you are there to serve tea to the men and attend to their every need. This is why I always say that what’s happened in Mali is unprecedented.”…¶ …Militant groups in many conflicts—among them Burma, Cambodia, Rwanda, Liberia, Uganda, and Sierra Leone —have practiced systemic sexual enslavement of women and girls under the guise of “marriage.”…¶ …Beyond forced marriages, conflict also can lead to “survival marriages,” which appear to be occurring in Syria and within refugee areas in surrounding countries.¶ The economic realities of life in the Syrian refugee camps and communities are such that parents are often complicit in the marriage of underage girls, literally selling their daughters into wedlock—sometimes to foreign men—in the hopes of protecting them from a worse fate, whether that is poverty or rape.¶ In addition, UNIFEM notes that women continue to be left out of the resolution of conflict and sexual trauma is rarely discussed in peace negotiations or addressed in treaties:¶ A thorough and systematic review of 585 peace agreements that have resulted from 102 peace processes in the last two decades, revealed that since 1990, only 92 peace agreements (16 percent) have contained at least one reference to women or gender…¶ …Ten years after the adoption of resolution 1325 (2000), gender-blind peace agreements are still the norm, rather than the exception. Many peace accords include a general equality clause and non-specific references to human rights guarantees and international treaties, but rarely mention quotas or other special measures to reverse women’s exclusion from decision-making, nor allocate responsibility to monitor that equality is indeed achieved. Sexual violence is also often absent from accords, even in conflicts where widespread sexual violence has been employed as a tactic of warfare.¶ As disheartening as it is that Congress is unlikely to stand up to challenging the sanctity of the concept of an inviolate chain of command, addressing these issues has been a powerful shift in the national dialog and that should give us hope because it opens up the possibility of finally addressing power over (embodied by the concept of chain of command and good order) and patriarchal structures that are the systemic root cause of sexual assault and harassment in the ranks.¶ Feminist theologian Carol P. Christ points out that,¶ Rape is not something that “just happens” in the military. It is an inevitable product of military training. Unless and until we understand this and change the way soldiers are trained, we will never be able to stop rape in the US military or any other military system.¶ And offers this perspective on patriarchy and violent domination,¶ Patriarchy is a system of male dominance, rooted in the ethos of war which legitimates violence, sanctified by religious symbols, in which men dominate women through the control of female sexuality, with the intent of passing property to male heirs, and in which men who are heroes of war are told to kill men, and are permitted to rape women, to seize land and treasures, to exploit resources, and to own or otherwise dominate conquered people.\*…¶ …The system I am defining as patriarchy is a system of domination enforced through violence and the threat of violence. It is a system developed and controlled by powerful men, in which women, children, other men, and nature itself are dominated. Let me say at the outset that I do not believe that it is in the “nature” of “men” to dominate through violence. Patriarchy is a system that originated in history, which means that it is neither eternal nor inevitable.¶ Despite years of lipservice and inaction, Congress has finally been challenged to confront our national complicity in perpetuating the patriarchal culture of impunity implicit in militarism that allows and depends on sexual violence and intimidation. And that is a huge accomplishment.

#### Quantitative analysis is key to feminist theory.

Caprioli, Dept. of Political Science at the University of Tennessee, 4

[Mary, “Feminist IR Theory and Quantitative Methodology: A Critical Analysis,” International Studies Review, Volume: 42, p. 255-259, MM]

Although the history of statistical methods might be perceived as having had questionable motivations with its genesis rooted within a particular social, political, and economic context, this beginning does not invalidate knowledge gained from mathematics or render the mathematics false (Hughes 1995). The math itself is not necessarily biased. The interpretation and the measurement used, however, are subject to debate. This fact does not reveal a flaw in the methodology but merely indicates that data are subject to the interpretation of the scholar who must rely on theory to guide analysis. It is true that often-used measures tend to be biased by the worldviews of the scholars who constructed them, and that those worldviews may or may not include considerations of gender. By largely ignoring feminist empiricist scholarship, however, conventional feminists are missing an opportunity to make an important contribution to IR scholarship in helping identify and critique the gendered assumptions that can affect measurement and the interpretation of results. For illustrative purposes in highlighting the importance of being precise in our definitions and measurements, let us examine the democratic peace thesis and the role of definitions. Feminists should join Ido Oren (1995) in debating how democracy should be defined. Is the concept of democracy normative or a description of the type of government found in the dominant states of our system of those that cannot be characterized as autocratic or totalitarian? Or, perhaps, democracy should be based on political rights. Spencer Weart (1994:302), for example, labels a state a democracy ‘‘if the body of citizens with political rights includes at least two-thirds of the adult males.’’ Notwithstanding the one-third of adult males who are disenfranchised, this definition completely excludes women from the analysis. Feminists might also wish to question the following assumption: ‘‘Democratic norms have become deeply entrenched, since many states have been democracies for long periods and principles such as true universal suffrage have been put into practice’’ (Maoz and Russett 1993:627). What exactly is true universal suffrage, and what are democratic norms if they exclude women’s social, economic, and political equality (see Caprioli forthcoming-b)? Equally shocking is the statement that ‘‘in a democracy, the government rarely needs to use force to resolve conflicts; order can be maintained without violent suppression’’ (Maoz and Russett 1993:630). Yet, democracies routinely overlook social violence and often this violence is against women (Broadbent 1993; Thomas 1993; Moon 1997; Caprioli 2003). By refusing to recognize quantitative methodologies as valid, feminists fail to offer a much needed critique and reconceptualization of current IR research such as that just described. Feminists, in essence, are, then, not in a position to take advantage of the opportunity to directly engage the broader community of IR scholars. Feminists offer no direct refutation of the statistics employed by IR scholars but rather of the supposed assumption of objectivity behind the methodology. Perhaps this is because the statistical results themselves may be irrefutable given the definitions used. Feminists argue that reality is constructed through words (Dworkin 1974, 1979, 1987; Cohn 1987; MacKinnon 1987, 1989, 1993; Hartsock 1989; Povinelli 1991; Milliken and Sylvan 1996). Essentially, one can only communicate ideas that the language allows. Statistics, however, is not analogous to language and is not restrictive. Controversy usually occurs over the rationales that are used for coding and the interpretation of results. Definitions and predictions, however, should be open to debate, including consideration of the alternative that women may not matter in the current structure of the international arena given the reality of state power. Yet, even this conclusion creates space for feminist dialogue in theorizing about the characteristics that would need to be present for constructing a different world that includes gender equality. So, quantitative methods could become one common approach to studying issues important to feminists. Conventional feminists, thus, would benefit from continuing to explore how quantitative research can further their purposes. Data, such as that provided in the UN Statistical Yearbook, the UN Demographic Yearbook, the World Report on Economics and Social Conditions, The World Tables, among others, are often used to further feminist goals. At the most basic level, IR feminists argue that the exclusion and subordination of women is a global problem. We know this fact based on dataFquantitatively derived data. Furthermore, international organizations routinely build support for their policies, such as for micro-credit for women, based on statistics. And though largely ignored, quantitative studies are sometimes cited if they support conventional feminist IR arguments. For example, a study by Mark Tessler and Ina Warriner (1997) has been used to lend credence to the argument that ‘‘reducing unequal gender hierarchies could make a positive contribution to peace and social justice’’ (Tickner 2001:61).

#### Patriarchy doesn't explain war—peace is more common, and patriarchal structures cannot be treated as constants

Levy 98 [Jack, Prof. Pol. Sci. – Rutgers, Senior Associate – Saltzman Institute of War and Peace Studies, and Past President – International Studies Association, *Annual Review of Political Science*, “The Causes of War and the Conditions of Peace”, 1:139-165]

Another exception to the focus on variations in war and peace can be found in some feminist theorizing about the outbreak of war, although most feminist work on war focuses on the consequences of war, particularly for women, rather than on the outbreak of war (Elshtain 1987, Enloe 1990, Peterson 1992, Tickner 1992, Sylvester 1994). The argument is that the gendered nature of states, cultures, and the world system contributes to the persistence of war in world politics. This might provide an alternative (or supplement) to anarchy as an answer to the first question of why violence and war repeatedly occur in international politics, although the fact that peace is more common than war makes it difficult to argue that patriarchy (or anarchy) causes war. Theories of patriarchy might also help answer the second question of variations in war and peace, if they identified differences in the patriarchal structures and gender relations in different international and domestic political systems in different historical contexts, and if they incorporated these differences into empirically testable hypotheses about the outbreak of war. This is a promising research agenda, and one that has engaged some anthropologists. Most current feminist thinking in political science about the outbreak of war, however, treats gendered systems and patriarchal structures in the same way that neorealists treat anarchy—as a constant—and consequently it cannot explain variations in war and peace. Woman as caretaker: an archetype that supports patriarchal militarism. (Special Issue: Feminism and Peace).

#### The feminist critique distorts IR theory, leads to worse realism, and requires essentialism.

Murray, Politics Department at the University of Wales Swansea, ‘97

[Alastair, Reconstructing Realism, 1997, p. 193]

Tickner, of course, cannot accept any of this: essential to her entire argument — indeed, her entire self-identity — is the notion that practices such as 'coalition building' are very specifically a 'female strategy', beyond the wit of conventional — male — theorists to master. She is careful to avoid suggesting that women are innately more virtuous than men, proposing only that they have been socialised into more virtuous behaviour. She is careful to avoid the suggestion that this implies that masculine perspectives are to be entirely replaced by feminist perspectives, proposing only that the two must be integrated until such time as gender can be transcended as a factor. [63](javascript:doPopup('EndNote','Page_193_Popup_1.html','width=480,height=384,resizable=yes,scrollbars=yes')) But a central problem remains. Not only does her position require some rather fast rewriting of the literature of international relations theory, but it necessitates a serious distortion of our understanding of international relations itself. The inability to discover an independent feminist position means that, in order to justify the establishment of a separate feminist approach to international politics, one must be artificially constructed by appropriating elements from conventional theory and labelling them as female in orientation, such as 'the female strategy of coalition building', and grouping what remains into an alternative set of negative, male strategies, such as that of conflict, against which feminist strategies can be contrasted and thus privileged.[64](javascript:doPopup('EndNote','Page_193_Popup_2.html','width=480,height=384,resizable=yes,scrollbars=yes')) In the process of this act of intellectual vandalism, the essential ambiguity of the political, and the essential duality of its concepts, are lost. It is simply not enough to divide the concepts and categories of international relations into two groupings; Tickner must, in addition, be able to privilege the female set in order to demonstrate the necessity of a feminist perspective. Consequently, it becomes necessary to assume that, if co-operation is a female strategy, all co-operation is positive, whereas all conflict, being, of course, a male strategy, is negative. The problem is that actors frequently conflict for moral ends and co-operate for immoral ends. Thus, if the progressive critique of realism reaches its highest form in feminism, the progressive urge similarly reaches its apogee, a cancer growing within theory, so incapable of fostering a position of its own that it must steal the realist's clothes in order to survive, oblivious of the damage which this conceptual mugging does to their utility.

# 2NC

## T

### War Powers violation/CIC

#### Clear limits distinction – at best the aff is a restriction on commander in chief power which is LEGALLY and SUBSTANTIVELY distinct from the topic.

Heidt 2013

Stephen, PhD candidate Georgia State University, A Memorandum on the Topic Area, http://www.cedadebate.org/forum/index.php?topic=4846.0

To summarize: War powers are enumerated in Article 1 of the Constitution. Commander in Chief power is enumerated in Article 2. The framers of the Constitution kept the two entirely distinct, on purpose, as a means for resolving the tension between the danger that a strong president would risk dictatorship and the need for unfettered power of the executive to conduct and win war. The key constitutional controversy related to war power is NOT what weapons presidents get to use or how presidents get to pursue war. It is that presidents have continuously utilized a narrow constitutional exception (defense of the nation in crisis) to engage in “acts of war” without Congressional authorization. In fact, the Congress has only formally declared war 5 times in U.S. history while the president has authorized military force at least 200 times and, by some counts, over 300 times. This is the core war powers controversy – the very thing that led to the passage of the War Powers Resolution in 1973 and the controversy the community voted for. The topic paper overrides that distinction and the topic committee would be well to heed the distinction. This distinction, if held, means that the wildest fears of tiny, unpredictable affs can only exist in a world in which Commander in Chief power is selected as the topic. That is the power presidents enjoy for running an army.

#### The commander in chief clause deals with strategic and tactical decisions of how the military operates – keeping that distinct from war powers prevents Congress from enroaching on the ability to direct troops

Lawson 8 (Gary Lawson, Professor, Boston University School of Law. April, 2008

Boston University Law Review 88 B.U.L. Rev. 375)

Perhaps, but the conclusion is a poor fit with the language of the Commander in Chief Clause. The evident import of the clause is to establish a chain of command rather than to define the scope of the Commander-in-Chief's power. 26 To be "Commander in Chief" is to be the top general - the person who makes ultimate strategic and tactical decisions. That designation assures civilian control of the military 27 and prevents Congress from trying to leverage its numerous enumerated war powers into a power to direct troop movements, 28 but it does not seem to speak directly to the extent or scope of presidential power beyond the field of battle.

## CP

### A2: Legislation key to culture shifting (Stoddard 97)

#### The CP has President Obama declare the rule change – he’s the most visible figure in in the entire government so he produces public awareness and debate which solves

Brezezinski 12 (Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment)

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America. To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America. This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

#### And here’s the conculsion to their article - Stoddard things the Aff fails – without broad action and public awareness, there’s no culture shifting

Stoddard 97

In New Zealand and afterward, I puzzled over the disjunction between¶ that country's formal protections for gay people on the one¶ hand, and its limited cultural integration of gay people on the other.¶ Now I am considerably less puzzled. In enacting legal protections for¶ lesbians and gay men, New Zealand changed the applicable rules of¶ law, but did not alter in any significant way the underlying culture-in¶ short, New Zealand engaged in "rule-shifting" but not "culture-shifting."¶ I remain uncertain of the reasons for New Zealand's formal embrace¶ of gay rights protections, but I think I now better understand¶ the possible disjunctions between law and culture.¶ On reflection, I should not have been surprised by the disjunction.¶ Most legal changes entail "rule-shifting" without "culture-shifting."¶ In only a minority of instances does a legal change have cultural resonance. As already stated, in general such a change must involve¶ the following four elements:¶ (1) A change that is very broad or profound;¶ (2) Public awareness of that change;¶ (3) A general sense of the legitimacy (or validity) of the change;¶ And¶ (4) Continuous, appropriate enforcement of the change. Typically, the absence of any one of these factors will forestall the¶ possibility of "culture-shifting," although, as the story of DOMA indicates,¶ there are exceptions.¶ I have already expressed my view that in most circumstances,¶ change through the legislature is more likely to engender "cultureshifting"¶ than change through a court or an administrative agency, and¶ that legislative change is therefore-in general-preferable to other¶ forms of change. It is deeper and lasts longer. Conversely, it is also¶ harder to attain, since legislatures are rambunctious places that operate¶ slowly, untidily, and often illogically. Legislative change certainly¶ does not assure "culture-shifting," but it does make it more feasible.¶

#### The spillover effect of XOs leads to social change.

**Mayer 2** (Kenneth Mayer, Professor of Political Science “Unilateral Presidential Powers: Significant Executive Orders, 1949-99;” Presidential Studies Quarterly, 2002 Vol. 32, Issue: 2, pg. 367)

The administrative authority vested in the modern presidency is significant in its own right, but we claim that the exercise of intragovernment powers can yield consequences for the larger political system as well. In a highly permeable system in which executive policy decisions can spill over into other institutions and the broad political culture, executive orders can effect changes that presidents mayor may not have intended--or even considered--in the first place (Weir 1989). In other words, politically significant executive orders are not merely executive phenomena. As illustrated by the long history of executive orders concerning integration and civil rights-- Truman Ordering The Integration Of The Armed Forces, Kennedy and Johnson requiring affirmative action in federal contracting ..... Reagan attempting to limit the role of ethnic preferences in federal affirmative action programs--these instruments of presidential authority can animate contending forces, facilitate innovations in the legislative process, codify ideological, commitments, and drive social change.

#### Executive orders have a multiplier effect, influencing private entities

Ruth P. **Morgan**, Southern Methodist University, THE PRESIDENT AND CIVIL RIGHTS: POLICY-MAKING BY EXECUTIVE ORDER, 19**70**, p. 12.

If these orders had had little real effect, there would be little need to study this manner in which the President exercises power. But the contrary has been true. About 10 percent of the total work force of the United States was directly affected by the orders concerning military and civilian governmental personnel. Millions more were covered by the provisions in government contracts concerning employment practices. And the fair housing order banned discrimination in about 25 percent of the nation’s housing. Perhaps more significant than even the large number of persons who were directly covered is what Samuel Krislov has called the “multiplier” effect. By this he means that small alternations in governmental policy can instigate changes in a wide arena. Many businesses, for example, voluntarily followed the national government in adopting standards of fair employment practices. In the ban on housing discrimination, civil rights leaders applauded it for its moral effect.

### AT Future Prez Rollback

**Most executive orders aren’t overturned.**

Murray 99

[Frank, “Clinton’s Executive Orders are Still Packing a Punch: Other Presidents Issued More, but His are Still Sweeping” Washington Times http://www.englishfirst.org/13166/13166wtgeneral.html]

Clearly, Mr. Clinton knew what some detractors do not: Presidential successors of the opposite party do not lightly wipe the slate clean of every order, or even most of them. Still on the books 54 years after his death are 80 executive orders issued by Franklin D. Roosevelt. No less than 187 of Mr. Truman's ordersremain, including one to end military racial segregation, which former Joint Chiefs of Staff Chairman Colin Powell praised for starting the "Second Reconstruction." "President Truman gave us the order to march with Executive Order 9981," Mr. Powell said at a July 26, 1998 ceremony marking its 50th anniversary. Mr. Truman's final order, issued one day before he left office in 1953, created a national security medal of honor for the nation's top spies, which is still highly coveted and often revealed only in the obituary of its recipient.

### Agent CP’s Good – XO Version

#### Education - 90% debate is implementation

Elmore 80

Prof. Public Affairs at University of Washington, PolySci Quarterly 79-80, p. 605, 1980

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by policy analysts that decisions are not self-executing. Analysis of policy choices matter very little if the mechanism for implementing those choices is poorly understood in answering the question, "What percentage of the work of achieving a desired governmental action is done when the preferred analytic alternative has been identified?" Allison estimated that in the normal case, it was about 10 percent, leaving the remaining 90 percent in the realm of implementation.

#### Predictable - XOs are a core part of war powers literature

Rudalevige ‘12

[Rudalevige, A. (March 2012). The contemporary presidency: executive orders and presidential unilateralism.  Presidential Studies Quarterly, 42, 1. p.138(23). ETB]

In the last decade or so, students of the American presidency have renewed their interest in the formal authorities and unilateral possibilities of presidential power, driven both by methodological logic and by events. On the theoretic side, scholars working within the broad framework of the "new institutionalism," especially its rational choice variant, have made a case that the formal, legal, and organizational aspects of the presidency--and the incentives and constraints for presidential behavior these implied--had been too long neglected in favor of impressionistic accounts of the "personal presidency." A focus on the formal powers that underlay the presidential office, and the way these could be used to enhance an incumbent's influence, was needed to fill that gap (e.g., Howell 2003; Kelley 2007; Moe 1985, 1993; Moe and Howell 1999). After all, as Kenneth Mayer argued (2001, 11), "in most cases, presidents retain a broad capacity to take significant action on their own, action that is meaningful both in substantive policy terms and in the sense of protecting and furthering the president's political and strategic interests." The assertive--even "imperial"--stance taken by recent presidents provided empirical grist for this mill. President George W. Bush was particularly notable in acting aggressively to expand his office's powers vis-a-vis other political actors (Cooper 2002; Goldsmith 2007; Rudalevige 2005, 2010; Savage 2007). Redressing the perceived constriction of the presidential office after the Watergate/Vietnam years provided a new rationale for unilateral command--even before the terrorist attacks of September 11, 2001. Barack Obama, while disavowing some of his predecessor's rationales, has acted in a similar manner in a number of areas. The assassination of American citizens acting with al-Qaeda in Yemen; the evasion of the War Powers Resolution in Libya; the use of the state secrets act in fending off judicial inquiry--all these suggest a continuing approach to presidential authority that overrides shifts in the incumbent's personality. From either direction, the upshot has been important recent work on a presidential administrative toolkit that includes appointments (Lewis 2008), signing statements (Evans 2011; Kelley and Marshall 2010; Korzi 2011), executive agreements (Krutz and Peake 2009), proclamations (Rottinghaus and Bailey 2010; Rottinghaus and Maier 2007), rulemaking and guidance (Graham 2010; Kerwin and Furlong 2010), and especially executive orders (Gibson 2009; Howell 2003; Mayer 1999, 2001; Rodrigues 2007; Warber 2006; Wigton 1996). Indeed, at this point it is safe to say that a standard textbook in the field could not--as it did even after Watergate--exclude "executive orders" and "signing statements" from the index (Koenig 1975). The study of the contemporary presidency thus requires serious attention to that office's executive authority.

### 2NC CP Avoids Politics – XO Version

#### Their evidence doesn’t assume foreign policy which is uniquely shielded from backlash

Moe and Howell 99

(Terry Moe, William Bennett Munro professor of political science at Stanford University, a senior fellow at Stanford University's Hoover Institution, and a member of the Hoover Institution’s Koret Task Force on K-12, William Howell, the Sydney Stein Professor in American Politics in the Harris School, a professor in the Department of Political Science and the College, and a co-director of the Program on Political Institutions, “The Presidential Power of Unilateral Action” 1999, Oxford University Press, <http://jleo.oxfordjournals.org.ezproxy.baylor.edu/content/15/1/132.full.pdf>, KB)

Yet statutory constraint cannot be counted upon to work especially well as a check on unilateral action by presidents. In the ﬁrst place, legislators may actually prefer broad delegations of authority on many occasions, granting presidents substantial discretion to act unilaterally. This can happen, for instance, (1) when their policy goals are similar to those of presidents, (2) when they are heavily dependent on the expertise and experience of the administration, (3) when they want to avoid making conflictual decisions within the legislature, and thus ﬁnd it attractive to “shill the responsibility" to the executive, (4) when Congress, as a collective institution, really doesn't have speciﬁc preferences and can only decide on the broad outlines of a policy, (5) when, in complex pol- icy areas with changing environments, it is impossible to design a decent policy that promises to meet its objectives unless substantial authority is delegated to the executive, and (6) when certain policies require speed, ﬂexibility, and secrecy if they are to be successful (Moe, 1990, 1998; Epstein and O'l-ialloran, I999). Most of these conditions, we should point out, are more likely to be met in foreign rather than domestic policy, so there is good reason to expect broad delegations to be more common in that realm.

# 1NR

## Politics

### Block - Overview

#### Warming outweighs their advantages –

#### Warming is the most probable for scenario for extinction.

The New York End Times 6 The New York End Times is a non-partisan, non-religious, non-ideological, free news filter. We monitor world trends and events as they pertain to two vital threats - war and extinction. We use a proprietary methodology to quantify movements between the extremes of war and peace, harmony and extinction. http://newyorkendtimes.com/extinctionscale.asp

We rate Global Climate Change as a greater threat for human extinction in this century. Most scientists forecast disruptions and dislocations, if current trends persist. The extinction danger is more likely if we alter an environmental process that causes harmful effects and leads to conditions that make the planet uninhabitable to humans. Considering that there is so much that is unknown about global systems, we consider climate change to be the greatest danger to human extinction. However, there is no evidence of imminent danger. Nuclear war at some point in this century might happen. It is unlikely to cause human extinction though. While several countries have nuclear weapons, there are few with the firepower to annihilate the world. For those nations it would be suicidal to exercise that option. The pattern is that the more destructive technology a nation has, the more it tends towards rational behavior. Sophisticated precision weapons then become better tactical options. The bigger danger comes from nuclear weapons in the hands of terrorists with the help of a rogue state, such as North Korea. The size of such an explosion would not be sufficient to threaten humanity as a whole. Instead it could trigger a major war or even world war. Under this scenario human extinction would only be possible if other threats were present, such as disease and climate change. We monitor war separately. However we also need to incorporate the dangers here .

#### DA turns the aff – failure to pass immigration reform condemns immigrant women to lives of sexual assault and gender violence. Outweighs the aff on quantity of violence and the invisibility from the law.

Diaz, 10-14

[Von, “Do Women Have More to Lose If Immigration Reform Dies?”, Color Lines, 10-14-13,

<http://colorlines.com/archives/2013/10/women_immigration_reform.html>, RSR]

For 10 years Juanita Flores struggled to find her way out of an abusive marriage. She was undocumented, had two small children, no opportunities for legal employment, and lived in constant fear of her husband’s physical, sexual and emotional abuse. Five years ago, the last time she saw him, he put her in the hospital with a skull fracture. The next day she left Dallas. But it was only this year that she was able to get a special visa that could help her remain in the U.S. Flores, who declined to give her real name for fear her husband would continue to threaten her family, is one of thousands of immigrant women who live in the U.S. in dangerous situations because of a lack of protections that address violence against women. The Senate-backed immigration bill currently being considered by Congress and the newly introduced bill both include provisions that address the unique needs of women and families. Studies show that immigrant women experience higher rates of gender-based violence than those born in the U.S. Statistics are hard to come by because undocumented women often live in the shadows. According to the advocacy organization Breakthrough, immigrant women are three to six times more likely to experience domestic violence than U.S.-born women. Between 34 to 49 percent of non-citizen women experience domestic violence in their lives, which increases to 60 percent for those who are married and to 77 percent for those who are dependent on spouses for immigration status. Pramila Jayapal, is the co-chair of the We Belong Together campaign, which recently organized a Washington D.C. demonstration where more than 100 women were arrested. She has been critical of immigration reform efforts in the past because she says they don’t adequately address the needs of women. “Fifty one percent of immigrants to the U.S. are women, and three quarters are women and children,” she says. “And the immigration debate for so long has not been defined as an issue of women and children. You see a lot of mainstream images of immigrants as men scaling a border wall, which is such a tiny percent of how people actually get here. We want to make sure people know what this debate is really about.” Although she sees the immigration debate as male-centered, Jayapal also sees many of the provisions included as major steps towards creating pathways to citizenship for women who are vulnerable to domestic and sexual violence, workplace abuses, human trafficking and separation from their families. And despite the slim chances of immigration reform passing in the midst of a government shutdown and explicit resistance from Republican members of Congress, she remains optimistic. “This isn’t the time to sit back and wring our hands and say we can’t get this done. We owe it to the millions of people who are going to continue to be manipulated, abused, exploited, living in the shadows, who are not part of our democracy and not part of our society,” she says. Maria Hernández is one of those people who was once living in the shadows. She was among the women arrested at the We Belong Together demonstration, and is an undocumented immigrant from Mexico and survivor of domestic violence. She came to the U.S. from Mexico City by crossing the border when she was 17 years old looking for work and a better life. She came with a cousin who was around her same age and soon after met her husband. The trouble began after she got pregnant. “He forced me to have an abortion,” she says in Spanish. “It was even worse for me because I grew up Catholic and knew I had committed one of the worst sins. It was terrible. I didn’t have anyone to talk to about it.” Hernández endured 15 years with her husband, during which time he continued to be abusive, often in front of their children. She says she knew she was risking deportation by participating in the demonstration, and had prepared her three daughters in San Francisco for the possibility she might not be coming home. But she said she felt compelled to take the risk in honor of women like her who struggled to escape their abusive spouses because of their immigration status. “It’s my passion,” she says. “It’s important that women immigrants are seen and heard. We are a huge part of this country, and we support this country.” The Senate-backed comprehensive immigration reform bill includes certain provisions to address situations like the ones Hernández and Flores faced. Among them is an increase in the number of U visas granted each year, which are visas reserved for those who have been victims of crimes in the U.S. and are willing to cooperate with law enforcement. Nearly all of the qualifying crimes for U visas go fall under the categories of domestic and sexual violence and abduction. Each fiscal year, the government issues 10,000 U visas. Lisa Koop, Associate Director of Legal Services for the National Immigrant Justice Center, says the government has reached the cap on U Visas for three consecutive years, and she believes these visas only reach a fraction of abused immigrant women. “We haven’t seen any reduction in the numbers of survivors of domestic violence,” Koop says. “We can’t accept or place every case. There’s a huge need, and it’s something that I don’t think is going away any time soon.” She also says a number of factors lead to non-citizen women being particularly at risk for domestic violence. Abusive partners often threaten to withdraw their sponsorship petition or claim their marriage is a fraud, or to call the police and have the woman deported. “Undocumented women are often terrified of law enforcement, and usually very reluctant to call police or report domestic violence. And if they have children they are particularly afraid of getting deported,” she says. And Koop says there are cultural factors at play, and many women come to the U.S. from countries that tolerate or outright condone violence against women. Combined with being unable to find stable employment, all of these factors limit the amount of control immigrant women can have over their circumstances. Should the immigration reform pass this year, the number of U visas would double to 20,000, potentially offering twice as many women the opportunity to leave an abusive situation. The qualifications for receiving a U visa would also be expanded to those who’ve experienced workplace abuses. Juanita Flores was granted a U visa in January, and thanks to that visa she can now receive work authorization, and she has a path to citizenship that will prevent her from being deported and separated from her three children, all of whom are U.S. citizens. “My [U visa] was a blessing. If I would have been sent back to Mexico I would probably be dead. My ex-husband is there now.” But U visas can’t be the only solution, particularly since they require immigrant women to work directly with law enforcement, which some are reluctant to do. And Koop says some police officers have refused to sign an official U visa certification and have given only limp excuses for not cooperating. Other provisions in the Senate-backed immigration reform bill would give women the opportunity to gain some financially stability by providing a work visa for those who qualify under VAWA or for a U or T visa, and would make immigrant women eligible for certain assisted and public housing, both of which could make it easier for women to escape abusive spouses. U visas, employment authorization, and public housing provisions in immigration reform would benefit more than just undocumented immigrant women. Seventy percent of women who enter the U.S. with legal status come through family sponsorship, and some come as a spouse to a legal permanent resident or person with a non-immigrant visa, such as an education visa. And during the long wait for official status to come through they are bound to their sponsor, and in many cases either ineligible or required to wait several years for work authorization, thereby making them subject to the same vulnerabilities as undocumented immigrants. Grace Huang, the Public Policy Director for the Washington State Coalition Against Violence, agrees that the bill has some exciting things in it, but that immigration isn’t the only way to create systems to help women who’ve experienced domestic violence. “We have multiple strategies happening simultaneously, including extensive administrative advocacy,” she says. “We are trying to include these pieces in the comprehensive bill, but if it doesn’t pass, we will try via other vehicles.” But, she added that with so much effort going into pushing for provisions in the Senate-backed immigration bill, it would be the most effective way to make things happen. “There are some things that have to be done in legislation,” she says.

### A2: Obamacare

#### Obama has a new reserve of capital—sets him up to win the immigration fight

Kenneth Walsh, US News & World Report, 10/18/13, Obama Strengthened for Now, www.usnews.com/news/blogs/Ken-Walshs-Washington/2013/10/18/obama-strengthened-for-now

President Obama emerges from his budget victory this week with a stronger hand as he heads into the next round of political fights in Washington. What's helping Obama in particular is the new perception that he is willing to stick to his guns. He demonstrated the ability to take a tough stand against his adversaries even when he was under enormous pressure to cave in. And this image of resolve is expected to help him in future showdowns with the Republicans regarding immigration, farm legislation, climate change regulations, health care and economic policy. Up to now, many legislators considered Obama a weak bargainer and a vacillating leader; now they have clear evidence that he isn't a pushover, Democratic strategists say. After accepting a congressional deal that ended Washington's embarrassing economic crisis for now, and largely on his own terms, Obama blamed the mess on Republican conservatives allied with the tea party. He said they stubbornly forced a partial government shutdown and threatened to allow a government default unless Obama weakened his signature health care law, known as Obamacare. Using his presidential bully pulpit to good effect, Obama declined to give in, and blasted the GOP day after day. In the end, the Republicans blinked. "To say we as Republicans left a lot on the table would be one of the biggest understatements in American political history," said Sen. Lindsey Graham, R-S.C., on Twitter. On Thursday, Obama acknowledged what many opinion polls have shown in the past few weeks when he said, "The American people are completely fed up with Washington." And Republicans get most of the blame, according to the polls. Only 13 percent of Americans approve of the job Republicans are doing in Congress and 24 percent approve of the job Democrats are doing, according to the latest survey by Zogby Analytics.

#### Immigration reform deflecting obamacare controversy

Jeff Mason, Reuters, 10/24/13, Obama attempts to shift focus toward immigration reform, news.msn.com/us/obama-attempts-to-shift-focus-toward-immigration-reform

As the White House struggles to fix the problem-plagued rollout of its healthcare reform law, President Barack Obama on Thursday will try to focus attention on another policy priority — immigration reform — with a call for congressional action. The president, who listed immigration as one of three priorities for this year after the 16-day government shutdown concluded, will make a statement at 10:35 a.m. at the White House urging lawmakers to finish work on measures to strengthen U.S. borders and provide a pathway toward citizenship for millions of people who are in the United States illegally. "The president has made clear the key principles that must be a part of any bipartisan, commonsense effort, including continuing to strengthen border security, creating an earned path to citizenship, holding employers accountable and bringing our immigration system into the 21st century," a White House official said on Wednesday. "He will urge that Congress take up this issue in a bipartisan way." The Democratic-controlled Senate passed a broad immigration reform bill earlier this year, but the issue has languished in the Republican-controlled House of Representatives The push for reform was drowned out in recent months by budget controversies and Obama's healthcare law. Republicans triggered the government shutdown in an effort to defund or delay implementation of the law. Since the shutdown ended, however, the law known as Obamacare has dominated headlines because of its glitch-filled centerpiece website, healthcare.gov. Obama pledged on Monday that the problems would be fixed, but the issue has become a headache for him and his administration when it was supposed to be his crowning domestic policy achievement. Talking about immigration reform on Thursday could be an effort to deflect attention from the White House's healthcare woes. An aide to Republican House Speaker John Boehner, however, said the issue would not be taken up as one big bill like the Senate version that Obama supports.

#### Obamacare doesn’t hurt Obama

Jonathan Cohn, TNR, 10/22/13, Obamacare Has Had a Brutal Few Days, But It's the Next Few Weeks That Count, www.newrepublic.com/article/115289/obamacare-website-fail-politics-policy-and-polls

And there are genuine reasons for optimism, if you’re looking for them. The administration isn’t lying when it says the federal sites are functioning better than they were. More people are finally getting through those opening stages of the process. The underlying architecture is also getting much-needed attention, although it’s not the kind of stuff people will notice right away. For example, a source familiar with the situation tells me that the system now has much better “instrumentation”—in effect, spots in the code that allow HHS to figure out how well different parts of the process are working. That will make it much easier to pinpoint problems and check fixes as they take effect. Meanwhile, the states running their own sites are doing a much better job—the reports (and first-hand accounts I’ve heard) from California, Connecticut, Kentucky, New York, and Washington state are proof that the online system can work and, for the many people living in those states, are working already. That's a whole lot of people for whom Obamacare is doing what it's supposed to do. Nobody is making quotable predictions about when the federal sites will catch up. Even if they did, who would take such assurances on faith? The key issue, again, is whether repair work takes weeks or months. If it’s weeks, then the program should be able to function without adjustment. This episode will become a case study in management classes across the country—and, hopefully, an impetus to reexamine federal procurement and contracting policies. (Read Lydia DePillis on this if you haven't already.) But it will become a mere footnote in the history of health care reform. If the federal websites aren’t in much better shape by late November or early December, then the problems will threaten to disrupt the scheme for next year, forcing the administration to consider changes to open enrollment, the mandate, and so on. You'll start hearing a lot about "break-the-glass" plans. But, assuming the administration is doing everything it can, there's really nothing to do between now and then except wait. And, here, Obama appears to have one very key ally: The public. Polls show the voters want to give the law a chance to work. Here’s Greg Sargent’s summary of the latest ABC/Washington Post poll: The poll finds that 46 percent support the law, versus 54 percent who oppose it or are unsure of their feelings about it. But that second bloc breaks down into 33 percent who oppose and want repeal, versus 20 percent who oppose the law and want to let the law go ahead. That means a total of 66 percent either support the law or oppose it but want it to go forward. This is the case, even though a majority believes the law has problems that run deeper than the ones we’re seeing with the web site. And that finding is similar among independents, too. I asked the Post polling team for a further breakdown. Of those Americans who think the law’s problems run deeper than the Web site, even they are almost evenly divided on whether to give the law a chance. Of that group, 51 percent want it repealed, while 47 either support it or oppose it but want to let it continue. Another poll suggests Americans who have used the new websites find them considerably less awful than all of the reporters writing about them. Via the Huffington Post: Americans' first impression of the new online health insurance exchanges is "a bumpy launch," according to a Pew Research poll released Monday, the same day President Obama acknowledged the widespread technical problems with the rollout of HealthCare.gov since Oct. 1. Yet, while many were aware of the website's problems, the 1 in 7 Americans who have visited the site largely found it usable, according to the survey, conducted earlier this month. I was going to say this is both miraculous and surprising. But it actually makes sense, given the reality of our health care problems and how Obamacare seeks to fix them. People mocked Monday's Rose Garden appearance, because Obama sounded like a salesman hocking steak knives on QVC. But the store analogy, which Obama himself uses, is a good one. People desperately need a product—in this case, affordable health insurance—and, thanks to Obamacare, the product is finally available. But most people can’t get in the store to buy it and those that do make it inside can’t check out. It’s frustrating but, then, so is not having access to insurance at all. If you’re among the uninsured or under-insured, you’ve been waiting a long time for decent coverage. You can wait a little longer.

### A2: Fiscal Issues

#### Immigration reform will pass --- it’s everyone’s top priority.

Eleanor Clift, 10-25-2013, “Obama, Congress Get Back to the Immigration Fight,” Daily Beast, http://www.thedailybeast.com/articles/2013/10/25/obama-congress-get-back-to-the-immigration-fight.html

But now with the shutdown behind them and Republicans on the defensive, Obama saw an opening to get back in the game. His message, says Sharry: “‘Hey, I’m flexible,’ which after the shutdown politics was important, and he implied ‘if you don’t do it, I’m coming after you.’” For Obama and the Democrats, immigration reform is a win-win issue. They want an overhaul for the country and their constituents. If they don’t get it, they will hammer Republicans in demographically changing districts in California, Nevada, and Florida, where they could likely pick up seats—not enough to win control of the House, but, paired with what Sharry calls “the shutdown narrative,” Democratic operatives are salivating at the prospect of waging that campaign. Some Republicans understand the stakes, and former vice-presidential candidate and budget maven Paul Ryan is at the center of a newly energized backroom effort to craft legislation that would deal with the thorniest aspect of immigration reform for Republicans: the disposition of 11 million people in the country illegally. Rep. Raul Labrador (R-ID), an early advocate of reform who abandoned the effort some months ago, argues that Obama’s tough bargaining during the shutdown means Republicans can’t trust him on immigration. “When have they ever trusted him?” asks Sharry. “Nobody is asking them to do this for Obama. They should do this for the country and for themselves.... We’re not talking about tax increases or gun violence. This is something the pillars of the Republican coalition are strongly in favor of.” Among those pillars is Chamber of Commerce President Tom Donahue, who on Monday noted the generally good feelings about immigration reform among disparate groups, among them business and labor. He expressed optimism that the House could pass something, go to conference and resolve differences with the Senate, get a bill and have the president sign it “and guess what, government works! Everybody is looking for something positive to take home.” The Wall Street Journal reported Thursday that GOP donors are withholding contributions to lawmakers blocking reform, and that Republicans for Immigration Reform, headed by former Bush Cabinet official, Carlos Gutierrez, is running an Internet ad urging action. Next week, evangelical Christians affiliated with the Evangelical Immigration Table will be in Washington to press Congress to act with charity toward people in the country without documentation, treating them as they would Jesus. The law-enforcement community has also stepped forward repeatedly to embrace an overhaul. House Speaker John Boehner says he wants legislation, but not the “massive” bill that the Senate passed and that Obama supports. The House seems inclined to act—if it acts at all—on a series of smaller bills starting with “Kids Out,” a form of the Dream Act that grants a path to citizenship for young people brought to the U.S. as children; then agriculture-worker and high-tech visas, accompanied by tougher border security. The sticking point is the 11 million people in the country illegally, and finding a compromise between Democrats’ insistence that reform include a path to citizenship, and Republicans’ belief that offering any kind of relief constitutes amnesty and would reward people for breaking the law. The details matter hugely, but what a handful of Republicans, led by Ryan, appear to be crafting is legalization for most of the 11 million but without any mention of citizenship. It wouldn’t create a new or direct or special path for people who came to the U.S. illegally or overstayed their visa. It would allow them to earn legal status through some yet-to-be-determined steps, and once they get it, they go to the end of a very long line that could have people waiting for decades. The Senate bill contains a 13-year wait. However daunting that sounds, the potential for meaningful reform is tantalizingly close with Republicans actively engaged in preparing their proposal, pressure building from the business community and religious leaders, and a short window before the end of the year to redeem the reputation of Congress and the Republican Party after a bruising takedown. The pieces are all there for long-sought immigration reform. We could be a few weeks away from an historic House vote, or headed for a midterm election where Republicans once again are on the wrong side of history and demography.

#### Momentum—the shutdown dampened dynamics blocking passaged

Mark Liasson, and Frank Sherry, NPR, 10/23/13, Obama Wants To Pivot To Immigration Reform, But Can It Work?, www.npr.org/templates/story/story.php?storyId=240291587

LIASSON: And unlike the healthcare law, the president's number one achievement in his first term, an immigration overhaul is actually popular with strong majorities across both parties. A comprehensive bill passed the Senate by a big bipartisan margin, but in the House there's been little movement. On Monday, at a Christian Science Monitor breakfast, Chamber of Commerce head Tom Donahue said the business community will push the House to take up the issue.

TOM DONAHUE: The Chamber is keeping up the push for reform. It's an opportunity to show the world we can get a big thing done that we can all benefit from.

LIASSON: After the political damage the Republicans suffered from the shutdown, immigration reform advocates like Frank Sharry says it's in Republicans interests to work with the Senate on immigration.

FRANK SHARRY: I think the pro-shutdown politics makes immigration reform more likely. There's a real demand within the Republican caucus from some that they can do more than shut down the government and threaten the world economy, and so those voices are saying, what can we do in a bipartisan basis that shows we can do big things?

And immigration reform is the issue that's waiting to be grabbed by them.

#### The push will get the House GOP on board

Jennifer Martinez, 10/22/13, Silicon Valley readies immigration push, thehill.com/blogs/hillicon-valley/technology/329747-silicon-valley-readies-all-out-push-for-immigration-reform

The tech industry is beginning a full-throttle push for immigration reform now that the government shutdown fight is over.

Silicon Valley groups and top executives like Facebook CEO Mark Zuckerberg are planning a flurry of events and media campaigns aimed at pressuring the House to vote on immigration bills before the end of the year.

“Despite the public perception of immigration reform being dead or on the back burner, we believe there’s an opportunity to make progress this calendar year,” said Peter Muller, director of government relations at Intel.

“We think there is an opportunity — there’s a chance — for bills to move to the floor and be considered by the House in the next month or two, and that’s the final step to getting us to a final product.”

The renewed push for action will include “fly-in” trips to Washington, print and social media campaigns and even a “hackathon” event in Silicon Valley that will be headlined by big names in the industry.

The political advocacy group co-founded by Zuckerberg is also ramping up its efforts.

FWD.us is co-sponsoring a trip to Capitol Hill next week with a diverse coalition of groups that support immigration reform, including the U.S. Chamber of Commerce, Bibles Badges and Businesses, and the Partnership for a New American Economy, an advocacy group co-chaired by New York City Mayor Michael Bloomberg, Microsoft CEO Steve Ballmer, News Corp. CEO Rupert Murdoch and other top executives. Roughly 200 representatives are expected to canvass Capitol Hill early next week and meet with lawmakers, chiefly House Republicans, to discuss the need for immigration reform, according to FWD.us Executive Director Todd Schulte. “The fly-in is an important thing to look at, where you have a couple hundred people come into town that highlight the broad support for immigration reform,” Schulte said. Next month, Zuckerberg, LinkedIn co-founder Reid Hoffman, Dropbox CEO Drew Houston and Groupon founder Andrew Mason will be on hand at a “DREAMer Hackathon” event hosted by FWD.us that’s intended to put the spotlight on what they say is the urgent need for comprehensive immigration reform. The event — which will take place at LinkedIn’s Mountain View, Calif., headquarters — represents a pivot for the tech industry. In previous years, tech companies had pushed Congress to focus solely on reforming the immigration rules for highly skilled and educated foreign workers. Young immigrants who came to the United States illegally with their families, often called “Dreamers” in relation to the Development, Relief, and Education for Alien Minors (DREAM) Act, will build digital tools and applications at the “hackathon” event that help promote FWD.us’ advocacy efforts for immigration reform. The projects will include building digital tools that help immigration reform supporters tell their stories or contact Congress, according to FWD.us. Zuckerberg, Hoffman and the other tech executives will advise these illegal immigrants as they work on their projects during the hackathon and provide feedback. “We think it’s a great opportunity to highlight the potential of ‘Dreamers’ and why we need comprehensive immigration reform,” Schulte said. “By having these incredible kids coming together with other programmers, we’re not only going to highlight exactly why our nation needs to fix our broken immigration system, we’re going to help create better advocacy to make that happen.” Back in Washington, the Consumer Electronics Association (CEA), one of the country’s largest tech trade groups, is planning its own lobbying blitz for immigration reform.

“We’re going to keep the pressure on,” said Veronica O’Connell, vice president of congressional affairs at the CEA. “We are committed as an association and as an industry to keep up the momentum as much as we can and work until it’s done.”

Tech representatives acknowledge privately that moving the needle on immigration reform in the House this year will be a challenge, and that work is expected to spill over into 2014.

But some argue immigration reform could be a winning issue for House Republicans at a time when they need to repair their party’s image.

“House Republicans need a win right now. They need to have something positive to say they’re for,” said a tech lobbyist. “They’re trying to turn attention away from what’s happened, and this could be one of those things.”

Tech representativessaid they see encouraging signs in the House, where top Republicans are attempting to craft legislation that deals with the thorniest piece of the debate: how to deal with the millions of immigrants living in the country illegally.

### A2: Adaptation

#### The rate of climate change prevents adaptation – answers long time frame.

Romm, Senior Fellow at Center for American Progress, ‘7

[Joseph, Aug 29, “Hurricane Katrina and the Myth of Global Warming Adaptation,” <http://thinkprogress.org/climate/2007/08/29/201815/hurricane-katrina-and-the-myth-of-global-warming-adaptation/>, RSR]

If we won’t adapt to the realities of having one city below sea level in hurricane alley, what are the chances we are going to adapt to the realities of having all our great Gulf and Atlantic Coast cities at risk for the same fate as New Orleans — since sea level from climate change will ultimately put many cities, like Miami, below sea level? And just how do you adapt to sea levels rising 6 to 12 inches a decade for centuries, which well may be our fate by 2100 if we don’t reverse greenhouse gas emissions trends soon. Climate change driven by humans GHGs is already happening much faster than past climate change from natural causes — and it is accelerating.

#### Even if adaptation was possible – non-linear impacts disrupt the process.

Mazo, Managing Editor, Survival and Research Fellow for Environmental Security and Science Policy at the International Institute for Strategic Studies in London, ‘10

[Jeffrey, “Climate Conflict: How global warming threatens security and what to do about it,” pg. 29]

Changes in climate – long-term wind and rainfall patterns, daily and seasonal temperature variations, and so on – will produce physical effects such as droughts, floods and increasing severity of typhoons and hurricanes, and ecological effects such as changes in the geographical range of species (including disease-causing organisms, domesticated crops and crop pests). These physical changes in turn may lead to effects such as disruption of water resources, declining crop yields and food stocks, wildfires, severe disease outbreaks, and an increase in numbers of refugees and internally displaced persons.

### A2: Agenda Dead

#### Debt victory gives Obama a surge in political capital-small window to use it

Milbank-Washington Post-10/22/13

The Pottsville Republican & Evening Herald (Pennsylvania)

The gloating was a bit unseemly, but the president is entitled to savor a victory lap. The more important thing is that Obama maintain the forceful leadership that won him the budget and debt fights. In that sense, the rest of Obama's speech had some worrisome indications he was returning to his familiar position in the rear. The agreement ending the shutdown requires Congress to come up with a budget by Dec. 13. It's a chance - perhaps Obama's last chance - to tackle big issues such as tax reform and restructuring Medicare. The relative strength he gained over congressional Republicans during the shutdown left him in a dominant negotiating position. If he doesn't use his power now to push through more of his agenda, he'll lose his advantage. George W. Bush adviser Karl Rove called it the "perishability" of political capital.

#### And obama’s agenda isn’t dead on arrival – he won on the debt ceiling

Sydney Morning Herald (Australia) 10/19/13

HEADLINE: The buck stopped, almost

BYLINE: Tom Allard and Philip Wen

The Republican retreat this week in Congress has been widely viewed in the US as a scarifying defeat. The narrative that the party and its Tea Party wing held the nation - and the world - hostage in a mad attempt to cruel Obama's health- care reforms has resonated. Polling is dreadful for the Republicans and there are upcoming mid-term congressional elections. It would suggest Obama has some political capital to play with.

### A2: Plan is a win

#### **Plan’s a perceived loss – that saps capital and collapses unity**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, 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.

### A2: PC Not Real

#### Political capital theory is true – longitudinal statistical analysis

Beckman 10 (Professor of Political Science at UC Irvine, Matthew, 2010, “Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004”, pg. 61-62)

For cases where the president wants to lobby but has limited political capital to draw on (0 < C < C1), looking back, Figure 2.11 affirms the intuitive: the president's legislative options are limited. Lacking enough capital to induce leaders to accept any sort of "deal" that is better than he could get from lobbying pivotal voters, the president and his staffers' only viable strategy is the vote-centered one. But, of course, even executing the vote-centered strategy does not yield much influence; the president simply does not have enough "juice" to substantially alter members' preferences or, in turn, the outcome. The president's prospects improve substantially, though, when he allocates even modest levels of political capital (C, < C < c,.) to lobbying for a particular initiative. At this point - specifically, at C1 \_ an agenda-centered-strategy becomes viable. That is, with a medium investment of political capital, now the president has enough resources to get opposing leaders to cut a "deal" with the White House that is better than he could get from just lobbying pivotal voters. In fact, even with this rather modest infusion of political capital, C, to 4, an agenda-centered lobbying strategy allows a president to exert even more influence than would be possible with a massive investment (up to Gj) in voce-centered lobbying. And granting the president even more political capital to invest in an issue (c,. < C) only adds to an agenda-centered strategy's attractiveness and effectiveness compared to the more familiar vote-centered strategy. Overall, the predicted impact of the president's agenda-centered lobbying is real, and potentially substantial, but also highly conditional. In contrast to a vote-centered strategy, which can be employed whenever a president is willing and able to invest lobbying resources in advocating an issue, the White House's agenda-centered strategy only applies with (I) a far-off status quo, and (2) a medium to large supply of political capital. Absent these prerequisites, the president's fate turns on pivotal voters and his ability to influence them via vote- centered lobbying. But often these strategic stars do align - that is, the president is flush with political capital when seeking to change a distant status quo - and when they do, an agenda-centered strategy affords presidents not just a second path for exerting influence but also a better path. Indeed, under these favorable conditions, the president gets far more policy bang for his lobbying buck from an agenda-centered strategy than a vote-centered one - without having to prevail in an all-out floor fight for pivotal voters' support.

#### Vote switching empirically proven---even on unrelated legislation.

Simes and Saunders 10 [Dimitri (Publisher of the National Interest) and Paul (Executive Director of The Nixon Center and Associate Publisher of The National Interest, served in the State Department from 2003 to 2005), 12-23-10, The National Interest, “START of a Pyrrhic Victory”,

http://nationalinterest.org/commentary/start-pyrrhic-victory-4626, WEA]

Had the lame-duck session not already been so contentious, this need not have been a particular problem. Several Senate Republicans indicated openness to supporting the treaty earlier in the session, including Senator Lindsey Graham and Senator John McCain. Senator Jon Kyl—seen by many as leading Republican opposition to the agreement—was actually quite careful to avoid saying that he opposed New START until almost immediately prior to the vote. Our own conversations with Republican Senate sources during the lame duck session suggested that several additional Republicans could have voted to ratify New START under other circumstances; Senator Lamar Alexander is quoted in the press as saying that Republican anger over unrelated legislation cost five to ten votes. By the time the Senate reached New START, earlier conduct by Senate Democrats and the White House had alienated many Republicans who could have voted for the treaty. That the administration secured thirteen Republican votes (including some from retiring Senators) for the treaty now—and had many more potentially within its grasp—makes clear what many had believed all along: it would not have been so difficult for President Obama to win the fourteen Republican votes needed for ratification in the new Senate, if he had been prepared to wait and to work more cooperatively with Senate Republicans. Senator Kerry’s comment that “70 votes is yesterday’s 95” ignores the reality that he and the White House could have secured many more than 70 votes had they handled the process differently and attempts to shift the blame for the low vote count onto Republicans.

### A2: Winners Win

#### Victories build opposition- wins create resentment for Obama

Purdum 10 (Todd, Award winning journalist for the NYT,Vanity Fair Columnist, December 20, "Obama Is Suffering Because of His Achievements, Not Despite Them", http://www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)jn

With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair. So why isn’t his political standing higher? Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public.