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TPA will pass but political capital is key-failure collapses global trade momentum

Financial Times 1/20/14

http://www.ft.com/intl/cms/s/0/60506de0-7f9c-11e3-b6a7-00144feabdc0.html#axzz2qtDiKryq

US trade debate prompts fears of delay in talks

A heated debate over trade in the US Congress risks stalling two trade negotiations that cover 70 per cent of the global economy, senior international officials have warned. For President Barack Obama the key to sealing both the Trans-Pacific Partnership and a deal with the EU is securing so-called fast-track authority. It gives the White House power to negotiate trade deals and limits Congress’s ability to intervene in nitty-gritty details once talks are concluded. If Mr Obama fails, it would scupper his ambitious second-term trade agenda. He has already hit stumbling blocks as he missed his self-imposed aim to reach a preliminary agreement with TPP members by the end of 2013. It would also threaten US-led efforts in Geneva to update the rules for the $4tn annual trade in services around the world. After months of haggling, Congressional leaders this month introduced a bipartisan bill to grant Mr Obama what is formally known as Trade Promotion Authority (TPA). But it is already facing opposition from many Democrats and criticism from Republicans who want Mr Obama to do more to bring his own party into line. In an interview with the Financial Times, Ildefonso Guajardo Villarreal, Mexico’s economy minister, said governments in the TPP talks, in which it is a member, were unlikely to offer any significant concessions until they were sure Mr Obama had fast-track authority and any agreement could get through the US Congress. “We have to wait until we really get a better sense of how things evolve. From a negotiating point of view . . . things will go along slowly until that happens,” Mr Guajardo Villarreal said, adding he believed the Obama administration would eventually secure fast-track authority. “If they are able to send a strong signal of support from Congress that will make it easier for us to finish the deal.” The TPP negotiations are further along than the EU talks so the immediate impact is likely to be greater on those talks. But a senior European official said officials in Brussels were bracing for a TPA debate that could last through this year and would inevitably affect negotiations. “Without TPA we will always feel very reticent to show our real red lines,” the official said. Administration officials remain confident that they can get the bill through Congress and Michael Froman, the US trade representative, said there was no reason for the fast-track debate in Washington to affect the progress of any trade negotiations. “Every TPP partner has domestic politics, from elections to legislative battles over various policies that could impact the agreement,” he said. “We trust our partners to manage their own domestic processes, and we will be working with our Congress to pass broadly supported trade promotion authority here. In the meantime, there is no reason talks should slow.” The bill is raising concern among negotiating partners. It would require the administration to include mechanisms to address currency manipulation in agreements, a sore point for TPP partner Japan. It also would require any deal the US enters to have strict, environmental, labour and intellectual property rules. EU officials are concerned about a section of the bill which would give some members of Congress the right to attend negotiations. The concern in Brussels is that it could cause the European parliament to request the same access and thus add a political element to the complex negotiations. Deborah Elms, an American TPP expert at Singapore’s S. Rajaratnam School of International Studies, said the concerns of other TPP countries over the conditions in the bill, particularly on currency, should not be underestimated. But, above all, she said, President Obama needed to send a signal in this month’s State of the Union address that he was prepared to push for fast-track authority. “You have two big negotiations that are a bit stuck waiting for Congress to move,” she said. “This is the time [to spend political capital]. Your whole trade agenda is stuck unless you get [fast-track authority] very soon.”

#### Congressional debate over the plan tanks agenda

Kriner, 10

(Douglas, Assistant professor of poly sci at Boston University, “After the

Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec

1, 2010)

While congressional support leaves the president’s reserve of political capital intact,¶ congressional criticism saps energy from other initiatives on the home front by forcing the¶ president to expend energy and effort defending his international agenda. Political capital¶ spent shoring up support for a president’s foreign policies is capital that is unavailable for his¶ future policy initiatives . Moreover, any weakening in the president’s political clout may have¶ immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59¶ Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid¶ immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest¶ casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital¶ and reputation, such partisan losses in Congress only further imperil his programmatic¶ agenda, both international and domestic. Scholars have long noted that President Lyndon¶ Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite¶ funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson¶ gradually let his domestic goals slip away as he hunkered down in an effort first to win and¶ then to end the Vietnam War. In the same way, many of President Bush’s highest second-term¶ domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because¶ the administration had to expend so much energy and effort waging a rear-guard action¶ against congressional critics of the war in Iraq.61 When making their cost-benefit calculations,¶ presidents surely consider these wider political costs of congressional opposition to their¶ military policies. If congressional opposition in the military arena stands to derail other¶ elements of his agenda, all else being equal, the president will be more likely to judge the benefits¶ of military action insufficient to its costs than if Congress stood behind him in the¶ international arena.

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner 2008

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

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#### The Executive should issue an executive order that includes

#### - limits establishes US targeted killings that occur with zones of armed conflict derive from the authority granted due to being in conflict with Al Qaeda and targeted killings that occur outside an armed conflict derive from self-defense authority.

#### -an accompanying Fact Sheet explaining the administration’s rationale includes abiding by international law and the law of armed conflict

#### The Executive should make the order subject to ex post judicial review to verify whether US targeted killings meet the criterion of jus ad bellum and jus in bello.

#### Combination of transparency and rigorous review is the best way to solve-Congress isn’t key.

Murphy and Radsan 13 (Richard W. Murphy Texas Tech University School of Law Afsheen John Radsan William Mitchell College of Law “Notice and an Opportunity to Be Heard Before the President Kills You,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2293686)

On many occasions, the federal courts have intoned that the core of due process is notice and an opportunity to be heard before the government deprives a person of life, liberty, or property.187 The central idea is to “ensure that the person threatened with loss has an opportunity to present his side of the story to a neutral decisionmaker at a time when the deprivation can still be prevented.”188 This promotes accuracy insofar as it enables a targeted person to provide pertinent information about adjudicative facts. It also appeals to the deep-seated intuition that fairness and justice require the government to let persons subject to its power “have their say” before that power is deployed against them.189 Promoting accuracy, fairness, and legitimacy, in addition to serving the private interests of the targets, also serves obvious public interests. The government should base its actions—especially those that will harm targeted individuals—on an accurate understanding of the adjudicative facts. Holding other factors equal, it is better to live under a government that is both fair and appears to be fair than to live under a government that either wields coercive power arbitrarily or appears to do so. Even so, process carries obvious costs. As Justice Thomas intimated in his Hamdi dissent,190 extending notice and an opportunity to be heard to a suspected terrorist poses problems. Notice might allow the target of a missile strike to “get away.” Notice might also endanger sensitive sources and methods of intelligence if the target is able to track down how the United States discovered his identity and his activities. Further, the “opportunity to be heard” could prove counterproductive if poorly designed to fit the issues and concerns of targeting. Importing hearsay limitations into the proceedings, for example, might put undue strain on the government’s ability to make its case and might lead to excessive false negatives.191 These sorts of problems highlight that many forms of formal process for targeted killing would be impracticable and unreasonable. Due process is nothing if not flexible, however. The requirement, for instance, of a pre-deprivation hearing is commonly characterized as a prime element of due process. The Court nonetheless sidesteps this element in a variety of emergency situations, approving procedures that lack pre-deprivation hearings for seizure of enemy property in wartime,192 seizure and destruction of food unfit for human consumption,193 and suspension from public school of students “whose presence poses a continuing danger to persons or property.”194 Where a pre-deprivation hearing poses too many problems, post-deprivation procedures may suffice. With this sort of flexibility, the question is not whether some forms of process for targeted killing would be unreasonable and thus “undue.” No, the real due-process question is whether any forms of notice and an opportunity to be heard might be practicable, reasonable, and beneficial. Consider the following possibility: The United States should maintain a public list of members of QTA whom the United States has concluded pose a severe enough threat to merit targeting. To the extent security concerns reasonably permit, the United States should also provide public justifications for placements on the list. Ayman al-Zawahiri, the leader of al Qaeda, would presumably be the first name. In our interconnected age, publication on the Internet would give notice to listed persons that they may be targeted as well as partial notice of the grounds supporting their selection. And a statement in the Federal Register might be added for good measure. One can think of this proposal as formalizing and generalizing the approach to notice that the United States government informally extended to al-Awlaki himself. Somebody in government leaked the highly classified information that al-Awlaki was on the kill list. One motive may have been to provide a form of notice consistent with his due process rights. If that was a reason for the government’s disclosure, it provides tacit support from the United States that the kill list could and should be published. Along with notice by publication would come at least an informal opportunity to be heard. As Judge Bates noted in his al Aulaqi opinion, al-Awlaki knew perfectly well that he had been targeted by the United States. If he had wished, he could have contested this targeting himself: either in court after turning himself in or via video-conferencing or some other means.195 Building on Judge Bates’ point, it bears repeating that the United States’ conflict with QTA is a highly public matter in many respects. The impact of a drone strike, unlike a brush pass between an intelligence officer and a human source, cannot be hidden from all eyes. Persons who appear on the proposed list would have a megaphone for responding to eager audiences among journalists and human rights workers. This opportunity to respond would not be a perfect substitute for formal proceedings before a neutral judge, but it would foster a form of public accountability that the United States could not ignore.

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Questioning the affirmatives ontology is a prior question to the advantages; the form of social relations their advocacy embodies rests on faulty epistemology and makes extinction inevitable

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I. Industrial civilization is on a collision course with life itself. Facilitating its collapse is a deserved and welcomed correction, long overdue. Collapse is inevitable whether we seek to facilitate it or not. Nonetheless, whatever we do, industrial civilization, based as it is on mining and burning finite and polluting fossil fuels, cannot last because it is destroying the ecosystem and the basis of local, cooperative life itself. It knows no limits in a physically finite world and thus is unsustainable. And the numbers of our human species on earth, which have proliferated from 1.6 billion in 1900 to 7 billion today, is the consequence of mindlessly eating oil – tractors, fertilizers, pesticides, herbicides – while destroying human culture in the process. Our food system itself is not sustainable. Dramatic die-off is part of the inevitable correction in the very near future, whether we like it or not. Human and political culture has become totally subservient to a near religion of economics and market forces. Technologies are never neutral, with some being seriously detrimental. Technologies come with an intrinsic character representing the purposes and values of the prevailing political economy that births it. The Industrialism process itself is traumatic. It is likely that only when we experience an apprenticeship in nature can we be trusted with machines, especially when they capital intensive & complicated. The nation-state, intertwined more than ever with corporate industrialism, will always come to its aid and rescue. Withdrawal of popular support enables new imagination and energy for re-creating local human food sufficient communities conforming with bioregional limits. II. The United States of America is irredeemable and unreformable, a Pretend Society. The USA as a nation state, as a recent culture, is irredeemable, unreformable, an anti-democratic, vertical, over-sized imperial unmanageable monster, sustained by the obedience and cooperation, even if reluctant, of the vast majority of its non-autonomous population. Virtually all of us are complicit in this imperial plunder even as many of us are increasingly repulsed by it and speak out against it. Lofty rhetoric has conditioned us to believe in our national exceptionalism, despite it being dramatically at odds with the empirically revealed pattern of our plundering cultural behavior totally dependent upon outsourcing the pain and suffering elsewhere. We cling to living a life based on the social myth of US America being committed to justice for all, even as we increasingly know this has always served as a cover for the social secret that the US is committed to prosperity for a minority thru expansion at ANY cost. Our Eurocentric origins have been built on an extraordinary and forceful but rationalized dispossession of hundreds of Indigenous nations (a genocide) assuring acquisition of free land, murdering millions with total impunity. This still unaddressed crime against humanity assured that our eyes themselves are the wool. Our addiction to the comfort and convenience brought to us by centuries of forceful theft of land, labor, and resources is very difficult to break, as with any addiction. However, our survival, and healing, requires a commitment to recovery of our humanity, ceasing our obedience to the national state. This is the (r)evolution begging us. Original wool is in our eyes: Eurocentric values were established with the invasion by Columbus: Cruelty never before seen, nor heard of, nor read of – Bartolome de las Casas describing the behavior of the Spaniards inflicted on the Indigenous of the West Indies in the 1500s. In fact the Indigenous had no vocabulary words to describe the behavior inflicted on them (A Short Account of the Destruction of the Indies, 1552). Eurocentric racism (hatred driven by fear) and arrogant religious ethnocentrism (self-righteous superiority) have never been honestly addressed or overcome. Thus, our foundational values and behaviors, if not radically transformed from arrogance to caring, will prove fatal to our modern species. Wool has remained uncleansed from our eyes: I personally discovered the continued vigorous U.S. application of the “Columbus Enterprise” in Viet Nam, discovering that Viet Nam was no aberration after learning of more than 500 previous US military interventions beginning in the late 1790s. Our business is killing, and business is good was a slogan painted on the front of a 9th Infantry Division helicopter in Viet Nam’s Mekong Delta in 1969. We, not the Indigenous, were and remain the savages. The US has been built on three genocides: violent and arrogant dispossession of hundreds of Indigenous nations in North America (Genocide #1), and in Africa (Genocide #2), stealing land and labor, respectively, with total impunity, murdering and maiming millions, amounting to genocide. It is morally unsustainable, now ecologically, politically, economically, and socially unsustainable as well. Further, in the 20th Century, the Republic of the US intervened several hundred times in well over a hundred nations stealing resources and labor, while imposing US-friendly markets, killing millions, impoverishing perhaps billions (Genocide #3). Since 1798, the US military forces have militarily intervened over 560 times in dozens of nations, nearly 400 of which have occurred since World War II. And since WWII, the US has bombed 28 countries, while covertly intervening thousands of times in the majority of nations on the earth. It is not helpful to continue believing in the social myth that the USA is a society committed to justice for all , in fact a convenient mask (since our origins) of our social secret being a society committed to prosperity for a few through expansion at ANY cost. (See William Appleman Williams). Always possessing oligarchic tendencies, it is now an outright corrupt corporatocracy owned lock stock and barrel by big money made obscenely rich from war making with our consent, even if reluctant. The Cold War and its nuclear and conventional arms race with the exaggerated “red menace”, was an insidious cover for a war preserving the Haves from the Have-Nots, in effect, ironically preserving a western, consumptive way of life that itself is killing us. Pretty amazing! Our way of life has produced so much carbon in the water, soil, and atmosphere, that it may in the end be equivalent to having caused nuclear winter. The war OF wholesale terror on retail terror has replaced the “red menace” as the rhetorical justification for the continued imperial plunder of the earth and the riches it brings to the military-industrial-intelligence-congressional-executive-information complex. Our cooperation with and addiction to the American Way Of Life provides the political energy that guarantees continuation of U.S. polices of imperial plunder. III. The American Way Of Life (AWOL), and the Western Way of Life in general, is the most dangerous force that exists on the earth. Our insatiable consumption patterns on a finite earth, enabled by but a one-century blip in burning energy efficient liquid fossil fuels, have made virtually all of us addicted to our way of life as we have been conditioned to be in denial about the egregious consequences outsourced outside our view or feeling fields. Of course, this trend began 2 centuries earlier with the advent of the industrial revolution. With 4.6% of the world’s population, we consume anywhere from 25% to nearly half the world’s resources. This kind of theft can only occur by force or its threat, justifying it with noble sounding rhetoric, over and over and over. Our insatiable individual and collective human demands for energy inputs originating from outside our bioregions, furnish the political-economic profit motives for the energy extractors, which in turn own the political process obsessed with preserving “national (in)security”, e.g., maintaining a very class-based life of affluence and comfort for a minority of the world’s people. This, in turn, requires a huge military to assure control of resources for our use, protecting corporate plunder, and to eliminate perceived threats from competing political agendas. The U.S. War department’s policy of “full spectrum dominance” is intended to control the world’s seas, airspaces, land bases, outer spaces, our “inner” mental spaces, and cyberspaces. Resources everywhere are constantly needed to supply our delusional modern life demands on a finite planet as the system seeks to dumb us down ever more. Thus, we are terribly complicit in the current severe dilemmas coming to a head due to (1) climate instability largely caused by mindless human activities; (2) from our dependence upon national currencies; and (3) dependence upon rapidly depleting finite resources. We have become addicts in a classical sense. Recovery requires a deep psychological, spiritual, and physical commitment to break our addiction to materialism, as we embark on a radical healing journey, individually and collectively, where less and local becomes a mantra, as does sharing and caring, I call it the Neolithic or Indigenous model. Sharing and caring replace individualism and competition. Therefore, A Radical Prescription Understanding these facts requires a radical paradigmatic shift in our thinking and behavior, equivalent to an evolutionary shift in our epistemology where our knowledge/thinking framework shifts: arrogant separateness from and domination over nature (ending a post-Ice Age 10,000 year cycle of thought structure among moderns) morphs to integration with nature, i.e., an eco-consciousness felt deeply in the viscera, more powerful than a cognitive idea. Thus, we re-discover ancient, archetypal Indigenous thought patterns. It requires creative disobedience to and strategic noncooperation with the prevailing political economy, while re-constructing locally reliant communities patterned on instructive models of historic Indigenous and Neolithic villages.

Vote negative; daring to imagine a political alternative to fear is key to change the technical legalistic frame that creates the conditions for violence

Ben-Asher 10 (NOA BEN-ASHER is a Assistant Professor of Law, Pace Law School, “Legalism and Decisionism in Crisis ,” http://moritzlaw.osu.edu/lawjournal/issues/volume71/number4/ben-asher.pdf)

“I am grateful for your hospitality and the hospitality of the people of Egypt”—thus begins President Obama’s address to the Muslim world in Cairo in June of 2009.300 Throughout this speech the President reaches out to Islam with rhetoric of gratitude, hospitality, and peace. He urges Muslims and non-Muslims to “have the courage to make a new beginning, keeping in mind what has been written.”301 And what has been written? Obama then quotes the Talmud—“The whole of the Torah is for the purpose of promoting peace”—302 and the New Testament—“Blessed are the peacemakers, for they shall be called sons of God.”303 Interestingly, though, he first quotes a passage from the Koran that, by contrast, does not mention peace: “O mankind! We have created you male and female and we have made you into nations and tribes so that you may know one another.” 304 Here, mankind has been divided into nations not for war or peace or prosperity or progress, but for one purpose: “so that you may know one another.” Knowledge of the other person and nation is the sole purpose of the separation of mankind into nations—says the Koran text that closes Obama’s speech. This was our definition of hospitality: conscious listening to the other, welcoming the face of the other, and occupying a relation of deference to the other. Perhaps Obama’s concluding words may help us understand what deference to the other might mean in this context—“It’s a faith in other people, and it’s what brought me here today.”305 This rhetoric of friendship, hospitality, and responsibility towards Islam is different from the strictly legalistic rhetoric of religious liberty pursued elsewhere by the President and by others. Such rhetoric is important, especially in times of hostilities, because it dares to imagine a political and legal alternative to fear, vulnerability, and enmity. Vice President Dick Cheney declared shortly after September 11, 2001, that we should consider the current period not an emergency at all, but “the new normalcy.”306 Necessity, enmity, and catastrophe have indeed become the normal politics shared by many Legalists and Decisionists in emergency powers debates. Legalist and Decisionist disagreements often turn on the balance of powers and the proper role of law in the “war on terror.” Should the primary tools for fighting terror be norms or decisions? Legalists have argued for the former and Decisionists for the latter. Legalists have argued that the rule of law must survive at all times. Decisionists have insisted that the key to the nation’s survival is a strong, decisive executive branch that is sometimes unbound by legal norms. But despite these disagreements, many versions of Decisionism and Legalism have conceded that the state of emergency has indeed become “the new normalcy.” This Article argues that we should develop an alternative vision of the human and the state as they exist in times of crisis.

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#### A. Restrictions are prohibitions on action --- excludes 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.

#### B. Voting Issue---Precision—restrictions must be a distinct term for debate to occur

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Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

### Legal Regimes

#### The plan doesn’t change the fact that the US thinks it is in a global armed conflict with al qaeda-that’s the only thing that can satisfy Europe-courts will force their hand

**Parker, former British Security Service officer, 2012**

(Tom, “U.S. Tactics Threaten NATO”, 9-17, <http://nationalinterest.org/commentary/us-tactics-threaten-nato-7461?page=1>, ldg)

A growing chasm in operational practice is opening up between the United States and its allies in NATO. This rift is putting the Atlantic alliance at risk. Yet no one in Washington seems to be paying attention. The escalating use of unmanned aerial vehicles to strike terrorist suspects in an increasing number of operational environments from the Arabian Peninsula to Southeast Asia, coupled with the continued use of military commissions and indefinite detention, is driving a wedge between the United States and its allies. Attitudes across the Atlantic are hardening fast. This isn’t knee-jerk, man-on-the-street anti-Americanism. European governments that have tried to turn a blind eye to U.S. counterterrorism practices over the past decade are now forced to pay attention by their own courts, which will restrict cooperation in the future. As recently as last month, the German federal prosecutor’s office opened a probe into the October 2010 killing of a German national identified only as “Buenyamin E.” in a U.S. drone strike in Pakistan. There are at least four other similar cases involving German nationals and several reported strikes involving legal residents of the United Kingdom. In March, Polish prosecutors charged the former head of Polish intelligence, Zbigniew Siemiatkowski, with “unlawfully depriving prisoners of the their liberty” because of the alleged role he played in helping to establish a CIA secret prison in northeastern Poland in 2002–2003. Last December, British Special Forces ran afoul of the UK courts for informally transferring two Al Qaeda suspects detained in Iraq, Yunus Rahmatullah and Amanatullah Ali, to U.S. forces. The British government has been instructed to recover the men from U.S. custody or face legal sanctions that could result in two senior ministers being sent to prison. Perhaps the most dramatic example illustrating the gap that has opened up between the United States and its European allies concerns the 2009 in absentia conviction of twenty-three U.S. agents in an Italian court for the role they played in the extraordinary rendition of radical Imam Hassan Mustafa Osama Nasr from Milan to Cairo. Britain, Poland, Italy and Germany are among America’s closest military partners. Troops from all four countries are currently serving alongside U.S. forces in Afghanistan, but they are now operating within a very different set of constraints than their U.S. counterparts. The European Court of Human Rights established its jurisdiction over stabilization operations in Iraq, and by implication its writ extends to Afghanistan as well. The British government has lost a series of cases before the court relating to its operations in southern Iraq. This means that concepts such as the right to life, protection from arbitrary punishment, remedy and due process apply in areas under the effective control of European forces. Furthermore, the possibility that intelligence provided by any of America’s European allies could be used to target a terrorism suspect in Somalia or the Philippines for a lethal drone strike now raises serious criminal liability issues for the Europeans. The United States conducts such operations under the legal theory that it is in an international armed conflict with Al Qaeda and its affiliates that can be pursued anywhere on the globe where armed force may be required. But not one other member of NATO shares this legal analysis, which flies in the face of established international legal norms. The United States may have taken issue with the traditional idea that wars are fought between states and not between states and criminal gangs, but its allies have not. The heads of Britain’s foreign and domestic intelligence services have been surprisingly open about the “inhibitions” that this growing divergence has caused the transatlantic special relationship, telling Parliament that it has become an obstacle to intelligence sharing. European attitudes are not going to change—the European Court of Human Rights is now deeply embedded in European life, and individual European governments cannot escape its oversight no matter how well disposed they are to assist the United States. The United States has bet heavily on the efficacy of a new array of counterterrorism powers as the answer to Al Qaeda. In doing so it has evolved a concept of operations that has much more in common with the approach to terrorist threats taken by Israel and Russia than by its European partners. There has been little consideration of the wider strategic cost of these tactics, even as the Obama administration doubles down and extends their use. Meanwhile, some of America’s oldest and closest allies are beginning to place more and more constraints on working with U.S. forces. NATO cannot conduct military operations under two competing legal regimes for long. Something has to give—and it may just be the Atlantic alliance.

#### The United States won’t be modeled – plan can’t create norms

Amitai Etzioni 13, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

#### Norms fail---countries will follow our bad examples

Lerner 13 (Ben, is Vice President for Government Relations at the Center for Security Policy in Washington, D.C. “Judging ‘Drones’ From Afar,” http://spectator.org/archives/2013/03/25/judging-drones-from-afar/1

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s manipulation of the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out. And who would enforce the treaty’s rules — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “immediate focus” UAV operations recently conducted by those countries? The United States already conducts warfare under the norms of centuries of practice of customary international law in areas such as military necessity and proportionality, as well as the norms to which we committed ourselves when we became party to the 1949 Geneva Conventions and the United Nations Charter. These same rules can adequately cover the use of UAVs in the international context. But if the United States were to create or agree to a separate international regime for UAVs, we would subject ourselves to new, politicized “rules” that would needlessly hold back countries that already use UAVs responsibly, while empowering those that do not.

#### And it requires AI – which isn’t far away and

Krishnan 09

Armin Krishnan is a Senior Research Assistant in the National Centre for Research Methods at the University of Southampton, UK, Killer Robots: Legality and Ethicality of Autonomous Weapons, 2009, pg. 166-67

In the context of the possible advent of strong Al and intelligent killer robots, Truman’s words seem menacingly true. The world was not prepared for the invention of the nuclear bomb and it is hardly prepared for the possibilities and temptations afforded by further runaway technological progress. There are good reasons to be concerned about military robotics and future ‘killer robots’ and it will be challenging to bypass the various roads to hell.

#### ---No impact to Nanotech --- Regulations and the separation of development from research and development makes disasters unlikely

Phoenix & Treder 2003

Chris, co-founder and Director of Research, Center for Responsible Nanotechnology, has studied nanotechnology for more than 15 years, BS in Symbolic Systems and MS in Computer Science from Stanford and Mike co-founder and Executive Director of CRN, Research Fellow with the Institute for Ethics and Emerging Technologies “Safe Utilization of Advanced Nanotechnology” http://crnano.org/safe.htm

Development of nanotechnology must be undertaken with care to avoid accidents; once a nanotechnology-based manufacturing technology is created, it must be administered with even more care. Irresponsible use of molecular manufacturing could lead to black markets, unstable arms races ending in immense destruction, and possibly a release of grey goo. Misuse of the technology by inhumane governments, terrorists, criminals, and irresponsible users could produce even worse problems—grey goo is a feeble weapon compared to what could be designed. It seems likely that research leading to advanced nanotechnology will have to be carefully monitored and controlled. However, the same is not true of product research and development. The developer of nanotechnology-built products does not need technical expertise in nanotechnology. Once a manufacturing system is developed, product designers can use it to build anything from cars to computers, simply by reusing low-level designs that have previously been developed. A designer may safely be allowed to play with pieces 1,000 atoms on a side (one billion atoms in volume). This is several times smaller than a bacterium and 10,000,000 times smaller than a car. Working with modular “building blocks” of this size would allow almost anything to be designed and built, but the blocks would be too big to do the kind of molecular manipulation that is necessary for nano-manufacturing or to participate in biochemical reactions. A single block could contain a tiny motor or a computer, allowing products to be powered and responsive. As long as no block contained machinery to do mechanochemistry, the designer could not create a new kind of nanofactory. Once designed and built, a product of molecular manufacturing could be used by consumers just like a steel or plastic product. Of course, some products, such as cars, knives, and nail guns, are dangerous by design, but this kind of danger is one that we already know how to deal with. In the United States, Underwriter's Laboratories (UL), the Food and Drug Administration, and a host of industry and consumer organizations work to ensure that our products are as safe as we expect them to be. Nanotechnology products could be regulated in the same way. And if a personal nanofactory could only make approved products, it could be widely distributed, even for home use, without introducing any special risks.

### Drones

#### No internal link to Corn – their evidence never says that authority to conduct would collapse which is what their impact is predicated off of, only that it makes it harder

#### No nuclear terrorism-even attempts under optimal conditions have failed.

**Bergen, New York University’s Center on Law and Security fellow, 2010**

(Peter, “Reevaluating Al-Qa`ida’s Weapons of Mass Destruction Capabilities,” CTC Sentinel, September, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=122242, ldg)

Bin Ladin’s and al-Zawahiri’s portrayal of al-Qa`ida’s nuclear and chemical weapons capabilities in their post-9/11 statements to Hamid Mir was not based in any reality, and it was instead meant to serve as psychological warfare against the West. There is no evidence that al-Qa`ida’s quest for nuclear weapons ever went beyond the talking stage. Moreover, al-Zawahiri’s comment about “missing” Russian nuclear suitcase bombs floating around for sale on the black market is a Hollywood construct that is greeted with great skepticism by nuclear proliferation experts. This article reviews al-Qa`ida’s WMD efforts, and then explains why it is unlikely the group will ever acquire a nuclear weapon. Al-Qa`ida’s WMD Efforts In 2002, former UN weapons inspector David Albright examined all the available evidence about al-Qa`ida’s nuclear weapons research program and concluded that it was virtually impossible for al-Qa`ida to have acquired any type of nuclear weapon.8 U.S. government analysts reached the same conclusion in 2002.9 There is evidence, however, that al-Qa`ida experimented with crude chemical weapons, explored the use of biological weapons such as botulinum, salmonella and anthrax, and also made multiple attempts to acquire radioactive materials suitable for a dirty bomb.10 After the group moved from Sudan to Afghanistan in 1996, al-Qa`ida members escalated their chemical and biological weapons program, innocuously code-naming it the “Yogurt Project,” but only earmarking a meager $2,000-4,000 for its budget.11 An al-Qa`ida videotape from this period, for example, shows a small white dog tied up inside a glass cage as a milky gas slowly filters in. An Arabic-speaking man with an Egyptian accent says: “Start counting the time.” Nervous, the dog barks and then moans. After struggling and flailing for a few minutes, it succumbs to the poisonous gas and stops moving. This experiment almost certainly occurred at the Darunta training camp near the eastern Afghan city of Jalalabad, conducted by the Egyptian Abu Khabab.12 Not only has al-Qa`ida’s research into WMD been strictly an amateur affair, but plots to use these types of weapons have been ineffective. One example is the 2003 “ricin” case in the United Kingdom. It was widely advertised as a serious WMD plot, yet the subsequent investigation showed otherwise. The case appeared in the months before the U.S.-led invasion of Iraq, when media in the United States and the United Kingdom were awash in stories about a group of men arrested in London who possessed highly toxic ricin to be used in future terrorist attacks. Two years later, however, at the trial of the men accused of the ricin plot, a government scientist testified that the men never had ricin in their possession, a charge that had been first triggered by a false positive on a test. The men were cleared of the poison conspiracy except for an Algerian named Kamal Bourgass, who was convicted of conspiring to commit a public nuisance by using poisons or explosives.13 It is still not clear whether al-Qa`ida had any connection to the plot.14 In fact, the only post-9/11 cases where al-Qa`ida or any of its affiliates actually used a type of WMD was in Iraq, where al-Qa`ida’s Iraqi affiliate, al-Qa`ida in Iraq (AQI), laced more than a dozen of its bombs with the chemical chlorine in 2007. Those attacks sickened hundreds of Iraqis, but the victims who died in these assaults did so largely from the blast of the bombs, not because of inhaling chlorine. AQI stopped using chlorine in its bombs in Iraq in mid-2007, partly because the insurgents never understood how to make the chlorine attacks especially deadly and also because the Central Intelligence Agency and U.S. military hunted down the bomb makers responsible for the campaign, while simultaneously clamping down on the availability of chlorine.15 Indeed, a survey of the 172 individuals indicted or convicted in Islamist terrorism cases in the United States since 9/11 compiled by the Maxwell School at Syracuse University and the New America Foundation found that none of the cases involved the use of WMD of any kind. In the one case where a radiological plot was initially alleged—that of the Hispanic-American al-Qa`ida recruit Jose Padilla—that allegation was dropped when the case went to trial.16 Unlikely Al-Qa`ida Will Acquire a Nuclear Weapon Despite the difficulties associated with terrorist groups acquiring or deploying WMD and al-Qa`ida’s poor record in the matter, there was a great deal of hysterical discussion about this issue after 9/11. Clouding the discussion was the semantic problem of the ominous term “weapons of mass destruction,” which is really a misnomer as it suggests that chemical, biological, and nuclear devices are all equally lethal. In fact, there is only one realistic weapon of mass destruction that can kill tens or hundreds of thousands of people in a single attack: a nuclear bomb.17 The congressionally authorized Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism issued a report in 2008 that typified the muddled thinking about WMD when it concluded: “It is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013.”18 The report’s conclusion that WMD terrorism was likely to happen somewhere in the world in the next five years was simultaneously true but also somewhat trivial because terrorist groups and cults have already engaged in crude chemical and biological weapons attacks.19 Yet **the prospects of** al-Qa`ida or indeed **any** other **group having access to** a true WMD—**a nuclear device**—**is near zero** for the foreseeable future. If any organization should have developed a serious WMD capability it was the bizarre Japanese terrorist cult Aum Shinrikyo, which not only recruited 300 scientists—including chemists and molecular biologists—but also had hundreds of millions of dollars at its disposal.20 Aum embarked on a large-scale WMD research program in the early 1990s because members of the cult believed that Armageddon was fast-approaching and that they would need powerful weapons to survive. Aum acolytes experimented with anthrax and botulinum toxin and even hoped to mine uranium in Australia. Aum researchers also hacked into classified networks to find information about nuclear facilities in Russia, South Korea and Taiwan.21 Sensing an opportunity following the collapse of the Soviet Union, Aum recruited thousands of followers in Russia and sent multiple delegations to meet with leading Russian politicians and scientists in the early 1990s. The cult even tried to recruit staff from inside the Kurchatov Institute, a leading nuclear research center in Moscow. One of Aum’s leaders, Hayakawa Kiyohide, made eight trips to Russia in 1994, and in his diary he made a notation that Aum was willing to pay up to $15 million for a nuclear device.22 Despite its open checkbook, Aum was never able to acquire nuclear material or technology from Russia even in the chaotic circumstances following the implosion of the communist regime.23 In the end, Aum abandoned its investigations of nuclear and biological weapons after finding them too difficult to acquire and settled instead on a chemical weapons operation, which climaxed in the group releasing sarin gas in the Tokyo subway in 1995. It is hard to imagine an environment better suited to killing large numbers of people than the Tokyo subway, yet only a dozen died in the attack.24 Although Aum’s WMD program was much further advanced than anything al-Qa`ida developed, even they could not acquire a true WMD. It is also worth recalling that Iran, which has had an **aggressive and well-funded nuclear program for almost two decades**, is still some way from developing a functioning nuclear bomb. Terrorist groups simply do not have the resources of states. Even with access to nuclear technology, it is next to impossible for terrorist groups to acquire sufficient amounts of highly enriched uranium (HEU) to make a nuclear bomb. The total of all the known thefts of HEU around the world tracked by the International Atomic Energy Agency between 1993 and 2006 was just less than eight kilograms, well short of the 25 kilograms needed for the simplest bomb;25 moreover, none of the HEU thieves during this period were linked to al-Qa`ida. Therefore, even building, let alone detonating, the simple, gun-type nuclear device of the kind that was dropped on Hiroshima during World War II would be extraordinarily difficult for a terrorist group because of the problem of accumulating sufficient quantities of HEU. Building a radiological device, or “dirty bomb,” is far more plausible for a terrorist group because acquiring radioactive materials suitable for such a weapon is not as difficult, while the construction of such a device is orders of magnitude less complex than building a nuclear bomb. Detonating a radiological device, however, would likely result in a relatively small number of casualties and should not be considered a true WMD.

#### Terrorists will use conventional weapons-overwhelming empirics.

**Mauroni, Air Force senior policy analyst, 2012**

(Al, “Nuclear Terrorism: Are We Prepared?”, Homeland Security Affairs, <http://www.hsaj.org/?fullarticle=8.1.9>, ldg)

The popular assumption is that terrorists are actively working with “rogue nations” to exploit WMD materials and technology, or bidding for materials and technology on some nebulous global black market. They might be buying access to scientists and engineers who used to work on state WMD programs. The historical record doesn’t demonstrate that. An examination of any of the past annual reports of the National Counterterrorism Center reveals that the basic modus operandi of terrorists and insurgents is to use conventional military weapons, easily acquired commercial (or improvised) explosives, and knives and machetes.8 It is relatively easy to train laypersons to use military firearms, such as the AK-47 automatic rifle and the RPG-7 rocket launcher. These groups have technical experts who develop improvised explosive devices using available and accessible materials from the local economy. Conventional weapons have known weapon effects and minimal challenges in handling and storing. Terrorists get their material and technology where they can. They don’t have the time, funds, or interests to get exotic. It’s what we see, over and over again.

#### No demand retaliation.

**Smith et al., Oklahoma political science professor, 2005**

(Hank, “United States Public Response to Terrorism: Fault Lines or Bedrock?, January, <http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=hjsmith>, ldg)

Our ﬁnal contrasting set of expectations relates to the degree to which the public will support or demand retribution against terrorists and supporting states. Here our data show that support for using conventional United States military force to retaliate against terrorists initially averaged above midscale, **but did not reach a high level of demand for military action**. Initial support declined signiﬁcantly across all demographic and belief categories by the time of our survey in 2002. Furthermore, panelists both in 2001 and 2002 preferred that high levels of certainty about culpability (above 8.5 on a scale from zero to ten**) be established before taking military action.** Again, we ﬁnd the weight of evidence supporting revisionist expectations of public opinion. Overall, these results are inconsistent with the contention that highly charged events will result in volatile and unstructured responses among mass publics that prove problematic for policy processes. The initial response to the terrorist strikes demonstrated a broad and consistent shift in public assessments toward a greater perceived threat from terrorism, and greater willingness to support policies to reduce that threat. But even in the highly charged context of such a serious attack on the American homeland, **the overall public response was quite measured**. On average, the public showed very little propensity to undermine speech protections, and initial willingness to engage in military retaliation moderated signiﬁcantly over the following year. Perhaps most interesting is that the greatest propensity to change beliefs between 2001 and 2002 was evident among the best-educated and wealthiest of our respondents—hardly the expected source of volatility, but in this case they may have represented the leading edge of belief constraints reasserting their inﬂuence in the ﬁrst year following 9/11. This post-9/11 change also reﬂected an increasing delineation of policy preferences by ideological and partisan positions. Put differently, those whose beliefs changed the most in the year between surveys also were those with the greatest access to and facility with information (the richest, best educated), and the nature of the changes was entirely consistent with a structured and coherent pattern of public beliefs. Overall, we ﬁnd these patterns to be quite reassuring, and consistent with the general ﬁndings of the revisionist theorists of public opinion. Our data suggest that while United States public opinion may exhibit some fault lines in times of crises, it remains securely anchored in bedrock beliefs

#### Loose nukes are a myth-safety checks or the materials will degrade too quickly

**Mueller, OSU political science professor, 2008**

(John, “THE ATOMIC TERRORIST: ASSESSING THE LIKELIHOOD”, 1-1, <http://polisci.osu.edu/faculty/jmueller/APSACHGO.PDF>, ldg)

There has been a lot of worry about "loose nukes," particularly in post-Communist Russia--weapons, "suitcase bombs" in particular, that can be stolen or bought illicitly. However, when asked, Russian nuclear officials and experts on the Russian nuclear programs "adamantly deny that al Qaeda or any other terrorist group could have bought Soviet-made suitcase nukes." They further point out that the bombs, all built before 1991, are difficult to maintain and have a lifespan of one to three years after which they become "radioactive scrap metal" (Badkhen 2004). Similarly, a careful assessment of the concern conducted by the Center for Nonproliferation Studies has concluded that it is unlikely that any of these devices have actually been lost and that, regardless, their effectiveness would be very low or even non-existent because they require continual maintenance (2002, 4, 12; see also Smith and Hoffman 1997; Langewiesche 2007, 19). By 2007, even such alarmists at Anna Pluto and Peter Zimmerman were concluding that "It is probably true that there are no 'loose nukes', transportable nuclear weapons missing from their proper storage locations and available for purchase in some way (2007, 56). It might be added that Russia has an intense interest in controlling any weapons on its territory since it is likely to be a prime target of any illicit use by terrorist groups, particularly, of course, Chechen ones with whom it has been waging an vicious on-and-off war for over a decade (Cameron 2004, 84). Officials there insist that all weapons have either been destroyed or are secured, and the experts polled by Linzer (2004) point out that "it would be very difficult for terrorists to figure out on their own how to work a Russian or Pakistan bomb" even if they did obtain one because even the simplest of these "has some security features that would have to be defeated before it could be used" (see also Kamp 1996, 34; Wirz and Egger 2005, 502; Langewiesche 2007, 19). One of the experts, Charles Ferguson, stresses You'd have to run it through a specific sequence of events, including changes in temperature, pressure and environmental conditions before the weapon would allow itself to be armed, for the fuses to fall into place and then for it to allow itself to be fired. You don't get off the shelf, enter a code and have it go off. Moreover, continues Linzer, most bombs that could conceivably be stolen use plutonium which emits a great deal of radiation that could relatively easily be detected by passive sensors at ports and other points of transmission. The government of Pakistan, which has been repeatedly threatened by al-Qaeda, has a similar very strong interest in controlling its nuclear weapons and material--and scientists. Notes Stephen Younger, former head of nuclear weapons research and development at Los Alamos and director of the Defense Department's Defense Threat Reduction Agency from 2001 to 2004, "regardless of what is reported in the news, all nuclear nations take the security of their weapons very seriously" (2007, 93; see also Kamp 1996, 22; Milhollin 2002, 47-48). It is conceivable that stolen bombs, even if no longer viable as weapons, would be useful for the fissile material that could be harvested from them. However, Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland's Spiez Laboratory, point out that even if a weapon is not completely destroyed when it is opened, its fissile material yield would not be adequate for a primitive design, and therefore several weapons would have to be stolen and then opened successfully (2005, 502). Moreover, those weapons use (or used) plutonium, a substance that is not only problematic to transport, but far more difficult and dangerous to work with than is highly enriched uranium.

# 2NC

### 2NC CP doesn’t link

#### 1 – visibility

LeRoy, Prof law, Illinois-95, “Presidential Regulation of Private Employment: Constitutionality of Executive Order 12954 Debarment of Contractors who Hire Permanent Striker Replacements” <http://ideas.repec.org/p/wop/ilucwp/_005.html>

Third, some orders diffused political responsibility for controversial policy innovations. New laws and Supreme Court decisions are widely reported, sometimes with detailed analysis and commentary. In contrast, an executive order tends to be less visible unless a president decides to make it newsworthy. This low visibility may have checked otherwise hostile public opinion on race discrimination orders.

#### 2 – persuasion

Sovacool-Research Fellow Public Policy, University of Singapore-9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

#### 3 – empirically true for war powers

Kassop-prof political science, SUNY-2

The Presidency and the Law: The Clinton Legacy, ed. Alder, p. 6

As a president facing an opposition party in Congress, it is not surprising that President Clinton made bold use of executive orders as a means of circumventing the uncertainties of a legislature that was unlikely to be friendly to his initiatives. Here, too, as in war powers, Clinton followed in the paths of his Republican predecessors, who also operated under conditions of divided government. Thus, Clinton may not have blazed new trails for his successors by his use of executive orders to accomplish indirectly what he was unwilling to spend political capital on to accomplish directly.

### CP educational

#### E. Literature makes the counterplan germane and predictable-The Executive order counterplan is key to topic education

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.

### No rollback

#### ---Political barriers check – new, stronger constituencies

Branum-Associate Fulbright and Jaworski- 2

Tara L, Associate, Fulbright & Jaworski L.L.P, “President or King? The Use and Abuse of Executive Orders in Modern Day America” Journal of Legislation 28 J. Legis. 1

Congressmen and private citizens besiege the President with demands  [\*58]  that action be taken on various issues. [n273](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n273) To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. [n274](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n274) Many were controversial and the need for the policies he instituted was debatable. [n275](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n275) Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. [n276](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n276) A policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

### Cp solves

#### The CP is sufficient

Kristin Roberts 13, News Editor, National Journal, 3/22/13, “When the Whole World Has Drones,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions. A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs. Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists. The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

#### CP is exactly want critics want-transparency backed up by review to ensure accountabiltiy

Lesley Wexler 13, Professor of Law and Thomas A. Mengler Faculty Scholar, University of Illinois College of Law, 5/8/13, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262412>

Critics of the status quo would like greater transparency and accountability in regards to tar-geted killings. In addition to constitutional concerns, some worry the executive branch is violating International Humanitarian Law (IHL). They want the executive branch to reveal its legal understandings of IHL. They also seek greater information regarding review processes for targeted kill-ings as to both prospective listings and retrospective assessments of compliance. These skeptics contend that the lack of judicial oversight and the opacity of the government’s legal position risks the deaths of innocent foreign civilians, violates democratic accountability norms, erodes our com-pliance reputation with allies, and helps recruit a new generation of anti-American insurgents. Even if the current approach is lawful, many worry about future administrations or other governments that may adopt drone strikes without sufficient IHL protections. As this chapter describes, some of these critics have proposed the use of courts to foster either transparency or accountability

#### Everyone will perceive the CP

Fitts-prof law, Penn-96 [Michael, Professor of Law @ UPenn Law School, “The Paradox Of Power In The Modern State”, University of Pennsylvania Law Review, 144 U. Pa. L. Rev. 827, Lexis]

I. The Presidency A. The Modern Presidency What is the nature of the presidency in the modern state? Numerous political scientists and legal academics claim that our recent chief executives have inherited a "modern presidency," [33](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n33) which began to develop with Franklin Roosevelt and is structurally distinct from earlier regimes. [34](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n34) Of course, the balance of power among the president, Congress, and the agencies is exceedingly complex, since the amount of bureaucratic activity and legislative oversight has increased greatly over the years. Nevertheless, "the resources of modern presidents [are thought by many to] dwarf those of their predecessors." [35](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n35) Commentators point to three related changes that centralize greater formal power in the institution and increase the informal political assets at the president's command. The first change, which is to some extent considered the most important and defining quality of the modern presidency, is the increased visibility of the president as an individual within the electoral process. Prior to the Roosevelt Administration, the president was viewed more as a member of both a party and a complicated and elite system of government. He was also relatively distant from the population. The modern presidents, in contrast, are elected increasingly as individuals in the primary and general elections on the basis of direct public exposure in the media. This [\*842] evolution, which has occurred over a number of years, is a result of social forces, such as the decline of political parties [36](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n36) and the rise of the media, as well as legal changes, such as the ascendancy of primaries. [37](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n37) Second, once in power, modern presidents have increasingly attempted to take greater formal and informal control of the executive branch, through policy expansion of the OMB and the Executive Office of the President and increased oversight of agencies under Executive Order 12,291 [38](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n38) and its successor orders. Indeed, every president since Roosevelt has attempted to centralize power in the White House to oversee the operations of the executive branch and to make its resources more responsive to his policy and political needs. [39](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n39) [\*843] Finally, and relatedly, the modern presidency has become more centralized and personalized through its public media role - that is, its "rhetorical functions." [40](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n40) Given changes in the press and the White House office, the president has become far more effective in setting the agenda for public debate, sometimes even dominating the public dialogue when he chooses. [41](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n41) Economists would probably attribute the president's ability to "transmit information" to the centralized organization of the presidency - an "economy of scale" in public debate. [42](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n42) At the same time, the president can establish [\*844] a "focal point" around preferred public policies. [43](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n43) This proposition can also be stated somewhat differently. As an institution embodied in a single individual, the president has a unique ability to "tell" a simple story that is quite personal and understandable to the public. As a number of legal academics have shown, stories can be a powerful mode for capturing the essence of a person's situated perspective, improving public comprehension of particular facts, and synthesizing complex events into accessible language. [44](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n44) Complex institutions, such as Congress, have difficulty [\*845] assembling and transmitting information as part of a coherent whole; they represent a diversity - some would say a babble - of voices and perspectives. In contrast, presidents have the capacity to project a coherent and empathetic message, especially if it is tied to their own life stories. In this sense, the skill of the president in telling a story about policy, while sometimes a source of pointed criticism for its necessary simplicity, [45](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n45) may greatly facilitate public understanding and acceptance of policy. [46](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n46) B. The Theory of the Unitary Presidency This picture of the modern presidency is quite consistent with those parts of the legal and political science literatures exploring the advantages of presidential (as opposed to legislative) power and advocating a more unitary or centralized presidency. According to this view, [47](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n47) power and accountability in government and in the executive branch should be moved more toward the top, giving the [\*846] president and his staff greater ability to make decisions themselves or to leave them, subject to oversight, in the hands of expert agency officials. In the legal literature, this position is usually associated with support for strengthening the president's directorial powers over the agencies, unfettered presidential removal authority, and Chevron deference to agency regulations [48](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n48) reviewed by the White House. Similarly, political scientists emphasize the plebiscitarian president's growing informal influence with the agencies and the public, as well as the association between a strong president and the "national" interest. [49](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n49) To be sure, legal proponents of a strong unitary presidency usually do not outline a comprehensive policy defense of the legal position but rely more on doctrinal justifications and related policy arguments. [50](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n50) By synthesizing and integrating the interrelated legal and policy rationales in the legal and political science literatures, however, one can sketch the outlines of a common theory. This analysis suggests that the structure of a more unitary, centralized presidency should enhance the power, legitimacy, and effectiveness of the office, especially as compared to Congress, in three different but related ways. [\*847] First, with respect to the administration of the executive branch, centralized power, or at least the opportunity for the exercise of centralized power, is thought to facilitate better development and coordination of national programs and policies. Because federal government programs interrelate in countless ways, a centralized figure or institution such as the president is seemingly in a good position to recognize and respond to the demands of the overall situation. [51](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n51) For similar reasons, as social and political change accelerates, the president may be well-situated to foresee and implement adaptive synoptic changes - that is, to engage in strategic planning. One of the rationales for the existence of the federal government is the national effect of its policies, which under this view can be reconciled most easily at the top. [52](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n52) To the extent that the president is successful in putting together such programs, he should receive political credit, which would redound to his political strength. [53](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n53) Second, centralized power facilitates greater political accountability by placing in one single individual the public's focus of government performance. If the public had to evaluate electorally the activities of hundreds of different officials in the executive branch, its information about the positions, actions, and effects of government behavior would be extraordinarily limited. [54](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n54) Only those most [\*848] interested in a particular function would be likely to have information about its behavior or attempt to influence that behavior through election, lobbying, or litigation. This is the standard concern with New Deal agencies captured by the so-called iron triangle of Washington politics. [55](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n55) By contrast, placing overall political responsibility in one individual is thought to facilitate broader political accountability. While this oversight can have mixed effects depending on presidential performance, it has the potential for strengthening the president's political support and influence. [56](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n56) Because he is more likely to approximate the views of the median voter, [57](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n57) a unitary president is thought to enjoy a clear majoritarian mandate, as the only elected representative of all "The People." This democratic legitimacy should be, in turn, a major source of his political strength. [58](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n58) As one commentator has [\*849] argued: "Every deviation from the principle of executive unitariness will necessarily undermine the national majority electoral coalition." [59](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n59) Finally, on an elite political level, the existence of a single powerful political actor serves a political coordination function. [60](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n60) A dispersed government with a decentralized political structure has a great deal of difficulty in reaching cooperative solutions on policy outcomes. Even if it does reach cooperative solutions, it has great difficulty in reaching optimal results. Today, there are simply too many groups in Washington and within the political elite to reach the necessary and optimal agreement easily. [61](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n61) A central and visible figure such as the president, who can take clear positions, can serve as a unique focal point for coordinating action. [62](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n62) With the ability to focus public attention and minimize information costs, [63](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n63) [\*850] a president can also be highly effective in overcoming narrow but powerful sources of opposition and in facilitating communication (that is, coordination and cooperation) between groups and branches. [64](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n64) In technical terms, he might be viewed as the "least cost avoider." [65](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n65) The budget confrontation between Clinton and Congress is only the most recent example of the president's strategic abilities. [66](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n66) In this regard, it is not surprising that most studies have found that the president's popularity is an important factor in his ability to effectively negotiate with Congress. [67](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a#n67)

### Trade=War

#### Trade prevents nuclear conflict – world wars prove.

Weede 2010

Erich, Professor of Sociology University of Bonn, The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence International Interactions. Apr-Jun2010, Vol. 36 Issue 2, p206-213

Historically, the rise and fall of great powers has been related to great wars. Both world wars of the twentieth century would not have been possible without the previous industrialization and rise of Germany. World War II, which in Asia was a war between the Japanese on the one hand and the Western powers and China on the other hand, would not have been conceivable without the previous rise of Japan. The early phase of the Vietnam War has to be understood against the background of a declining France. If the rise and fall of great powers indicate great dangers, then one should question whether the world can peacefully accommodate a rising China. Here it is argued that the capitalist peace offers the best way to manage the coming power transition between China and the West. 1 China is rising. In the thirty years after Deng Xiaoping began economic reforms the Chinese economy grew nearly by a factor of ten. Recently, the West suffered from negative growth rates whereas China grows by about 8 percent a year. The difference in growth rates between China and the West has been about 10 percent. A power transition of such speed is without historical precedent. Given its size China is a “natural” great power— unlike Britain, France, or Germany. Even the combined population of the United States and the European Union does not approach the population size of China. If China outgrows poverty, then it must become a world power. Although war in the nuclear age threatens to be much worse than any previous world war, fear of nuclear war itself might exert some pacifying impact. Such fear, however, need not be our only protection against future wars. Economic interdependence itself makes war less likely. One finding of quantitative research is that military conflict becomes less likely if a pair of nations—say China and the United States, or China and India, or China and Japan—trade a lot with each other (Hegre 2009; Oneal and Russett 2005; Russett and Oneal 2001). Fortunately, all of them do. One may label this effect “peace by free trade”. Foreign investment has some beneficial impact, too (Souva and Prins 2006). Moreover, economic freedom reduces nvolvement in military conflict, and financial market openness reduces the risk of war, too (Gartzke 2005, 2007, 2009). Quantitative research has demonstrated that there is something like a capitalist peace. Until a few years ago it looked as if the democratic peace were solid and robust whereas the capitalist peace between free traders was less so. Now, however, the democratic peace looks more conditional: It is not only restricted to relations between democracies, but might also be restricted to developed or market democracies (Mousseau 2005, 2009). It has been doubted whether it applies to the poorest democracies. Moreover, the less mature or perfect the democracies are, the weaker the democratic peace is. By contrast, peace by free trade or economic freedom looks more robust. Pacifying effects are not restricted to relationships between free traders on both sides of a dispute (Russett 2009:19). Moreover, the trade to GDP ratio is no longer the only or even the best way to document the pacifying effects of economic freedom or the invisible hand. By applying innovative measures of free markets, such as avoidance of too much public property ownership and protectionism, one may argue in favor of much more robustly pacifying effects of economic freedom than of political freedom (McDonald 2009). The occurrence of World War I is the standard argument against peace by trade or economic interdependence because there was substantial economic interdependence between the Western powers and the Central European powers. Certainly, World War I serves as a useful reminder that commerce makes war less likely without making it impossible. But World War I is not as much of a problem for capitalist peace theory as frequently assumed. Moreover, there was no democratic contribution to pacification because the Central European powers were, at best, imperfect democracies. By contemporary standards, even the democratic character of the United Kingdom was not beyond suspicion because of franchise limitations. As far as trade linkages were concerned they were strongest where least needed— between Britain and France, between Britain and the United States, between Germany and Austria-Hungary. These pairs ended up on the same side in the war. Whereas strong trade links between Germany on the one hand and Britain or Russia on the other hand did not prevent them from fighting each other, Germany and France exemplify weak trade ties where strong ties were needed most in order to avoid hostilities (Russett and Oneal 2001:175). Skeptics rightly observe that increasing trade did not prevent World War I, but they overlook that trade volumes rose not because of free trade policies, but in spite of mounting protectionism. Trade increased because of falling transportation costs, but in spite of protectionist policies. Finally, capitalist or commercial peace theory is an admittedly incomplete theory. It says only how risks of war may be reduced but it says nothing about what generates them in the first place. But commercial peace theory is certainly compatible with World War II, which was even bloodier than the previous world war as well as with the later reconciliation between the former Axis powers and the West. There was little trade between the Western powers and the Axis powers. Since the Axis powers were not democracies, the democratic peace could also not apply between the Axis and the West. The different long-term effects of the settlements of both world wars may be explained by differences in application of a capitalist peace strategy toward the losers of the wars. After World War I France influenced the settlement more than anyone else. It did not even think of a commercial peace strategy. Misery and desperation within Germany contributed to Hitler’s empowerment and indirectly to World War II. After World War II, the United States, however, pursued a capitalist peace strategy toward the vanquished. It promoted global free trade and subsidized even the recovery of the losers of the war. Germany and Japan became prosperous and allies of the United States.

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner 2008

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

#### And we have the stronger internal link to international escalation – trade reduces conflict escalation

Morrow, Research Fellow at the Hoover Institution at Stanford University, ’99 (James, “How Could Trade Affect Conflict?” Journal of Peace Research, Vol 36 No 4, p 481-489, SagePub)

For war to occur, both i and j must be willing to escalate. The likelihood function then requires both conditions above, both of which require the bivariate distribution of unobservable resolve. A complete estimation of the conflict process, including both initiation and escalation, can and should be done with one likelihood function (Reed, 1998). In review, international conflict occurs because states cannot fully observe one another’s resolve for war. A state considering the initiation of a militarized dispute compares its own resolve to what it knows about the resolve of its target. It must also possess a credible threat in the sense that the target must believe that it is possible for the initiator to prefer war to the status quo. In a crisis, the sides signal their unobservable resolve through the exchange of threats. A side escalates to violence or concedes the stakes based on what it has learned about the other side’s resolve from the latter’s actions in the crisis. The greater its resolve relative to what it believes the other side’s resolve, the more likely a state is to escalate to violence. Escalation to war requires both sides to use violence. Trade, Conflict, and Resolve If trade prevents conflict, it does so by altering the terms of the argument above. Trade flows are observable ex ante and so are part of observable resolve in cases where we look at aggregate trade flows or a measure of interdependence based on trade and size of the economy. Precisely because trade flows are ex ante observable, we can use them as an independent variable in statistical models of dispute initiation and escalation. The common argument is that higher trade flows reduce a state’s resolve to fight due to the fear of losing the trade-war should break out. That is, the expectation is that resolve declines as trade increases, making war less attractive, with the understanding that the value of trade should be assessed by a measure of dependence. If higher levels of trade reduce a nation’s resolve for war against its trading partners, the argument above implies that the effect of trade on the initiation and escalation of disputes is indeterminate. Relative resolve determines the willingness of a state to initiate a crisis. A prospective initiator considers the likely response of the intended target of its threat; if the latter is likely to yield the stakes without a fight, then the former is more likely to use a threat to make a demand of the latter. If two states have a high level of trade, and higher levels of trade reduce resolve, the two could be more or less likely to have militarized disputes with each other, compared to a pair of states with a low level of trade. The threat of the loss of trade could either deter the prospective initiator or intimidate its target into making concessions, and so encourage the prospective initiator.

# 1NR

## Overview

### Turns the case

#### Turns the case

#### A. Drones – economic decline erodes the United States ability to cooperate with other countries and our influence internationally – makes drones inoperable – allies are key

McGill and Gray 12 (Anna-Katherine Staser McGill, David H. Gray, “Challenges to International Counterterrorism Intelligence Sharing,” Global Security Studies, Summer 2012, Volume 3, Issue 3, http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf)

In his article “Old Allies and New Friends: Intelligence-Sharing in the War on Terror”, Derek Reveron states “the war on terror requires high levels of intelligence to identify a threat relative to the amount of force required to neutralize it” as opposed to the Cold War where the opposite was true (455). As a result, intelligence is the cornerstone of effective counterterrorism operations in the post 9/11 world. Though the United States has the most robust intelligence community in the world with immense capability, skills, and technology, its efficiency in counterterrorism issues depends on coalitions of both traditional allies and new allies. Traditional allies offer a certain degree of dependability through a tried and tested relationship based on similar values; however, newly cultivated allies in the war on terrorism offer invaluable insight into groups operating in their own back yard. The US can not act unilaterally in the global fight against terrorism. It doesn’t have the resources to monitor every potential terrorist hide-out nor does it have the time or capability to cultivate the cultural, linguistic, and CT knowledge that its new allies have readily available. The Department of Defense’s 2005 Quadrennial Review clearly states that the United States "cannot meet today's complex challenges alone. Success requires unified statecraft: the ability of the U.S. government to bring to, bear all elements of national power at home and to work in close cooperation with allies and partners abroad" (qtd in Reveron, 467). The importance of coalition building for the war on terrorism is not lost on US decision-makers as seen by efforts made in the post 9/11 climate to strengthen old relationships and build new ones; however, as seen in the following sections, the possible hindrances to effective, long term CT alliances must also be addressed in order to sustain current operations.

#### And turns terrorism – undermines recruiting prospects

O’Driscoll, Former Director at the Center for International Trade and Economics at the Heritage Foundation, ‘2 (Gerald, December 18, “Trade Promotes Prosperity and Security” Backgrounder, www.heritage.org/Research/TradeandForeignAid/BG1617.cfm)

The document represents new thinking in the government that U.S. security depends on economic success in other countries, that economic and political repression breed poverty, frustration and resentment, and that open markets -- as well as open governments and open societies -- can alleviate the causes of the terrorist threat against the West. It is not that poverty causes terrorism. The 19 hijackers of Sept. 11 were chiefly middle class in origin, with 15 coming from oil-rich Saudi Arabia. But the conditions that produce poverty -- lack of economic freedom -- also produce the sense of hopelessness and despair that breeds resentment. Terrorist organizations exploit the situation to recruit new members. Meanwhile, the leaders of these countries blame the United States rather than accept responsibility for the policies impoverishing their own people.

#### B. Conflation – lack of trade collapses US influence – means we won’t be modeled abroad

#### And other countries look to the United States because of our influence – that’s absent if our trade ability collapses – 1NC Panzner – means they can’t solve conflation because other countries won’t model the plan after the US implements it

#### And we have the stronger internal link to international escalation – trade reduces conflict escalation

Morrow, Research Fellow at the Hoover Institution at Stanford University, ’99 (James, “How Could Trade Affect Conflict?” Journal of Peace Research, Vol 36 No 4, p 481-489, SagePub)

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## Line by line

### AT: No i/l

Successful TPP negotiations are key to progress on global trade liberalization---nothing else will fill in

Krist-Wilson Center-12/4/12

<http://www.wilsoncenter.org/sites/default/files/PAGE_TPP_REPORT.pdf>

Negotiations for a Trans-Pacific Partnership Agreement

The Trans-Pacific Partnership negotiations between 11 countries would expand our free trade agreements to include four new countries—Brunei, Malaysia, New Zealand and Vietnam—and offer the opportunity to strengthen some of our current agreements, particularly the North American Free Trade Agreement. However, the real potential benefit of the TPP negotiations is that an agreement could provide a template for future agreements with other more commercially important countries, including Japan, China and Russia, and perhaps even for future multilateral trade negotiations. If the TPP negotiations are to fulfill this promise, however, it is critical that the rules be right. This means that they must deal with the major gaps in the World Trade Organization rules, such as the lack of effective rules governing state-owned enterprises. Additionally, the negotiations need to lay the ground for addressing currency manipulation, an issue that is not currently on the TPP negotiating table. It also means that the rules must be such that other countries are not hesitant to join the TPP in the future. U.S. proposals on investor-state dispute settlement, controls on capital flows and access to medicines have been the most controversial and need to be carefully crafted to respect the needs of our trade partners. Given the stalemate in the Doha Development Round, the TPP negotiations are the best hope for developing a rules-based 21st century international trade system.

### AT: No Vote – Reid

#### Reid will bring it up for a vote and it’ll pass – this evidence postdates yours and assumes new changes in congress

Inside U.S. Trade 1/17/14

HEADLINE: Reid Says No Commitment To TPA Floor Time, Citing Controversy Among Dems

But National Foreign Trade Council President Bill Reinsch on Jan. 8 downplayed the notion that Reid may hold off on TPA because he is worried it could hurt Democrats in the polls. Senators are unlikely to ask Reid to "save them" from a TPA vote so they can perform better in the midterms since very few of the major races are in states where trade is a campaign issue, he told reporters at a press briefing on this year's trade agenda. Reinsch said that he was not persuaded that TPA was a decisive issue among the broader electorate. "TPA is inside baseball. It's how the Congress organizes itself to deal with trade policy," he said. He added that he believes Congress will pass a TPA bill but that he is worried it could end up being a partisan fight within Congress. He argued that it would be much better to get a "critical mass" of support from both parties.

#### Reid and Boehner are both on board – best sources prove it’ll pass now

Corsi 1/14 (Jerome R., “GOP SET TO FAST-TRACK 'NEW WORLD ORDER' PACT”, http://www.wnd.com/2014/01/gop-set-to-fast-track-new-world-order-pact/)

NEW YORK – Republicans in the House are preparing to follow the lead of the White House and Senate Majority Leader Harry Reid to rubber-stamp the Trans-Pacific Partnership, or TPP, the most sweeping free-trade agreement since NAFTA. The White House seeks to pass it with a simple majority vote, without so much as introducing a single amendment to modify the language of the agreement it has negotiated behind closed doors. On Jan. 9, 2013, in a little-noticed press release, Senate Finance Committee Chairman Max Baucus, D-Mont., together with ranking member Orrin Hatch, R-Utah, and House Ways and Means Committee Chairman Dave Camp, R-Mich, announced they were introducing “fast track” trade promotion authority legislation as a prelude to bringing up the TPP for expected passage in the near future. Jerome Corsi’s “Late Great USA” uncovers government deceptions that threaten U.S. sovereignty With House Speaker John Boehner, R-Ohio, already deciding to vote with Senate Democrats to grant fast track authority for congressional consideration of the TPP, the only remaining opposition to the bill seems to be coming from House Democrats. Pressured by labor union constituents, the House Democrats have concluded the massive Trans-Pacific trade deal capitulates to corporate interest groups, including the U.S. Chamber of Commerce, placing under international control important U.S. environmental, public-health and labor standards. The House Democrats are concerned that more U.S. union jobs will be lost in the free-trade “fast track” steamroller Republicans under Boehner and Democrats aligning with Reid plan to run through Congress. Last year, 151 House Democrats opposed to TPP, led by Reps. Rosa DeLauro, D-Conn., and George Miller, D-Calif., wrote a letter to President Obama stating their opposition to using “outdated ‘Fast Track’ procedures that usurp Congress’ authority over trade matters.” A statement issued Jan. 9 by DeLauro and Miller, joined by Rep. Louise Slaughter, D-N.Y., referenced last year’s letter and advanced the argument by stating: “For too long, bad trade deals have allowed corporations to ship good American jobs overseas, and wages, benefits, workplace protections and quality of life have all declined as a result,” DeLauro, Miller and Slaughter said in a joint statement. “That is why there is strong bipartisan opposition to enabling the Executive Branch to ram through far-reaching, secretly negotiated trade deals like the TPP that extend well beyond traditional trade matters. At the core of the Baucus-Camp bill is the same Fast Track mechanism that failed us from 2002-2007.” The lawmakers said their constituents “did not send us to Washington to ship their jobs overseas, and Congress will not be a rubber stamp for another flawed trade deal that will hang the middle class out to dry.” “Instead of pursuing the same failed trade policies, we should support American workers by making the necessary investments to compete in today’s global economy,” they wrote. With Boehner’s decision to support Obama on TPP, the Republican Party appears ready to ignore concerns raised by GOP conservatives and various tea-party groups that the 12-nation deal further undermines U.S. sovereignty. The opponents argue it places major sectors of the U.S. economy under a new dispute-regulation mechanism that takes precedence over U.S. judges and courts. Most seasoned congressional watchers expect Obama, Reid and Boehner will ultimately succeed in ramming TPP through to passage. But they believe it won’t happen without labor-supporting House Democrats and conservative House Republicans concerned about sovereignty wrangling to obtain last-minute concessions.

### AT: Uniqueness

Obama focused on TPA-political capital key to passing it this year

Inside U.S. Trade 1/17/14

HEADLINE: Carney Defends White House Push For TAA; Boehner Urges Larger Effort

White House Press Secretary Jay Carney yesterday (Jan. 16) said that President Obama is personally engaged with members of Congress on the issue the need to renew Trade Promotion Authority (TPA), even as House and Senate lawmakers called on the administration to do more to secure congressional passage of the bill. "I don't have a schedule of [Obama's] engagement in it. He is engaged in it. He speaks with members about it. He has a team that is engaged in this effort," Carney told reporters, defending the administration's efforts to move forward a TPA bill. "And we're going to continue to push for as broad a bipartisan support as we can get." Carney's remarks were made in response to a question that related the comments by Senate Finance Committee Ranking Member Orrin Hatch (R-UT) at a Finance Committee on TPA earlier that day. Hatch warned that TPA will fail to pass unless the administration promotes it more actively (see related story). The press secretary was asked about the absence of U.S. Trade Representative Michael Froman from the hearing, but Carney deferred the question to USTR. Froman's absence was criticized by Republican senators at the hearing. Another reporter asked if Obama had pressed the importance of TPA when he met with Senate Democrats on Jan. 15. A readout of the meeting said the president and the senators present discussed their priorities for the year, and that Obama will use his executive authority formally and informally to "get things done," but did not mention TPA. Carney declined to comment, saying that he skipped the meeting. The Jan. 16 press briefing marks the latest volley between the administration and congressional Republicans over the executive branch's role in pushing for the renewal of TPA. House Speaker John Boehner (R-OH) urged Obama twice this week to make the case for renewing TPA, urging the president to "pull out all the stops" for the bill's passage. "Now after five years in office, we know how the president can be when he's serious about something," Boehner said at his weekly press briefing yesterday. "He hits the road, uses his bully pulpit, and he takes his case to the American people." Boehner said that Obama will do the same if he's serious about TPA, adding that he hopes to pass the bill this year. His remarks came one day after Boehner called on Obama to actively push for Congress to approve a bill to renew TPA as part of a larger plea for the president to take the lead on a slew of initiatives that Republicans argue would create jobs for Americans.

#### TPA will be a tough fight but will pass

Inside U.S. Trade 1/10/14

HEADLINE: Donohue Confident TPA Will Pass, Signals Major Business Lobbying Effort

U.S. Chamber of Commerce President Thomas Donohue this week expressed confidence that a bill to renew fast-track negotiating authority introduced in Congress yesterday (Jan. 9) would garner enough votes to win congressional approval, and signaled that the Chamber would carry out a massive lobbying effort to make that happen. The

fast-track bill "will pass," Donohue said at a press conference following his annual State of Business address. "It'll take a while to do it. It'll have a little debate," he added. Similarly, John Murphy, Chamber vice president of international affairs, acknowledged at the event that getting Congress to approve the fast-track bill is "going to be a tough campaign," as it has been in the past. But he stressed that the Chamber is "convinced the coalition will come together" to get the bill passed.

#### Obama is sending the USTR and stepping up efforts now – gets house dems on board

Inside U.S. Trade 1/17/14

HEADLINE: House Dems Meet On Fast Track; GOP Leadership Calls For 50 Dem Votes

U.S. Trade Representative Michael Froman met with some House Democrats on Jan. 9 and stressed that the administration is prepared to work with both Republicans and Democrats on trade issues, according to Ways and Means Committee Member Xavier Becerra (D-CA), who attended the meeting. A USTR spokeswoman said Froman met on Jan. 9 with a number of key House Democrats, including Ways and Means members. White House Chief of Staff Denis McDonough also met this week on Capitol Hill with members of the New Democrat Coalition to discuss fast track, according to a Democratic congressional aide. "Short of sending the president himself, that's about as hard as they could go to back up this bill," the aide said.

### AT: Not Spending Capital

#### Obama’s spending capital in the status quo – he knows he needs fast track to develop critical trade pacts now

#### Obama stepping up effort-TPA is top of the docket---will be debated

Inside U.S. Trade 12/20/13

HEADLINE: Jarrett Predicts Obama Will Succeed In Getting TPA; NAM Rallies Members

The leaders of the trade committees, with the exception of House Ways and Means Ranking Member Sander Levin (D-MI), are planning to introduce a new fast-track bill, also known as Trade Promotion Authority (TPA) early in January (see related story). Little is know about the substance of the bill, but the National Association of Manufacturers (NAM) this week informally called its members to help the fight for TPA, according to an internal e-mail sent to companies. "Opponents of opening trade opportunities are already sending a loud message to lawmakers," the e-mail says."Washington needs to hear from manufacturers TODAY." The e-mail says that a fast-track bill will "likely be introduced and debated in Congress" in January. "Make sure that you and your company are talking about the importance of TPA, and are gearing up to send a strong message to lawmakers on behalf of manufacturers worldwide," the e-mail says. The e-mail then provides a link to contact senators and House members saying "The Time Is Now For Trade Promotion Authority." It also tells members that NAM will issue an official "call to action" once TPA legislation is introduced. After this week's cabinet-level meeting, a senior administration official told reporters the administration plans to step up its outreach to Congress in an effort to build support for fast-track. The outreach will seek to clear up misconceptions by lawmakers, many of whom have never taken such a trade vote because they were elected after the 2002 fast-track renewal, according to the official.

### AT: Link Uniqueness

#### Uniqueness and polcap arguments prove that it’s on top of the docket and other issues don’t kill his political capital

Obama rebounding-Obamacare, economy, and bipartisanship are all going Obamas way

Independent Voices 1/6/14

Last-chance saloon: Last year was the nadir of Obama’s presidency. In 2014, he needs more than economic growth to salvage his legacy

The President is not yet a lame duck

<http://www.independent.co.uk/voices/editorials/lastchance-saloon-last-year-was-the-nadir-of-obamas-presidency-in-2014-he-needs-more-than-economic-growth-to-salvage-his-legacy-9042137.html>

Largely as a result, the President’s approval rating has tumbled to 40 per cent; not as dismal a level as post-Katrina George W Bush, but far behind both Ronald Reagan and Bill Clinton at a similar point. Mr Obama is not yet a lame duck. That unwanted status threatens only after November’s mid-term elections, especially if Democrats lose control of the Senate. But already he is perilously close. All is not yet lost, however. After its disastrous debut in October, the Obamacare website now works reasonably well, and more Americans are signing up for coverage on the new health exchanges. Moreover, new benefits have kicked in that also might gradually win over a still largely hostile public. If so, then the President’s political prospects could be transformed. A second reason for the White House to believe that 2014 can only be better than 2013 is the improving US economy. Recent unemployment and growth statistics suggest that a recovery hitherto mainly visible only in soaring stock prices on Wall Street is becoming self-sustaining, and that Main Street is finally feeling the benefits, too. A rising economic tide will lift all boats, including Mr Obama’s. Even on Capitol Hill, there are faint glimmers of bipartisan momentum. The modest budget deal passed before Christmas raises hopes that yet another damaging confrontation over the debt ceiling can be avoided next month. Similarly, Republicans are making slightly more encouraging noises about immigration reform, the passage of which would much enhance the Obama legacy. At the same time, Speaker John Boehner is showing an overdue willingness to face down the Tea Party zealots in his own ranks who have made virtually all compromise impossible. Lastly, it is conceivable, albeit distinctly unlikely, that the Democrats recapture control of the House. Much depends on Mr Obama himself. Perhaps even the most accomplished horse-traders like Lyndon Johnson or Bill Clinton would not have achieved much in Washington’s current poisonous climate. But this President has a manifest contempt for Congress; indeed he gives little sign of enjoying the rough and tumble of politics at all. Even the Democratic faithful who once adored him have wearied of rhetoric without results. The best way Mr Obama can restore his fortunes is to roll up his sleeves and enter the fray. Welcome back, Mr President.

#### Immigration debate after the fast track fight

The National Journal 12/17/13

HEADLINE: Budget-Deal Vapors

BYLINE: Major Garrett

Boehner has to wait for the bulk of primary season to pass (May or June) before serious immigration work can begin. By then, much of the legislation can be written and the calendar cleared for action in the summer. The House GOP leader on the budget deal, Rep. Paul Ryan, R-Wis., may emerge as a key figure. Ryan's pedigree is not on immigration policy, but conference conservatives will follow him. He has the scars of the budget fights, the experience of a national campaign, and a wide-open calendar to freelance now that spending numbers have been set for the next two years. Ryan has boundless policy energy and equally boundless ambition. If Boehner needs or wants a new driver on immigration, one tested by fire from the right, he may well choose Ryan.

### AT: No Link

#### Issues about the TK program are a political hot potato

McGovern, 13

(Ray, writer for AlterNet, "Congress Turns a Blind Eye to the Deep Shame of Guantanamo Bay", May 14, [www.alternet.org/civil-liberties/congress-turns-blind-eye-deep-shame-guantanamo-bay](http://www.alternet.org/civil-liberties/congress-turns-blind-eye-deep-shame-guantanamo-bay) NL)

To be completely fair, the reigning reluctance seems, actually, to be a bipartisan affair. Moran is one of the few Democrats possessed of a conscience and enough moral courage to let the American people know what is being done in their name. For other lawmakers, it is a mite too risky. Folksy folks like Sen. Lindsey Graham, R-South Carolina, a member of the Armed Services Committee which is supposed to exercise oversight of the lethal operations carried out by the Joint Special Operations Command, make no bones about the dilemma they prefer to duck when it comes to letting detainees die at Guantanamo or letting the president blow up suspected terrorists via drone strikes. Here’s Graham [quoted](http://www.esquire.com/blogs/politics/congress-drone-strike-oversight-10520312) in Esquire magazine last summer on why Congress has engaged in so little oversight of the lethal drone program: “Who wants to be the congressman or senator holding the hearing as to whether the president should be aggressively going after terrorists? Nobody. And that’s why Congress has been AWOL in this whole area.” The same thinking applies to showing any mercy for the people held at Guantanamo.

#### Restricting presidential war authority renders Obama impotent

Seeking Alpha 9-10, 9-10-2013, “Syria Could Upend Debt Ceiling Fight,” http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.