

Transparency 2nc/1nr Stuff & Extensions

2nc Politics –

Politics Flow

III start with an Impact Overview

1. The bad outweighs and turns the case:

A) **2. Time-frame—our Takala evidence says the time-frame for a successful continuing resolution to fund the government is Sept. 30th—much faster than their scenarios.**

B) **3. Magnitude: Shutdown risks multiple existential threats:**

Robert Hale & Michael O'Hanlon, 9/9/2015 (United States Under Secretary of Defense (Comptroller) from 2009 until 2014 & specializes in national security and defense policy @ Brookings, "Budget Insanity: America's Self-Inflicted Defense Drama," <http://nationalinterest.org/feature/budget-insanity-americas-self-inflicted-defense-drama-13795>, Accessed 9/13/2015, rwg)

As Congress and the President return to town, **Washington is sleepwalking towards another budgetary showdown that could result in sharp cuts in defense and other government spending or even another government shutdown. At a time when the nation has** real crises and **other urgent**, weighty **matters to consider—from the Iran nuclear deal to the fraying ceasefire in Ukraine to** the upcoming visit of President Xi of China and **climate change**—we do not need a self-inflicted wound. To be sure, everyone is aware that the federal government may be headed for the brink. But few seem to think it within their power to step back. **As things stand, the Budget Control Act of 2011 will sharply limit defense funding—**reducing FY 2016 funding by about \$34 billion compared to the President's request, coming on top of a several years of decline in defense accounts—**unless a new law is passed to soften the constraints**. The law also limits non-defense spending. The Murray-Ryan compromise of 2013 has now run its course and no longer will apply to the 2016 budget year, which begins October 1. **Without the added \$34 billion, the Department of Defense will not be able to improve military readiness and modernize adequately to produce the force it needs in a world populated by ISIL, a mercurial North Korea armed with nuclear weapons, a Russia enamored of adventurism, an assertive Iran, a rising China,** and more.

C) **4. Probability: Robust studies prove economic decline causes war:**

Royal '10 (Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how **periods of economic decline** may **increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (2008) advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next**. As such, **exogenous shocks such as economic crises could usher in a redistribution of relative power** (see also Gilpin, 1995) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fcaron, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, **if the expectations of future trade decline, particularly for difficult to replace** items such as energy **resources, the likelihood for conflict increases,**

as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.⁴ Third, others have considered the link between economic decline and external armed conflict at a national level. Momberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write: **The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing.** Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hlomhen? & Hess, 2(102. p. X9> Economic decline has also been linked with an increase in the likelihood of terrorism (Blombcrg. Hess. & Wee ra pan a, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. **"Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts** to create a 'rally around the flag' effect. Wang (1996), DeRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas **political science scholarship links economic decline with external conflict** at systemic, dyadic and national levels.¹ This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Now on to the UQ: No Shutdown Now

1. All we need to do is win a delay in resolution of the shutdown to win an impact— extend our Stahl evidence that says an extended shutdown hurts the economy.

2. Continuing resolution will pass now:

Justin **Sink, 9/8/2015** (staff writer, “Budget Dispute May Cause Government Shutdown, White House Warns,” <http://www.bloomberg.com/politics/articles/2015-09-08/budget-dispute-may-cause-government-shutdown-white-house-warns>, Accessed 9/11/2015, rwg)

Obama has threatened to veto all of the 2016 spending bills the House and Senate have produced so far. **Lawmakers also face a busy September schedule** including a vote on the nuclear accord with Iran and an address by Pope Francis that allows little time for difficult budget negotiations. **That has raised speculation that Congress will pass a short-term law called a continuing resolution to keep the government running until a broader deal can be struck later in the year.**

3. Continuing resolution will pass now:

Todd S. **Purdum, 9/8/2015** (staff writer, “WELCOME BACK! SHUTDOWN AHEAD?” <http://www.politico.com/tipsheets/morning-money/2015/09/2015-09-08-pro-morning-money-210086>, Accessed 9/11/2015, rwg)

“First is the Iran Deal, and with both the House and Senate scheduling the debate and vote on the issue for next week ... Second, **the conventional wisdom is that the House and Senate will pass a short-term**, fairly clean **continuing resolution (CR) before the end of the month** (and possibly before the Pope arrives on September 24th). .. **[I]t likely to be a short-term solution, that will only keep the doors open through the end of the year.** This means the second CR may be paired with the need to raise the debt ceiling, or the transportation bill, or tax extenders”

Heres where Ill do the link debate Soft on terrorism

1. Extend the Curtailing surveillance and even creating the perception as going soft on terror is political suicide National Journal 9/19 it does a pretty good job of explaining that the aff position of curtailing surveillance links directly to political suicide

2. ISIS, Iran, and Snowden caused seismic shifts towards hawkishness—even Rand Paul and Obama have been forced towards being hard on terror
Rogers, National Journal Contributor, 6-3-2015

(Alex, "McCain Now the GOP Hawks' Mentor, if Not Their Leader,"

<http://www.nationaljournal.com/congress/mccain-now-the-gop-hawks-mentor-if-not-their-leader-20150603>)

"The more, the merrier," **McCain said** in the Capitol on Tuesday. **"The more people we have that are engaged in national-security issues, the better.** I like it." Then for the first several months of the year, **McCain must have felt giddy among the many colleagues who have taken the spotlight to showcase their national-security acumen—or brazenness.** In March, freshman Sen. Tom **Cotton** of Arkansas **led** many of his GOP colleagues, including McCain, **to sign and send a controversial letter to Iranian leaders** reminding them that a nuclear deal with President Obama could be modified by Congress. A few months later, Foreign Relations Chairman Bob **Corker led the passage of the Iran nuclear review bill, which passed with only one nay**—Cotton, who, like McCain, is extraordinarily skeptical of the administration's negotiations. This week, the Senate passed an NSA-reform bill over the objections of Sen. Rand Paul, a presidential aspirant with Senate Majority Leader Mitch McConnell's endorsement, and the hawks. McConnell and Senate Intelligence Chairman Richard Burr played the biggest roles in trying to keep the Patriot Act alive. But along the way, McCain found himself reprimanding Paul—telling his colleague on the chamber floor to "learn the rules of the Senate"—with almost the entire GOP conference. And while McCain may still top the charts in Sunday show appearances, two of the GOP presidential contenders—**Lindsey Graham and Marco Rubio—are biting at his heels to showcase their own muscular brand of global affairs.** Graham, a McCain acolyte who this week announced his candidacy to insert a forceful national security angle into the race, has positions similar to all of the major candidates in the race, save Paul. But **even Paul has felt the pressure, offering a budget amendment this year to increase Pentagon funding to Rubio levels—a stark turnaround from his own 2011 budget.** (Sen. Ted Cruz has characterized his foreign-policy platform as the "third point on the triangle" between Paul and McCain.) As FiveThirtyEight points out, **Republicans' attitudes have changed dramatically since Edward Snowden's 2013 revelations, favoring much more government intervention to protect the country against terrorism.** **"Since 1980 there's probably never been this much emphasis on foreign policy and national security as there is in this election campaign,"** said McCain this week. "Which obviously gives some advantage to Lindsey Graham. And it's not an accident these other candidates are emphasizing—no matter who they are—national security and foreign policy. "I think that you're going to see things worsen in the world because there's no strategy for winning," he added. "And so I think by the time the real primary votes start it'll be the one dominant issue, along with the economy." While McCain hasn't been the leader on reforming the National Security Agency or shaping the Iran nuclear deal—areas clearly in the domain of the Intelligence and Foreign Relations committees—he has been instrumental in guiding the new crop of military veteran senators. In particular, McCain has taken Cotton under his wing, supporting him during his competitive House primary and, after Cotton's victory in 2012, taking him to conferences in Munich and Halifax—as he took two other military veterans on the Armed Services committee, Joni Ernst of Iowa and Dan Sullivan of Alaska, on a recent trip to Singapore. "He could obviously run the entire show and take all the time himself," said Cotton in an interview. "But he never does that. Even when I was a brand new congressman less than a month in, he gave me just as much time as every congressman and senator that he took. And those are conversations with heads of state or senior ministers. I think that speaks very well of how he hopes to mentor and coach the next generation of leaders for our country." McCain's next goal as Senate Armed Services chairman is to guide the major defense authorization bill through Congress. Facing a White House veto threat because the bill yields to the sequestration caps and a Republican-led House committed to

keeping them, McCain has decided to boost defense with a budget gimmick: an additional \$38 billion in a separate wartime account. But Democrats adamantly are behind Obama, who wants to see a roughly 7 percent increase in 2016 over sequestration levels. Nondefense appropriations have "either fallen or remained essentially frozen" four of the past five years, according to the Center on Budget and Policy Priorities, and members like Sen. Dick Durbin, the Democratic whip, see breaking the caps just for defense as "not as direct and honest as it should be." On Tuesday, Senate Democratic Leader Harry Reid called the defense bill a "waste of time" due to the veto threat, and even Sen. Jack Reed, the ranking Democrat on the Armed Services Committee, opposes busting the caps for just the Pentagon.

3. Means you vote neg on presumption that the aff is going to go soft on terror and create an economic downturn.

1nr Judicial Precedent

D.A turns and outweighs the case supreme court rulings on constitutionality is takes away the thirs party doctrine, turning privacy, and leading to a spike in child pornography

Here's the UQ debate- Extend the The third-party doctrine precedent is at a tipping point — recent cases prove Sheehan 15 evidence

The third-party doctrine is a trump card right now but modern technology challenges like the plan will test its limitations

Henderson 6 — Stephen E. Henderson, Associate Professor, Widener University School of Law. Yale Law School (J.D., 1999); University of California at Davis (B.S., 1995), 2006 ("Learning From All Fifty States: How To Apply The Fourth Amendment And Its State Analogs To Protect Third Party Information From Unreasonable Search," *Catholic University Law Review* (55 Cath. U.L. Rev. 373), Available Online to Subscribing Institutions via Lexis-Nexis)

While this has an intuitive appeal, neither court addressed significant Supreme Court precedent to the contrary. There is no Fourth Amendment protection for garbage left for collection despite typical municipal laws forbidding inspection of that garbage. n97 There is no Fourth Amendment protection for bank records despite laws restricting their disclosure. n98 And there is no Fourth Amendment protection for open fields despite the law of criminal trespass. n99 The Supreme Court has consistently applied the third-party doctrine as a "trump" over other legal restrictions.

[*390] While their constitutional analysis is therefore inadequate, the decisions demonstrate judges are struggling to find a limitation to the third-party doctrine given its implications for modern technologies. This may be important, because presumably they (and hopefully their colleagues) will seriously consider more developed arguments for limiting the doctrine when those arguments reach their courtrooms. Any small fracture in the monolithic federal third-party doctrine is welcome, and underscores the need for commentators and litigants to articulate and advocate limitations to the doctrine like that described in later sections of this Article.

Link Debate- extend the Ruling on the 4th Amendment necessarily overturns Smith and the third party doctrine — only current legal justification for mass surveillance Donohue 15 evidence, it gives a few warrants as to why the aff links, specifically that the over turning on the third party docertine is gonna kill mass surveillance, heres more evidence

Lower courts only uphold surveillance on Smith v. Maryland—the weakness of this precedent means the aff easily overturns it

Wyden et al. 14 — Ron Wyden, senator from Oregon since 1996, member of Senate Select Committee on Intelligence with access to classified meta-data program information, Mark Udall, Senator from Colorado from 2009 to 2015, also a member of the Senate Select Committee on Intelligence, and Martin Heinrich, senator from New Mexico, 2014 (. “BRIEF FOR AMICI CURIAE SENATOR RON WYDEN, SENATOR MARK UDALL, AND SENATOR MARTIN HEINRICH IN SUPPORT OF PLAINTIFF-APPELLANT, URGING REVERSAL OF THE DISTRICT COURT,” *Electronic Frontier Foundation*, submitted to *Smith v. Obama*, September 9th, Available online at <https://www.eff.org/document/wyden-udall-heinrich-smith-amicus>, Accessed 6-18-15)

As a close reading demonstrates, the district court’s rationale for dismissing plaintiffs’ Fourth Amendment claim rests on a broad reading of Smith v. Maryland, 442 U.S. 735 (1979) and its Ninth Circuit progeny. *Smith v. Obama*, No. 2:13-CV-257, 2014 U.S. Dist. LEXIS 76344 (D. Idaho June 3, 2014); ER1-8. Even as the district court relied on Smith, it correctly recognized the existence of “a looming gulf between Smith and this case.” *Smith*, 2014 U.S. Dist. LEXIS 76344, at *7; ER5. The Smith case involved the investigation of a single crime, and the collection of the phone records of a suspected robber over a two-day time period. The district court quoted the *Klayman v. Obama* opinion to underscore the danger of expanding Smith so far as to encompass telephone records collected in bulk over a much longer period of time: “people in 2013 have an entirely different relationship with phones than they did thirty-four years ago Records that once would have revealed a few scattered tiles of information about a person now reveal an entire mosaic—a vibrant and constantly updating picture of the person’s life.” *Smith*, 2014 U.S. Dist. LEXIS 76344, at *11; ER7 (quoting *Klayman v. Obama*, 957 F. Supp. 2d 1, 36 (D.D.C. 2013)).

Heres where I’ll do the impact debate- extend the The third-party doctrine is key to investigating child pornography — IP address tracking Kerr 10 evidence, and the If child-pornography elicits a strong emotional reaction from you, that’s a reason to prioritize stopping it—any other system is morally indefensible King 7 evidence, it does provides some clear warrants that mass surveillance is currently stopping mass surveillance, and is reason alone to vote down the aff team

Child pornography violates victims’ rights to privacy and causes powerlessness

Rogers 8 — Audrey Rogers, Professor of Law at Pace Law School, BS, State University of New York at Albany, JD, St. John’s University School of Law, 2008 (“Child Pornography’s Forgotten Victims,” *Pace Law Review* (Vol. 28), 2008, Available Online at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1539&context=lawfaculty>, Accessed 7-2-2015)

When the pornographic images are viewed by others, the children depicted are victimized once again. The mere knowledge that images exist and are being circulated causes shame, humiliation and powerlessness.⁹ This victimization lasts forever since the pictures can resurface at any time, and this circulation has grown exponentially because of the Internet.⁴ As [End of p. 8] one expert explained:

"The victim's knowledge of publication of the visual material increases the emotional and psychic harm suffered by the child."⁴² At a more fundamental level, **child pornography victims' rights of privacy and human dignity are violated when their images are circulated and viewed by others.**⁴³ The possessor thus has real victims and inflicts actual harm upon them by his conduct.

Limiting the third-party doctrine allows criminals to commit crimes without entering into the public domain — that makes investigations impossible

Kerr 9 — Orin Kerr, Professor at George Washington University Law School, JD from Harvard, M.S. from Stanford, BSE from Princeton, 2009 ("The Case for the Third-Party Doctrine," *Michigan Law Review Vol. 107*, Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, Accessed 6-28-15)

The basic division into unregulated and regulated steps leads to a balance between privacy and security because most crimes have traditionally required suspects to carry out at least part of their crimes in spaces open to surveillance. To see why, consider a world with no advanced technology. Part of the crime will normally occur outside. If John wants to rob a person walking down the street, for example, he needs to leave his house and go out to the street. If he wants to purchase drugs, he needs to go out of his home and find a dealer who will sell them to him. If he wants to murder his coworker, he needs to go out and buy a knife; after the act, he needs to dispose of the body. **In all of these traditional types of crimes, the wrongdoer has to leave his home and go out into spaces unprotected by the Fourth Amendment.** The public component of most traditional crimes is critical to the traditional balance of Fourth Amendment rules. If at least part of a crime occurs in spaces unprotected by the Fourth Amendment, the police have at least some opportunity to look more closely at whether criminal activity is afoot. Because the police normally begin an investigation with only speculation that a particular person is a lawbreaker, the public portion of crimes give the police an opportunity to develop more evidence. The police will have access to the public portion of the crime free of legal regulation. If they are observing him, they will know where the suspect went and what he said in public. That information won't solve the crime in most cases: Unless an officer directly observes the crime, **the publicly available evidence** only **provides a lead**.⁸⁴ But it's a start. If the evidence is strong enough, it can support invasions of protected spaces with a warrant. And those steps help the police solve at least a moderate percentage of criminal cases. Of course, many cases won't be solved. But **enough cases are solved that a significant prospect of criminal punishment exists, allowing the criminal justice system to serve its utilitarian and retributive ends.** B. Third Parties and the Basic Division **Third parties pose a major threat to the Fourth Amendment's basic division between unregulated and regulated steps.** The reason is that third parties act as remote agents that permit wrongdoers to commit crimes entirely in private. Those committing crimes naturally try to hide them from the police; no criminal wants to get caught. **If a wrongdoer can use third parties as remote agents, he can reduce his exposure to public surveillance.** Instead of going out into the world and subjecting himself to exposure, a wrongdoer can bring third-party agents inside and share plans or delegate tasks to them. He can use the third-party services to commit his crimes without exposing himself to spaces open to government surveillance. Put another way, the use of third parties often has a substitution effect. ⁸⁵ Without the third party, the wrongdoer would have needed to go out into public spaces where the Fourth Amendment does not regulate surveillance. But use of a third party substitutes a hidden transaction for the previously open event. What would have been public now becomes hidden. The wrongdoer no longer needs to leave his home, as the third-party agents enable him to commit the crime remotely. The crime now comes to the

criminal rather than the criminal going to the crime.⁸⁶ Consider how a person might use third parties to commit crimes from the protection of his own home. A mob boss might summon his underlings to his house to give them orders. A stalker might call his victim on his home phone rather than lying in wait outside her door. A computer hacker might hack into computers thousands of miles away without leaving his bedroom. In all of these cases, individuals use third parties to carry on their crimes without exposing themselves to spaces unprotected by the Fourth Amendment. The third-party agents—the employee, the telephone, and the Internet—do the work remotely on the principal's behalf. Now we can see the importance of the third-party doctrine. Without the doctrine, criminals could use third-party agents to fully enshroud their criminal enterprises in Fourth Amendment protection. A criminal could plot and execute his entire crime from home knowing that the police could not send in undercover agents, record the fact of his phone calls, or watch any aspect of his Internet usage without first obtaining a warrant. He could use third parties to create a bubble of Fourth Amendment protection around the entirety of his criminal activity. The result would be a notable shift in the balance between privacy and security. If any observation of any part of the target's conduct violates his reasonable expectation of privacy, then the police would need a warrant to observe any aspect of his behavior. That is, they would need probable cause to believe that the evidence to be collected constitute evidence of the crime. But if the entire crime were protected by a reasonable expectation of privacy, they couldn't observe any aspect of the crime to develop that probable cause. The effect would be a Catch-22: The police would need probable cause to observe evidence of the crime, but they would need to observe evidence of the crime first to get to probable cause. In many cases, this would eliminate the use of third-party evidence in investigations altogether. By the time the police would have probable cause to believe that someone's thirdparty records are evidence of crime, they usually would already have probable cause to arrest and charge him with the crime.⁸⁷

FISA CP-

They Say: “Permute — Do CP”

1. This severs the whole plan. The counterplan establishes a committee and tasks it with producing a report; it doesn't implement the plan. The counterplan might eventually result in the plan, but that's an effect—not a mandate.

2. Reject severance permutations — they evade clash and undermine comparative policy analysis. Requiring a stable advocacy protects neg ground and creates more productive debates.

They Say: “Permute — Do Both”

1.) **Links to Politics**: the immediate fight over the plan drains Obama’s political capital. The Committee Report can’t shield the link **before it exists**.

Overview-

Cp solves the case – legal action by FISCR sets legal precedent for all NSA surveillance requests and ensures compliance from the FISC – that solves unwarranted bulk surveillance - all surveillance cases go through FISC

Counterplan is the best policy option in round

Avoids the NB –

FISA can do the plan – they have the Jurisdiction to set legal precedent

Kayyali 14 Nadia Kayyali, Bill of Rights Defense Committee Legal Fellow ,BA from UC Berkeley, JD from UC Hastings. “What You Need to Know About the FISA Court—and How it Needs to Change” Electronic Frontier Foundation. <https://www.eff.org/deeplinks/2014/08/what-you-need-know-about-fisa-court-and-how-it-needs-change>. 8/15/2014

Why the FISA Court Needs to Change: Among the myriad reasons the FISC must change, three stand out. First, FISA has become a drastically more complicated law than when it was originally passed in 1978, and the role of the FISC has accordingly grown far beyond the bounds of what Congress envisioned. Second, because of those changes, the FISC has created a huge body of secret policy and legal precedent. Finally, the court’s reliance on the government to provide all the necessary information needed to fairly make decisions is not sufficient, something that is painfully obvious as one reads the FISC decisions themselves. It’s also something EFF has recently experienced in our NSA cases. The court’s mandate has expanded exponentially since 1978, especially during the 90s. More recently, Section 215 of the PATRIOT Act and Section 702 of the FISA Amendments Act—both of which were passed decades after the initial FISA—granted far broader spying authorities to the government than had existed before, and the government has claimed the right to conduct mass surveillance under these provisions. What Congress originally authorized when creating the FISC, with the Church Committee hearings freshly in mind, was an expedited system of approving individualized warrants for foreign surveillance of specified individuals—much like what regular magistrate judges do with warrants now, with safeguards built in for the national security context. That bears repeating: When FISA was passed, it authorized individualized warrants for surveillance. **Now, the court is approving mass surveillance. This is key, because as “current and former officials familiar with the court’s classified decisions”** told the New York Times in July of last year, **the court is no longer simply approving applications. It is “regularly assessing broad constitutional questions and establishing important judicial precedents, with almost no public scrutiny,”** affecting millions of innocent people. As former FISC judge James Robertson stated to the Privacy and Civil Liberties Oversight Board, “What [the FISC] does is not adjudication, but approval. This works just fine when it deals with individual applications for warrants, but **the 2008 (FISA) amendment has turned the FISA court into an administrative agency making rules for others to follow**.” The result of this expansion of the FISC’s role is a body of secret law that, now that some has come to light, has shocked most Americans. The most obvious example of this is, of course, section 215 of the Patriot Act, where **“the court’s interpretation of the word [‘relevant,’] enabled the government . . . to collect the phone records of the majority of Americans, including phone numbers people dialed and where they were calling from, as part of a continuing investigation into international terrorism.”** The “heightened duty of candor” is not enough. FISC decisions that have been made public are full of descriptions of the NSA not fulfilling its duties and being very slow to inform the court about it. Judge John Bates noted: “The court is troubled that the government’s revelations regarding the NSA’s acquisition of Internet transactions mark the third instance in less than three years in which the government has disclosed a substantial misrepresentation regarding the scope of a major collection program,” and noted “repeated inaccurate statements made in the government’s submission,” concluding that the requirements had been “so frequently and systematically violated that it can fairly be said that this critical element of the overall...regime has never functioned effectively.” Judges have consistently chastised the NSA for “inaccurate” statements, misleading or incomplete filings and for having “circumvented the spirit” of laws protecting Americans’ privacy. EFF had its own brush with this problem earlier this year, when we discovered that the government had not even informed the FISC of its duties to preserve evidence. In March, after an emergency hearing, a federal court in San Francisco ordered the government to preserve records of Section 215 call details collection. On that same day, the FISC issued its own strongly worded order in which it mandated the government to make a filing explaining exactly why it had failed to notify the FISC about relevant information regarding preservation orders in two related cases, Jewel and Shubert. This failure had affected the court’s earlier ruling mandating that certain information be destroyed. It’s clear that the FISC simply can’t rely on the government to get the full picture.

Judicial Precedent Extensions

2NC/1NR Materials

AT: Non-Unique/Link Inevitable

The third-party doctrine is a trump card right now but modern technology challenges like the plan will test its limitations

Henderson 6 — Stephen E. Henderson, Associate Professor, Widener University School of Law. Yale Law School (J.D., 1999); University of California at Davis (B.S., 1995), 2006 (“Learning From All Fifty States: How To Apply The Fourth Amendment And Its State Analogs To Protect Third Party Information From Unreasonable Search,” *Catholic University Law Review* (55 Cath. U.L. Rev. 373), Available Online to Subscribing Institutions via Lexis-Nexis)

While this has an intuitive appeal, neither court addressed significant Supreme Court precedent to the contrary. There is no Fourth Amendment protection for garbage left for collection despite typical municipal laws forbidding inspection of that garbage. n97 There is no Fourth Amendment protection for bank records despite laws restricting their disclosure. n98 And there is no Fourth Amendment protection for open fields despite the law of criminal trespass. n99 The Supreme Court has consistently applied the third-party doctrine as a "trump" over other legal restrictions.

[*390] While their constitutional analysis is therefore inadequate, the decisions demonstrate judges are struggling to find a limitation to the third-party doctrine given its implications for modern technologies. This may be important, because presumably they (and hopefully their colleagues) will seriously consider more developed arguments for limiting the doctrine when those arguments reach their courtrooms. Any small fracture in the monolithic federal third-party doctrine is welcome, and underscores the need for commentators and litigants to articulate and advocate limitations to the doctrine like that described in later sections of this Article.

Third party precedent remains but Jones proves the Supreme Court is ready to reconsider

Ernst 14 — Colleen Maher Ernst, Law Clerk at U.S. Court of Appeals for the Eighth Circuit, former Legal Fellow, Committee on Foreign Affairs

U.S. House of Representatives, Harvard Law School (J.D.), Boston College, BA, Psychology, summa cum laude, 2015 (“Looking Back To Look Forward: Reexamining The Application Of The Third-Party Doctrine To Conveyed Papers,” *Harvard Journal of Law and Public Policy* (37 Harv. J.L. & Pub. Pol’y 329), Available Online to Subscribing Institutions via Lexis-Nexis)

[*345] VI. WHY THE COURT MUST REVISIT THE DOCTRINE

The modern third-party doctrine creates an expansive exception to the law's general insistence on warrants. Fourth Amendment scholar Orin Kerr acknowledges the rule's general infamy in the academic world: “The Third-Party doctrine is the Fourth Amendment rule scholars love to hate. It is the *Lochner* of search and seizure law, widely criticized as profoundly misguided.” n103 At the time the Supreme Court decided *United States v. Miller*, courts did not share the understanding of the relationship between the property-based and expectations-based lines of protection articulated by the majority in *Jones*. Accordingly, the *Miller* Court failed to carry out the requisite inquiry involving examination of the Court's early property-based protection for conveyed papers. As Justice Sotomayor recognized in her *Jones* concurrence, the third-party doctrine is "ill suited" to the modern era. n104 History reveals it is equally

ill suited to the Court's call for consideration of early conceptions of Fourth Amendment protections. Under the trespass-based conception of search, **the application of the third-party rule to papers and their digital equivalents demands another look**. Perhaps with reexamination, the Court will finally end the reign of this modern Lochner, and the American people will be able to convey papers and digital data confident in the protections of the Fourth Amendment.

[Note to fellow debaters: Lochner refers to Lochner v. New York, one of the most controversial decisions in the Supreme Court's history, giving its name to what is known as the Lochner era. In the Lochner era, the Supreme Court issued several controversial decisions invalidating federal and state statutes that sought to regulate working conditions during the Progressive Era and the Great Depression.]

AT: No Link

Fourth Amendment rulings on the aff will set a precedent for mass surveillance

Galicki 15 — Alexander Galicki, Georgetown University Law Center, J.D. expected 2015; B.A. in International Relations from University of Southern California, 2015 (“The End Of Smith V. Maryland?: The Nsa's Bulk Telephony Metadata Program And The Fourth Amendment In The Cyber Age,” *American Criminal Law Review* (52 Am. L. Rev. 375), Available Online to Subscribing Institutions via Lexis-Nexis)

IV. CONCLUSION

It is debatable whether the NSA's bulk collection of telephony metadata is or is not desirable public policy, but whether it constitutes a "search" under the Fourth Amendment will set precedent for an expanding horizon of technology including mass drone surveillance, cell phone tracking, and Internet metadata. While the NSA program might seem insignificant in that it tracks only telephony metadata without "content," the possibility remains that technology will advance to the point where all information (visual, auditory, and olfactory) exposed in public could be collected, aggregated, and analyzed using complex algorithms over the lifetime of all American citizens. To be able to address this kind of aggregate and all-encompassing surveillance, the Court should follow its recent trend, relying particularly on a combination of Jones and Ferguson, to rule that the aggregate bulk collection of telephony metadata over time constitutes a "search" within the meaning of the Fourth Amendment.

Lower courts only uphold surveillance on Smith v. Maryland—the weakness of this precedent means the aff easily overturns it

Wyden et al. 14 — Ron Wyden, senator from Oregon since 1996, member of Senate Select Committee on Intelligence with access to classified meta-date program information, Mark Udall, Senator from Colorado from 2009 to 2015, also a member of the Senate Select Committee on Intelligence, and Martin Heinrich, senator from New Mexico, 2014 (. “BRIEF FOR AMICI CURIAE SENATOR RON WYDEN, SENATOR MARK UDALL, AND SENATOR MARTIN HEINRICH IN SUPPORT OF PLAINTIFF-APPELLANT, URGING REVERSAL OF THE DISTRICT COURT,” *Electronic Frontier Foundation*, submitted to *Smith v. Obama*, September 9th, Available online at <https://www.eff.org/document/wyden-udall-heinrich-smith-amicus>, Accessed 6-18-15)

As a close reading demonstrates, the district court's rationale for dismissing plaintiffs' Fourth Amendment claim rests on a broad reading of *Smith v. Maryland*, 442 U.S. 735 (1979) and its Ninth Circuit progeny. *Smith v. Obama*, No. 2:13-CV-257, 2014 U.S. Dist. LEXIS 76344 (D. Idaho June 3, 2014); ER1-8. Even as the district court relied on *Smith*, it correctly recognized the existence of “a looming gulf between *Smith* and this case.” *Smith*, 2014 U.S. Dist. LEXIS 76344, at *7; ER5. The *Smith* case involved the investigation of a single crime, and the collection of the phone records of a suspected robber over a two-day time period. The district court quoted the *Klayman v. Obama* opinion to underscore the danger of expanding *Smith* so far as to encompass telephone records collected in bulk over a much longer period of time: “people in 2013 have an entirely different relationship with phones than they did thirty-four years ago Records that once would have revealed a few scattered tiles of information about a person now reveal an entire mosaic—a vibrant and constantly updating picture of the person's life.”

Smith, 2014 U.S. Dist. LEXIS 76344, at *11; ER7 (quoting Klayman v. Obama, 957 F. Supp. 2d 1, 36 (D.D.C. 2013)).

AT: Link Non-Unique — LA v. Patel

City of Los Angeles v. Patel's 4th Amendment ruling was narrow and did not address the third party doctrine

Frye 15 — Kelly Frye, Business Litigation Attorney at Robinson+Cole LLP, JD from The University of Connecticut School of Law, Alvin Pudlin Memorial Scholarship Recipient (2013), George W. Crawford Black Bar Association Priscilla Green Scholarship Award Recipient (2013), The Honorable M. Joseph Blumenfeld Award Recipient (2014), B.A. in Legal Studies from Bay Path College, 2015 ("Supreme Court declares warrantless searches of hotel registries unconstitutional," *Data Privacy + Security Insider*, June 24th, Available Online at <http://www.dataprivacyandsecurityinsider.com/2015/06/supreme-court-declares-warrantless-searches-of-hotel-registries-unconstitutional/>, Accessed 6-29-2015)

In a 5-4 decision in the case of City of Los Angeles v. Patel, the Supreme Court found that the ordinance was facially unconstitutional because it did not provide for judicial review of the reasonableness of an officer's demand to search the registry before issuing penalties for noncompliance.

The recent decision does not require warrants or subpoenas for every hotel registry inspection. Rather, it orders that these measures be in place for when they are needed, giving hotel owners the opportunity to challenge warrantless searches without facing jail time or fines.

The holding constitutes a small and very narrow victory for the Fourth Amendment rights of Los Angeles hotel owners. The decision pertains solely to the Los Angeles ordinance and does not address the constitutionality of other, similar records sweeps allowed under the Third Party Doctrine. Nor does it address the Fourth Amendment implications of the "pervasive regulation" of certain businesses—like the records legally required to be kept and provided to officers on demand by businesses like firearms dealers, pawn shops, and junkyards.

The Supreme Court did not directly confront the third party doctrine in City of Los Angeles v. Patel

Atlantic 15 — The Atlantic, 2015 ("The Supreme Court's Liberals Just Made It Easier for Hotels to Protect Your Privacy," Byline Conor Friedersdorf, June 23rd, Available Online at <http://www.theatlantic.com/politics/archive/2015/06/an-motel-sized-victory-for-privacy-at-the-supreme-court/396542/>, Accessed 6-29-2015)

As I noted last year when the Supreme Court first agreed to hear Los Angeles v. Patel, it's worth stepping back to think through the logic embraced by Los Angeles, the LAPD, a district court, a Ninth Circuit dissent, and now, four dissenting Supreme Court justices. All seem comfortable with something that wasn't addressed directly in this case: the notion that hotel and motel guests have no right to privacy in information that they voluntarily turn over to third parties, per Smith v. Maryland.

City of Los Angeles v. Patel only triggers the link with direct confrontation of the third party doctrine

Lamparello 14 — Adam Lamparello, Assistant Professor of Law at Indiana Tech Law School, Bachelor's degree from the University of Southern California, his Juris Doctorate from The Ohio State University Michael E. Moritz College of Law, and a Master of Laws from New York University School of Law, 2014 ("City of Los Angeles v. Patel: The Upcoming Supreme Court Case No One is Talking About," *Texas Journal on Civil Liberties and Rights*, Vol. 20, Available Online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2543157, Accessed 6-29-2015)

Indiscriminately collecting metadata, monitoring internet search history, or sifting through hotel guest registries can be just that—a fishing expedition. The Government's commonly articulated purpose for collecting such information—national security—is certainly valid, but it should not countenance a government dragnet that delves into the lives of millions of citizens just to find a few bad apples. The Fourth Amendment's particularity requirement exists for a reason: to prevent the "reviled 'general warrants' and 'writs of assistance' of the colonial era." 17 This is precisely why the third-party doctrine, as currently applied by the courts, is ill-suited to the digital era: it provides law enforcement with almost limitless authority to monitor our private lives, including where we travel, who we call, and what search for on Google. Indeed, the scope of the third-party doctrine in the digital age is the issue lurking underneath the surface in Patel—and it has the potential to affect privacy rights in a variety of contexts.

Even if the Supreme Court wants to sidestep the third-party doctrine in Patel, it will, at the very least, indirectly confront the issue, because the Ninth Circuit expressly stated that the doctrine was still valid law.¹⁸ Thus, if the Court's holding is narrow and confined to the hotel owner's expectation of privacy in a guest registry, one can assume that the third-party doctrine remains good law in its current form. If the Court confronts the third party doctrine directly, the Justices will have the power to strengthen privacy protections by establishing principled limits on the warrantless collection of information, such as cell phone metadata. Conversely, the Court's decision has the potential to place law enforcement's investigatory powers—and the Government's [End of p. 5] interest in national security—above privacy rights, therefore sinking the Fourth Amendment further into the sea of irrelevance.

AT: Impact Inevitable — Law Enforcement Fails

Eradicating the third-party doctrine promotes criminal activity like child pornography with exclusive third-party communication

Twomey 15 — Margaret E. Twomey, J.D. expected from University of Michigan in 2016, 2015 (“Voluntary Disclosure Of Information As A Proposed Standard For The Fourth Amendment’s Third-Party Doctrine,” *Michigan Telecommunications & Technology Law Review* (21 Mich. Telecomm. Tech. L. Rev. 401), Available Online to Subscribing Institutions via Lexis-Nexis)

When criminals avail themselves of the benefits of third-party assistance, they should not receive the same amount of privacy that criminals acting alone receive. n98 Most **law enforcement investigations are based on the two-step investigatory scheme** that has been established and developed through Fourth Amendment jurisprudence. This scheme starts with less invasive, open surveillance techniques, followed by more invasive steps that require law enforcement to make certain showings (such as the probable [*414] cause required for a search warrant). n99 **If the third-party doctrine is eradicated and criminals are able to use third parties to conduct entire criminal acts, law enforcement agencies will lose some of their most basic investigative abilities.** n100 Third parties that would have previously met in public, or could be observed leaving a subject’s house, can now be e-mailed from a basement, entirely out of sight of law enforcement officers. n101 The traditional open surveillance techniques are no longer effective. Even if officers have reasons to investigate a subject further, they are hamstrung by a technologically-advanced world that puts physical surveillance out of reach and, for example, allows child pornography to be shared across the world without a subject ever leaving home.

AT: TPD Bad — Abuse

No third-party doctrine abuse — other protections check abuse

Kerr 9 — Orin Kerr, Professor at George Washington University Law School, JD from Harvard, M.S. from Stanford, BSE from Princeton, 2009 (“The Case for the Third-Party Doctrine,” *Michigan Law Review Vol. 107*, Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, Accessed 6-28-15)

Finally, functional arguments about government power overlook the legal system’s substitutes for Fourth Amendment protection. The Fourth Amendment is not the only game in town. Common law privileges, entrapment law, the Massiah doctrine, First Amendment doctrine, and statutory privacy protections have been designed specifically to address concerns of police harassment in their use of third parties.¹⁶ These mostly nonconstitutional legal principles each regulate specific aspects of third-party practices to deter police abuses, generally forcing the police to use third parties in good faith or in a reasonable way. Critics have overlooked these substitutes, and as a result have tended to see the choice as between Fourth Amendment protection or no protection at all. Understanding how other doctrines substitute for Fourth Amendment protection reveals that this understanding is incorrect.

2NC/1NR Impacts

Child Pornography turns Privacy

Child pornography violates victims' rights to privacy and causes powerlessness

Rogers 8 — Audrey Rogers, Professor of Law at Pace Law School, BS, State University of New York at Albany, JD, St. John's University School of Law, 2008 ("Child Pornography's Forgotten Victims," *Pace Law Review* (Vol. 28), 2008, Available Online at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1539&context=lawfaculty>, Accessed 7-2-2015)

When the pornographic images are viewed by others, the children depicted are victimized once again. The mere knowledge that images exist and are being circulated causes shame, humiliation and powerlessness."⁹ This victimization lasts forever since the pictures can resurface at any time,¹⁰ and this circulation has grown exponentially because of the Internet.⁴¹ As [End of p. 8] one expert explained: "The victim's knowledge of publication of the visual material increases the emotional and psychic harm suffered by the child."⁴² At a more fundamental level, child pornography victims' rights of privacy and human dignity are violated when their images are circulated and viewed by others.⁴³ The possessor thus has real victims and inflicts actual harm upon them by his conduct.

Child Pornography Expanding

Child pornography is a rapidly expanding problem — 14 million websites, 20,000 images posted each week, and a thirty-fold increase in reports

Henzey 11 — Michael J. Henzey, Assistant Commonwealth's Attorney, Office of the Commonwealth's Attorney of the City of Hampton, VA, Master of Laws (LLM) degree in Criminal Law with Honors from State University of New York at Buffalo - Law School, J.D. from The Catholic University of America, Columbus School of Law, B.A. in history from George Mason University, 2015 ("Going On The Offensive: A Comprehensive Overview Of Internet Child Pornography Distribution And Aggressive Legal Action," *Appalachian Journal of Law* (11 *Appalachian J. L.* 1), Available Online to Subscribing Institutions via Lexis-Nexis)

Child pornography n2 is among the most heinous of crimes: it is the permanent record of physical, sexual, and psychological abuse of a young, helpless human being. Its victims come from a variety of circumstances. Some are victims of child sex trafficking, but most are abused by family members or family friends. Often, they are plied with drugs and alcohol to lower their resistance. Frequently, the photographs and videos produced are used to silence the victims or to force them to submit to repeated abuse. The trauma to the victim is felt both in the near and long term. The immediate effects are bruises, cuts, and sexually transmitted infections. The long term effects include psychological problems, feelings of hopelessness and worthlessness, and drug and alcohol addiction. Society also pays a significant cost for the crime of child pornography.

Child pornography, which was nearly eliminated until the advent of the Internet in the early 1990s, has become a massive problem of global [*2] scale. There are an estimated fourteen million child pornography websites n3 with more than 20,000 images of child pornography posted each week. n4 Not only is it a "cotton industry" supported by pedophiles, but it has also developed into a profit-driven enterprise with profit estimates ranging up to twenty billion dollars annually. n5 In addition, despite increased legislative attention and greater law enforcement efforts, the volume of available child pornography continues to grow. Reports of child pornography to the National Center for Missing and Exploited Children's CyberTipLine increased from 3,267 reports in 1998 to 106,119 in 2004 - more than a thirty-fold increase. n6

Sexual Abuse Impact

Child pornography contributes to child sexual abuse — it desensitizes the public to abuses while exploiting and dehumanizing children

King 7 — Peter King, Professor of Philosophy at Pembroke College, Oxford, PhD from Oxford, citing Michelle Elliott, leading child psychologist, former chair of the WHO, honorary doctorate from the University of Birmingham, 2007 ("No Plaything: Ethical Issues concerning Child-Pornography," *Ethical Theory and Moral Practice*, November 30, Available online at <http://www.jstor.org/stable/40284244>, Accessed 6-29-15)

It is certainly true that the harms done by adult-pornography to women are not precisely mirrored by the harms done by child-pornography to children. The latter material is not splashed over top-shelf magazine-covers in full view of those who would not frequent sex shops and cinemas. Or, rather, child-pornography of the first three kinds is not thus openly, publicly displayed. Matters are very different with regard to nudity-type and pin-up-type material, however. Michele Elliott, for example, offers a catalogue of sexually-oriented images of children in the mainstream media - from record covers to the Sunday Times magazine, from greetings cards to advertising posters: "Most people will never encounter hard-core child pornography. Without doubt it would disgust and horrify them [...] Child pornography is easily condemned. Yet we are now seeing daily images of children being used as sexual objects to sell products" (Elliott 1992, p.218). In other words: "Without our knowing, soft-core child pornography has crept into our everyday lives and most of us are unaware that this has happened" (loc. cit.). In this way our emotional responses are dulled; we are desensitised, and our attitudes to children are poisoned.

Elliott gives an extensive list of what is involved in this phenomenon, and what its consequences are. This sort of material, she says:

is contributing to the problem of child sexual abuse. It is condoning the use of children in inappropriate sexual contexts. It is desensitising the public and setting new standards for what is acceptable. It is strengthening the argument of paedophiles that children are asking for sex. It is exploiting and dehumanising children without their informed consent. It is glamourising children as sexual objects. It is saying to children that adults agree with the idea of them being sexualised. It is suggesting to other children that this is a desirable way to be portrayed. (Elliott 1992, p.220)

Child pornography makes child molestation more likely

King 7—Peter King, Professor of Philosophy at Pembroke College, Oxford, PhD from Oxford, citing Joel Feinberg, former Professor at Princeton, PhD from the University of Michigan, 2007 ("No Plaything: Ethical Issues concerning Child-Pornography," *Ethical Theory and Moral Practice*, November 30, Available online at <http://www.jstor.org/stable/40284244>, Accessed 6-29-15)

To this it might be objected that the person's original character traits, which led him to use pornography in the first place, are likely to be intensified, hardened, or extended by that use, or that the material could lead to the development of attitudes or beliefs that make it more likely that he act on his desires. For example, one of Feinberg's "pornography-reading machos" might come to believe, through

(repeated) exposure to pornography of a certain kind, that women actually want to be raped, or that once raped they find that they enjoy it; this might lead him to overcome whatever moral scruples had hitherto prevented him from acting out his fantasies.

When we turn back to child-pornography, it seems very likely that the person who takes pleasure in rape-type material falls into the kind of category to which Feinberg refers. We might not understand such people, but we can be sure that they would only choose to view and read such material - and could only enjoy it - if they were already morally corrupt, and beyond the power of the material to affect further. Moreover, the material itself makes no pretence that the actions it presents are anything but cruel and harm-causing, so there seems to be no room for the consumers' self-deception to be encouraged.

With regard to consensual-type and fake-type material, however, the case is very different. Here it seems likely that someone who is sexually attracted to children, but who retains moral scruples that hold him back from acting on his desires, might well view or read material that presents children as being complicit in or even actively desirous of sexual activity with adults; he might thus come to believe that his previous reluctance to act upon his desires was misplaced - that his moral scruples rested upon a mistake. That is, although he starts looking at child-pornography as a substitute for actual sexual abuse of children, the material actually makes it more likely that he will turn to such abuse. The inference drawn by others - that, although there is no (or minimal) immediate harm, there is consequent, future, or non-apparent harm - simply will not be drawn by the paedophile.

The consumption of consensual-type and fake-type material is thus more likely to have harmful affects on its consumers and their potential victims than is the consumption of rape-type material.⁶ We see, then, that the situation is more complex than might have been thought if only the effects on the subjects had been considered. While it is clearly true that rape-type child-pornography does greater harm to its subjects than do consensual-type and fake-type pornography, that moral ordering is reversed when it comes to harm caused to and through the consumers. And the number of potential victims at consequent risk from the consumers of the latter two types is very large.

General Crime Impact

Limiting the third-party doctrine allows criminals to commit crimes without entering into the public domain — that makes investigations impossible

Kerr 9 — Orin Kerr, Professor at George Washington University Law School, JD from Harvard, M.S. from Stanford, BSE from Princeton, 2009 (“The Case for the Third-Party Doctrine,” *Michigan Law Review Vol. 107*, Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, Accessed 6-28-15)

The basic division into unregulated and regulated steps leads to a balance between privacy and security because most crimes have traditionally required suspects to carry out at least part of their crimes in spaces open to surveillance. To see why, consider a world with no advanced technology. Part of the crime will normally occur outside. If John wants to rob a person walking down the street, for example, he needs to leave his house and go out to the street. If he wants to purchase drugs, he needs to go out of his home and find a dealer who will sell them to him. If he wants to murder his coworker, he needs to go out and buy a knife; after the act, he needs to dispose of the body. In all of these traditional types of crimes, the wrongdoer has to leave his home and go out into spaces unprotected by the Fourth Amendment. The public component of most traditional crimes is critical to the traditional balance of Fourth Amendment rules. If at least part of a crime occurs in spaces unprotected by the Fourth Amendment, the police have at least some opportunity to look more closely at whether criminal activity is afoot. Because the police normally begin an investigation with only speculation that a particular person is a lawbreaker, the public portion of crimes give the police an opportunity to develop more evidence. The police will have access to the public portion of the crime free of legal regulation. If they are observing him, they will know where the suspect went and what he said in public. That information won't solve the crime in most cases: Unless an officer directly observes the crime, the publicly available evidence only provides a lead.⁸⁴ But it's a start. If the evidence is strong enough, it can support invasions of protected spaces with a warrant. And those steps help the police solve at least a moderate percentage of criminal cases. Of course, many cases won't be solved. But enough cases are solved that a significant prospect of criminal punishment exists, allowing the criminal justice system to serve its utilitarian and retributive ends. B. Third Parties and the Basic Division Third parties pose a major threat to the Fourth Amendment's basic division between unregulated and regulated steps. The reason is that third parties act as remote agents that permit wrongdoers to commit crimes entirely in private. Those committing crimes naturally try to hide them from the police; no criminal wants to get caught. If a wrongdoer can use third parties as remote agents, he can reduce his exposure to public surveillance. Instead of going out into the world and subjecting himself to exposure, a wrongdoer can bring third-party agents inside and share plans or delegate tasks to them. He can use the third-party services to commit his crimes without exposing himself to spaces open to government surveillance. Put another way, the use of third parties often has a substitution effect.⁸⁵ Without the third party, the wrongdoer would have needed to go out into public spaces where the Fourth Amendment does not regulate surveillance. But use of a third party substitutes a hidden transaction for the previously open event. What would have been public now becomes hidden. The wrongdoer no longer needs to leave his home, as the third-party agents enable him to commit the crime remotely. The crime now comes to the criminal rather than the criminal going to the crime.⁸⁶ Consider how a person might use third parties to commit crimes from the protection of his own home. A mob boss might summon his underlings to his house to give them orders. A stalker might call his victim on his home phone rather than lying in wait

outside her door. A computer hacker might hack into computers thousands of miles away without leaving his bedroom. In all of these cases, individuals use third parties to carry on their crimes without exposing themselves to spaces unprotected by the Fourth Amendment. The third-party agents—the employee, the telephone, and the Internet—do the work remotely on the principal’s behalf. Now we can see the importance of the third-party doctrine. Without the doctrine, criminals could use third-party agents to fully enshroud their criminal enterprises in Fourth Amendment protection. A criminal could plot and execute his entire crime from home knowing that the police could not send in undercover agents, record the fact of his phone calls, or watch any aspect of his Internet usage without first obtaining a warrant. He could use third parties to create a bubble of Fourth Amendment protection around the entirety of his criminal activity. The result would be a notable shift in the balance between privacy and security. If any observation of any part of the target’s conduct violates his reasonable expectation of privacy, then the police would need a warrant to observe any aspect of his behavior. That is, they would need probable cause to believe that the evidence to be collected constitute evidence of the crime. But if the entire crime were protected by a reasonable expectation of privacy, they couldn’t observe any aspect of the crime to develop that probable cause. The effect would be a Catch-22: The police would need probable cause to observe evidence of the crime, but they would need to observe evidence of the crime first to get to probable cause. In many cases, this would eliminate the use of third-party evidence in investigations altogether. By the time the police would have probable cause to believe that someone’s thirdparty records are evidence of crime, they usually would already have probable cause to arrest and charge him with the crime.⁸⁷

Politics Extensions

Impact Overview

The disad outweighs and turns the case:

D) Time-frame—our Takala evidence says the time-frame for a successful continuing resolution to fund the government is Sept. 30th—much faster than their scenarios.

E) Magnitude: Shutdown risks multiple existential threats:

Robert Hale & Michael O'Hanlon, 9/9/2015 (United States Under Secretary of Defense (Comptroller) from 2009 until 2014 & specializes in national security and defense policy @ Brookings, "Budget Insanity: America's Self-Inflicted Defense Drama," <http://nationalinterest.org/feature/budget-insanity-americas-self-inflicted-defense-drama-13795>, Accessed 9/13/2015, rwg)

As Congress and the President return to town, **Washington is sleepwalking towards another budgetary showdown that could result in sharp cuts in defense and other government spending or even another government shutdown. At a time when the nation has** real crises and **other urgent,** weighty **matters to consider—from the Iran nuclear deal to the fraying ceasefire in Ukraine to** the upcoming visit of President Xi of China and **climate change**—we do not need a self-inflicted wound. To be sure, everyone is aware that the federal government may be headed for the brink. But few seem to think it within their power to step back. **As things stand, the Budget Control Act of 2011 will sharply limit defense funding—**reducing FY 2016 funding by about \$34 billion compared to the President's request, coming on top of a several years of decline in defense accounts—**unless a new law is passed to soften the constraints.** The law also limits non-defense spending. The Murray-Ryan compromise of 2013 has now run its course and no longer will apply to the 2016 budget year, which begins October 1. **Without the added \$34 billion, the Department of Defense will not be able to improve military readiness and modernize adequately to produce the force it needs in a world populated by ISIL, a mercurial North Korea armed with nuclear weapons, a Russia enamored of adventurism, an assertive Iran, a rising China,** and more.

F) Probability: Robust studies prove economic decline causes war:

Royal '10 (Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how **periods of economic decline** may **increase the likelihood of external conflict.** Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (2008) advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next.** As such, **exogenous shocks such as economic crises could usher in a redistribution of relative power** (see also Gilpin. 195J) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fcaron. 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, **if the expectations of future trade**

decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. 4 Third, others have considered the link between economic decline and external armed conflict at a national level. Mom berg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write. **The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing.** Economic conflict lends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> Economic decline has also been linked with an increase in the likelihood of terrorism (Blombcrg. Hess. & Wee ra pan a, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "**Diversionsary theory**" suggests that, **when facing unpopularity** arising from economic decline, sitting **governments have increased incentives to fabricate external military conflicts** to create a 'rally around the flag' effect. Wang (1996), DcRouc n (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force arc at least indirectl correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked lo an increase in the use of force. In summary, rcccn economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas **political science scholarship links economic decline with external conflict** al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Uniqueness

UQ: No Shutdown Now

(--) All we need to do is win a delay in resolution of the shutdown to win an impact—extend our Stahl evidence that says an extended shutdown hurts the economy.

(--) Continuing resolution will pass now:

Justin **Sink, 9/8/2015** (staff writer, “Budget Dispute May Cause Government Shutdown, White House Warns,” <http://www.bloomberg.com/politics/articles/2015-09-08/budget-dispute-may-cause-government-shutdown-white-house-warns>, Accessed 9/11/2015, rwg)

Obama has threatened to veto all of the 2016 spending bills the House and Senate have produced so far. **Lawmakers also face a busy September schedule** including a vote on the nuclear accord with Iran and an address by Pope Francis that allows little time for difficult budget negotiations. **That has raised speculation that Congress will pass a short-term law called a continuing resolution to keep the government running until a broader deal can be struck later in the year.**

(--) Continuing resolution will pass now:

Todd S. **Purdum, 9/8/2015** (staff writer, “WELCOME BACK! SHUTDOWN AHEAD?” <http://www.politico.com/tipsheets/morning-money/2015/09/2015-09-08-pro-morning-money-210086>, Accessed 9/11/2015, rwg)

“First is the Iran Deal, and with both the House and Senate scheduling the debate and vote on the issue for next week ... Second, **the conventional wisdom is that the House and Senate will pass a short-term**, fairly clean **continuing resolution (CR) before the end of the month** (and possibly before the Pope arrives on September 24th). .. **[I]t likely to be a short-term solution, that will only keep the doors open through the end of the year.** This means the second CR may be paired with the need to raise the debt ceiling, or the transportation bill, or tax extenders”

(--) Republicans will ultimately cave on a clean CR—only question is when:

Bradford **Richardson, 9/12/2015** (staff writer, “Cruz: Government shutdown would be Obama’s fault,” <http://thehill.com/blogs/blog-briefing-room/news/253486-cruz-government-shutdown-would-be-obamas-fault>, Accessed 9/15/2015, rwg)

Rep. Charlie Dent (R-Pa.), a centrist, said **Republicans will ultimately be forced to vote for a continuing resolution (CR) to appropriate funding for federal programs. “Well, at the end of the day, were going to vote on a clean CR,” he said. “The question is will we vote on it before or after September 30? I propose we vote on it before September 30.”**

UQ: AT: Planned Parenthood Fight Kills the Disad

(--) Boehner will split off Planned Parenthood fight:

DAVID M. HERSZENHORN, 9/16/2015 (staff writer, "With Possible Shutdown Nearing, Obama Looks to Take Budget Fight to G.O.P.," http://www.nytimes.com/2015/09/16/us/with-possible-shutdown-nearing-obama-looks-to-take-budget-fight-to-gop.html?_r=0, Accessed 9/16/2015, rwg)

Planned Parenthood funding was the subject of a lengthy and emotional discussion among House Republicans last week, in which Mr. **Boehner endorsed pursuing legislation separate from the larger budget fight**. According to one Republican official who was in the room, Mr. **Boehner** expressed support for legislation that would limit Planned Parenthood's activities and allow criminal prosecutions in some cases of late-term abortions. He **also backed a separate bill ending government financing for Planned Parenthood**.

(--) McConnell is moving to separate abortion politics from the continuing resolution:

Manu **Raju** and Ted **Barrett**, 9/10/2015 (staff writers, "McConnell aims to avoid government shutdown," <http://www.fourstateshomepage.com/news/mcconnell-aims-to-avoid-government-shutdown>, Accessed 9/11/2015, rwg)

Senate Majority Leader Mitch **McConnell is moving to separate abortion politics from a spending fight that threatens to shut down the government** at month's end. His next move: Advancing a separate bill aimed at preventing abortions after 20 weeks into a pregnancy, according to senators briefed on the plan. **McConnell told Republican senators** at a party lunch Thursday **that he planned to begin the process of considering the bill next week**, which would set up a procedural vote to coincide with Pope Francis' visit to Washington later this month. **Senators said it's possible more anti-abortion bills could be considered**, even though they stand virtually no chance of becoming law.

(--) McConnell and Boehner want to separate abortion from the spending fight:

Manu **Raju** and Ted **Barrett**, 9/10/2015 (staff writers, "McConnell aims to avoid government shutdown," <http://www.fourstateshomepage.com/news/mcconnell-aims-to-avoid-government-shutdown>, Accessed 9/11/2015, rwg)

The move comes as **McConnell and** House Speaker John **Boehner are beginning to take a series of steps to avoid a possible shutdown** at month's end. Conservatives are demanding that the must-pass spending bill should prohibit federal funding from flowing to Planned Parenthood in light of controversial, heavily edited videos secretly taped this summer where officials discussed the sale of aborted fetal parts. But **McConnell and Boehner, recognizing that Senate Democrats would block any effort to defund Planned Parenthood and** President Barack **Obama would certainly veto it, are trying to lay out a complicated set of steps to extricate abortion politics from the spending fight**.

UQ: AT: UQ Overwhelms the link

(--) Passing a continuing resolution is going to be tough—failure to pass it causes a government shutdown:

Amber **Phillips, 9/9/2015** (staff writer, “Get ready: Experts say a government shutdown is likely,” <http://www.washingtonpost.com/news/the-fix/wp/2015/09/09/get-ready-experts-say-a-government-shutdown-is-likely/>, Accessed 9/11/2015, rwg)

As congress heads back to work, **a series of obstacles could lead to another government shutdown**. In America, you can't legally bet on political outcomes (at least not yet). But if you could, we'd advise you to put some money on the government shutting down on Oct. 1. As Congress gets back to work this week, it's facing a nearly unprecedented number of deadlines and political dramas. **The government needs to be funded by Sept. 30, but Congress is way behind in passing the series of spending bills necessary to pass a full budget. Instead, lawmakers will probably try to pass a short-term budget extension** that basically keeps spending levels the same as last year and keeps the government open. **But even that's going to be tough**. Lawmakers on both sides of the aisle are using the budget process to push their ideological agendas on everything from abortion to military spending to international nuclear deals. And there's a presidential campaign going on, complicating the decisions and actions of the five senators running for the White House. (And in the Senate, sometimes it only takes one.)

(--) Uniqueness doesn't overwhelm the link—there is a real risk of a shutdown:

David **Nakamura, 9/10/2015** (staff writer, “Obama tackles shutdown threat,” <http://www.arkansasonline.com/news/2015/sep/10/obama-tackles-shutdown-threat-20150910/>, Accessed 9/11/2015, rwg)

Inside the White House, however, **there is growing concern that the congressional fight over the budget could result in a shutdown** for the first time since 2013, when the government was shuttered for 16 days over Republican opposition to Obama's health care law. **GOP leaders in both chambers have vowed not to repeat that process. But conservatives, led by** Sen. Ted **Cruz**, R-Texas, a presidential candidate, **have threatened to oppose a spending plan that maintains funding for Planned Parenthood. That has left the outcome uncertain as federal spending authority expires Sept. 30.**

(--) Conservatives are willing to shut down the government:

Emily **Atkin, 9/11/2015** (staff writer, “The Government May Shut Down Again, And Rand Paul Says Democrats Are To Blame,” <http://thinkprogress.org/health/2015/09/11/3700419/rand-paul-sarah-palin-planned-parenthood/>, Accessed 9/11/2015, rwg)

Conservatives in Congress have been indicating for weeks that they're ready to shut down the government over Planned Parenthood. For many, the \$500 million the group receives every year to provide women's health services is unacceptable, given the role it plays as the nation's largest single provider of abortions.

(--) Shutdown threat is real—uniqueness doesn't overwhelm the link:

Manu **Raju and Ted Barrett, 9/10/2015** (staff writers, “McConnell aims to avoid government shutdown,” <http://www.fourstateshomepage.com/news/mcconnell-aims-to-avoid-government-shutdown>, Accessed 9/11/2015, rwg)

Senate Democratic Leader Harry **Reid said the abortion-related votes come at a time Congress should be focused on finding a deal to fund the government**. He said they would be a waste of time and wouldn't pass the Senate. **"I don't**

minimize the threats by a number of Republicans to close the government. We've experienced that. They've done it before." he said at a news conference. "We don't need all this wasted time on wasted things."

**(--)
Shutdown a real possibility now:**

Paul **Kane and Kelsey Snell, 9/9/2015** (staff writers, "GOP tries to avert shutdown as right spoils for Planned Parenthood fight," http://www.washingtonpost.com/politics/gop-tries-to-avert-shutdown-as-right-spoils-for-planned-parenthood-fight/2015/09/09/a515099c-572f-11e5-b8c9-944725fcd3b9_story.html?tid=pm_politics_pop_b, Accessed 9/11/2015, rwg)

Congressional Republican leaders returned to Washington this week with no clear plan for extending government funding later this month that risks shutting down federal agencies amid a growing outcry from conservatives ready for a fight over funding Planned Parenthood.

UQ: Obama Pushing Now

(--) Obama pushing Republicans on shutdown now:

DAVID M. HERSZENHORN, 9/16/2015 (staff writer, "With Possible Shutdown Nearing, Obama Looks to Take Budget Fight to G.O.P.," http://www.nytimes.com/2015/09/16/us/with-possible-shutdown-nearing-obama-looks-to-take-budget-fight-to-gop.html?_r=0, Accessed 9/16/2015, rwg)

WASHINGTON — Congress hurtled toward a government shutdown on Tuesday, with Republicans threatening to block a budget deal if it includes financing for Planned Parenthood, as President Obama prepared to join the fight by pushing Republicans to scrap a multibillion-dollar tax advantage for private equity managers. In a speech on Wednesday, Mr. Obama is expected to call on Republicans to end the tax break and use the funds to pay for spending increases on domestic and national security programs, and he will enlist business leaders to help him make his case. In a session at the Business Roundtable in Washington, Mr. Obama will seek to shame Republicans who control Congress for failing to strike a deal with Democrats to fund the government's operations, using the so-called carried-interest provision as an example of what he argues are misplaced priorities, according to White House officials.

(--) Their evidence that Obama isn't pushing is old—he is pushing now:

DAVID M. HERSZENHORN, 9/16/2015 (staff writer, "With Possible Shutdown Nearing, Obama Looks to Take Budget Fight to G.O.P.," http://www.nytimes.com/2015/09/16/us/with-possible-shutdown-nearing-obama-looks-to-take-budget-fight-to-gop.html?_r=0, Accessed 9/16/2015, rwg)

Until this week, the White House had not maneuvered aggressively in the budget fight. But embedded in Mr. Obama's message on Wednesday is a defense of his own economic record and a rebuke of Republicans. Seven years after the financial meltdown that he has spent much of his time in office addressing, the president will say, Republicans are engineering another fiscal crisis with potentially disastrous consequences.

(--) Obama is turning up the pressure to avoid a shutdown now:

Kevin **Freking**, 9/16/2015 (staff writer, "Obama Using Business CEOs Meeting to Apply Budget Pressure," <http://abcnews.go.com/Politics/wireStory/obama-business-ceos-meeting-apply-budget-pressure-33790616>, Accessed 9/16/2015, rwg)

Obama used his speech to members of the Business Roundtable to turn up the pressure on lawmakers to reach a budget agreement. He also pointed to a potential revenue source to pay for some of the increased investments he wants in infrastructure, education and scientific research — taxing so-called "carried interest" as ordinary income rather than as a capital gain, which is taxed at a lower rate. The proposed change is aimed primarily at managers of some types of private investment funds who pay a lower tax rate on their income than do many individuals. He noted, without naming them, that some Republican presidential candidates, primarily Donald Trump and Jeb Bush, have voiced support for increasing taxes on carried interest.

UQ: Top of the Docket

(--) Funding bills will be debated the last week of September:

Reuters, 9/16/2015 ("Obama urges Congress to avoid government closure in abortion dispute,"

[http://www.reuters.com/article/2015/09/16/us-obama-roundtable-shutdown-](http://www.reuters.com/article/2015/09/16/us-obama-roundtable-shutdown-idUSKCNORG28E20150916)

[idUSKCNORG28E20150916](http://www.reuters.com/article/2015/09/16/us-obama-roundtable-shutdown-idUSKCNORG28E20150916), Accessed 9/16/2015, rwg)

House Republicans will huddle in closed-door meetings later on Wednesday and early on Thursday to see if they can come up with a funding bill that probably will not be debated on the House floor until the last week of September.

UQ--A2: Thumpers- General

Can't cost capital until it's at the finish line

Drum, 10 (Kevin, Political Blogger, Mother Jones, <http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner>)

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.¹ That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

UQ: AT: Economic Trouble in Other Nations Hurt the US

(--) **US is insulated from economic events in other countries:**

Fox Business, 10/16/2014 ("US proves surprisingly resilient despite investor panic over a sputtering global economy," <http://www.foxbusiness.com/markets/2014/10/16/us-proves-surprisingly-resilient-despite-investor-panic-over-sputtering-global/>, Accessed 9/12/2015, rwg)

WASHINGTON – Beyond the turmoil shaking financial markets, **the U.S. economy remains sturdier than many seem to fear**. The Dow Jones industrial average has lost 874 points since Oct. 8, largely over worries about another recession in Europe, a slowdown in China and world-spanning crises that include the Ebola outbreak and the rise of the Islamic State. Yet **economists aren't reducing their forecasts for the U.S. economy. The International Monetary Fund**, which heightened jitters by cutting its forecasts for global growth, **has actually upgraded its outlook for the United States. Economists say the troubles around the world aren't enough to derail a U.S. economy** that's gaining strength from a stronger job market, falling fuel prices, lower mortgage rates and improvements in household finances and confidence. **"The U.S. economy is nicely insulated from most global events"** says Eric Lascelles, chief economist for RBC Global Asset Management.

Links

Link Wall (Generic)

Extend our Yglesias evidence—the plan creates a political fiasco for Obama—he’ll be attacked on every news station for being weak on national defense.

(--) The plan creates a political opportunity for Republicans—they will use the plan to paint Democrats as weak on national security:

Michael **Cohen, 2011** (Director of the Graduate Program in International Affairs at The New School, “When Democrats Became Doves,” <http://foreignpolicy.com/2011/12/02/when-democrats-became-doves/>, Accessed 9/13/2015, rwg)

Of course, from a political perspective, foreign policy and national security have traditionally been the one area of public policy where national Democrats are far more responsive to potential brickbats from Republicans than their own followers. Indeed, **the foreign policy shift that began in 1968 has consistently provided a political opening of its own for Republicans. It became an opportunity to tar Democrats with the broad brush of weakness and fecklessness on national security** (a recurrent GOP political attack since the “Who Lost China” debate of the 1950s). This week came word that the Obama administration is reluctant to apologize for a recent cross-border raid that killed 24 Pakistani soldiers, for fear of being portrayed by Republican presidential contenders as soft. **Even today, when Democrats debate national security — torn between anti-war liberals and hawkish centrists, and reluctant to be cast as wimps and weaklings by Republicans** — they are arguing on a battlefield seeded by Gene McCarthy. Footnote to history? Not by a long shot.

(--) Broad consensus in Washington in favor of military presence:

Scott **Beauchamp, 1/2/2015** (“The bipartisan war consensus,” <http://america.aljazeera.com/opinions/2015/1/democrats-republicanswarhawks.html>, Accessed 9/14/2015, rwg)

What’s going on here? Why do elected officials give credence to the myth that U.S. military power is somehow fettered, when our troop presence looms large, even to the point of appearing overextended? **Why does there seem to be a consensus in Washington that assumes a broad, expensive and invasive U.S. military presence to be a panacea?** The answer lies in distinguishing the superficial differences in foreign policy debates from the actual policies favored by both parties. The reality is that U.S. foreign policy isn’t nearly as democratic as it should be and the elites forming it tend to pretty much agree on everything. This elite consensus then gets further constrained by the insatiable budget appetites of defense bureaucracy. These are the reasons intervention is so often presented by the defense and foreign policy establishment as entirely obvious and completely inevitable. It begins with a total disregard for public opinion when defense strategy is formulated. Exempting extreme situations, what the American people want just doesn’t matter all that much. **A hawkish consensus in Washington between Democrats and Republicans, both championing shockingly similar interventionist ambitions, sets the terms of debate.** The inertia of a bloated defense bureaucracy that protects its budget at all costs then sustains interventions. And so we find ourselves in places like Africa, which only an elite few ever want us to be in to begin with. The divergence is striking. The American public was resolutely less eager to engage in foreign adventurism than the elites. Peter Beinart argued in *The Atlantic* in August that U.S. foreign policy has traditionally been a blue-blooded affair, well insulated from the vulgarities of public opinion. The gap between the opinions of the elites creating foreign policy and those of average Americans is historically large. Beinart used Hillary Clinton’s hawkishness as an example. Her key advisers are all “good poll readers,” according to Politico, keeping her tethered to the middle of the road when it comes to domestic issues. And yet she remains significantly more hawkish than the public on key hot-button issues such as Iran and Syria. But it’s not just Clinton, and it’s not just a recent occurrence. Political blogger Matthew Yglesias pointed out the divide between mass and elite opinion on foreign policy issues in 2009. He cited a Pew study that year that compares public opinions and those of the foreign policy elite, in this case represented by the positions of the Council on Foreign Relations. The divergence is striking. The American public was resolutely less eager to engage in foreign adventurism than the elites. Yglesias summed it up by writing that “it’s the very eliteness of the elite views that makes them influential out of proportion to the actual number of people who hold them.” It’s a pat solipsism that doesn’t address the quandary of asking working-class Americans to pay and die for policies they don’t have a say in creating. And it doesn’t address the fundamental unfairness of your opinions’ not mattering unless you belong to a prestigious think tank. A point that Beinart emphasized is that the larger gap in foreign policy opinion exists between the mass and the elite, not between Democrats and Republicans. So not only are the people at the top not listening to you; they pretty much already agree with one another. The bipartisan cheer that rose up around the nomination of Ashton Carter for secretary of defense was disturbing evidence of this. It is what MIT professor Barry Posen calls the “liberal hegemony” that exists among America’s foreign policy elite. Simply put, **nearly everyone in Washington**

agrees on a default policy of internationalist military activism. It's why Carter, who served as secretary of defense for international security policy under Bill Clinton, was lauded by notorious neoconservative Donald Rumsfeld. Glenn Greenwald responded to a New York Times article describing Carter as "someone who may advocate a stronger use of American power" by asking, "For a country at war for 13 straight years with no end in sight, and which more or less continuously bombs multiple countries simultaneously, what would a 'stronger use of American power' look like?" But the point is that Carter was the safe choice for President Barack Obama precisely because he favors stronger use of American power. It's at least one position that everyone in Washington can get behind.

(--) Moves to cutback on foreign military actions will be opposed by a bipartisan coalition in congress.

Doug **Bandow**, March 15, 2010 (Senior Fellow, CATO Institute), "Battling the Bipartisan Consensus for War." Online. Internet. Accessed April 1, 2010 at http://www.huffingtonpost.com/doug-bandow/battling-the-bipartisan-c_b_498681.html

Unfortunately, politicians have proved extraordinarily adept at rousing, at least temporarily, public support for foreign military adventures. Resisting the ivory tower warmongers will be no easier today. But those who believe in peace have no choice but to try, and try again. Peace should be America's natural condition. Unfortunately, it will not be so as long as today's unnatural alliance of liberal and neoconservative hawks runs U.S. foreign policy. And only the American people can take back control. The future of the American people and republic is at stake.

(--) Lack of support for military industrial complex drains capital – national security trumps all

Avlon, Daily Beast Reporter, 2013 (Jon, The Military-Industrial Complex Is Real, and It's Bigger Than Ever, 6-12-2013, <http://www.thedailybeast.com/articles/2013/06/12/the-military-industrial-complex-is-real-and-it-s-bigger-than-ever.html>)

But the military-industrial complex has a trump card to play with members of Congress and the public: nobody wants to argue with national security, especially when the very real threat of terrorism exists.

This ain't no phantom menace: more than 45 jihadist terror plots had been stopped before the 10th anniversary of 9/11. But the combination of real threat and opaque multibillion-dollar budgets leads inevitably to a lack of transparency and accountability. That's where the risk of not just information-drag-net overreach but also the risk of leakers like Ed Snowden comes in. With this level of complexity in the system, security is ironically almost impossible to maintain. There is no debate that Snowden's unlikely access to the nation's security secrets is a reflection of the overextended partial privatization of our intelligence operations. Better to streamline a still-robust national-security community, leading to strict lines of accountability while minimizing consultants and their 500,000 top-secret clearances. If too much is top secret, then nothing is, especially in the digital age when documents can be accessed by any low-level staffer. Moreover, the tsunami of metadata collected might ultimately be utilized by our enemies, hacking into our system servers, rather than the inevitably disorganized tangle of private contractors and government workers. Snowden wasn't the danger Ike imagined in his Farewell Address, given from the Oval Office in the predawn of the computer age. Some might argue that Snowden represents the "alert and knowledgeable citizenry" that Eisenhower said would be the best check on the interests of military-industrial complex. But there is no debate that Ed Snowden's unlikely access to the nation's security secrets in the first place is a reflection of the overextended partial privatization of our intelligence operations. This is what Ike explicitly warned about more than a half-century ago: "We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties."

**(--)
Plan crowds out the agenda--makes avoiding a shutdown difficult:**

GARDINER HARRIS, 8/23/2015 (staff writer, "Obama's Quiet Vacation Will Yield to a Noisy September," http://www.nytimes.com/2015/08/24/us/politics/world-leaders-and-congress-poses-september-challenges-for-obama.html?_r=0, Accessed 9/11/2015, rwg)

WASHINGTON — Like April for accountants or December for flying reindeer, September in recent years has become an especially challenging month for presidents and congressional leaders. But even by modern standards, President Obama faces a daunting list of tasks after returning to Washington on Sunday from a relatively quiet two-week vacation on Martha's Vineyard — with legislative deadlines and visits from world leaders already penciled into his September schedule. On the domestic front, Congress will have to pass funding legislation by the end of September to avoid shutting down the government for the second time in two years. With only 15 legislative days on the Senate calendar for the month, a brewing fight over whether to end federal funding for Planned Parenthood, and a raft of senators running for president, it could be difficult to pass even a short-term funding measure despite vows by senior Republican legislators that they will not support a shutdown.

Links: Generic Military Cutbacks

(--) Hawkish foreign policy stances have bipartisan political support:

Doug **Bandow**, March 15, 2010 (Senior Fellow, CATO Institute), "Battling the Bipartisan Consensus for War." Online. Internet. Accessed April 1, 2010 at http://www.huffingtonpost.com/doug-bandow/battling-the-bipartisan-c_b_498681.html

In January 2009 Republican George W. Bush yielded to Democrat Barack Obama, and the U.S. government increased military spending and expanded the war in Afghanistan. If a Republican is elected in 2012, recent history suggests that defense outlays will grow further, as Washington attacks another nation or two. **Enthusiasm for war crosses party lines** -- Robert **Kagan recently wrote approvingly of the militaristic alliance between "liberal interventionist Democrats" and "hawkish internationalist Republicans" -- both groups which have never met a war they didn't want to fight.** However, support for peace also is transpartisan.

(--) Opposition to large military expenditures will cause a politician to be labeled as soft on terrorism.

Doug **Bandow**, February 1, 2008 (Senior Fellow, CATO Institute), "GOP lost in defense budget black hole." Online. Internet. Accessed April 1, 2010 at www.washingtonexaminer.com/opinion/columns/doug_bandow_gop_lost_in_defense_budget_black_hole2008-02-01T08_00_00.html

Republicans once claimed to oppose wasteful government spending. But **Republicans are now demanding ever more military expenditures, irrespective of need.** Presidential candidates Rudy Giuliani, John McCain and Mitt Romney all want a major military buildup. Romney proposes spending "a minimum of 4 percent of GDP on national defense." Former Sen. Jim Talent and the Heritage Foundation's Mackenzie Eaglen similarly contend that policy makers "should be judged by whether or not they support spending a minimum of 4 percent of GDP on the regular defense budget." Candidate Fred Thompson advocated spending 4.5 percent of GDP on the military. Mike Huckabee would trump everyone by spending 6 percent of GDP on the military: \$800 billion, a 50 percent increase in current outlays. What could possibly justify such huge increases? The economy's size and growth are unrelated to national security threats. Between 1960 and 2005, real GDP more than quadrupled while the world grew much safer. In fact, **these conservatives sound like liberals on domestic policy: Spend as much money as possible irrespective of need or effectiveness. The U.S. currently spends roughly as much as the rest of the world combined.** Nevertheless, **Talent talked of "threats that are highly unpredictable and therefore, taken as a whole, more dangerous than the threats we faced during the Cold War." Apparently those years of defending war-ravaged allies from an aggressive Soviet Union, unpredictable Maoist China, and various European and Third World communist satellites were nothing compared with confronting Osama bin Laden with his vast legions.**

(--) The war lobby has bipartisan support for every country and circumstance:

Doug **Bandow**, 2/27/2015 (senior fellow @ CATO Institute, "Americans must tell Washington no more war," <http://www.japantimes.co.jp/opinion/2015/02/27/commentary/world-commentary/americans-must-tell-washington-no-more-war/#.VckgLVHSf4>, Accessed 9/12/2015, rwg)

American foreign policy is controlled by fools. What else can one conclude from the bipartisan demand that the United States intervene everywhere all the time, irrespective of consequences? No matter how disastrous the outcome, the war lobby insists that the idea was sound. Any problems obviously result from execution, a matter of doing too little: **too few troops engaged,** too few foreigners killed, too few nations bombed, too few societies transformed, too few countries occupied, too few years involved, too few dollars spent. ADVERTISING As new conflicts rage across the Middle East, the interventionist caucus' dismal record has become increasingly embarrassing. Yet such **shameless advocates of**

perpetual war as senators John McCain and Lindsey Graham continue to press for military intervention irrespective of country and circumstance.

**(--)
Bipartisan consensus for more war:**

Doug **Bandow, 2/27/2015** (senior fellow @ CATO Institute, "Americans must tell Washington no more war," <http://www.japantimes.co.jp/opinion/2015/02/27/commentary/world-commentary/americans-must-tell-washington-no-more-war/#.VckgLVHSf4>, Accessed 9/12/2015, rwg)

The bipartisan consensus is constant intervention, though there is disagreement around the edges. Every once in a while there even is a clash over substance, such as the Iraq War. But these differences almost always are partisan. The two parties usually attempt to one-up each other when it comes to reckless overseas intervention. Yet Uncle Sam has demonstrated that he possesses the reverse Midas Touch. Whatever he touches turns to mayhem.

Link – Soft on Terror

(--) Soft on terror is political suicide—midterms prove:

National Journal 9/19/2014 Alex Roarty, "Republicans Airing Ads Attacking Democrats as Being Soft on Terrorism," <http://www.nationaljournal.com/politics/republicans-airing-ads-attacking-democrats-for-being-soft-on-terrorism-20140919>

September 19, 2014 **House Republicans** are making a big bet that in the final weeks of the midterm election they **can exploit doubts about President Obama's foreign policy to persuade** late-deciding **voters** to support Republicans. The National Republican Congressional Committee announced Friday a quartet of new ads focusing on national security. One, airing against Rep. Dan Maffei of New York, accuses the congressman of "backing constitutional rights for foreign terrorists." Another, in a bellwether Iowa district, claims that Democratic candidate Staci Appel supports "passports for terrorists." These ads open with footage from Islamic State fighters. 'DAN MAFFEI PUTS US AT RISK' (NRCC) At a breakfast hosted by the Christian Science Monitor the same morning, the group's chairman, Greg Walden, made clear it's a topic voters can expect to see more of from Republicans before Election Day. **Foreign policy and terrorism**, he said, **have seen a "big uptick" in polls**, Walden said, and are **contributing to a big shift among voters toward the GOP** in recent weeks. **"There is just this growing sense that things are a little out of control,"** he said. "And I don't mean ... they don't like Washington. Fifty-seven percent of the American people don't think President Obama is doing a good job on the terrorist question. That points to a real, real problem for all concerned." The NRCC chairman pointed specifically to "security moms"—women whose worries about national security nudged many of them to vote for the Republican Party in the 2002 midterms—as a bloc who have been sensitive to the issue. There's a real debate within the GOP, in both Senate and House races, about how prominent a role foreign policy should play in the campaign's closing weeks. Many of **the party's** candidates have **used the topic to argue that Obama is incompetent**, but others have shown hesitation to distract their airtight message on domestic issues. The NRCC, apparently, no longer shares those worries. Asked if **foreign policy** had overtaken the economy as voters' primary issue of concern, Walden demurred. "I don't know that I could answer that at this point," he said. "I'd want to see more data." He added that **it's a "very potent and important issue."** "In campaigns, you want to be talking about issues people care about."

(--) Being perceived as soft on terror = political suicide

Humphreys, President and Director of the Human Capital Project, **2-26-2015**

(John, President & Director of the Human Capital Project, an Adjunct Scholar at the Centre for Independent Studies, board member of the Circle Project and the Australian Taxpayers Alliance, postgraduate representative on the UQ Senate and the UQ Union, deputy secretary at the Economic Society of Australia (Qld), Director of the Australian Libertarian Society, and a PhD student at the University of Queensland, The politics of fear, February 26, 2015, <http://johnhumphreys.com.au/2015/02/26/the-politics-of-fear/>)

At this point, **it is childishly easy for politicians to win support by promising "strong action" to provide safety and security.** The pesky details are irrelevant. **The government is able to sell themselves as your saviour** (rescuing you from unimaginable disaster)... **and if the opposition dares to disagree then the government gets the double benefit of being your protector** while also accusing the other side of wanting you to be **vulnerable and in mortal danger.** Suffice to say, most oppositions will meekly agree to any change, and they might add their own "fear & security" rhetoric in an attempt to neutralise the political point scoring. One problem with this political narrative is that **the government has already given themselves massive, intrusive, and pervasive powers.** The political dilemma is that while a fear & security agenda will provide a boost in opinion polls, **the state already has nearly all the power you can imagine from all the previous fear & security campaigns.** The balance between "security" and "liberty" has been continuously pushed in only one direction, and there are only so many times that you can **double police powers before the situation gets absurd.** But from a political perspective, this is only a problem of style (not substance) which can easily be solved with more dramatic rhetoric. **The tactic of exaggerating a danger and then saying**

you will protect people from the danger does not require effective policy. Indeed, to some degree the political tactic works best if you propose an absurd solution, since it increases the chance that the opposition may oppose the policy... and can then be painted as “soft on terror” and unwilling to protect you. Given his precarious political position, it is not surprising to see Abbott falling back on the politics of fear & security. The simple and sad reality is that it works. But next time somebody tells you that we need to give up a bit more liberty (and a bit more, and a bit more) to protect us from terrorism... ask them how much liberty they are willing to give up to protect themselves from the horrors of hot tap water, catching a bus, and falling off chairs.

(--) Perceptions of being soft on terror = political suicide

Engler, Senior Analyst with Foreign Policy In Focus, 2004

(Mark, author and journalist based in Philadelphia, He is an editorial board member at Dissent, a contributing editor at Yes! Magazine, and a senior analyst with Foreign Policy In Focus, a network of foreign policy experts, My Political Suicide Note, As a candidate for President, there are certain things that John Kerry can't say. But I can, Published on April 13, 2004, <http://www.democracyuprising.com/2004/04/my-political-suicide-note/>)

Let's face it. There are certain things you can't say in politics, especially if you want to be elected President of the United States. We might get tired of politicians taking boring, middle-of-the-road positions on controversial issues. But do we really want it any other way? Take John Kerry. From a progressive perspective, he's no Paul Wellstone. Then again, the candidate in the race who is politically closest to late, great Senator from Minnesota is Dennis Kucinich—and Kucinich has never been a contender. Having emerged from a closely fought Democratic primary, Kerry needs to beat Bush by focusing on core issues like health care, security, and the economy, without being drawn into wedge-issue debates. But just because John Kerry can't take strong stances on dicey topics, it does not mean that these stances aren't right. Since I am not running for President, let me take this opportunity to offer my political suicide note. Whether talking about gay marriage, due process for accused terrorists, or socialized medicine, I can say what Kerry can't. Like many politicians, Kerry takes what the Associated Press charitably describes as a “carefully crafted” position on the issue of gay marriage. The wire service explains that the Senator “personally opposes gay marriage, prefers civil unions, and rejects any state or federal legislation that could be used to eliminate equal protections for homosexuals or other forms of recognition like civil unions.” It is nice that Kerry recognizes the importance of partnership rights for same-sex couples, like access to pensions, health insurance, and hospital visitation privileges. But when Kerry then seeks political cover by saying, “I believe marriage is between a man and a woman” and arguing that “the issue of marriage should be left to the states,” it's pretty weak. In no need of political cover myself, I'm happy to promote gay marriage. If the institution of marriage can withstand a divorce rate among its heterosexual participants that hovers around 50%, plus annulled farces like Britney Spears' drunken 55-hour Las Vegas nuptial extravaganza, surely it can handle some committed gay and lesbian couples taking the plunge. In a culture still rife with homophobia, marriage for gay and lesbian couples should be backed by federal protections that will ensure family reunification immigration benefits and that will keep couples in more conservative parts of the country from suffering discrimination. Unless the government gets out of the marriage business altogether and starts granting civil unions to all desiring couples, whether or not they are straight, these unions will keep gays and lesbians in a separate-and-not-equal category. John Kerry himself has noted the “echoes of the discussion of interracial marriage a generation ago” in current debates. However, even though standing up for gay marriage is the right thing to do, John Kerry is not the person to do it. The Senator has correctly observed that President Bush has proposed a constitutional amendment on marriage precisely because of its divisiveness. “This President can't talk about jobs. He can't talk about health care,” Kerry says. “He can't talk about a foreign policy, which has driven away allies and weakened the United States, so he is looking for a wedge issue to divide the American people.” In order to win, Kerry needs to pick his battles. Gay marriage is not the one to pick. That's not cynicism. It's reality. To take another example, looking soft on terrorists is rarely something that helps your political career. Back when Howard Dean was the front runner for the Democratic nomination, he received a lot of criticism for saying that we shouldn't prejudge Osama bin Laden's guilt for 9/11—that judgement should be left to the justice system. “What in the world were you thinking?” asked John Kerry in a subsequent debate. And the Senator from Massachusetts was right. It was hardly the time and the place for Dean to take that stand. As for me, someone who is not in the heat of a political campaign, I have little hesitation in declaring that even accused terrorists deserve fair treatment under the law. This is especially true in light of shocking accusations about the abuse of detainees held by the US military at Guantanamo Bay. In March, British citizen Jamal al-Harith was released after two years of captivity at Guantanamo, having never been charged with a crime. In interviews with The Mirror of London and with the BBC, the former detainee told of being shackled for upwards of 15 hours at a time and being beaten by guards in riot gear. He claimed that “religiously devout detainees” were forced to watch as prostitutes “touched their own naked bodies.” That type of morally repellant treatment clearly violates the better traditions of American due process. As progressives, we need to draw attention to charges of human rights abuse at Guantanamo Bay. We shouldn't expect Kerry to do it for us, however. We have reason to hope that, after he gets elected, Kerry will prove more susceptible to pressure on the issue than Bush. For that to matter, he needs to get elected first. The list goes on. I'm in favor of “socialized medicine”—a single-payer health care system—not only because health care is a human right, but also because the skyrocketing costs of the private health insurance system is making American businesses increasingly uncompetitive. But I appreciate the fact that Kerry's \$90 billion health care plan was one of the better proposals to emerge from the Democratic pack. He will have a hell of a time getting even this limited, for-profit plan through Congress. Acknowledging the realities of mainstream American politics doesn't mean abandoning your principles. It means acting more effectively and strategically. While there are wedge issues where Kerry should stand on pragmatism rather than on principle,

there are other issues where activists are justified in pushing for a more progressive stance. One such issue is the Iraq War. Kerry's timidity in challenging Bush's elective invasion and disastrous occupation represents a missed opportunity for his campaign. Instead of calling out the President on how the Iraq War left al Qaeda untouched and spread anti-American resentment, Kerry sticks to the safest margins of the issue. He charges that Bush failed to "exhaust the remedies of inspections," and he proposes sending 40,000 more troops to Iraq. That's hardly a recipe for leading an emboldened Democratic Party in taking up the charges of insiders like Richard Clarke and denouncing the White House's botched war on terror. Kerry should be slamming Bush for taking advice from neoconservative ideologues rather than counter-terrorism experts, and for making the world a more dangerous place. Iraq aside, having gone on the record in defense of gay marriage, the rights of accused terrorists, and socialized medicine, I think that—like Kucinich—I'm pretty much dead politically, at least for this election season. I'm glad to say that Kerry isn't.

(--)ISIS, Iran, and Snowden caused seismic shifts towards hawkishness—even Rand Paul and Obama have been forced towards being hard on terror **Rogers, National Journal Contributor, 6-3-2015**

(Alex, "McCain Now the GOP Hawks' Mentor, if Not Their Leader,"

<http://www.nationaljournal.com/congress/mccain-now-the-gop-hawks-mentor-if-not-their-leader-20150603>)

"The more, the merrier," McCain said in the Capitol on Tuesday. "The more people we have that are engaged in national-security issues, the better. I like it." Then for the first several months of the year, McCain must have felt giddy among the many colleagues who have taken the spotlight to showcase their national-security acumen—or brazenness. In March, freshman Sen. Tom Cotton of Arkansas led many of his GOP colleagues, including McCain, to sign and send a controversial letter to Iranian leaders reminding them that a nuclear deal with President Obama could be modified by Congress. A few months later, Foreign Relations Chairman Bob Corker led the passage of the Iran nuclear review bill, which passed with only one nay—Cotton, who, like McCain, is extraordinarily skeptical of the administration's negotiations. This week, the Senate passed an NSA-reform bill over the objections of Sen. Rand Paul, a presidential aspirant with Senate Majority Leader Mitch McConnell's endorsement, and the hawks. McConnell and Senate Intelligence Chairman Richard Burr played the biggest roles in trying to keep the Patriot Act alive. But along the way, McCain found himself reprimanding Paul—telling his colleague on the chamber floor to "learn the rules of the Senate"—with almost the entire GOP conference. And while McCain may still top the charts in Sunday show appearances, two of the GOP presidential contenders—Lindsey Graham and Marco Rubio—are biting at his heels to showcase their own muscular brand of global affairs. Graham, a McCain acolyte who this week announced his candidacy to insert a forceful national security angle into the race, has positions similar to all of the major candidates in the race, save Paul. But even Paul has felt the pressure, offering a budget amendment this year to increase Pentagon funding to Rubio levels—a stark turnaround from his own 2011 budget. (Sen. Ted Cruz has characterized his foreign-policy platform as the "third point on the triangle" between Paul and McCain.) As FiveThirtyEight points out, Republicans' attitudes have changed dramatically since Edward Snowden's 2013 revelations, favoring much more government intervention to protect the country against terrorism. "Since 1980 there's probably never been this much emphasis on foreign policy and national security as there is in this election campaign," said McCain this week. "Which obviously gives some advantage to Lindsey Graham. And it's not an accident these other candidates are emphasizing—no matter who they are—national security and foreign policy. "I think that you're going to see things worsen in the world because there's no strategy for winning," he added. "And so I think by the time the real primary votes start it'll be the one dominant issue, along with the economy." While McCain hasn't been the leader on reforming the National Security Agency or shaping the Iran nuclear deal—areas clearly in the domain of the Intelligence and Foreign Relations committees—he has been instrumental in guiding the new crop of military veteran senators. In particular, McCain has taken Cotton under his wing, supporting him during his competitive House primary and, after Cotton's victory in 2012, taking him to conferences in Munich and Halifax—as he took two other military veterans on the Armed Services committee, Joni Ernst of Iowa and Dan Sullivan of Alaska, on a recent trip to Singapore. "He could obviously run the entire show and take all the time himself," said Cotton in an interview. "But he never does that. Even when I was a brand new congressman less than a month in, he gave me just as much time as every congressman and senator that he took. And those are conversations with heads of state or senior ministers. I think that speaks very well of how he hopes to mentor and coach the next generation of leaders for our country." McCain's next goal as Senate Armed Services chairman is to guide the major defense authorization bill through Congress. Facing a White House veto threat because the bill yields to the sequestration caps and a Republican-led House committed to keeping them, McCain has decided to boost defense with a budget gimmick: an additional \$38 billion in a separate wartime account. But Democrats adamantly are behind Obama, who wants to see a roughly 7 percent increase in 2016 over sequestration levels. Nondefense appropriations have "either fallen or remained essentially frozen" four

of the past five years, according to the Center on Budget and Policy Priorities, and members like Sen. Dick Durbin, the Democratic whip, see breaking the caps just for defense as "not as direct and honest as it should be." On Tuesday, Senate Democratic Leader Harry Reid called the defense bill a "waste of time" due to the veto threat, and even Sen. Jack Reed, the ranking Democrat on the Armed Services Committee, opposes busting the caps for just the Pentagon.

Link – Military Industrial Complex

(--)Support for the Military Industrial complex outweighs other political concerns

O'Connell, Associate Professor of History at the United States Naval Academy, **2012**

(Aaron B., The Permanent Militarization of America, November 12th, 2012,

http://www.nytimes.com/2012/11/05/opinion/the-permanent-militarization-of-america.html?_r=0)

IN 1961, President Dwight D. **Eisenhower left office warning of the growing power of the military-industrial complex** in American life. Most people know the term the president popularized, but few remember his argument. In his farewell address, Eisenhower called for a better equilibrium between military and domestic affairs in our economy, politics and culture. He worried that the defense industry's search for profits would warp foreign policy and, conversely, that too much state control of the private sector would cause economic stagnation. He warned that unending preparations for war were incongruous with the nation's history. He cautioned that war and warmaking took up too large a proportion of national life, with grave ramifications for our spiritual health. **The military-industrial complex has not emerged in quite the way Eisenhower envisioned. The United States spends an enormous sum on defense – over \$700 billion last year, about half of all military spending in the world –** but in terms of our total economy, it has steadily declined to less than 5 percent of gross domestic product from 14 percent in 1953. Defense-related research has not produced an ossified garrison state; in fact, it has yielded a host of beneficial technologies, from the Internet to civilian nuclear power to GPS navigation. **The United States has an enormous armaments industry, but it has not hampered employment and economic growth.** In fact, **Congress's favorite argument against reducing defense spending is the job loss such cuts would entail.** Nor has the private sector infected foreign policy in the way that Eisenhower warned. Foreign policy has become increasingly reliant on military solutions since World War II, but we are a long way from the Marines' repeated occupations of Haiti, Nicaragua and the Dominican Republic in the early 20th century, when commercial interests influenced military action. Of all the criticisms of the 2003 Iraq war, the idea that it was done to somehow magically decrease the cost of oil is the least credible. Though it's true that mercenaries and contractors have exploited the wars of the past decade, hard decisions about the use of military force are made today much as they were in Eisenhower's day: by the president, advised by the Joint Chiefs of Staff and the National Security Council, and then more or less rubber-stamped by Congress. Corporations do not get a vote, at least not yet. But Eisenhower's least heeded warning — concerning the spiritual effects of permanent preparations for war — is more important now than ever. **Our culture has militarized considerably since Eisenhower's era, and civilians, not the armed services, have been the principal cause. From lawmakers' constant use of "support our troops" to justify defense spending, to** TV programs and video games like "NCIS," "Homeland" and **"Call of Duty,"** to NBC's shameful and unreal reality show "Stars Earn Stripes," **Americans** are subjected to a daily diet of stories that **valorize the military** while the storytellers pursue their own opportunistic political and commercial agendas. Of course, veterans should be thanked for serving their country, as should police officers, emergency workers and teachers. But no institution — particularly one financed by the taxpayers — should be immune from thoughtful criticism. Like all institutions, the military works to enhance its public image, but this is just one element of militarization. Most of the political discourse on military matters comes from civilians, who are more vocal about "supporting our troops" than the troops themselves. It doesn't help that **there are fewer veterans in Congress today than at any previous point since World War II.** Those who have served are less likely to offer unvarnished praise for the military, for it, like all institutions, has its own frustrations and failings. But **for** non-veterans — including about **four-fifths of all members of Congress** — **there is only unequivocal, unhesitating adulation. The political costs of anything else are just too high.**

Links: Agenda Crowd-out

Precarious agenda setting key to success- determines future Presidential push

MATTHEW ESHBAUGH-SOHA, T₁ EXAS₁ T₁ ECH₁ U₁ NIVERSITY, "The Politics of Presidential Agendas"
June 2005 <http://www.psci.unt.edu/~EshbaughSoha/jun05prq.pdf>

Two scholars have explored the determinants of the president's policy agenda. Light (1999) notes that information, expertise, and **political capital are a premium** in the presidents agenda decisions, **and that presidents have the most potential to shape the legislative agenda** early in their tenure. He shows how these factors influence the types of policies on the president's agenda, without confirming his inferences through hypothesis testing (see King 1993). Peterson (1990) also studies the president's agenda. He analyzes the contextual environment and its impact on whether presidents prefer large or small, and new or old policies. Although he finds that the Congressional environment is important in the president's agenda decisions, seemingly relevant variables such as the federal budget deficit are statistically insignificant. ¶ The underlying premise of agenda-setting research is that **the president should be able to package policy priorities** so as **to increase the likelihood of their adoption**. Doing so may require presidents to assess the probability that a proposal will be successful depending on contextual circumstances, such as Congressional makeup. Nevertheless, Peterson (1990: 20"-08) finds little impact of the contextual environment on presidential policies, bringing into question the conventional wisdom that presidents can package their agendas strategically to increase their success in Congress (Bond and Fleisher 1990; Edwards 1989). With this in mind, I rely on agenda-setting and anticipative reactions theories to argue that fiscal and **political factors** should **affect the content of the presidents** yearly domestic policy **agenda** from 1949-2000. Lacking any readily available data source to test this argument. I also advance a new policy typology that categorizes domestic policies across both time and importance dimensions. I use the number of yearly policies for each policy type (.major, minor, incremental, and meteoric) as dependent variables in four separate analyses. To account for the yearly changes in the political environment. I offer a time-series analysis of several hypotheses. I argue that **presidents seek to optimize their domestic policy preferences** and **because their success depends on broad legislative cooperation** **presidents anticipate the reaction of Congress** and support or propose **different policies accordingly in their** yearly domestic policy **agendas**.¹

Partisanship means agenda setting is critical- needs to prioritize

MATTHEW ESHBAUGH-SOHA, T₁ EXAS₁ T₁ ECH₁ U₁ NIVERSITY, "The Politics of Presidential Agendas"
June 2005 <http://www.psci.unt.edu/~EshbaughSoha/jun05prq.pdf>

To meet their policy goals, presidents need to emphasize an important source of political power, **influence over the policy agenda**. Scholars have long echoed E. E. Schattschneider's (1960) proclamation that presidents are key actors in expanding the scope of conflict and affecting the "definition of alternatives." Neustadt (1960) agrees when he writes that legislators need priorities from the president. Baumgartner and Jones (1993) also imply that **the president's national stature allows him to set the national policy agenda**. Similarly, Kingdon (1995: 23) claims that "the president can single handedly set the agendas, not only of people in the executive branch, but also of people in Congress and outside the government." Even though Edwards and Wood (1999) show that presidents have some difficulty setting Congress' agenda across several policy areas, Edwards and Barrett (2000) demonstrate that presidents can secure agenda space for nearly all of their significant initiatives. ¶ **Presidents who secure agenda space for their policies** tend to **increase their policy success in Congress**. Covington, Wrighton, and Kinney (1995) show that **presidents have greater success on initiatives** that are **on rather than off their agenda**. Edwards and Barrett (2000) find that over 60 percent of the president's initiatives passed either the House or the Senate, even though just 42 percent became law. Clearly, **a presidents first step in achieving his policy goals is framing the available alternatives**. **But because the partisan makeup of Congress drives the success** of presidential initiatives (Edwards, Barrett, and Peake 1997), **presidents must consider the politics of Congress**—and the contextual environment—**when figuring their** yearly domestic policy **agendas**.

It is zero sum- pushing major issues causes Presidents to back off other agenda items- carefully balanced ahead of time

MATTHEW ESHBAUGH-SOHA, T₁ EXAS₁ T₁ ECH₁ U₁ NIVERSITY, "The Politics of Presidential Agendas"
June 2005 <http://www.psci.unt.edu/~EshbaughSoha/jun05prq.pdf>

What determines the propensity of presidents to support or propose certain types of policy? This article finds that presidential agendas, which vary by temporal and importance dimensions of public policies, are functions of the presidents contextual environment. **The numbers of major and incremental policy types** as well as **the presidents total domestic policy agenda decrease in the face of budget deficits and unfavorable Congressional makeup**. Conversely, presidential decisions to propose or support other, unimportant or short-term policies are not affected by the contextual environment, as presidents are seemingly free to propose or support these policy types whenever they wish. Although much research has inferred that presidents are more successful with small and less expansive agendas in an era of deficits and Congressional gridlock (Edwards 1989; Jones 1994; Hargrove 1988). this study develops this linkage: presidents offer small and less major agendas when faced with political and fiscal constraints. **Presidents may then be successful because they consider these constraints in the first place.**¶ This article has implications for broader research on agenda setting. As scholars debate the president's ability to set the agendas of Congress, the media, and the public, this article indicates that **the political environment in which presidents find themselves shapes heavily the policies on the president's agenda.**"- Since presidents most likely influence agendas when a policy is important to them (Edwards and Wood 1999: 342), knowing that **presidents consider their contextual environment when they submit their yearly proposals** helps us predict when presidents may attend to and possibly influence the direction of one type of policy and not another. In addition, this writing supports **a condition** that may be **necessary for presidents to be able to influence their legislative success through agenda setting: presidents respond to their contextual environment and shape their agendas strategically prior to proposing them.** Recognizing this encourages us to test the extent to which presidential agenda decisions do indeed affect the presidents success in Congress.

Unanticipated agenda items trade off and distract from priorities

Anthony J. **Madonna**¶ Assistant Professor¶ University of Georgia, **et al** Richard L. Vining Jr.¶ Assistant Professor¶ University of Georgia and James E. Monogan III¶ Assistant Professor¶ University of Georgia 10-25-2012 "Confirmation Wars and Collateral Damage:¶ Assessing the Impact of Supreme Court¶ Nominations on Presidential Success in the¶ U.S. Senate"

It is "often overlooked" that **presidents "operate in a world they do not control"** (Beckmann¶ 2010, 13). Supreme Court vacancies yield important (and often **unexpected**) additions to the¶ president's to do" list. **Despite the president's power to influence the legislative agenda** and¶ achieve confirmation for his judicial nominees, **unanticipated exogenous shocks can distract¶ from these priorities.** These **events divert lawmakers' efforts** to new concerns **at the expense¶ of preexisting agenda items.** Exogenous **shocks cost president's time, resources, and attention¶ previously devoted to other endeavors.** We theorize that Supreme Court vacancies and the¶ nominations that follow function as exogenous shocks to the presidential agenda and influence¶ success in both the legislative arena and the lower court confirmation process.8

Agenda setting vital to success of the agenda

ANDRES 00. [Gary, president for legislative affairs in the Bush Administration, Presidential Studies Quarterly, September -- lexis]

The constraint of **"time" is another trade-off the White House must manage.** Members of Congress regularly criticize **the White House for only being able to focus on one single issue at a time, a trait common to the White House legislative office that routinely works this way** during major legislative battles, **focusing its attention to winning a key vote** on the House or Senate floor, and disposing of it before **moving on to another project.** Congress, with its diverse committee system and decentralized power structure, processes a variety of issues simultaneously. A typical legislative day might find two or three key issues on the floor, leadership meetings about the agenda for the following week, and a half a dozen critical markups in committees. Given all the issues Congress can present to the president and the limited number of hours in a day or week, **it is critical** how the White House prioritizes. **The White House must decide which issues to get involved with and which to ignore** or delegate to others within the administration. The resolution of these choices and the trade-offs ultimately shape the White House-congressional agenda.

Links: Obama Fights Plan

Obama fights the plan – strongly supports war powers

Rana 11 (Aziz – Assistant Professor of Law, Cornell Law School, “TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS”, 2011, 37 Wm. Mitchell L. Rev. 5099, lexis)

Thus, for many legal critics of executive power, the election of Barack Obama as President appeared to herald a new approach to security concerns and even the possibility of a fundamental break from Bush-era policies. These hopes were immediately stoked by Obama's decision before taking office to close the Guantanamo Bay prison. ⁿ⁴ Over two years later, however, not only does Guantanamo remain open, but through a recent executive order Obama has formalized a system of indefinite detention for those held there and also has stated that new military commission trials will begin for Guantanamo detainees. ⁿ⁵ More important, in ways small and large, the new administration remains committed to core elements of the previous constitutional vision of national security. Just as their predecessors, Obama officials continue to defend expansive executive detention and war powers and to promote the centrality of state secrecy to national security.

That takes Obama off-message – it undermines his constant pressure on the GOP

Milbank, 9/27/13 – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.)

accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post's Ed O'Keefe caught Cruz "appearing to snicker" as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a "red line" by saying he won't negotiate with those who would put the United States into default. **If he retreats, he will embolden his opponents and demoralize his supporters.**

Links: Iraq/ISIS

(--) Majority of the public favors action against ISIS:

Peter **Weber**, 9/30/2014 (staff writer, "Polls: Sizable bipartisan majorities back U.S. military action against ISIS," <http://theweek.com/speedreads/445362/polls-sizable-bipartisan-majorities-back-military-action-against-isis>, Accessed 8/11/2015, rwg)

Gallup and Pew similarly found bipartisan majority support for the ISIS campaign, in polls conducted after Obama announced his intention to bomb ISIS targets in Syria but before the airstrikes began. In mid-September, **Pew found that 60 percent of Democrats and 64 percent of Republicans backed Obama's ISIS campaign.** Only 47 percent of independents approved, though, which brought the plan's overall approval down to 53 percent. **Gallup's** Sept. 20-21 **poll** identified roughly similar trends across party lines, **pegging overall approval at 60 percent.**

(--) Obama supports the option to use ground troops against ISIS: doesn't want to tie the US's hands:

Kristina **Wong and Scott Wong**, 2/4/2015 (staff writers, "Obama readies war powers pitch," <http://thehill.com/policy/defense/231828-obama-readies-war-powers-pitch>, Accessed 8/11/2015, rwg)

Obama has repeatedly said he will not send combat troops to Iraq to fight ISIS, even as he has increased the number of U.S. military advisers in the country. But the White House also does not want the military's hands tied in Iraq, and is likely to oppose any language ruling out the use of ground troops.

(--) Republicans support increased troops to Iraq:

Kristina **Wong and Scott Wong**, 2/4/2015 (staff writers, "Obama readies war powers pitch," <http://thehill.com/policy/defense/231828-obama-readies-war-powers-pitch>, Accessed 8/11/2015, rwg)

Republicans have criticized the president's strategy against ISIS as weak, and some have called for the deployment of as many as 20,000 U.S. troops to Iraq and Syria. **Jordan and other countries impacted by ISIS "will look to us for leadership but we haven't seen the kind of leadership we need,"** said Sen. Dan Coats (R-Ind.), an Intelligence Committee member who had planned to sit down with the Jordanian king Wednesday before his meeting was nixed.

Links: Japan/Okinawa

(--) Strong support in Washington for keeping the military presence in Okinawa:

Doug **Bandow**, 11/26/2014 (senior fellow @ CATO Institute, "U.S. Filled Okinawa With Bases And Japan Kept Them There: Okinawans Again Say No,"

<http://www.forbes.com/sites/dougbandow/2014/11/26/u-s-filled-okinawa-with-bases-and-japan-kept-them-there-okinawans-again-say-no/>, Accessed 8/13/2015, rwg)

The U.S. is over-burdened militarily and effectively bankrupt financially, but Washington is determined to preserve every base and deployment, no matter how archaic. **Such as the many military facilities in Okinawa, which risks sinking under the plethora of American installations**, runways, materiel, and personnel. No wonder the Okinawan people again voted against being conscripted as one of Washington's most important military hubs.

(--) Defense industrial complex likes bases in Okinawa:

Doug **Bandow**, 1/23/2012 ("Give Okinawa Back To The Okinawans,"

<http://japanfocus.org/events/view/127>, Accessed 9/12/2015, rwg)

The U.S. military likes Okinawa because of its central location. Nor does the Pentagon want to pay to relocate the Marine Expeditionary Force. Inconvenience for Okinawans is not a concern in Washington, other than the extent to which it complicates the U.S.-Japan relationship. Gen. Burton **Field, commander of U.S. forces in Japan, dismissed the "resistance in Okinawa" with the observation that "the sooner we are able to build a better place for the Marines to operate, the sooner we will put some of this animosity behind us."**

(--) Lack of support for military industrial complex drains capital – national security trumps all

Avlon, Daily Beast Reporter, 2013

(Jon, The Military-Industrial Complex Is Real, and It's Bigger Than Ever, 6-12-2013,

<http://www.thedailybeast.com/articles/2013/06/12/the-military-industrial-complex-is-real-and-it-s-bigger-than-ever.html>)

But **the military-industrial complex has a trump card to play with members of Congress and the public: nobody wants to argue with national security, especially when the very real threat of terrorism exists**

This ain't no phantom menace: more than 45 jihadist terror plots had been stopped before the 10th anniversary of 9/11. But **the combination of real threat and opaque multibillion-dollar budgets leads inevitably to a lack of transparency and accountability.**

That's where the risk of not just information-dragnet overreach but also the risk of leakers like Ed Snowden comes in. With this level of complexity in the system, security is ironically almost impossible to maintain. There is no debate that Snowden's unlikely access to the nation's security secrets is a reflection of the overextended partial privatization of our intelligence operations. Better to streamline a still-robust national-security community, leading to strict lines of accountability while minimizing consultants and their 500,000 top-secret clearances. If too much is top secret, then nothing is, especially in the digital age when documents can be accessed by any low-level staffer. Moreover, the tsunami of metadata collected might ultimately be utilized by our enemies, hacking into our system servers, rather than the inevitably disorganized tangle of private contractors and government workers. Snowden wasn't the danger Ike imagined in his Farewell Address, given from the Oval Office in the predawn of the computer age. Some might argue that Snowden represents the "alert and knowledgeable citizenry" that Eisenhower said would be the best check on the interests of military-industrial complex. But there is no debate that Ed Snowden's unlikely access to the nation's security secrets in the first place is a reflection of the overextended partial privatization of our intelligence operations. This is what Ike explicitly warned about more than a half-century ago: "We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties."

(--) Washington policymakers support the bases in Okinawa:

Doug **Bandow**, 1/23/2012 ("Give Okinawa Back To The Okinawans,"

<http://japanfocus.org/events/view/127>, Accessed 9/12/2015, rwg)

The U.S. is overextended and overburdened, but **Washington policymakers are determined to preserve America's dominant military presence around the globe.** Financial pressure is forcing the administration to finally slow a massive, decade-long increase in military spending, but **American garrisons overseas remain inviolate.** Former Defense Secretary Robert Gates declared: **"The U.S. remains committed to maintaining a robust forward presence in East Asia." That means preserving multiple bases in Okinawa,** which have burdened island residents since the U.S. defeated imperial Japanese forces there in mid-1945. **Nearly seven decades later Washington refuses to take any meaningful steps to lighten the load.** Indeed, Administration pressure in 2010 helped force the resignation of Japanese Prime Minister Yukio Hatoyama over the issue. The American government insists that it is and always will be the senior partner in any alliance. Washington will protect you, but only on its terms. In this case, **the U.S. wants bases in Okinawa, and wants them forever.** Nearly 30 Okinawans, ranging from elected officials to students, are visiting Washington, D.C. this week to tell Americans about the resulting burden on the people of Okinawa.

(--) Relocating the Marines to Guam sparks political controversy—McCain will oppose it:

Doug **Bandow**, 1/23/2012 ("Give Okinawa Back To The Okinawans," <http://japanfocus.org/events/view/127>, Accessed 9/12/2015, rwg)

Yet **the Futenma plan appears to be no more viable** than the Hatoyama premiership. **The Government Accountability Office figures that relocating the Marines to Guam likely will cost more than \$29 billion,** nearly triple the initial estimate. **Congress cut all money for the project this year. Senators Carl Levin** (D-Mich.), John **McCain** (R-Ariz.), and Jim **Webb** (D-Va.) **called the proposal "unrealistic, unworkable and unaffordable."**

(--) McCain is uniquely powerful with a loud political voice—he'll bash Obama:

Andrea **Shalal**, 11/5/2014 (staff writer, "McCain could shake up U.S. defense in powerful new Senate role," <http://www.reuters.com/article/2014/11/05/us-usa-elections-defense-mccain-idUSKBN0IPOV820141105>, Accessed 9/12/2015, rwg)

Senator John **McCain's voice just got a whole lot louder. One of President Barack Obama's noisiest detractors, McCain is expected to take the helm of the powerful Armed Services Committee** in the new Republican-controlled U.S. Senate when the U.S. Congress convenes in January. The Arizona senator, a critic of the \$399 billion Lockheed Martin Corp F-35 fighter jet program, is likely to push for tougher congressional scrutiny of costly U.S. weapons programs, defense analysts say. ADVERTISING He has in the past launched investigations into waste in the U.S. defense industry and shaped legislation to end cost overruns on major arms programs as a senior member of the Senate committee. McCain, a former Navy pilot and Vietnam War prisoner who lost to Obama in the 2008 election, has also criticized the administration on everything from fighting Islamic State militants to arming moderate Syrian rebels, while seeking a tougher U.S. response to Russian aggression in Ukraine. As committee chairman he could summon Pentagon officials to public hearings to explain their strategy on Syria. He has challenged the U.S. Air Force to end a monopoly rocket launch program with Lockheed and Boeing Co, the Pentagon's top two suppliers, and is pushing for development of a new U.S. rocket engine to end reliance on Russian-built engines that power one of the firm's rockets. In his new position, **McCain would oversee policy legislation that underpins the Pentagon's budget,** although the House and Senate appropriations committees oversee the Pentagon's actual finances. He would play a major role in writing the annual defense authorization bill. It sets policies on everything from defense spending and new weapons to military base closures and the elimination of specific weapons programs. The committee does not control how much money the Pentagon gets, but because it sets policies, it can control how the money is spent. "I wouldn't forecast any huge shifts right away," said one defense industry executive, speaking on condition of anonymity, noting that McCain had worked closely for years on acquisition reform and weapons oversight with Carl Levin, the Michigan Democrat who now heads the committee. The executive said companies and defense officials were bracing for more requests for information, briefings and hearings from a McCain-led panel. U.S. weapons makers are wary of what they see as McCain's propensity to exaggerate problems when they occur, and worry that he does not understand their need as publicly traded companies to generate profits for shareholders. But, McCain also offers them a ray of hope. He wants to ease automatic across-the-board cuts in military spending that are squeezing defense industry revenues. McCain's office did not respond to requests for comment. "LIGHTNING ROD PROGRAMS" If McCain becomes chairman, he is expected to focus oversight on weapons programs that failed to meet their targets for cost and delivery schedules, said Brett Lambert, a former senior Pentagon official and industry consultant. In recent hearings, McCain has singled out the Navy's \$34 billion Littoral Combat Ship program. On April 9, he said poor planning had led to a new class of ships that could not survive in combat, cost far more than expected and provide less capability than earlier warships. Navy Secretary Ray Mabus has defended the program. Congressional aides and industry executives said the F-35, the Pentagon's biggest arms program, had made progress after years of cost

overruns and technical setbacks, but McCain has vowed to keep close tabs on it given its importance. Air Force Lieutenant General Chris Bogdan, who runs the F-35 program, told reporters last week that McCain was "very, very discerning and critical" in his oversight of taxpayer dollars and acknowledged the program could face increased scrutiny. "I would imagine that I'm going to see Senator McCain more than I have been," he said, when asked how a Republican-controlled Senate might affect the program. McCain is also likely to scrutinize a new presidential helicopter program under way by Sikorsky Aircraft, a unit of United Technologies Corp, and the Navy's stalled plan to develop an unmanned carrier-based drone, a program that is expected to draw bids from Lockheed, Boeing, Northrop Grumman Corp and privately held General Atomics, said Jim McAleese, a Virginia-based defense consultant. McCain's dogged questioning of a 2001 Air Force deal to lease, not buy, 100 Boeing 767 aircraft as refueling tankers triggered a federal investigation and uncovered serious ethics violations by senior Air Force and Boeing officials, two of whom served prison terms. (Additional reporting by Patricia Zengerle. Editing by Jason Szep and Ross Colvin)

Links: A2 “Winners Win”

Winners-win empirically false for Obama

Klein, 10/10/14 (Ezra, “Obama ditched a key campaign promise. And it saved his presidency,”

<http://www.vox.com/2014/10/10/6953889/paul-krugman-obama-historic-success>, JMP)

Hate Obama or love him, on this, Krugman is clearly correct. **Obama has passed more major legislation** than perhaps any **president since Lyndon Johnson** — and, at least as of yet, there's no Vietnam War to mar his legacy. The history of the Obama administration will be hard to write, as so many of its chapters will demand their own books (indeed, some, like the stimulus, have already gotten them). Most crucially, Obamacare itself looks headed for success — and that, plus preventing the financial crisis from turning into another Great Depression, is a legacy in itself. That said, Obama's greatest successes — and his most serious failures — lie in the dense mass of his first two years. This is the time, in Krugman's telling, before Obama grokked the nature of the Republican opposition and “began dealing with it realistically.” I think the story there is more complicated — and more interesting. From 2009 to 2010, Obama, while seeking the post-partisan presidency he wanted, established the brutally partisan presidency he got. **Virtually every achievement** **Krugman recounts** — the health-care law, the Dodd-Frank financial reforms, the financial rescue, the stimulus bill — passed in these first two years when Democrats held huge majorities in congress. And every item on the list **passed over screaming Republican opposition**. **The first two years of the Obama administration are the story of Obama being haunted by his promises of a postpartisan presidency, and choosing, again and again, to pass bills at the cost of worsening partisanship.** The irony of Obama's presidency As Reid Cherlin, a former Obama administration staffer, put it, “[T]hey have managed over six years to accomplish much of what Obama promised to do, even if accomplishing it helped speed the process of partisan breakdown.” The engine of Obama's political rise, going all the way back to his 2004 keynote at the Democratic National Convention, was that the conflictual nature of politics was the product of the people who knew no politics other than conflict. The central irony of Obama's presidency is he proved himself wrong. Obama promised to reform the health-care system and regulate the financial sector by fixing American politics. Instead, he did it by breaking American politics further. The candidate who ran for office promising to heal Washington's divisions became the most divisive president since the advent of polling: **[graph omitted]** It's not just partisanship. Obama ran as the scourge of special interests. “We can't keep playing the same Washington game with the same Washington players and expect a different result,” he said. “Because it's a game that ordinary Americans are losing. It's a game where lobbyists write check after check and Exxon turns record profits, while you pay the price at the pump, and our planet is put at risk.” Lobbyists still write their checks in Obama's Washington. The health-reform bill got done by cutting side deals with pharmaceutical companies and insurers. Dodd-Frank got done by cutting side deals with auto dealers and mutual funds. The Obama administration has put no political capital behind major campaign-finance reforms or, really, any other ideas that would fundamentally change how Washington works. It's the same old Washington game with the same old Washington players — but Obama, when he had his big congressional majorities, managed to secure a different result. **Obama** spent his first two years keeping many of his policy promises by sacrificing his central political promise. That wasn't how it felt to the administration at the time. They **thought that success would build momentum**; that change would beget change. **Obama talked of the “muscle memory” Congress would rediscover as it passed big bills; he hoped that achievements would replenish his political capital rather than drain it.** In this, the **Obama** administration **was wrong, and perhaps naive. They overestimated their ability to convert the raw exercise of political power into more political power.** It was a mistake, but not a very postpartisan one. And, as a theory, it was the one they needed to build their legacy — a legacy, at this point, that even their early critics admire.

The turn is non-unique: Iran deal is a huge win for Obama:

David Ignatius, 9/16/2015 (staff writer, “Iran deal is a huge win for Obama: David Ignatius,”

http://www.oregonlive.com/opinion/index.ssf/2015/09/iran_deal_is_a_huge_win_for_ob.html,

Accessed 9/17/2015, rwg)

WASHINGTON -- **The political circus surrounding the Iran nuclear deal shouldn't obscure the fact that President Obama won an enormous victory in negotiating the agreement and mustering the necessary congressional votes to sustain it. It's the most determined, strategic success of his presidency.**

Political Capital finite- legislative wins don't spillover –empirics, true for Obama, too polarized- newest ev

Todd **Eberly** is coordinator of Public Policy Studies and assistant professor in the Department of Political Science at St. Mary's College of Maryland. His email is teeberly@smcm.edu. This article is excerpted from his book, co-authored with Steven Schier, "American Government and Popular Discontent: Stability without Success," to be published later this year by Routledge Press., 1-21-2013 http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2

As Barack **Obama** prepares to be sworn in for the second time as president of the United States, he **faces the stark reality** that **little of what he hopes to accomplish** in a second term **will likely come to pass**. Mr. **Obama occupies an office** that **many assume** to be **all powerful**, but like so many of his recent predecessors, **the president** knows better. He **faces a political capital problem and a power trap**. In the post-1960s American political system, **presidents have found** the exercise of **effective leadership** a **difficult** task. **To lead well, a president needs support** — or at least permission — from federal courts and Congress; steady allegiance from public opinion and fellow partisans in the electorate; backing from powerful, entrenched interest groups; and accordance with contemporary public opinion about the proper size and scope of government. This is a long list of requirements. **If presidents fail to satisfy these requirements, they face the prospect of inadequate political support or political capital to back their power assertions**. What was so crucial about the 1960s? We can trace so much of what defines contemporary politics to trends that emerged then. Americans' confidence in government began a precipitous decline as the tumult and tragedies of the 1960s gave way to the scandals and economic uncertainties of the 1970s. Long-standing party coalitions began to fray as the New Deal coalition, which had elected Franklin Roosevelt to four terms and made Democrats the indisputable majority party, faded into history. The election of Richard Nixon in 1968 marked the beginning of an unprecedented era of divided government. Finally, the **two parties** began **ideologically divergent** journeys that **resulted in intense polarization** in Congress, **diminishing the possibility of bipartisan compromise**. These changes, combined with the growing influence of money and interest groups and the steady "thickening" of the federal bureaucracy, **introduced significant challenges to presidential leadership**. Political capital can best be understood as a combination of the president's party support in Congress, public approval of his job performance, and the president's electoral victory margin. The components of political capital are central to the fate of presidencies. It is difficult to claim warrants for leadership in an era when job approval, congressional support and partisan affiliation provide less backing for a president than in times past. **In recent years, presidents' political capital has shrunk while their power assertions have grown**, making the president a volatile player in the national political system. Jimmy Carter and George H.W. Bush joined the small ranks of incumbents defeated while seeking a second term. Ronald Reagan was elected in two landslides, yet his most successful year for domestic policy was his first year in office. Bill Clinton was twice elected by a comfortable margin, but with less than majority support, and despite a strong economy during his second term, his greatest legislative successes came during his first year with the passage of a controversial but crucial budget bill, the Family and Medical Leave Act, and the North American Free Trade Agreement. George W. Bush won election in 2000 having lost the popular vote, and though his impact on national security policy after the Sept. 11 attacks was far reaching, his greatest domestic policy successes came during 2001. Ambitious plans for Social Security reform, following his narrow re-election in 2004, went nowhere. Faced with obstacles to successful leadership, recent presidents have come to rely more on their formal powers. The number of important executive orders has increased significantly since the 1960s, as have the issuance of presidential signing statements. Both are used by presidents in an attempt to shape and direct policy on their terms. Presidents have had to rely more on recess appointments as well, appointing individuals to important positions during a congressional recess (even a weekend recess) to avoid delays and obstruction often encountered in the Senate. Such power assertions typically elicit close media scrutiny and often further erode political capital. Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. But with each legislative battle and success, his political capital waned. His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government. By mid-2011, Mr. Obama's job approval had slipped well below its initial levels, and Congress was proving increasingly intransigent. In the face of declining public support and rising congressional opposition, Mr. Obama, like his predecessors, looked to the energetic use of executive power. In 2012, the president relied on executive discretion and legal ambiguity to allow homeowners to more easily refinance federally backed mortgages, to help veterans find employment and to make it easier for college graduates to consolidate federal student loan debt. He issued several executive orders effecting change in the nation's enforcement of existing immigration laws. He used an executive order to authorize the Department of Education to grant states waivers from the requirements of the No Child Left Behind Act — though the enacting legislation makes no accommodation for such waivers. Contrary to the outcry from partisan opponents, Mr. Obama's actions were hardly unprecedented or imperial. Rather, they represented a rather typical power assertion from a contemporary president. Many looked to the 2012 election as a means to break present trends. But Barack **Obama's narrow re-election** victory, coupled with the re-election of a somewhat-diminished Republican majority House and Democratic majority Senate, **hardly signals a grand resurgence of his political capital**. The president's recent issuance of multiple executive orders to deal with the issue of gun violence is further evidence of his power trap. Faced with the likelihood of legislative defeat in Congress, the president must rely on claims of unilateral power. But such claims are not without limit or cost and will likely further erode his political capital. Only by solving the problem of political capital is a president likely to avoid a power trap. **Presidents in recent years have been unable to prevent their political capital from eroding**. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval. However, **short-term legislative strategies may win policy success** for a president, but **do not serve as an antidote to declining political capital** over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved **the political capital** problem or avoided the power trap. It **is the central political challenge confronted by modern presidents** and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

Uniquely true of second term presidents

Bert Atkinson Jr., Independent Review Journal, 3-12-2013 <http://www.ijreview.com/2013/03/41467-love-affair-ending-obamas-political-capital-declining/>

The second term is notoriously tough for two term candidates. Clinton had a little snafu on his ...hands during his second term that led to impeachment, and George W. Bush was demonized time and time again. ¶ Now, it could be that Barack Obama is facing a similar fate... ¶ **If** President Barack Obama had piled up political capital with his impressive re-election, it's largely gone. ¶ His approval rating has dropped to the lowest level in more than a year, with more voters now turning thumbs down on his performance than thumbs up, according to a new McClatchy-Marist poll. The measure of how much people like him also has dropped. ¶ **He's still vastly more popular than Congress**, particularly congressional Republicans. But in the biggest political clash of the year – over the federal budget and how to curb deficits – voters split 44 percent to 42 percent between preferring Congress or Obama. ¶ What? There's no Mitt Romney to be held up against? ¶ Blame Congressional Republicans all you want, but in 50 years when children are reading American history books about the infamous fiscal cliff/debt ceiling/sequestration debacles of 2013, they will certainly not remember names like Mitch McConnell or John Boehner; they will absolutely read about President Obama and how all of this happened under his lack of leadership. ¶ “This may be the downside of him coming out of the box stronger in the second term,” Miringoff said. “People are now looking for him to lead us out of this stalemate, provide more leadership. People see him as a strong figure and in the driver’s seat. During the election, it was him versus Romney. Now it’s him versus people’s expectations for the country.” ¶ **Expectations: Obama will have a tough time meeting them**. I know the mainstream media has been in the tank for Obama for a half-decade now, but they still answer to ratings. If I had to take a guess, I would say that there will be more negative news stemming from the growing discontent of his ability to follow through on his promises. I’m not saying we’re about to see MSNBC go all Fox News on the guy, but the broken promises and evolutions and flip-flops can only go on for so long before people start catching on. Let’s just say that if Obama is still sending a thrill up your leg at this point, you’ve got some issues. (Looking at you, Chris Matthews.)

Political Capital is finite- need to pick and choose battles to preserve capital

Sanghooe, 13 Sangay Sanghooe, Political Commentator, has worked at leading investment banks as well as at a multi-billion dollar hedge fund. He has an MBA from Columbia Business School, Huffington Post, 4/10/13, http://www.huffingtonpost.com/sanjay-sanghooe/compromise-reform-how-oba_b_3055100.html

There is only one thing that President Obama can truly rely on, and that is to get attacked no matter what he does. When he stands up for Democratic principles, he is criticized by the Republicans for betraying the nation's values. When he tries to be bipartisan, he is criticized by the Democrats for being weak and a turncoat. **It seems he just cannot win. But he can, and** whether his critics realize it or not, **Obama is doing it right now**. To understand this, however, it is important to recognize what motivates this particular president. Some presidents are caretakers. In their view, the best leadership is to make sure that nothing goes terribly wrong and that the ship remains stable. As long as they do that, they consider themselves successful. But that is not this president. **This president wants to accomplish something** tangible, **dramatic**, and lasting, and that is **to institute reform**. Reform in healthcare, reform in marriage equality, **reform in immigration**, reform in education, reform in campaign finance, and reform in clean energy. In all these areas, **Obama sees the potential for dramatic change and lasting long-term effects, and** that is why **he is willing to go to the mat on these issues**. **On other things**, including Social Security and Medicare, **the budget deficit, and even gun control, he sees less room for dramatic improvement** - either because of circumstances or political reality - **and so is more willing to compromise**. Is this good or bad? It is neither, really. It is just the nature of this presidency and perhaps Obama's destiny. **Leaders pick and choose their battles** based on the nation's circumstances, unexpected contingencies, and their own instincts. President **Obama's instincts led him to fight for healthcare, so he did - ferociously, and he will do the same for immigration**, education, and clean energy. **He is being roundly criticized for proposing a budget that agrees to cuts in Social Security** by tying it to a Chained CPI, **and for agreeing to a softer gun control bill** than the one his party promised after Newtown, in order to reach compromise with the Republicans. **But what I believe is really happening is that Obama is making some very tough choices. Political capital is a finite resource and this president will use it where he feels it will do the most good**. We can disagree with him on his priorities, but I also see where he is coming from. Preserving Social Security is important but so is getting a budget passed and reaching some type of compromise to keep the government running. Gun control is urgent but so are immigration and education. **History will decide whether the benefits of Obama's reforms on some fronts will outweigh the costs of his bipartisan compromises on others, but** in the meantime, the Democrats should remember that **governing has always been about horse-trading, and that Obama**

has only a short time left to address the major facets of his agenda. Obama is prepared to lose a few battles in order to win the war. That is not being weak or a turncoat. It is being pragmatic and smart. It is also being Presidential.

Their ev is only about CENTRAL Obama issues like health care and immigration- small, single issues don't spill over

Ryan Lizza, 1/7/13, Will Hagel Spike the G.O.P.'s Fever?,

www.newyorker.com/online/blogs/newsdesk/2013/01/how-much-will-the-nomination-of-chuck-hagel-hurt-obamas-second-term-agenda.html

But **Obama's victory has made almost no difference** in changing the psychology or incentives of the members of **the G.O.P. who matter most**: the House Republicans. The idea that a bloc of conservative, mostly Southern, Republicans would start to cooperate with the President on issues like tax policy and immigration may have rested on a faulty assumption.¶ The past few weeks of fiscal-cliff drama have taught us that **“breaking the fever” was the wrong metaphor**. **There is no one event**—even the election of a President—**that can change a political party overnight**. Congress is a co-equal branch of government, and House Republicans feel that they have as much of a mandate for their policies as Obama does for his. Shouldn't House Republicans care that their views on Obama's priorities, like tax cuts for the rich and immigration, helped cost Romney the White House and will make it difficult for their party's nominee to win in 2016? In the abstract, many do, but that's not enough to change the voting behavior of the average House Republican, who represents a gerrymandered and very conservative district.¶ **A better metaphor for the coming battles with Congress may be** what Woody Hayes, the college-football coach, famously called **“three yards and a cloud of dust”**: a series of grinding plays where small victories are earned only after lots of intense combat. While the fiscal-cliff showdown demonstrated that there's potential for bipartisan deal-making in the Senate, passing any Obama priority through **the House** of Representatives **is nearly impossible unless the political pressure is extremely intense**.¶ The fiscal-cliff bill passed the House only when Speaker John Boehner's members realized that their only alternative was blowing up the settlement negotiated by Joe Biden and Mitch McConnell—and accepting all the blame and consequences.¶ That episode **offers the White House a general template for the coming fights over spending**, immigration, and gun control—three **issues where there is very little consensus between Obama and most House Republicans**. **Deals will have to be negotiated** in the Senate **and gain the imprimatur of** some high-profile **Republicans**. Then a pressure campaign will have to be mounted to convince Boehner to move the legislation to the floor of the House under rules that allow it to pass with mostly Democratic votes. It's easier to see how this could happen with the coming budgetary issues, which have deadlines that force action, than for the rest of Obama's agenda, which is more likely than not to simply die in the House.¶ Err neg- their ev is hype and wishful thinking¶ Jackie

(--) Obama believes the link

Robert **Kuttner**, senior fellow, Demos, “Obama Has Amassed Enormous Political Capital, But He Doesn't Know What to Do with It,” **Alternet**, 4—28—**09**,

www.alternet.org/economy/138641/obama_has_amassed_enormous_political_capital_but_he_doesn%27t_know_what_to_do_with_it/

We got a small taste of what a more radical break might feel like when Obama briefly signaled with the release of Bush's torture memos that he might be open to further investigation of the Bush's torture policy, but then backtracked and quickly asked the Democratic leadership to shut the idea down. Evidently, Obama's political self wrestled with his constitutional conscience, and won. Civil libertarians felt a huge letdown, but protest was surprisingly muted. Thus **the most important obstacle for seizing the moment** to achieve enduring change: Barack **Obama's conception of what it means to promote national unity**. Obama repeatedly declared during the campaign that he would govern as a consensus builder. He wasn't lying. However, **there are two ways of achieving consensus. One is to split the difference** with your political enemies and the forces obstructing reform. **The other is** to use presidential **leadership** to transform the political center and alter the political dynamics. In his first hundred days, **Obama** has done a little of both, but he **defaults to the politics of accommodation**.

(--) **Winners win is wrong -- Obama votes neg**

Jackie **Calmes**, NYTimes, 11/12/12, In Debt Talks, Obama Is Ready to Go Beyond Beltway, mobile.nytimes.com/2012/11/12/us/politics/legacy-at-stake-obama-plans-broader-push-for-budget-deal.xml

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies - in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney.¶ George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do."¶ "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. Well, they've learned a lot, I think."¶ "Effective leaders," he added, "exploit opportunities rather than create them."¶ The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards.¶ "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.'"¶ For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes."¶ The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans - or to help Speaker John A. Boehner persuade Republicans - that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits.¶ Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about \$40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday.¶ His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties.¶ Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that."¶ The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.

(--) **History's on our side—past wins by Obama drained his capital:**

Todd **Eberly**, 1/21/2013 ("The presidential power trap,"

[http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-](http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2)

[20130121_1_political-system-party-support-public-opinion/2](http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2), Accessed 1/24/2013, rwg)

Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. But with each legislative battle and success, his political capital waned. His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government.

(--) **Declines in political capital outweigh the effect of winning:**

Marissa **Silber**, 2007 (Political Science PhD Student @ Univ. of Florida and Interim professor of political science @ Samford University, "WHAT MAKES A PRESIDENT QUACK?" Accessed at

http://74.125.155.132/scholar?q=cache:bbkJmVQ3SJMJ:scholar.google.com/+%22political+capital%22+%22finite%22+resources+president&hl=en&as_sdt=80000000)

Important to the discussion of political capital is whether or not it can be replenished over a term. If a President expends political capital on his agenda, can it be replaced? Light suggests that "capital declines over time – public

approval consistently falls: midterm losses occur" (31). **Capital can be rebuilt, but only to a limited extent. The decline of capital makes it difficult to access information, recruit more expertise and maintain energy.** If a lame duck President can be defined by a loss of political capital, this paper helps determine if such capital can be replenished or if a lame duck can accomplish little. Before determining this, a definition of a lame duck President must be developed.

(--) Health care empirically denies: Obama got a win, but it didn't help him pass anything through Congress.

(--) Any bump in political capital from wins is slight and fleeting—we'll win the link outweighs:

Mark Blumenthal, 1/6/2011 (staff writer, "Obama Gets Modest Lame-Duck Poll Bump" http://www.huffingtonpost.com/2011/01/06/obama-lame-duck-poll-bump-real-but-modest_n_805469.html)

Did President Obama get a bump in the polls after the successes of the congressional lame-duck session? While only a handful of pollsters have updated their job-approval numbers since the holidays, those who have seem to be showing movement in Obama's favor, though the change is slight and may be fleeting.

(--) Backlash when Obama tries to regain capital

Goldberg 10 (Jonah, Syndicated Journalist, February 26, "A Hidden Cost of the Health-Care Summit", <http://www.nationalreview.com/corner/195494/hidden-cost-health-care-summit/jonah-goldberg/jn>)

It seems that I wasn't alone in finding Obama increasingly un-charming as the event unfolded yesterday. Even Dana Milbank notes that Obama ultimately came across as a bit of a condescending, well, jerk. Here's Michael Gerson: "President Obama, as usual, was fluent, professorial and occasionally prickly. Some are impressed by the president's informed, academic manner. Others (myself included) find an annoying condescension in Obama's never-ending seminar." **Obama's habit of deciding what is a serious point and what are mere "talking points,"** started out seeming like an attempt at fairness but ultimately **revealed itself to be one of the more grating aspects of his personality** and his philosophy (It's worth noting that many points become talking points because they are such good points!). After awhile, it seemed **Obama deemed many talking points to be illegitimate simply because they were inconvenient to his argument. This is not news to certain people who have greater immunity to his charms. Obama has a very thin skin when it comes to disagreement.** He has a Fox News obsession. At campaign-style events, Obama has insisted that he doesn't want to "hear any talk" from the people who "created this mess" or some such. Remember his call for a "new declaration of independence not just in our nation, but in our own lives — from ideology and small thinking, prejudice and bigotry." Translation: Ideological objections to what I want to do are akin to bigotry and stupidity. I think one of the great explanations for the mess the Obama administration is in — the whole cowbell dynamic — is that he, his advisers, and many of his fans in the press cannot fully grasp or appreciate the fact that he is not as charming to everyone else as he is to them (or himself). Hence, they think that the more he talks, the more persuasive he will be. Every president faces a similar problem which is why, until Obama, every White House tried to economize the deployment of the president's political capital. **The Obama White House strategy is** almost the rhetorical version of its Keynesianism, **the more you spend, the bigger the payoff. The hidden cost of this strategy is that the more he talks the more pronounced or noticeable this tendency becomes** for the average American. Eventually, **it could come to define him.** Presidents — all presidents — get caricatured eventually because certain **traits become more identifiable over time.** That's one reason why parodies of presidents on Saturday Night Live get more convincing and funnier at the end of their terms — everyone can recognize the traits and habits by then. **The more instances where Obama grabs all of the attention** while acting like an arrogant college professor — particularly as memories of Bush fade — **the more opportunities the White House creates where people can say, "Hey, I finally figured out what bugs me about this guy."** Not long after that, it becomes a journalistic convention, a staple of late-night jokes and basis of SNL parodies.

(--) **GOP blocks bills- no spillover**

Gvosdev 10(Nikolas, World Politics Review Columnist, November 19, "The Realist Prism: Hard Realities, Hard Choices for Obama", <http://www.worldpoliticsreview.com/articles/7096/the-realist-prism-hard-realities-hard-choices-for-obama>)jn

It is very likely that come the end of November, after a busy month traveling to Asia and Europe, President Barack Obama will have emerged with few decisive victories to burnish his image after the "shellacking" he took in the midterm elections. Instead, Obama and his team will have to adjust to some hard realities. Though the new Congress will not be seated until January 2011, we are already seeing changes in the political climate in Washington that will test the administration's ability to show, both to Americans and to other governments, that the executive branch is still in the driver's seat when it comes to setting U.S. foreign-policy priorities. As Dimitri Trenin observed in charting the likely demise of the New START treaty, "Partisanship in Washington has reached a new level, infecting not just longstanding domestic policy disputes, but also foreign policy and national security issues." There will be no Vanderbergian moment for the president over the next two years. Josh Rogin quotes an anonymous Republican Capitol Hill staffer as declaring, "You are going to see more aggressiveness to push an agenda and not to defer to the administration." Even in areas where we can expect some agreement between congressional Republicans and the White House, such as passing the free trade agreement for Colombia, the GOP will do everything in its power to prevent Obama from claiming any sort of success for his administration. ...

(--) **Wins don't generate capital**

Nicholas and Hook 10(Peter and Janet, Tribune Washington Bureau, July 30, "Obama the Velcro president", <http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730>)jn

Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame. Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public. But Obama remains the colossus of his administration — to a point where trouble anywhere in the world is often his to solve. The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape. What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting. Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll. "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?'" said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations." Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration. Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants. Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole. "I can't suck it up with a straw," he said. But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish.

(--) **Victories build opposition**

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

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

(--) Misspending political capital undermines capital:

RYAN 9. [1-18 -- Selwyn Professor of Social Science at the Sir Arthur Lewis Institute of Social and Economic Studies, University of West Indies. Ph.D. in Political Science from Cornell, http://www.trinidadexpress.com/index.pl/article_opinion?id=161426968]

Like many, I expect much from Obama, who for the time being, is my political beast of burden with whom every other politician in the world is unfavourably compared. As a political scientist, I however know that given the structure of American and world politics, it would be difficult for him to deliver half of what he has promised, let alone all of it. Reality will force him to make many "u" turns and detours which may well land him in quick sand. Obama will, however, begin his stint with a vast accumulation of political capital, perhaps more than that held by any other modern leader. Seventy-eight per cent of Americans polled believe that his inauguration is one of the most historic the country will witness. Political capital is, however, a lumpy and fast diminishing asset in today's world of instant communication, which once misspent, is rarely ever renewable. The world is full of political leaders like George Bush and Tony Blair who had visions, promised a lot, and probably meant well, but who did not know how to husband the political capital with which they were provided as they assumed office. They squandered it as quickly as they emptied the contents of the public vaults. Many will be watching to see how Obama manages his assets and liabilities register. Watching with hope would be the white young lady who waved a placard in Obama's face inscribed with the plaintive words, "I Trust You." Despite the general optimism about Obama's ability to deliver, many groups have already begun to complain about being betrayed. Gays, union leaders, and women have been loud in their complaints about being by-passed or overlooked. Some radical blacks have also complained about being disrespected. Where and when is Joshua going to lead them to the promised land, they ask? When is he going to pull the troops out of Iraq? Civil rights groups also expect Obama to dis-establish Guantanamo as soon as he takes office to signal the formal break with Dick Cheney and Bush. They also want him to discontinue the policy which allows intelligence analysts to spy on American citizens without official authorisation. In fact, Obama startled supporters when he signalled that he might do an about-turn and continue this particular policy. We note that Bush is signalling Obama that keeping America safe from terrorists should be his top priority item and that he, Bush, had no regrets about violating the constitutional rights of Americans if he had to do so to keep them safe. Cheney has also said that he would do it again if he had to. The safety of the republic is after all the highest law. Other groups-sub-prime home owners, workers in the automobile sector, and the poor and unemployed generally all expect Obama to work miracles on their behalf, which of course he cannot do. Given the problems of the economy which has not yet bottomed out, some promises have to be deferred beyond the first term. Groups, however, expect that the promise made to them during the campaign must be kept. Part of the problem is that almost every significant social or ethnic group believes that it was instrumental in Obama's victory. White women felt that they took Obama over the line, as did blacks generally, Jews, Hispanics, Asians, rich white men, gays, and young college kids, to mention a few of those whose inputs were readily recognisable. Obama also has a vast constituency in almost every country in the world, all of whom expect him to save the globe and the planet. Clearly, he is the proverbial "Black Knight on a White Horse." One of the "realities" that Obama has to face is that American politics is not a winner-take-all system. It is pluralistic vertically and horizontally, and getting anything done politically, even when the President and the Congress are controlled by the same party, requires groups to negotiate, bargain and engage in serious horse trading. No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what I the leader say you do. Although Obama is fully aware of the political limitations of the office which he holds, he is fully aware of the vast stock of political capital which he currently has in the bank and he evidently plans to enlarge it by drawing from the stock held by other groups, dead and alive. He is clearly drawing heavily from the caparisoned cloaks of Lincoln and Roosevelt. Obama seems to believe that by playing the all-inclusive, bipartisan, non-ideological card, he can get most of his programmes through the Congress without having to spend capital by using vetoes, threats of veto, or appeals to his 15 million strong constituency in cyberspace (the latent "Obama Party").

(--) **WINNERS WIN NOT TRUE FOR OBAMA.**

GALSTON 10. [William, Senior Fellow, Governance Studies, Brookings, "President Barack Obama's First Two Years: Policy Accomplishments, Political Difficulties" Brookings Institute -- Nov 4]

Second, the administration believed that success would breed success—that the momentum from one legislative victory would spill over into the next. The reverse was closer to the truth: with each difficult vote, it became harder to persuade Democrats from swing districts and states to cast the next one. In the event, House members who feared that they would pay a heavy price if they supported cap-and-trade legislation turned out to have a better grasp of political fundamentals than did administration strategists.

(--) **WINNERS DON'T WIN ON CONTROVERSIAL ISSUES – THE HILL IS TOO POLARIZED.**

MANN 10. [Thomas, Senior Fellow, Governance Studies, "American Politics on the Eve of the Midterm Elections" Brookings Institute -- November]

That perception of failure has been magnified by the highly contentious process by which Obama's initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place. Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President's agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

(--) **WINNERS LOSE FOR OBAMA – LOSES THE SPIN GAME.**

BAKER 10. [Peter, foreign policy reporter, author of Kremlin Rising: Vladimir Putin and Russian Counter-Revolution, "Education of a President" New York Times]

But it is possible to win the inside game and lose the outside game. In their darkest moments, White House aides wonder aloud whether it is even possible for a modern president to succeed, no matter how many bills he signs. Everything seems to conspire against the idea: an implacable opposition with little if any real interest in collaboration, a news media saturated with triviality and conflict, a culture that demands solutions yesterday, a societal cynicism that holds leadership in low regard. Some White House aides who were ready to carve a new spot on Mount Rushmore for their boss two years ago privately concede now that he cannot be another Abraham Lincoln after all. In this environment, they have increasingly concluded, it may be that every modern president is going to be, at best, average. "We're all a lot more cynical now," one aide told me. The easy answer is to blame the Republicans, and White House aides do that with exuberance. But they are also looking at their own misjudgments, the hubris that led them to think they really could defy the laws of politics. "It's not that we believed our own press or press releases, but there was definitely a sense at the beginning that we could really change Washington," another White House official told me. " 'Arrogance' isn't the right word, but we were overconfident." The biggest miscalculation in the minds of most Obama advisers was the assumption that he could bridge a polarized capital and forge genuinely bipartisan coalitions. While Republican leaders resolved to stand against Obama, his early efforts to woo the opposition also struck many as halfhearted. "If anybody thought the Republicans were just going to roll over, we were just terribly mistaken," former Senator Tom Daschle, a mentor and an outside adviser to Obama, told me. "I'm not sure anybody really thought that, but I think we kind of hoped the Republicans would go away. And obviously they didn't do that." Senator Dick Durbin, the No. 2 Democrat in the upper chamber and Obama's ally from Illinois, said the Republicans were to blame for the absence of bipartisanship. "I think his fate was sealed," Durbin said. "Once the Republicans decided they would close ranks to defeat him, that just made it extremely difficult and dragged it out for a longer period of time. The American people have a limited attention span. Once you convince them there's a problem, they want a solution." Gov. Ed Rendell of Pennsylvania, though, is among the Democrats who grade Obama harshly for not being more nimble in the face of opposition. "B-plus, A-minus on substantive accomplishments," he told me, "and a D-plus or C-minus on communication." The health care legislation is "an incredible achievement" and the stimulus program was "absolutely, unqualifiedly, enormously successful," in Rendell's judgment, yet Obama allowed them to be tarnished by critics. "They lost the communications battle on both major initiatives, and they lost it early," said Rendell, an ardent Hillary Clinton backer who later became an Obama supporter. "We didn't use the president in either stimulus or health care until we had lost the spin battle."

(--) STATISTICALLY -- WINS DON'T INFLUENCE FUTURE LEGISLATION.

Bond & Fleisher 96 [Jon R. and Richard. professor in Political Science - Texas A&M and Professor in Political Science. Fordham "The President in Legislation" p.223]

Presidency-centered variables, however, provide an even weaker explanation of presidential success. We found little support for the thesis that the weakness of legislative parties increases the importance of presidential skill or popularity for determining presidential success on roll call votes. Our analysis reveals that presidents reputed to be highly skilled do not win consistently more often than should be expected given the conditions they faced. Similarly, presidents reputed to be unskilled do not win significantly less often than expected. The analysis of presidential popularity reveals that the president's standing in the polls has only a marginal impact on the probability of success or failure.

(--) Contentious debate ensures plan is not perceived as a victory

Mann, Brookings Governance Studies senior fellow, 10

[Thomas, Brookings, November, "American Politics on the Eve of the Midterm Elections", http://www.brookings.edu/articles/2010/11_midterm_elections_mann.aspx, accessed 6-20-11]

The well-documented successes of the financial stabilisation and stimulus initiatives are invisible to a public reacting to the here and now, not to the counterfactual of how much worse it might have been. The painfully slow recovery from the global financial crisis and Great Recession have led most Americans to believe these programmes have failed and as a consequence they judge the President and Congress harshly. HIGHLY POLARISED That perception of failure has been magnified by the highly contentious process by which Obama's initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place. Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President's agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

(--) Political capital is finite – a win on one issue doesn't spill over

Gangale, 2005 San Francisco State political science lecturer, 5

(Thomas, poli sci lecturer @ SF State, 1/23/5, "To Amend or Not to Amend", <http://pweb.jps.net/~gangale/opsa/ps2/ToAmendOrNotToAmend.htm>) JPG

Abolishing the Electoral College is somewhat of a progressive issue in that it is based on the principle of "one person, one vote." However, more than anything it is a "large states vs. small states" issue, and that is why it is a perennial loser. The reality is that there are many more Idahos and Nebraskas than there are Californias and New Yorks, and since a small state has as many votes in the US Senate as a large state, any proposal to do away with the Electoral College cannot hope to win the required two-thirds majority. It is destined to defeat. Even worse, the issue pits progressive states large and small against each other, weakening progressive solidarity. If you fight someone tooth-and-nail on one issue, it's hard to muster any more than lukewarm support on another issue on which you agree. Political capital is like ammunition: use too much of it up in an unwise action, and you have to wait to be resupplied. Meanwhile, your forces may be in disarray and vulnerable to a counterstrike. Abolishing the Electoral College isn't the only constitutional amendment that's being bandied about this year. There's also talk of an amendment to ban gay marriage.

(--) Turn: Jamming through liberal agenda items will undermine Obama politically:

Frank Burke, 1/3/11 (staff, American Thinker, "The Lamest Duck of All", http://www.americanthinker.com/2011/01/the_lamest_duck_of_all.html)

Anyone doubting that the area inside the Washington, D.C. Beltway combines the more surreal elements of the Emerald City of Oz and Wonderland's rabbit hole need only to listen to the pundits -- including some conservatives -- discussing the lame-duck Congress's successes and Obama's move to the center. For those of us outside the Charmed Circle, the situation appears quite different. **In reality, there is nothing new here. The lame-duck Congress was the same body that advanced the agenda responsible for the most significant political defeat in modern times.** Like petulant adolescents, angered at the public's rejection of their superior wisdom, they proceeded to vote against the voters. **The fact that the Reid/Pelosi nexus chose to steamroll an uncommonly large number of liberal agenda items within a short time should come as no surprise. Rather than a measure of accomplishment, the quantity was clearly a sign of desperation,** as were the compromises reached on the extension of the Bush tax cuts and the fund for 9/11 responders. What seems to have been lost in all the excitement is an appreciation of the likely long-term effects of the initiatives in question. If one thing has remained constant throughout the Obama administration, it is the ascendancy of emotionalism over reason and the concomitant failure to anticipate the end results of actions. Examples of this began virtually on the first day with the executive order to close the facility at Guantánamo Bay. Without any plan, it was not long before reality set in. Two years later, it has been realized that it will not be possible to close Guantánamo or to offload the terrorists to other countries. Closely related to this was the decision to try Khalid Sheikh Mohammed and others in New York. Once the consequences were realized, the situation devolved into an embarrassing stalemate. The stimulus package, with its complement of shovel-ready jobs, failed to create new opportunities, and what's more, a large proportion of it remains unused. With little planning as to how or where to spend the money to create the most jobs, the public saw billions in funding go to earmarks and frivolous projects. Of all the singular negative accomplishments of the first two years, none surpasses ObamaCare. Written and assembled by disparate special interest groups within the Democratic Party, the program has proven to be everything its detractors said -- overly expensive, unworkable, and destructive to the health care system. The fact that leading Democrat supporters, including select corporations and unions, have petitioned for and received exemptions indicates the lack of thought that went into this badly cobbled mess. Other initiatives including Cash for Clunkers and the seizure of the automotive industry likewise contributed to the Republican victories of 2010. **A closer examination of the items enacted in the lame duck session and their likely long-term results show a far different picture from the ones visualized by the pundits and Obama** himself. Some examples: The preservation of the Bush tax cuts for two years, and the extension of unemployment insurance for thirteen months. Even if recovery results in a better employment picture, it is probable that there will still be a significant percentage of unemployed thirteen months from now. At that time, with a Republican-dominated House, it is very unlikely that there will be yet another extension of unemployment insurance. Hopefully, the Republicans will be able to link any benefits to retraining. Also, given this package, the Bush tax cuts will be set to expire shortly after the 2012 election. Obama has promised his liberal base that he will not countenance any further extension of "tax cuts for the wealthy." In that circumstance, he will be faced with the possibility of championing a massive tax increase on the public as he attempts to be reelected. The repeal of Don't Ask, Don't Tell. Justification for the repeal of DADT was supposedly a Pentagon study, despite the finding that military people on the front lines were not in favor of it. What was likewise ignored was the results of another joint U.S. and British study regarding sexual practices among Afghan natives. This study indicates that in Afghan society, where women are largely out of bounds except through marriage, homosexuality and pedophilia have become rampant among Afghan security forces. This has resulted in a great deal of discomfort on the part of American and British troops. Again, with no plan, we are left without a definition of what openly gay means. Will gay service members be identified in some way, and will their names be made public? How will this impact their situation in those Muslim countries where homosexuality can be punished by death? Once again, an emotional cause has resulted in an unplanned situation that could prove most dangerous to gay service personnel. The 9/11 responders bill. Hailed as a great victory, this bill was enacted with a dollar figure roughly fifty percent less than the originally requested amount. While few would question that those who suffered injury as a result of rescue or cleanup efforts should be compensated, other inquiries have gone unanswered -- especially by Chuck Schumer and Kirstin Gillibrand, the senators largely responsible for pushing the measure. What about those who have already received aid from other sources? Further, how was the dollar number arrived at? Would it not have made more sense to establish a lesser figure that could be replenished as needed? Are the individuals affected with health problems going to be placed in a special program, or will they be served by ObamaCare? The New START (Strategic Arms Reduction Treaty). The administration's actions have done more than Vladimir Putin to strengthen the hand of the old Soviet Union. Virtually nothing was done when Georgia was invaded. Then, the administration was cowed into abandoning our plans for a missile defense system that would cover our allies in Poland and the Czech Republic. Now we have a treaty that severely limits our capability to provide a missile defense shield for ourselves and our allies. We are assured that despite the wording in the preamble, the administration still reserves the right to construct missile defense systems. The Russians disagree. Where is the plan? There has been no adequate explanation. Clearly, the desperation of the Obama administration does not signal any real move "to the center." **What was done for political expediency and to acquire attractive press coverage will likely be undermined with subsequent subterfuge,** much as the ObamaCare death panels and Cap and Trade have resurfaced through cabinet-level regulations. **As time passes** and the reality of unprogrammed implementation sets in, **the emotional overdrive that propelled so many of the lame-duck initiatives will devolve into anger, disappointment,** lawsuits, **and further declines** in popularity.

(--) **Wins only build long-term capital**

Purdum 10, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)

With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? **In less than two years in office—** often against the odds and the smart money’s predictions at any given moment—**Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair.** So **why isn’t his political standing higher? Precisely because of the raft of legislative victories he’s achieved.** **Obama** has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he **has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics.** **With each victory, Obama’s opponents grow more frustrated, filling the airwaves** and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public. But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning. Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not. **Obama knows better than most people that politics is the art of the possible** (it’s no accident that he became the first black president after less than a single term in the Senate), **and an endless cycle of two steps forward, one step back.** So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. **The short-term results are often messy and confusing.** **Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory** because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. **There is a price for everything in politics, and Obama knows that, too.**

(--) **Health care proves**

Dan **Lashof, 2010** director, Climate Center, NRDC, “Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail,” Natural Resources Defense Council, 7—28—**10**, http://switchboard.nrdc.org/blogs/dlashof/coulda_shoulda_woulda_lessons.html

Lesson 2: **Political capital is not necessarily a renewable resource.** Perhaps **the most fateful decision** the **Obama** administration **made** early on **was to move healthcare reform before energy and climate legislation.** I’m sure this seemed like a good idea at the time. **Healthcare reform was popular,** was seen as an issue that the public cared about on a personal level, **and was expected to unite Democrats from all regions.** **White House officials and Congressional leaders reassured environmentalists with their theory that success breeds success.** A quick victory on healthcare reform would renew Obama’s political capital, some of which had to be spent early on to push the economic stimulus bill through Congress with no Republican help. **Healthcare reform was eventually enacted, but only after an exhausting battle that eroded public support, drained political capital and created the Tea Party movement.** Public **support** for healthcare reform **is slowly rebounding** as some of the early benefits kick in and **people**

realize that the forecasted Armageddon is not happening. **But this is occurring too slowly to rebuild Obama's political capital** in time to help push climate legislation across the finish line.

Ext. PC Finite – General

There is spillover --political capital is finite and the time and energy necessary to pass the plan trades off with other priorities. Getting the plan makes Congress less likely to grant Obama other favors.

Moore, 13 --Guardian's US finance and economics editor (Heidi, 9/10/2013, "Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,"

<http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester>, JMP)

Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.

Most robust studies prove PC is finite and spills over- spending PC on controversial items hurts Obama's legislative agenda- err neg- likely that we UNDERESTIMATE that impact

Anthony J. **Madonna**, Assistant Professor, University of Georgia, **et al** Richard L. Vining Jr., Assistant Professor, University of Georgia and James E. Monogan III, Assistant Professor, University of Georgia 10-25-2012 "Confirmation Wars and Collateral Damage: Assessing the Impact of Supreme Court Nominations on Presidential Success in the U.S. Senate"

We have argued that presidents are less likely to be successful enacting their policy proposals and filling lower court vacancies when they are forced to expend greater relative effort on a Supreme Court nominee. Using data on all presidential proposals from 1967 to 2010, our results show that the more a president is forced to go public on a nominee's behalf, the less successful he is at enacting important policy initiatives from his agenda in the U.S. Senate. Additionally, data on all lower federal court nominations from 1977 to 2010 indicate that the more effort a president dedicates to promoting a Supreme Court nominee, the less successful he is at achieving senatorial consent to his district court nominees. All of this fits with the broad idea that political capital is a valuable commodity for the president. Furthermore, because we include presidential proposals and nominations only after the president has made them, it is likely that we underestimate the collateral damage caused by presidents' relative efforts on Supreme Court nominations. It seems likely that presidents faced with a Supreme Court vacancy are slower in proposing agenda-items and vetting potential nominees to lower federal courts. Indeed, Republican senators criticized President Barack Obama for nominating potential judges more slowly than his predecessors. Responding to this, President Obama pointed to "other priorities," including the two Supreme Court nominations. Future work should consider the effect of Supreme Court vacancies on the executive branch's output. Our analysis highlights the important role played by transaction costs and has important implications for scholars who examine policy-making in either the U.S. Senate or separation of powers context. There is overwhelming evidence demonstrating that once a bill or nomination is on the floor, its success or failure is in large part determined by the underlying content of the measure (or the ideal point of a nominee) in relation to the ideological location of key legislative pivots. But no legislative or nomination battle is fought in a vacuum. The amount of time and resources devoted to the enactment of a given bill or nomination directly influences the success of pending agenda items. This implies that the enactment of a particularly salient piece of legislation or a lengthy battle over a controversial nomination likely has substantial consequences on the broader presidential or legislative agenda.

Time and resources devoted to spending PC on items are finite and trade off with Obama's legislative agenda

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When faced with aggressive opposition, **presidents can spend** large amounts of **political capital to secure victory** (Johnson and Roberts 2004; Cameron and Park 2011). We argue that **this use of time and resources is not likely to be costless**.¹⁰ A confirmation **process in which the president frequently engages the public reduces his personal resources and distracts elites from other policy priorities**. Thus, **hard-fought wars** over Supreme Court nominees **can cause substantial collateral damage to** both **the president's legislative agenda** and his ability to fill vacancies on lower federal courts. We hypothesize that **presidents who** expend more effort, and thereby **spend more political capital, to advocate confirmation** of a Supreme Court nominee **are less likely to experience success in enacting legislative agenda items and getting their nominees to lower federal courts confirmed** than presidents who devote less effort to promote confirmation. This proposition is untested despite widespread speculation that the confirmation process weakens the president's bargaining position in other policy areas (Groseclose and McCarty 2001; Mackenzie 1981; Shipan and Shannon 2003).

Controversies hurt

Gerson 10— 12/19, Washington post, <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/16/AR2010121604039.html>

In some areas - such as education reform or the tax deal - **Obama's governing practice is better than his political skills**. But these skills **matter precisely because political capital is limited**. The early pursuit of ambitious health-care reform was a political mistake, as former chief of staff Rahm Emanuel internally argued. **But every president has the right to spend his popularity on what he regards as matters of principle. Political risks, taken out of conviction with open eyes, are an admirable element of leadership. Yet political errors made out of pique or poor planning undermine the possibility of achievement**. Rather than being spent, **popularity is squandered** - something the Obama administration has often done.

Statistically proven

Bond & Fleisher 96 [Jon R. and Richard. professor in Political Science - Texas A&M and Professor in Political Science. Fordham "The President in Legislation" p.223]

Presidency-centered variables, however, provide an even weaker explanation of presidential success. We found little support for the thesis that the weakness of legislative parties increases the importance of presidential skill or popularity for determining presidential success on roll call votes. Our **analysis reveals that presidents reputed to be highly skilled do not win consistently more often than should be expected** given the conditions they faced. Similarly, **presidents reputed to be unskilled do not win significantly less often than expected**. The analysis of presidential popularity reveals that the president's standing in the polls has only a marginal impact on the probability of success or failure.

Ext. Not True – Long Term

Wins trigger backlash and only build long term capital

Purdum 10, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)

With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair. so why isn’t his political standing higher? Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public. But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning. Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not. Obama knows better than most people that politics is the art of the possible (it’s no accident that he became the first black president after less than a single term in the Senate), and an endless cycle of two steps forward, one step back. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The short-term results are often messy and confusing. Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

Ext. Not True – Obama

Winners-win empirically false for Obama

Klein, 10/10/14 (Ezra, "Obama ditched a key campaign promise. And it saved his presidency,"

<http://www.vox.com/2014/10/10/6953889/paul-krugman-obama-historic-success>, JMP)

Hate Obama or love him, on this, Krugman is clearly correct. **Obama has passed more major legislation** than perhaps any **president since Lyndon Johnson** — and, at least as of yet, there's no Vietnam War to mar his legacy. The history of the Obama administration will be hard to write, as so many of its chapters will demand their own books (indeed, some, like the stimulus, have already gotten them). Most crucially, Obamacare itself looks headed for success — and that, plus preventing the financial crisis from turning into another Great Depression, is a legacy in itself. That said, Obama's greatest successes — and his most serious failures — lie in the dense mass of his first two years. This is the time, in Krugman's telling, before Obama grokked the nature of the Republican opposition and "began dealing with it realistically." I think the story there is more complicated — and more interesting. From 2009 to 2010, Obama, while seeking the post-partisan presidency he wanted, established the brutally partisan presidency he got. **Virtually every achievement Krugman recounts** — the health-care law, the Dodd-Frank financial reforms, the financial rescue, the stimulus bill — passed in these first two years when Democrats held huge majorities in congress. And every item on the list **passed over screaming Republican opposition**. **The first two years of the Obama administration are the story of Obama being haunted by his promises of a postpartisan presidency, and choosing, again and again, to pass bills at the cost of worsening partisanship.** The irony of Obama's presidency As Reid Cherlin, a former Obama administration staffer, put it, "[T]hey have managed over six years to accomplish much of what Obama promised to do, even if accomplishing it helped speed the process of partisan breakdown." The engine of Obama's political rise, going all the way back to his 2004 keynote at the Democratic National Convention, was that the conflictual nature of politics was the product of the people who knew no politics other than conflict. The central irony of Obama's presidency is he proved himself wrong. Obama promised to reform the health-care system and regulate the financial sector by fixing American politics. Instead, he did it by breaking American politics further. The candidate who ran for office promising to heal Washington's divisions became the most divisive president since the advent of polling: **[graph omitted]** It's not just partisanship. Obama ran as the scourge of special interests. "We can't keep playing the same Washington game with the same Washington players and expect a different result," he said. "Because it's a game that ordinary Americans are losing. It's a game where lobbyists write check after check and Exxon turns record profits, while you pay the price at the pump, and our planet is put at risk." Lobbyists still write their checks in Obama's Washington. The health-reform bill got done by cutting side deals with pharmaceutical companies and insurers. Dodd-Frank got done by cutting side deals with auto dealers and mutual funds. The Obama administration has put no political capital behind major campaign-finance reforms or, really, any other ideas that would fundamentally change how Washington works. It's the same old Washington game with the same old Washington players — but Obama, when he had his big congressional majorities, managed to secure a different result. **Obama** spent his first two years keeping many of his policy promises by sacrificing his central political promise. That wasn't how it felt to the administration at the time. They **thought that success would build momentum; that change would beget change.** Obama talked of the "muscle memory" Congress would rediscover as it passed big bills; **he hoped that achievements would replenish his political capital rather than drain it.** In this, the **Obama** administration **was wrong, and perhaps naive. They overestimated their ability to convert the raw exercise of political power into more political power.** It **was a mistake**, but not a very postpartisan one. And, as a theory, it was the one they needed to build their legacy — a legacy, at this point, that even their early critics admire.

Structurally impossible for Obama can't generate more wins

RYAN 9. [1-18 -- Selwyn Professor of Social Science at the Sir Arthur Lewis Institute of Social and Economic Studies, University of West Indies. Ph.D. in Political Science from Cornell, http://www.trinidadexpress.com/index.pl/article_opinion?id=161426968]

Like many, I expect much from Obama, who for the time being, is my political beast of burden with whom every other politician in the world is unfavourably compared. As a political scientist, I however know that given the structure of American and world politics, it would be difficult for him to deliver half of what he has promised, let alone all of it. Reality will force him to make many "u" turns and detours which may well land him in quick sand. **Obama will, however, begin his stint with a vast accumulation of political capital, perhaps more than that held by any other modern leader.** Seventy-eight per cent of Americans polled believe that his inauguration is one of the most historic the country will witness. **Political capital is, however, a lumpy and fast diminishing asset** in today's world of instant communication, **which once misspent, is rarely ever renewable.** **The world is full of political leaders** like George Bush and Tony Blair **who had visions, promised a lot, and probably meant well, but who did not know how to husband the political capital** with which they were provided as they assumed office. **They squandered**

it as quickly as they emptied the contents of the public vaults. Many will be watching to see how Obama manages his assets and liabilities register. Watching with hope would be the white young lady who waved a placard in Obama's face inscribed with the plaintive words, "I Trust You." Despite the general optimism about Obama's ability to deliver, many groups have already begun to complain about being betrayed. Gays, union leaders, and women have been loud in their complaints about being by-passed or overlooked. Some radical blacks have also complained about being disrespected. Where and when is Joshua going to lead them to the promised land, they ask? When is he going to pull the troops out of Iraq? Civil rights groups also expect Obama to dis-establish Guantanamo as soon as he takes office to signal the formal break with Dick Cheney and Bush. They also want him to discontinue the policy which allows intelligence analysts to spy on American citizens without official authorisation. In fact, Obama startled supporters when he signalled that he might do an about-turn and continue this particular policy. We note that Bush is signalling Obama that keeping America safe from terrorists should be his top priority item and that he, Bush, had no regrets about violating the constitutional rights of Americans if he had to do so to keep them safe. Cheney has also said that he would do it again if he had to. The safety of the republic is after all the highest law. Other groups-sub-prime home owners, workers in the automobile sector, and the poor and unemployed generally all expect Obama to work miracles on their behalf, which of course he cannot do. Given the problems of the economy which has not yet bottomed out, some promises have to be deferred beyond the first term. Groups, however, expect that the promise made to them during the campaign must be kept. Part of the problem is that almost every significant social or ethnic group believes that it was instrumental in Obama's victory. White women felt that they took Obama over the line, as did blacks generally, Jews, Hispanics, Asians, rich white men, gays, and young college kids, to mention a few of those whose inputs were readily recognisable. Obama also has a vast constituency in almost every country in the world, all of whom expect him to save the globe and the planet. Clearly, he is the proverbial "Black Knight on a White Horse." One of the "realities" that Obama has to face is that American politics is not a winner-take-all system. It is pluralistic vertically and horizontally, and getting anything done politically, even when the President and the Congress are controlled by the same party, requires groups to negotiate, bargain and engage in serious horse trading. No one takes orders from the President who can only use moral or political suasion and promises of future support for policies or projects. The system was in fact deliberately engineered to prevent overbearing majorities from conspiring to tyrannise minorities. The system is not only institutionally diverse and plural, but socially and geographically so. As James Madison put it in Federalist No 10, one of the foundation documents of republicanism in America, basic institutions check other basic institutions, classes and interests check other classes and interests, and regions do the same. All are grounded in their own power bases which they use to fend off challengers. The coalitions change from issue to issue, and there is no such thing as party discipline which translated, means you do what I the leader say you do. Although Obama is fully aware of the political limitations of the office which he holds, he is fully aware of the vast stock of political capital which he currently has in the bank and he evidently plans to enlarge it by drawing from the stock held by other groups, dead and alive. He is clearly drawing heavily from the caparisoned cloaks of Lincoln and Roosevelt. Obama seems to believe that by playing the all-inclusive, bipartisan, non-ideological card, he can get most of his programmes through the Congress without having to spend capital by using vetoes, threats of veto, or appeals to his 15 million strong constituency in cyberspace (the latent "Obama Party").

WINNERS WIN NOT TRUE FOR OBAMA.

GALSTON 10. [William, Senior Fellow, Governance Studies, Brookings, "President Barack Obama's First Two Years: Policy Accomplishments, Political Difficulties" Brookings Institute -- Nov 4]

Second, the administration believed that success would breed success—that the momentum from one legislative victory would spill over into the next. The reverse was closer to the truth: with each difficult vote, it became harder to persuade Democrats from swing districts and states to cast the next one. In the event, House members who feared that they would pay a heavy price if they supported cap-and-trade legislation turned out to have a better grasp of political fundamentals than did administration strategists.

WINNERS LOSE FOR OBAMA – LOSES THE SPIN GAME.

BAKER 10. [Peter, foreign policy reporter, author of Kremlin Rising: Vladimir Putin and Russian Counter-Revolution, "Education of a President" New York Times]

But it is possible to win the inside game and lose the outside game. In their darkest moments, White House aides wonder aloud whether it is even possible for a modern president to succeed, no matter how many bills he signs. Everything seems to conspire against the idea: an implacable opposition with little if any real interest in collaboration, a news media saturated with triviality and conflict, a culture that demands solutions yesterday, a societal cynicism that holds leadership in low regard. Some White House aides who were ready to carve a new spot on Mount Rushmore for their boss two years ago privately concede now that he cannot be another Abraham Lincoln after all. In this environment, they have increasingly concluded, it may be that every modern president is going to be, at best, average. "We're all a lot more cynical now,"

one aide told me. The easy answer is to blame the Republicans, and White House aides do that with exuberance. But they are also looking at their own misjudgments, the hubris that led them to think they really could defy the laws of politics. "It's not that we believed our own press or press releases, but there was definitely a sense at the beginning that we could really change Washington," another White House official told me. " 'Arrogance' isn't the right word, but we were overconfident." The biggest miscalculation in the minds of most Obama advisers was the assumption that he could bridge a polarized capital and forge genuinely bipartisan coalitions. While Republican leaders resolved to stand against Obama, his early efforts to woo the opposition also struck many as halfhearted. "If anybody thought the Republicans were just going to roll over, we were just terribly mistaken," former Senator Tom Daschle, a mentor and an outside adviser to Obama, told me. "I'm not sure anybody really thought that, but I think we kind of hoped the Republicans would go away. And obviously they didn't do that." Senator Dick Durbin, the No. 2 Democrat in the upper chamber and Obama's ally from Illinois, said the Republicans were to blame for the absence of bipartisanship. "I think his fate was sealed," Durbin said. "Once the Republicans decided they would close ranks to defeat him, that just made it extremely difficult and dragged it out for a longer period of time. The American people have a limited attention span. Once you convince them there's a problem, they want a solution." Gov. Ed Rendell of Pennsylvania, though, is among the **Democrats** who **grade Obama harshly** for not being more nimble in the face of opposition. "B-plus, **A-minus** on substantive accomplishments," he told me, "and a **D-plus** or C-minus **on communication.**" **The health care legislation is "an incredible achievement"** and the stimulus program **was** "absolutely, unqualifiedly, enormously **successful,**" in Rendell's judgment, **yet Obama allowed them to be tarnished** by critics. **"They lost the communications battle on both major initiatives, and they lost it early,"** said Rendell, an ardent Hillary Clinton backer who later became an Obama supporter. **"We didn't use the president in either stimulus or health care until we had lost the spin battle."**

Ext. Not True – Second Term

Wins don't spillover—capital is finite and decreases—prioritizing it is key to 100-day agenda success

David **Schultz**, professor at Hamline University School of Business, **1/22/13**, Obama's dwindling prospects in a second term, www.minnpost.com/community-voices/2013/01/obamas-dwindling-prospects-second-term

Four more years for Obama. Now what? What does Barack Obama do in his second term and what can he accomplish? Simply put, his options are limited and the prospects for major success quite limited. ¶ **Presidential power is the power to persuade** as Richard Neustadt famously stated. Many factors determine presidential power and the ability to influence including personality (as James David Barber argued), attitude toward power, margin of victory, public support, support in Congress, and one's sense of narrative or purpose. ¶ Additionally, **presidential power is temporal**, often **greatest when one is first elected**, and it is **contextual, affected by competing items** on an agenda. All of these factors affect the political power or capital of a president. ¶ **Presidential power** also **is a finite and generally decreasing product**. **The first hundred days in office** – so marked forever by FDR's first 100 in 1933 – **are usually a honeymoon period, during which presidents often get what they want**. FDR gets the first New Deal, Ronald Reagan gets Kemp-Roth, George Bush in 2001 gets his tax cuts. ¶ Presidents lose political capital, support ¶ **But, over time, presidents lose political capital. Presidents get distracted** by world and domestic events, they **lose support in Congress** or among the American public, or they turn into lame ducks. This is the problem Obama now faces. ¶ **Obama had a lot of political capital** when sworn in as president **in 2009**. He won a decisive victory for change with strong approval ratings and had majorities in Congress — with eventually a filibuster margin in the Senate, when Al Franken finally took office in July. Obama used his political capital to secure a stimulus bill and then pass the Affordable Care Act. He eventually got rid of Don't Ask, Don't Tell and secured many other victories. **But Obama was a lousy salesman, and he lost what little control of Congress** that he had in the 2010 elections.

Ext. Not True – Too Partisan

WINNERS DON'T WIN ON CONTROVERSIAL ISSUES – THE HILL IS TOO POLARIZED.

MANN 10. [Thomas, Senior Fellow, Governance Studies, "American Politics on the Eve of the Midterm Elections" Brookings Institute -- November]

That perception of failure has been magnified by the highly contentious process by which Obama's initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place. Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President's agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

A2: Dickerson

Dickerson is a liberal hack- overstates Obama's potential

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<http://newsbusters.org/blogs/tom-blumer/2013/01/21/cbs-political-director-john-dickerson-calls-obama-declare-war-republican>

These days, we usually don't have to wait too long for reporters' biases to show. Over the weekend at Slate, CBS Political Director John **Dickerson**, whose **leftist advocacy disguised as journalism** has been evident for at least nine years, **mapped out a strategy for his beloved** President **Obama**, writing a 2,000-word battle plan disguised as a column begging the president to "declare war on the Republican Party" (Slate's current headline tease on its "Most Popular" list is "Why Obama Should Seek To Destroy the Republican Party"; bolds are mine): ¶ Go for the Throat! ¶ Why if he wants to transform American politics, Obama must declare war on the Republican Party. ¶ ... A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. ¶ ... The challenge for President Obama's speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president's legacy requires something more than simply the clever application of predictable stratagems. Washington's partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. ¶ ... Obama's only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray. ¶ ... This approach is not a path of gentle engagement. It requires confrontation and bright lines and tactics that are more aggressive than the president demonstrated in the first term. He can't turn into a snarling hack. The posture is probably one similar to his official second-term photograph: smiling, but with arms crossed. ¶ The president already appears to be headed down this path. He has admitted he's not going to spend much time improving his schmoozing skills; he's going to get outside of Washington to ratchet up public pressure on Republicans. He is transforming his successful political operation into a governing operation. It will have his legacy and agenda in mind—and it won't be affiliated with the Democratic National Committee, so it will be able to accept essentially unlimited donations. The president tried to use his political arm this way after the 2008 election, but he was constrained by re-election and his early promises of bipartisanship. No more. Those days are done. ¶ Readers with strong stomachs should read the whole thing to comprehend the visceral disdain Dickerson has for Americans who have the nerve to point out that the nation can't possibly continue as it is if it continues to run trillion-dollar annual deficits and pile up debt at an even greater rate. ¶ Dickerson's biases have been obvious since 2003, when he co-authored a hit piece in Time Magazine trying to make something out of absolutely nothing in the Valerie Plame-Joe Wilson affair. ¶ **In addition to his favorable views of thuggishness** (only if practiced by his side, of course), **Dickerson** also **has an active political fantasy life** if he believes Barack Obama ever had the least bit of interest in "bipartisanship" not involving the other side surrendering their principles. ¶ Dickerson became Political Director at CBS News in November 2011. Now we specifically know why that network's output was horribly biased during the 2012 primaries and presidential campaign. ¶ **The default assumption has to be** that political coverage at **CBS** from here on out **will** complement, encourage, and even **assist the Obama administration** if (really when, given the birth of Organizing for Action, "the next chapter") it implements the strategy Dickerson has articulated.

Obama can't implement that Dickerson strategy effectively

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<http://frontpagemag.com/2013/tom-blumer/obamas-startling-second-inaugural-admission/>

Though it was indeed, as the Politico's Glenn Thrush correctly noted, **"the most liberal speech he has delivered** as president," it clearly **disappointed** some of **those** in the establishment press **who wanted to hear Obama go for his opponents' jugulars. That** group **includes** John **Dickerson**, who has been Political Director at CBS News since November 2011. ¶ Dickerson put on his best game face at Slate after the speech, but **it's clear** from reading his previous 2,000-word battle plan disguised as a column on Friday that **Obama didn't go as far as he would have liked**. ¶ **The column's** headlines **called for Obama to "Go for the Throat!"** and **"declare war on the Republican Party."** In his content, Dickerson claimed that Republican recalcitrance meant that "Obama's only remaining option is to pulverize," and that the president "can only cement his legacy if he destroys the GOP." Slate was so thrilled with the piece that it amped up its "most popular" tease list title to read: "Why Obama Should Seek To Destroy the Republican Party." Dickerson's occupation of such an influential perch at CBS and the presence of so many others like him at

other news outlets largely explain why last year's establishment press coverage of the GOP primaries and the general election was so ruthlessly biased against Republicans and especially conservatives.

A2: Fortier

Ununderlined parts prove overreach possible- especially true in second terms and that you can only win with your own party on publicly popular items

Fortier 9 [John, Research Fellow at the American Enterprise Institute, January 14th, *Spend Your Political Capital Before It's Gone*, <http://www.politico.com/news/stories/0109/17395.html>]

Bush came into the presidency after a protracted election dispute but acted like a man with a mandate. His election victory, no matter how small, was a form of political capital to be spent, and he pushed his tax and education reform packages through Congress. After the Sept. 11 attacks, Republican victories in the 2002 midterm election and the initial phase of the Iraq war, Bush gained more political capital. And each time, he spent it, going to Congress for more tax cuts, the creation of a Department of Homeland Security and other domestic priorities. Bush developed the image of a winner. Despite narrow Republican majorities in Congress, he succeeded in holding his party together and pulling out one legislative victory after another. He famously did not veto a bill in his first term. Even when Bush veered from a typical conservative agenda on education reform and Medicare prescription drugs, Republicans voted with him, although some held their noses. Republicans in Congress did not want to break the string of Bush's first-term legislative juggernaut. Bush was spending his political capital and, by winning, was getting repaid. Bush's 2004 reelection was the apex of his presidency. He won a spirited, high- turnout contest by a clear margin, he brought more Republicans to Congress, and he was ready to spend his latest cache of political capital on two big domestic priorities: Social Security reform and tax reform. But 2005 saw Bush lose all of his political capital. His domestic priorities were bold, but he had overreached and did not have plans that Congress could get to work on immediately. The legislative vacuum in Congress stood in contrast to Bush's first term, where Congress was almost always busy at work on Bush priorities. More importantly, conditions in Iraq deteriorated, and the public began to lose confidence in the president and his ability to win the war. Bush himself said that he had spent his political capital in Iraq and had lost it there. Republican scandals and the president's lack of leadership immediately after Hurricane Katrina further damaged Bush. The winning streak was over, the president's job approval numbers had dropped and his days setting the legislative agenda were over. Even though Bush had his biggest Republican majorities in the 109th Congress, Republican leaders staked out their own agenda, not wanting to tie themselves to a now unpopular president. Bush never regained political capital after 2005. Ronald Reagan had early heady days when he controlled the agenda; his popularity waned, but he was able to regain his footing. Bill Clinton famously bounced from highs to lows and back again. But for Bush, there was no second act. Reagan and Clinton could counterpunch and thrive as president without control of Congress. The Bush presidency had only two settings: on and off. In his first term, Bush controlled the legislative agenda like a prime minister; in the second, others set the agenda. President-elect Barack Obama won election more convincingly than Bush, and he will have larger congressional majorities than Republicans had. No doubt he will begin with some political capital of his own. But as the Bush presidency has taught us, that capital will run out someday, and a real test of leadership will be how Obama adjusts.

A2: Green

Green is a NEG article- says Obama CAN'T effectively use wins to generate success- he's too timid and deferential- it's irreversible

Green 10 [David Michael, Professor of political science at Hofstra University, The Do-Nothing 44th President, June 12th, <http://www.opednews.com/articles/The-Do-Nothing-44th-Presid-by-David-Michael-Gree-100611-648.html>]

What do nine dead Gaza activists in the Mediterranean, nine-plus percent unemployment, and ninety years of oil catastrophe clean-up have in common?¶ How about **one astonishingly tepid president**?¶ How about **one guy in the White House who squirms** in his chair **anytime someone uses the word "bold"** and actually means it?¶ How about **one dude in the Oval Office** who seems much **more interested in** making deals to determine who should be the Democratic **candidates for various state offices than** in actually **solving national problems**?¶ **We could hardly have a president more ill-suited to our time** if we were to dig up Herbert Hoover and prop his weary bones up on the presidential throne.¶ Barack **Obama has** five **major problems as president**. The first is that **he doesn't understand priorities**. The second is that **he seems to have little strong conviction on any given issue**. The third is that to the extent he stands for anything, it is for maintenance of a status quo that continues to wreck the country in order to service the greed of a few oligarchs. The fourth is that **he fundamentally does not understand the powers and the role of the modern presidency**. And the fifth is that **he maintains the worst communications apparatus in the White House since Jimmy Carter** prowled its corridors. In fairness to his communications team, though, he has given them almost nothing to sell. You try singing the praises of bailing out Goldman Sachs one hundred cents on the dollar, or of a health care plan that forces people to buy plans they don't want from hated insurance vultures. It ain't easy, pal. Yet, on the other hand, Bush and Cheney had far less than nothing to sell when it came to the Iraq war indeed, they had nothing but lies and their team handled that masterfully.¶ The fundamental characteristic of the **Obama** presidency **is** that the president is a **reactive object**, essentially the victim of events and other political forces, **rather than the** single greatest **center of power** in the country, and arguably on the planet. He is the Mr. Bill of politicians. People sometimes excuse the Obama torpor by making reference to all the problems on his plate, and all the enemies at his gate. But what they fail to understand and, most crucially, what he fails to understand is the nature of the modern presidency. Successful presidents today (by which I mean those who get what they want) not only drive outcomes in their preferred direction, but shape the very character of the debate itself. And they not only shape the character of the debate, but they determine which items are on the docket.¶ Moreover, there is a continuously evolving and reciprocal relationship between presidential boldness and achievement. In the same way that nothing breeds success like success, nothing sets the president up for achieving his or her next goal better than succeeding dramatically on the last go around.¶ This is absolutely a matter of perception, and you can see it best in the way that Congress and especially the Washington press corps fawn over bold and intimidating presidents like Reagan and George W. Bush. The political teams surrounding these presidents understood the psychology of power all too well. They knew that by simultaneously creating a steamroller effect and feigning a clubby atmosphere for Congress and the press, they could leave such hapless hangers-on with only one remaining way to pretend to preserve their dignities. By jumping on board the freight train, they could be given the illusion of being next to power, of being part of the winning team. And so, with virtually the sole exception of the now retired Helen Thomas, this is precisely what they did.¶ But the game of successfully governing is substantive as well as psychological. More often than not, timidity turns out not to yield the safe course anticipated by those with weak knees, but rather their subsequent undoing. The three cases mentioned at the top of this essay are paradigmatic.¶ By far and away the most crucial problem on the minds of most Americans today is the economy, as is often the case, but now more than ever. It's hard to quite figure where Barack Obama is on this issue. What is always most puzzling with this guy is reconciling the fundamentally irrational behavior of his presidency with the obvious intellectual abilities of the president and the administrative masterfulness of the campaign he ran to obtain that office. It seems to me that there are four options for understanding Obama's self-defeating tendency when it comes to the economic disaster he inherited. One is that he simply isn't so smart, and doesn't get the ramifications of continued unemployment at the level it's currently running. The second option is that he's just a policy bungler, who has the right intentions but makes lousy choices for trying to get there. The third possibility is that Obama recognizes this latest recession as the capstone (we hope) of a three decade long process by the economic oligarchy seeking nothing less than the downsizing of the American middle class, and he simply lacks the courage to attempt any reversal of this tsunami of wealth redistribution. The final, and scariest but by no means least probable explanation for Obama's behavior is that he is ultimately no less a tool in that very piracy project than was George W. Bush or Bill Clinton.¶ Whatever the explanation, **Obama's timidity** early in his presidency **not only failed to solve the problem, but** more crucially, now **precludes him from introducing any meaningful subsequent attempt at solving the problem**. Obama's management of the economic stimulus bill in the first weeks of his presidency was the very model of how a president should govern provided, that is, that the nineteenth century hadn't actually ended over a hundred years ago. **This president**, who has **turned deference to others** including to his sworn enemies **into an art form**, told Congress that he wanted a stimulus bill and let them fill in the details. What he got, accordingly, was a giant monstrosity filled with pet projects for each congressional district in America, with about one-third of it constituted by tax cuts in order to buy Republican votes which never came anyhow. Nor has there been, to this day, any urgency about the spending of those funds.¶ The upshot of all of this is threefold, all of it hugely negative. First, the government spent an enormous amount of money on the stimulus without solving the problem of the recession and unemployment. Second, it therefore massively exacerbated the national debt problem, with little gain to show for it. And third, the combination of the first two factors effectively precludes any subsequent stimulus package from emerging out of Congress for the foreseeable future, the politics of spending in general and the stimulus in particular having become altogether radioactive.¶ And here we see how Obama's failure to lead in the first instance has succeeded above all in digging him into a hole subsequently. We are likely looking at nine or ten percent unemployment for years to come, and Obama's legislative cowardice has created a situation in which the only remaining meaningful tool by which to transcend this deep recession has been taken off the table. The public looks around and asks, "Why should we spend more money on economic stimulus, when all it does is fail to produce results, while simultaneously increasing the national debt?" It's a legitimate question, except that it omits consideration of a third alternative, which is to actually do a stimulus correctly, pumping money into infrastructure, alternative energy projects, unemployment compensation, retraining programs and the like, all of which would positively impact the economy in both the short, medium and long terms.¶ You see the same phenomenon in virtually everything Obama touches. Lots of spiffy rhetoric. But then lots of deference to every other actor in the play (except, of course, for the interests of the American public or for his base of progressive voters), including those who are overtly trying to destroy the president. "You say that Republicans want to remove the public option from the health care bill? Okay, let's give that to them. It's bound to buy, golly, what? ... zero whole votes from their caucus!" "You say they demand yet more tax cuts be included in the stimulus bill? Let's do that! And watch them vote against it almost without exception." "Brilliant."¶ In the Middle East, Obama has spent his first year-and-a-half in office getting bitch-slapped by Noxious Netanyahu, with nothing to show for it but total embarrassment. It's gotten so bad that you can no longer tell which country is the client state of the other. Is it the one with the economy, military, territory, population and political power that dwarfs the other, or is it the one that continually receives financial, military and political support from the other, no matter what it does? Including, for example, regularly invading its neighbors, strangling a population of over a million people, pissing off the whole world, and humiliating both the president and vice-president of its benefactor country by continuing to build more illegal, peace-preventing settlements, in direct, intentional and arrogant contravention of their expressed preference to the contrary. If Obama could possibly be more passive in this situation, it's difficult to know how. Perhaps he could strap on a construction belt and assist the Israelis himself in building some apartment complexes in East Jerusalem. While he was at it, maybe he'd take his shirt off in the hot Mediterranean sun, and get in another one of those hunky presidential photos he seems so fond of.¶ The story is the same back in the Gulf of Mexico, where Obama recently had his very own Michael Dukakis moment. Trying to look tough, like Dukakis did haplessly riding around on that tank in the picture that spoke a million words (and sank a presidential campaign), Obama decided to use a four-letter word to show how serious he is about those mean fellows at BP and their errant flow of oil. Except that this president is so inept that he could only manage three of the requisite four letters. He told NBC's Matt Lauer that he has been visiting the oil spill region "so I know whose ass to kick". I mean, raise your hand if you think that that little display of anger for the cameras was about as authentic as Cheese Whiz. And simultaneously both far less and far

more cheesy. But it gets worse. It then turns out that during all of the last 45 or so days, the president hasn't yet had a phone conversation with the CEO of British Petroleum. Turns out Obama traveled all that way to New Orleans and still couldn't get a postal code for the limey ar*se to which to fax over his presidential boot. ¶ Like he would use it if he had it, anyhow. Can you imagine the conversation he might have with Tony Hayward? ¶ Obama: "Hey, Tony, your oil spill is really causing me problems, so I thought I'd call to kick your ass a little." ¶ Hayward: "Screw you, punk. You do what I tell you." ¶ Obama: "Oh god, you're right. Christ! Sorry. I forgot myself. For a minute there I thought I was talking to my daughter about her homework." ¶ Hayward: "Get your facts straight, pal. Starting with who here works for whom." ¶ Obama: "Yes, sir. Right away, sir. What can we do for you?" ¶ Hayward: "Nothing at all would be perfect, just like you have been doing. Just let us drill where we want, spill where want, thrill as is our wont to the sheer brazenness of our lies, and bill your account for the damages. We're not greedy we won't ask for

more than that." ¶ Obama: "You got it, Mr. Hayward. We'll get right on it. Raaaahhh!!!" ¶ **The only thing more grim than the visage of the pathetic Obama administration in non-action is a consideration of the opportunity lost here. Obama had all the cards stacked in his favor,** ranging from a destroyed opposition party, to a series of crises, to a public demanding change, to massive majorities in Congress, to global good will. **He's pissed it all away in his unrelenting dedication to mediocrity and inoffensiveness.** ¶ And the only thing more grim than that is to consider where this all leads. Every day I shudder a little more as yet another two-by-four is crow-barred out from the edifice of America's experiment in liberal democracy. Every time the Supreme Court hands down a decision, it means more power for the state, more power for the imperial president (whom they also select when they feel like it), and especially, more power for the rich. Every day more people are dying in the stupid and endless wars of the twilight empire, for which nobody can even articulate a purpose. Every election cycle more lethally vicious regressives are victorious, crushing common sense and human rights in tandem, moving the country further in the direction of mindless fascism.

A2: Kuttner

This makes no sense- wins with Dems not key- this ev is from before the midterms that the GOP made huge gains in- Obama CANT get wins in the House and Senate with only Dem support any more

Increased partisanship means PC is finite- that's Eberly

A2: Mitchell

Mitchell doesn't assume second term president and it's all about healthcare- the plan isn't the kind of win it's talking about- only popular, moderate proposals build capital

Mitchell 9 [Lincon, Assistant Professor of International Law @ Columbia University, July 18th, Time for Obama to Start Spending Political Capital, http://www.huffingtonpost.com/lincoln-mitchell/time-for-obama-to-start-s_b_217235.html]

Throughout his presidential campaign, but more notably, during his presidency, President Obama has shown himself to have an impressive ability to accumulate political capital. During his tenure in the White House, Obama has done this by reaching out to a range of constituencies, moderating some of his programs, pursuing middle of the road approaches on key foreign policy questions and, not insignificantly, working to ensure that his approval rating remains quite high.

---their card starts---

Political capital is not, however, like money, it cannot be saved up interminably while its owner waits for the right moment to spend it. Political capital has a shelf life, and often not a very long one. If it is not used relatively quickly, it dissipates and becomes useless to its owner. This is the moment in which Obama, who has spent the first few months of his presidency diligently accumulating political capital, now finds himself. The next few months will be a key time for Obama. If Obama does not spend this political capital during the next months, it will likely be gone by the New Year anyway.¶ Much of what President Obama has done in his first six months or so in office has been designed to build political capital, interestingly he has sought to build this capital from both domestic and foreign sources. He has done this by traveling extensively, reintroducing to America to foreign audiences and by a governance style that has very cleverly succeeded in pushing his political opponents to the fringes. This tactic was displayed during the effort to pass the stimulus package as Republican opposition was relegated to a loud and annoying, but largely irrelevant, distraction. Building political capital was, or should have been, a major goal of Obama's recent speech in Cairo as well.¶ Significantly, Obama has yet to spend any of his political capital by meaningfully taking on any powerful interests. He declined to take Wall Street on regarding the financial crisis, has prepared to, but not yet fully, challenged the power of the AMA or the insurance companies, nor has he really confronted any important Democratic Party groups such as organized labor.¶ This strategy, however, will not be fruitful for much longer. There are now some very clear issues where Obama should be spending political capital. The most obvious of these is health care. The battle for health care reform will be a major defining issue, not just for the Obama presidency, but for American society over the next decades. It is imperative that Obama push for the best and most comprehensive health care reform possible. This will likely mean not just a bruising legislative battle, but one that will pit powerful interests, not just angry Republican ideologues, against the President.¶ The legislative struggle will also pull many Democrats between the President and powerful interest groups. Obama must make it clear that there will be an enormous political cost which Democrats who vote against the bill will have to pay. Before any bill is voted upon, however, is perhaps an even more critical time as pressure from insurance groups, business groups and doctors organizations will be brought to bear both on congress, but also on the administration as it works with congress to craft the legislation. This is not the time when the administration must focus on making friends and being liked, but on standing their ground and getting a strong and inclusive health care reform bill.¶ Obama will have to take a similar approach to any other major domestic legislation as well. This is, of course, the way the presidency has worked for decades. Obama is in an unusual situation because a similar dynamic is at work at the international level. A major part of Obama's first six months in office have involved pursuing a foreign policy that implicitly has sought to rebuild both the image of the US abroad, but also American political capital. It is less clear how Obama can use this capital, but now is the time to use it.¶ A cynical interpretation of the choice facing Obama is that he can remain popular or he can have legislative and other policy accomplishments, but this interpretation would be wrong. By early 2010, Obama, and his party will, fairly or not, be increasingly judged by what they have accomplished in office, not by how deftly they have handled political challenges. Therefore, the only way he can remain popular and get new political capital is through converting his current political capital into concrete legislative accomplishments. Health care will be the first and very likely most important, test.

A2: Rachman

This is about INTERNATIONAL perception of weakness- no mention of legislative victories- those don't regenerate

Links: AT: Not Done by the Federal Government

(--) PRESIDENCY IS THE FOCAL POINT OF POLITICS – PRESIDENT GETS THE CREDIT OR THE BLAME, DESERVED OR NOT

Rosati 4. [*Jerel A., University of South Carolina Government and International Studies professor THE POLITICS OF UNITED STATES FOREIGN POLICY, 2004, p. 80*]

Given the popular image of presidential power, presidents receive credit when things are perceived as going well and are blamed when things go badly. Unfortunately, American politics and the policy process are incredibly complex and beyond considerable presidential control. With so many complex issues and problems to address – the debt problem, the economy, energy, welfare, education, the environment, foreign policy – this is a very demanding time to be president. As long as presidential promises and public expectations remain high, the president's job becomes virtually an impossible task. Should success occur, given the lack of presidential power, it is probably not by the president's own design. Nonetheless, the president – the person perceived to be the leader of the country – will be rewarded in terms of public prestige, greater power, and reelection (for him or his successor). However, if the president is perceived as unsuccessful – a failure – this results not only in a weakened president but one the public wants replaced, creating the opportunity to challenge an incumbent president or his heir as presidential nominee.

(--) Obama is the Velcro president – gets the blame for everything:

Nicholas and Hook 10. (Peter and Janet, Staff Writers – LA Times, "Obama the Velcro president", LA Times, 7-30, <http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3>)

If Ronald Reagan was the classic Teflon president, Barack Obama is made of Velcro. Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame. Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public. But Obama remains the colossus of his administration — to a point where trouble anywhere in the world is often his to solve. The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape. What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting. Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll. "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?'" said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations." Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration. Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants. Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole. "I can't suck it up with a straw," he said. But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish. Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal." Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise. A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year. At every turn, Obama makes the argument that he has improved lives in concrete ways. Without the steps he took, he says, the economy would be in worse shape and more people would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower. Yet, Americans aren't apt to cheer when something bad doesn't materialize. Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in. "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit. Insulating the president from bad news has proved impossible. Other White Houses have tried doing so with more success. Reagan's Cabinet officials often took the blame, shielding the boss. But the Obama administration is about one man. Obama is the White House's

chief spokes[ic person]man, policy pitchman, fundraiser and negotiator. No Cabinet secretary has emerged as an adequate surrogate. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end. So, more falls to Obama, reinforcing the Velcro effect: Everything sticks to him. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding. Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times. "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' When you position yourself as being all things to all people, the ultimate controller and decision maker with the capacity to fix anything, you set yourself up to be blamed when it doesn't get fixed or things happen." A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions. But at this stage, it may be late in the game to downsize either the president or his agenda. Sen. Richard J. Durbin (D-Ill.) said: "The man came in promising change. He has a higher profile than some presidents because of his youth, his race and the way he came to the White House with the message he brought in. It's naive to believe he can step back and have some Cabinet secretary be the face of the oil spill. The buck stops with his office."

(--) The President takes blame for actions they personally did not take—it is assumed the president is responsible for virtually everything:

Dennis M. **Simon, 2007*** (Professor of Political Science @ SMU, "Public Expectations of the President," *faculty.smu.edu/dsimon/AMPres07Up/SimonExpectations.doc* *based on the URL and the fact that no footnote is after 2007, we believe this is the accurate date of this article –RG)

The Consequences of Performance-Based Expectations. Broadly speaking, there are three types of consequences associated with these expectations. First, performance-based expectations help us understand fluctuations in public support for presidents, both within and across administrations. Essentially, presidents are held accountable for a broad range of events and conditions in the real world (Gronke and Newman 2003). As economic manager, presidents are expected to insure prosperity and are held accountable for the state of the economy; as foreign policy leaders, presidents are expected to maintain peace and national security; as domestic policy initiators, presidents are expected to be innovators who formulate an agenda and effectively act to secure its passage and implementation (Ostrom and Simon, 1985; Edwards, 1983). In addition to the image-based expectation of honesty, presidents are also expected to maintain integrity or probity within their administrations (Newman 2003; 2002).

(--) More evidence, the President gets blame for everything:

Dennis M. **Simon, 2007*** (Professor of Political Science @ SMU, "Public Expectations of the President," *faculty.smu.edu/dsimon/AMPres07Up/SimonExpectations.doc* *based on the URL and the fact that no footnote is after 2007, we believe this is the accurate date of this article –RG)

In effect, performance-based expectations establish a basic rule of the game – presidents are blamed for bad outcomes. Recessions, prolonged military conflict, scandals and other adverse events exact a toll on the president's approval rating, his future effectiveness, and the electoral fortunes of his party (e.g., Jacobson 2004, 151-206; Simon, Ostrom, and Marra 1991). Herein lays the trap of the textbook presidency. In the face of adverse outcomes and events in the real world, these expectations lead to a conclusion that a president did not exercise his authority and power in a competent manner (Peffley 1989). Seldom is the question raised as to whether presidents have, in fact, sufficient power and authority to meet these expectations. One prominent example is the expectation of prosperity that flows from the president's role of economic manager. A realistic view of the office would emphasize that presidential influence

over fiscal policy is restricted by the power of the purse granted to congress and that, on matters of monetary policy, the Federal Reserve Board is a regulatory agency independent of the executive branch. In fact, recent case studies demonstrate that the Federal Reserve Board is more likely to influence presidential economic policy than vice versa (Woodward 2000; 1994).

(--) The president will get the blame for executive agency actions—people overestimate the actual governmental responsibility of the president:

Michael A. Fitts, 1996 (Professor of Law, University of Pennsylvania Law School). University of Pennsylvania Law Review. January 1996, 144 U. Pa. L. Rev. 827, "THE PARADOX OF POWER IN THE MODERN STATE: WHY A UNITARY, CENTRALIZED PRESIDENCY MAY NOT EXHIBIT EFFECTIVE OR LEGITIMATE LEADERSHIP"

This Article takes issue with some important elements of this analysis. I argue that the **structural changes that appear to enhance the power of the president** under public choice approaches and unitary executive principles **can**, at the same time, **actually undermine the president's reputation**, his ability to resolve conflicts, **and ultimately, his political strength**. As a result, formal attempts to strengthen the presidency may have "diminishing marginal returns" and perhaps even negative effects, at least in some contexts. The reasons are complicated but straightforward: **the individuality, centrality, and visibility of the "personal unitary presidency,"** which is seen as an advantage in terms of collective choice and public debate, can be a disadvantage when it comes to conflict resolution and public assessment. By using the term "mediating conflict," I refer to the way in which a political leader or institution overcomes the social and political costs of resolving distributional and symbolic disputes. n19 Due to his singularity and enhanced visibility, [*836] **a unitary, centralized president may be less able to mediate many of these conflicts.** At the same time, he[sic/she] **may be politically evaluated more often under personal (rather than institutional) criteria and subjected to an overassessment of government responsibility and error. This combination of effects can undermine not only the popularity and perceived competence** - what I will call "legitimacy" - of the person who holds the office, **but indirectly, the president's political influence as well.** What the institution of the presidency seems to gain in strategic power from its centralization in a single visible individual, it may lose, at least in some contexts, as a result of the normative political standards applied to individuals.

(--) OBAMA WILL GET THE BLAME FOR ALL POLICIES PASSED – THE HILL IS TOO POLARIZED FOR ANY BLAME DEFLECTION.

Politico 9. [2-13-09 -- <http://www.politico.com/news/stories/0209/18827.html>]

The Washington climate, which led to a party-line vote on the stimulus, **has big political implications: It means that Obama will have sole ownership -- whether that means credit or blame -- for all the massive changes in government he envisions over the coming year.**

(--) PRESIDENTS ARE THE FOCAL POINT OF POLITICS – THEY GET THE CREDIT/BLAME.

CNN, 2002 Late Edition with Wolf Blitzer 4/28/02

Bruce Morton, Cnn Correspondent: **Networks will often air whatever the president says, even if he's praising the Easter Bunny.** Blitzer: Competing for face time on the cable news networks. Stay with us. Blitzer: Welcome back. Time now for Bruce Morton's essay on the struggle for balanced coverage on the cable networks. Morton: The Democrats have written the three cable news networks -- CNN, Fox and MSNBC -- complaining that the Bush administration gets much more coverage than elected Democrats. They cite CNN, which they say, from January 1 through March 21, aired 157 live events involving the Bush administration, and 7 involving elected Democrats. Fox and MS, they say, did much the same thing. The coverage gap is certainly real, for several reasons. First, since September 11, the U.S. has been at war in Afghanistan, so the president has been an active commander in chief. And covering the war, networks will often air whatever the president says, even if he's praising the Easter Bunny. Plus, the White House press secretary's briefing, the Pentagon's, maybe the State Department's. Why not? It's easy, it's cheap, the cameras are pooled, and in war time, the briefings may make major news. You never know. But **there's a reason for the coverage gap that's older than Mr. Bush's administration. In war or peace, the president is a commanding figure** -- one man to whose politics and character and, nowadays, sex life, endless attention is paid. **Congress is 535 people. What it does is complicated**, compromises on budget items **done in private, and lacks the drama** of the White House. There's a primetime TV show about a president. None about the Congress. If a small newspaper has one reporter in Washington, he'll cover two things, the local congressional delegation and, on big occasions, the White House. So the complaining Democrats have a point, **but it's worth remembering that coverage of a president, while always intense, isn't always positive. You could ask the Clintons.** **9 Presidents will always get more coverage than Congresses. They're sexier. But it won't always be coverage they like.**

Links: Executive Orders

Executive Orders are perceived as bypassing Congress and create great political controversy:

Marybeth P. **Ulrich**, July 2004, U.S. Army War College Guide to National Security Policy and Strategy, Presidential Leadership and National Security Policymaking

Executive orders have mainly been used in three areas: to combat various forms of discrimination against citizens, to increase White House control over the executive branch, and to maintain secrets. **When Congress perceives that executive orders are taken to bypass Congress on controversial issues, they may elicit great political controversy and be a source of conflict between the two branches.** Even the prospect of an executive order being issued can erupt in major political controversy as was the case with President Clinton's proposal to lift the ban on gays serving in the military. There was no question that the president had the legitimate authority to issue such an order as Truman had done to integrate the armed forces in 1948, but **the political backlash was so strong** in 1993 **that Clinton abandoned the idea in order to salvage his domestic agenda before Congress.**

(--) Unpopular XOs have political consequences and spark massive congressional and public backlash:

Risen 2004 [Clay, Managing editor of *Democracy: A Journal of Ideas*, M.A. from the University of Chicago "The Power of the Pen: The Not-So-Secret Weapon of Congress-wary Presidents" *The American Prospect*, July 16, http://www.prospect.org/cs/articles?article=the_power_of_the_pen]

The most effective check on executive orders has proven to be political. **When it comes to executive orders, "The president is much more clearly responsible,"** says Dellinger, who was heavily involved in crafting orders under Clinton. "Not only is there no involvement from Congress, but **the president has to personally sign the order."** **Clinton's Grand Staircase-Escalante** National Monument executive order may have helped him win votes, but it also **set off a massive congressional and public backlash.** Right-wing Internet sites bristled with comments about "dictatorial powers," and Republicans warned of an end to civil liberties as we know them. "President Clinton is running roughshod over our Constitution," said then-House Majority Leader Dick Armey. Indeed, **an unpopular executive order can have immediate--and lasting--political consequences.** In 2001, for example, **Bush proposed raising** the **acceptable number of** parts per billion **of arsenic in drinking water.** It was a bone he was trying to toss to the mining industry, and it would have overturned Clinton's order lowering the levels. But **the overwhelmingly negative public reaction forced Bush to quickly withdraw his proposal--and it painted him indelibly as an anti-environmental president.**

(--) Executive orders turn the President into a lightning rod

Cooper 97 [Phillip, Professor of Poli Sci @ University of Vermont, Administration and Society, Lexis]

Interestingly enough, **the effort to avoid opposition from Congress** or agencies **can have the effect of turning the White House itself into a lightning rod.** **When an administrative agency takes action** under its statutory authority and responsibility, **its opponents generally focus their conflicts as limited disputes aimed at the agency** involved. **Where the White House employs an executive order,** for example, to shift critical elements of decision making from the agencies to the executive office of the president, **the nature of conflict changes and** the focus shifts to 1600 Pennsylvania Avenue or at least to the executive office buildings

The saga of the OTRA battle with Congress under regulatory review orders and the murky status of the Quayle Commission working in concert with OIRA provides a dramatic case in point. The nature and focus of conflict is in some measure affected by the fact that executive orders take administrative action outside the normal rules of administrative law. And although there are tensions in that field of law, the fact is that it has been carefully developed over time with the intention of accommodating the needs of administration and the demands for accountability by agencies filled with unelected administrators who make important decisions having the force of law in the form of rules and administrative adjudications. On one hand, administrative law requires open, orderly, and participative decision processes, but it also creates significant presumptions in favor of administrative agencies. The courts provide legal support in the form of favorable decisions as well as assisting agencies in enforcement through orders enforcing subpoena and other investigative authority while also ordering compliance with agency decisions once the investigations and decision processes are complete. Administrative law also provides a vehicle for integrating administrative decisions having the force of law with the larger body of law and policy. The use of executive orders to confound or circumvent normal administrative law is counterproductive and ultimately dysfunctional.

Links: Flip Flops

(--) Flip-flops kill the agenda - it's the most destructive political label in America

Rainey, 8 (6/25/08 (James, Staff @ LA Times, "ON THE MEDIA: Candidates Show Lack of Leadership on Iraq," Daily Herald, http://www.heraldextra.com/component/option,com_contentwire/task,view/id,61544/Itemid,53/)

The Iraq experts I interviewed agreed that **one of the most problematic barriers to a real debate is** -- as author and journalist George Packer said -- **a culture that has "made flip-flopper the most feared label in American politics."** They could point to another politician, fact averse but stalwart, who took too long to adapt once it became clear Iraq was going sideways. "It seems **in America you are stuck with the position you adopted, even when events change, in order to claim absolute consistency,"** Packer said. **"That can't be good."**

(--) Flip-flops are politically devastating

The Dallas Morning News, 1 (4/16/2001 (lexis))

A high number of **flip-flops can bleed a president dry**, they added, especially one who campaigned for a "responsibility era" in contrast to the scandal-ridden Clinton era. **"His stock-in-trade more than anything else is, 'This is a guy who keeps his commitments, even when it's painful,' "** said Norman **Ornstein, a resident scholar at the American Enterprise Institute.** Democrats said the coal companies applied pressure to Bush, forcing a decision they say ignores the threat of global warming. In mocking Bush's prior campaign pledge, many cited the chemical formula for carbon dioxide, CO₂. "The president and his team have really made a 180-degree turn on their position here, suggesting now that CO₂ is somehow A-OK," said Sen. Joe Lieberman, D-Conn., who ran against Bush as the Democratic candidate for vice president. Sen. Hillary Rodham Clinton, D-N.Y., wife of Bush's predecessor, called it "a promise made and a promise broken." "In less than eight weeks in office, President Bush has gone from CO₂ to 'see you later,' " Hillary Clinton said. During a campaign speech in Saginaw, Mich., on Sept. 29, Bush outlined a clean air strategy targeting four pollutants. "With the help of Congress, environmental groups and industry, we will require all power plants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury, and carbon dioxide within a reasonable period of time," Bush said. And since his inauguration, Bush's Environmental Protection Agency chief, Christie Whitman, has publicly backed the carbon dioxide restrictions. But late Tuesday, he sent a letter to Republican senators saying he was still committed to new emission standards on the first three items. "I do not believe, however, that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a 'pollutant' under the Clean Air Act," Bush wrote. Critics said broken promises are especially troublesome for Bush, who promised a more straightforward approach than his predecessor. During an Oct. 26 speech titled "Responsible Leadership," Bush told supporters in Pittsburgh that "in a responsibility era, government should trust the people." "And in a responsibility era, people should also be able to trust their government," Bush said. Ornstein said it may be hard for Bush to make those kind of comments in the future. "Now his opponents are going to jump up and say, 'Oh yeah?' " Ornstein said. "This is going to be used against him." White House aides said they believe most voters will understand the circumstances behind the decision. They cited a recent Energy Department study saying that capping carbon dioxide emissions would escalate the shift from coal to natural gas for electricity generation, thus boosting prices. "It's better to protect the consumer and avoid worsening the energy crisis," White House spokesman Ari Fleischer said. If Bush has any doubt how much damage a broken promise can do, he needs only to ask his father, President George Bush, who hurt himself by reversing his nationally televised "read my lips, no new taxes" pledge. The younger Bush's carbon dioxide pledge came in an energy policy speech, and most of the attention at the time was devoted to his proposal to drill for oil in an Alaska wildlife refuge. Thomas E. **Patterson, a professor of government and the press at the Harvard** University's John F. Kennedy School of Government, said the damage done to Bush depends on what happens in the future. He **likened broken campaign promises to "razor cuts."** "If you only have a few of them, they really can get lost in everything else that's going on," Patterson said. **"It's the accumulation of these razor cuts that starts the real bleeding."**

(--) FLIP FLOPS KILL THE AGENDA.

Fitts 96 (Michael A., University of Pennsylvania Law Review, January, Lexis)

Centralized and visible power, however, becomes a double-edged sword, once one explores the different ways in which unitariness and visibility can undermine an institution's informal influence, especially its ability to mediate conflict and appear competent. In this context, the visibility and centralization of the presidency can have mixed effects. **As a single visible actor** in an increasingly complex world, **the unitary president can be prone to an overassessment of responsibility** and error. He also may be exposed to a normative standard of personal assessment that may conflict with his institutional duties. At the same time, the modern president often does not have at his disposal those bureaucratic institutions that can help mediate or deflect many conflicts. Unlike members of Congress or the agencies, he often must be clear about the tradeoffs he makes. Furthermore, **a president who will be held personally accountable for government policy cannot pursue or hold inconsistent positions** and values over a long period of time **without suffering political repercussions**. In short, the centralization and individualization of the presidency can be a source of its power, as its chief proponents and critics accurately have suggested, as well as its political illegitimacy and ultimate weakness.

Links: Focus Links

OBAMA'S AGENDA IS FINITE – FOCUS IS KEY – PLAN DERAILS THE AGENDA.

CSMonitor 9. [March 12 – lexis]

The Obama administration itself has not hidden the fact that it sees a limited window to enact its agenda, almost like a game of "beat the clock." As long as Obama's job approval ratings are comfortably high - currently in the 60s in major polls - he has the political capital to address the pent-up demand for change that is inevitable when the opposition party takes over from an unpopular previous administration. But, there's only so much a White House and Congress can accomplish, given the deliberative nature of the process, and even members of Obama's own party are raising warning flags about the magnitude of the new president's agenda.

PRESIDENTIAL FOCUS IS KEY TO GETTING THE AGENDA – PLAN IS A SURPRISE DERAILING THE AGENDA

GOMES 8. [11-10 Jim, columnist, "A climate plan in peril?" Boston Globe -- http://www.boston.com/lifestyle/green/articles/2008/11/10/a_climate_plan_in_peril/]

A budget out of balance and a populace more worried about the economic present than our atmospheric future does not bode well for global warming emerging as a top-tier issue in the early days of the new administration. **An agenda crowded with critical items - an economy in recession, wars in Iraq and Afghanistan, the continuing mortgage meltdown, healthcare - awaits our newly elected leaders. There are only so many priorities that an administration and Congress can focus on, and they will need to make choices on how to use their initial honeymoon period and their finite supply of political capital.**

PRESIDENTIAL FOCUS KEY AGENDA – PLAN TRADES OFF.

ANDRES 00. [Gary, president for legislative affairs in the Bush Administration, Presidential Studies Quarterly, September -- lexis]

The constraint of "time" is another trade-off the White House must manage. Members of Congress regularly criticize the White House for only being able to focus on one single issue at a time, a trait common to the White House legislative office that routinely works this way during major legislative battles, focusing its attention to winning a key vote on the House or Senate floor, and disposing of it before moving on to another project. Congress, with its diverse committee system and decentralized power structure, processes a variety of issues simultaneously. A typical legislative day might find two or three key issues on the floor, leadership meetings about the agenda for the following week, and a half a dozen critical markups in committees. Given all the issues Congress can present to the president and the limited number of hours in a day or week, it is critical how the White House prioritizes. The White House must decide which issues to get involved with and which to ignore or delegate to others within the administration. The resolution of these choices and the trade-offs ultimately shape the White House-congressional agenda.

Focus key to passing the president's agenda.

EDWARDS AND BARRETT 00. [George & Andrew, distinguished professor of political science @ A&M, assistant lecturer/PhD Candidate in political science @ A&M, Polarized Politics: Congress and the President in a Partisan Era, ed Bond and Fleisher p 110]

In addition, the White House wants to ensure that its proposals compete favorably with other proposals on the agenda. **If presidents cannot focus Congress's attention on their priority programs, the programs will get lost in the complex and overloaded legislative process. Moreover, presidents and their staff have the time and energy to lobby effectively for only a few bills at a time, and the president's political capital is inevitably limited. As a result, presidents wish to focus on advancing their own initiatives rather than opposing or modifying the proposals of others. Thus, the White House not only wants its initiatives to be on the congressional agenda but also prefers to have fewer congressional initiatives with which it must deal.**

Time-Frame

Time-Frame is October 1st

(--) Deadline for continuing resolution is October 1st:

Paul **Singer, 9/8/2015** (staff writer, "Congress returns to yet another spending crisis, fears of government shutdown," <http://www.usatoday.com/story/news/politics/2015/09/07/congress-returns-spending-crisis-fears-government-shutdown/71657516/>, Accessed 9/11/2015, rwg)

WASHINGTON — **Members of Congress return from summer recess facing a Sept. 30 deadline to fund the federal government, a deadline they are certain to miss,** as they have each of the past 18 years. **The question is: Will the government shut down Oct. 1, or can lawmakers agree to a temporary spending plan while they argue about a longer-term solution?** The "normal" congressional budget process involves the House and Senate passing 12 separate spending bills for various agencies and programs around the government, each of which must be signed by the president by the time federal spending authority expires Sept. 30. But according to the Congressional Research Service, **Congress has failed to fund all or most federal agencies by the Sept. 30 deadline every year since 1997. Instead, lawmakers pass a series of temporary funding measures — called "continuing resolutions" — and then wrap most of the funding into a single "omnibus" spending package.**

(--) Sept. 30th is the deadline:

Paul **Kane and Kelsey Snell, 9/9/2015** (staff writers, "GOP tries to avert shutdown as right spoils for Planned Parenthood fight," http://www.washingtonpost.com/politics/gop-tries-to-avert-shutdown-as-right-spoils-for-planned-parenthood-fight/2015/09/09/a515099c-572f-11e5-b8c9-944725fcd3b9_story.html?tid=pm_politics_pop_b, Accessed 9/11/2015, rwg)

The once-normal process of approving a stopgap bill that keeps the federal government operating on the previous year's fiscal budget has become anything but routine during House Speaker John A. **Boehner's five-year tenure. This latest showdown,** like its recent predecessors, is another example that brinksmanship — **involving countdown clocks and advisories to federal workers about the possible expiration of funding on Sept. 30 — is the new normal.**

(--) Shutdown by October 1 unless a budget is passed:

Dustin **Siggins, 9/10/2015** (staff writer, "U.S. House Speaker Boehner: Government shutdown will not help the pro-life cause," <https://www.lifesitenews.com/news/u.s.-house-speaker-boehner-government-shutdown-will-not-help-the-pro-life-c>, Accessed 9/11/2015, rwg)

WASHINGTON, D.C., September 10, 2015 (LifeSiteNews) -- House Speaker John Boehner (Republican, Ohio), says a Planned Parenthood funding fight that shuts down the government won't help the pro-life cause -- even as Republicans debate how to most effectively end taxpayer funding of Planned Parenthood. According to Politico, **yesterday's closed-door session of House GOP lawmakers focused on whether to attach a defunding measure to a budget bill next week.** Some GOP leaders want the measure attached to force Democrats into a tough vote, but others are concerned Senate Democrats and President Obama will simply shut down the government by not backing a budget unless it sends hundreds of millions of taxpayer dollars to the abortion giant. **A budget must be passed by October 1, or parts of the federal government will shut down.**

Internal Links

Internal Links: Political Capital Key to Budget Negotiations

(--) Deal making is critical to the budget negotiations:

Brett **LoGiurato, 9/8/2015** (staff writer, "It's going to be a wild September in Congress — and the odds of a shutdown are now astoundingly high," <http://www.businessinsider.com/shutdown-odds-climb-planned-parenthood-2015-9>, Accessed 9/11/2015, rwg)

President Barack **Obama has received nothing but good news on the signature foreign-policy item on the congressional agenda this month. But his successes in persuading enough Democratic senators to support the Iranian nuclear deal may actually complicate things on the domestic front.** That's the argument of Stan Collender, a top federal budget expert who has worked on both the House and Senate Budget Committees. Collender now puts the odds of a shutdown at 67% — up from 60% before Congress' month-long recess. **The federal government will shut down on Oct. 1 if Congress does not pass a spending bill to keep the government funded.** They have 12 scheduled legislative days to avoid a second shutdown in three years. Congressional **Republicans and** President Barack **Obama had already been at impasse over spending levels for both military and domestic programs.** And rebellious Republicans are gearing up for a fight over funding for Planned Parenthood, the women's health and family-planning organization that has come under intense scrutiny amid the release of controversial undercover videos. Collender argues that the developments on the Iran deal will make the ongoing budget negotiations more complicated, as Republican opponents try to derail the deal through any possible means: "The continuing resolution will provide those senators and representatives against the deal with a second bite of the disapproval apple. "Because the CR will include appropriations for all cabinet departments, it's very likely — if not almost certain — that there will be at least one attempt in the House and Senate to include language that prevents from using any of the funds to implement the deal. "That's not to say this proposed language will survive, but the process will further slow down a debate on the CR that already was pushing against the time limit." U.S. Senate Majority Leader Mitch McConnell (R-KY) addresses reporters after the weekly Senate Republican caucus luncheon at the U.S. Capitol in Washington June 16, 2015. REUTERS/Jonathan ErnstThomson ReutersU.S. Senate Majority Leader McConnell addresses reporters at the U.S. Capitol in Washington The debate over Iran, Collender says, will lead to even more intense partisan vigor in Congress around the spending bill. And all of that heated debate obscures the "big budget issue" — which is the disagreement between the parties over military and domestic spending. Obama and Democrats want to increase spending beyond the agreed-upon caps of the 2011 budget sequester, while most Republicans want to lift only military spending while making further cuts on the domestic side. White House press secretary Josh Earnest said Tuesday that Obama will not support legislation that "locks in those sequester caps that neglect our economic and national-security priorities." "I'm not sure if it's going to come to that," Earnest said when asked if Obama would veto legislation that doesn't lift the budget caps, effectively leading to a shutdown. "But the president's position on this has been very clear — that he will not sign into law a budget bill that will lock in sequester levels of spending." Resolving this agreement in a matter of days, with several of them dedicated to the Iran debate and Pope Francis' visit to Washington later this month, is akin to "pulling a rabbit out of a hat," Collender says. Other analysts have provided a more optimistic look at the budget negotiations. Greg Valliere, the chief political strategist at the Potomac Research Group, puts the odds at 30%. And Republican leaders, most notably House Speaker John Boehner (R-Ohio) and Senate Majority Leader Mitch McConnell (R-Kentucky) have pledged to avoid a shutdown, citing the lingering damage from the 17-day shutdown in 2013 that hurt the Republican Party's brand with independent and moderate voters. For his part, McConnell seemed to concede last week that defunding Planned Parenthood would have to wait until a theoretical Republican president takes office in 2017. But that may be easier said than done. **The wild political climate makes deal-making risky for Boehner and Mitch McConnell,** Valliere said. **They have pledged to avoid a shutdown, and they probably will succeed — but virtually every Republican running for president will excoriate Boehner if he gets a budget deal, because the only way that will happen is for him to get plenty of votes from** Nancy **Pelosi's troops.** That would be a gift from God for Donald Trump and other GOP candidates, who would blast 'weak leadership,' when in fact the leadership simply doesn't have the votes."

(--) Obama's political capital is key to avoiding a shutdown:

Russell **Berman, 9/9/2015** (staff writer, "Republicans Swear This Shutdown Will Be Different," <http://www.theatlantic.com/politics/archive/2015/09/conservatives-embark-on-another-futile-fight/404242/>, Accessed 9/11/2015, rwg)

Conservatives in Congress are mounting what will likely be a futile fight to defund Planned Parenthood, even if it means shutting down the entire federal government. Just those first 12 words amount to the journalistic equivalent of "It was a dark and stormy night..." This is a path the Republican Party's right flank has been down several times before since 2011,

and they've never succeeded in achieving the policy outcome for which they began their fight in the first place. In 2013, conservatives forced a government shutdown over the funding of Obamacare. It lasted two-and-a-half weeks, but when the doors reopened, the healthcare law was untouched. Earlier this year, conservatives again held up federal funding, this time for the Department of Homeland Security, as part of a battle to block President Obama's executive actions on immigration. Ultimately, Republicans caved, DHS stayed open, and the president's policy went forward—until it was blocked by the courts in a move completely unrelated to the maneuverings in Congress. The strategy is a total loser. It has never worked, and yet it is one that conservatives continue to embrace as a means of battling a pair of bogeymen that their supporters revile with just about equal fervor: the Obama administration and the GOP leadership. Related Story The Plot Against Planned Parenthood and John Boehner How is that possible? In the view of conservatives, **Republican leaders have never actually waged the full fight to the bitter end. Even when they brought the nation to the brink of default in 2011. Even when they shut down the government two years later.** And even when they nearly let homeland-security funding lapse earlier this year. The party leadership always blinked, eventually. **Nevermind that** Speaker John **Boehner and** Majority Leader Mitch **McConnell folded each time** only after Republicans had incurred substantial political damage, and **only after the White House** and congressional Democrats **had made clear they would move no further.** According to this thinking, if GOP leaders had held out a little longer, a conservative victory would have been at hand.

(--) Past debt ceiling fights prove: Obama's capital is key

John Judis, The New Republic, **1/3/13**, Obama Wasn't Rolled. He Won!,
www.tnr.com/blog/plank/111573/obama-didnt-get-rolled-the-fiscal-cliff-in-fact-he-won

Secondly, **Obama scored a major political triumph by getting Republicans to agree to raise back tax rates on the wealthy.** Since 1978, Republicans have focused their popular appeal on the premise that cutting taxes on the wealthy – and secondarily everyone else -- will encourage growth. **By putting Republicans in a position where** in order to protect tax cuts for the wealthy, **they had to risk increasing taxes for everyone** by letting the country go over the cliff, **Obama and the Democrats robbed them of what has been their defining issue. They are now left with advocating spending cuts, which, as it turns out, are only popular in the abstract.** ¶ In negotiating over the fiscal cliff, **Obama** also **did something that he failed to do during the summer of 2011: He campaigned publicly. He framed the issues. He put the Republicans on the defensive** in a way that he failed to do during much of his first term. Fifty years ago, perhaps, a Democratic president could have relied on constituent groups, led by the labor movement, to carry the battle for liberal initiatives, but while these groups are important, they don't carry the same kind of clout they used to. And they don't have the money to compete with Republican and conservative groups. But **the President can command the public's attention, and Obama did—right up through the final days of voting.** ¶ There are arguments to be made about whether Obama got enough from the negotiations. Could he have held out for a \$250,000 floor on increased tax rates? Perhaps, but he had to make some concession and he retained the central political principle, while keeping three-fourths of the promised revenue. More important, could Obama have gotten an agreement on the debt ceiling or the sequester instead of postponing these battles? That's a more serious issue, but my sense is that with Republicans still controlling the House, Obama did not have the power to force Senate and House Republicans into a last minute deal on these issues without making very unfortunate concessions on spending and taxes. ¶ **With a new House and Senate, Obama stands a good chance of winning these battles in the months to come -- if he continues to conduct these negotiations as political campaigns** and not as backroom Washington affairs. **The fiscal cliff deal took tax rates out of the discussion. What's left are spending cuts. If Obama allows the Republicans and obnoxious groups** like Fix the Debt **to frame the issues, he'll be in trouble.** And he did seem to fall into this trap briefly when he proposed changing the cost of living index for Social Security. **But if he reminds the public** that what the Republicans and their allies want to do is cut their Medicare and Social Security, **he and the Democrats should be in good shape.** ¶ As for the Republicans, the **debate over the fiscal cliff**, like the debate last year over the debt limit, **revealed serious divisions within the party and its rank-and-file that Obama and the Democrats could exploit over the next months.** There are at least three different kinds of divisions that have become visible. First is **between the Senate and the House.** Senate Republicans, who are in a minority, have proven more amenable to compromise on fiscal issues. Unlike most Republican House members, many senators can't count on being re-elected by solid Republican majorities. McConnell himself comes from a state where Democrats still hold most of the state offices. ¶ Secondly, **there is a regional division in the party between the deep South**, which contains many of the diehard House Republicans, **and** the Republicans from **the Northeast**, industrial Midwest, and the Far West. In the House vote on the fiscal cliff,

Republican House members from the deep South opposed it by 83 to 10, while Republicans from the Northeast favored it by 24 to one, and those from the Far West by 17 to eight. After the Republican leadership refused to bring a Sandy hurricane relief bill to the floor before the end of the session – effectively killing it – New York Republican Peter King called on New York and New Jersey Republicans to withhold donations to the GOP. New Jersey Governor Chris Christie blew his top at the House Republicans.¶ Third, there is a division among Republican lobbies, political organizations and interest groups that surfaced in the wake of the election and once again this week. It’s not easy to define, but it runs between pro-business conservatives, on the one hand, and the right-wing libertarians of the Tea Party and Club for Growth and their billionaire funders. Grover Norquist and Americans for Tax Reform gave their approval the Senate bill. The Chamber of Commerce grudgingly endorsed the final bill, and the National Federation of Independent Business said the tax provisions were acceptable. The Club for Growth, the Koch Brothers’ Americans for Prosperity, FreedomWorks (which itself has fallen under the sway of its most ideological elements), and the Tea Party Patriots opposed any compromise. ¶ These divisions don’t necessarily augur the kind of formal split that wrecked the Whig Party in the 1850s. Nor do they suggest widespread defection of Republicans into the Democratic Party as happened during the 1930s. There is still far too much distance between, say, McConnell and Democratic Majority Leader Harry Reid. But they do suggest that a process of erosion is under way that will weaken the Republicans’ ability to maintain a united front against Democratic initiatives. That could happen in the debates over the sequester and debt ceiling if Obama and the Democrats make the kind of public fuss that they did over fiscal cliff.

(--) Historically, Obama’s capital key to winning budget fights:

Eric **Posner**, **1/4/2013** (staff writer, “The President Has the Power To Raise the Debt Ceiling on His Own,” http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/01/debt_ceiling_president_obama_has_the_power_to_raise_the_debt_limit_without.html, Accessed 1/4/2013, rwg)

With the fiscal cliff behind us, we now must look forward to yet another budgetary battle—over the debt ceiling, in a repeat of summer 2011. Is there a way out of the endless stalemate between President Obama and Republicans in Congress? Yes, but it requires the president to assert himself more aggressively than he has so far.

(--) Fiscal cliff proves capital is key on debt negotiations:

Alexis **Simendinger**, Real clear politics, **1/3/13**, Obama Taking Campaign-Style Approach to New Goals, www.realclearpolitics.com/articles/2013/01/03/obama_taking_campaign-style_approach_to_new_goals_116581-2.html

By that hour on New Year’s Eve, Republican lawmakers assumed they were poised to vote to raise taxes, something they did not want to do, and they were stung by Obama’s determination to wage an endless political campaign into 2013 and beyond. Opponent Mitt Romney had simply morphed into “Republicans in Congress.” After clinching a deal with Congress to raise revenues, add to deficits and postpone across-the-board spending cuts for eight additional weeks, Obama took a bow in a video message to his base. “When I take the oath of office this month, I’ll be as determined as ever,” the president said in a three-minute message disseminated by his Chicago campaign team on Wednesday. “Just like four years ago, winning an election won’t bring about the change we seek on its own. It only gives us the chance to make that change. What we fought for in 2012, we’ve got to fight just as hard for in 2013.” “Make that change” was the president’s most interesting phrase. Does Obama imagine he will “create” support for legislation (a much harder task for any president -- and his aim during the prolonged health care debate)? Or does he seek to work within the bounds of existing public backing for popular policies (such as middle-class tax relief)? Obama’s second-term domestic agenda hinges on cooperation from Congress, but after Republicans gained control of the House in early 2011 and the two parties splintered over whether Congress would raise the nation’s debt ceiling, the president altered his legislative strategy. He decided House and Senate conservatives would relent if the public condemned them for obstructing something deemed important and valuable to their everyday lives. Arizona Sen. John McCain told reporters Sunday that Republicans jettisoned their embrace of a revenue-raising inflation calculation for senior citizen benefits -- even if it was loosely endorsed by Obama -- because the GOP believed the White House and Democrats were ready to throttle conservatives in the message wars. “We can’t win an argument that has Social Security for seniors versus taxes for the rich,” McCain explained. Lyndon Johnson -- who

governed with large Democratic majorities and in a very different media environment -- believed as a former legislator that lawmakers were swayed by two basic impulses: hunger for recognition, and fear of losing their clout. As historian Doris Kearns Goodwin wrote, Johnson operated with the belief that "desire opened the door to the exercise of presidential power [and] fear closed it. . . . Johnson's success in winning congressional support for change depended upon his ability to reduce the fear and increase the desire." **Obama has drawn a different lesson after serving less than a term** in the Senate and four years in the Oval Office. As he heads into his second term, **he has enthusiastically tried to stoke political fear among lawmakers, hoping to increase their desire to bend his way.** But unlike LBJ or Franklin Roosevelt or even Bill Clinton, Obama is notably stingy with recognition once they do. **Obama and his team of campaign-hardened advisers will soon be embroiled in a fiscal sequel on Capitol Hill,** likely to occur within weeks of the president's inauguration and State of the Union speeches. **Obama lost no time warning Americans that Republicans are flirting with U.S. default, using that as political leverage** to force him to cut favored spending to curb future deficits. "While I will negotiate over many things, I will not have another debate with this Congress over whether or not they should pay the bills that they've already racked up through the laws that they passed," Obama said Monday. "People will remember back in 2011, the last time this course of action was threatened, our entire recovery was put at risk. Consumer confidence plunged. Business investment plunged. Growth dropped. We can't go down that path again." The **fiscal cliff** episode **did not win the president new friends on Capitol Hill, although that fact does not** especially **concern the White House. Obama touted the results as a victory for** the American people and for **his leadership,** even as some liberal Democrats joined plenty of Republicans in lamenting the last-minute outcome. When asked to describe why Senate Minority Leader Mitch McConnell opted to call Vice President Biden over the weekend in an effort to get an eleventh-hour deal, a Senate GOP aide said the Kentucky Republican believed from long experience that Biden understood the art of swift legislative horse trading, which he thought Obama did not. "He was here for 20 minutes, and Biden was here for 30 years," the aide said dryly of the president. "Biden understands what senators need." On his second-term to-do list, Obama thinks immigration reform lends itself best to a White House campaign to enlist the public. Republicans, who lost key Latino support during the 2012 elections, according to exit polls, fear they oppose or block reform legislation at their electoral peril. The president has not yet described any legislative details. The power of the GOP-leaning gun-rights lobby will ensure that gun control measures will be a challenge to enact this year, despite the public uproar after 20 children and six adults were murdered at a Newtown, Conn., elementary school. The president assigned the vice president to convene a task force and present policy initiatives in time for inclusion in his State of the Union address. Those proposals, he suggested, would embrace gun measures, including revival of the expired assault weapons ban; approaches to mental health services and support; education and school safety improvements; and possibly a dissection of any proven links between cultural influences and mass shootings. The president's vaguely described energy and climate-change aspirations will also be tough to pass. At a Nov. 16 news conference, he said no clear consensus exists in Congress or among Americans for new climate legislation. Secretary of State Hillary Clinton predicted in November that Obama would pursue his pending climate agenda largely through executive action, where possible, during his second term. "Look, we're still trying to debate whether we can just make sure that middle-class families don't get a tax hike. Let's see if we can resolve that. That should be easy. This one's hard," the president told reporters. Obama's point about pushing legislation that enjoys clear public backing is key, said George C. Edwards, political science professor at Texas A&M University and author of "Overreach: Leadership in the Obama Presidency." Based on his research, Edwards wrote that **presidents** who attempted to create or alter public thinking about policy ran into trouble, but those **who understood how to exploit existing public opinion to achieve legislative goals proved more successful.**

Internal Links: Democrats are Key

(--) Democrats are key to avoid a government shutdown:

Paul **Kane and Kelsey Snell, 9/9/2015** (staff writers, “GOP tries to avert shutdown as right spoils for Planned Parenthood fight,” http://www.washingtonpost.com/politics/gop-tries-to-avert-shutdown-as-right-spoils-for-planned-parenthood-fight/2015/09/09/a515099c-572f-11e5-b8c9-944725fcd3b9_story.html?tid=pm_politics_pop_b, Accessed 9/11/2015, rwg)

With up to three dozen Republicans balking, Boehner must go to Democrats in order to avoid a federal shutdown, a circumstance that House Minority Leader Nancy **Pelosi** (Calif.) **is well aware of** and is hoping to exploit to Democrats’ advantage. Pelosi told reporters Wednesday that her demand in exchange for keeping the government open is to have a public commencement of “good-faith” negotiations that would lead to a bipartisan deal loosening restraints on federal spending under the 2011 Budget Control Act, commonly referred to as “sequestration.” Democrats are seeking an additional even split in increased funds for domestic agencies and the Pentagon.

(--) Only hope for avoiding a shutdown is through the Democratic caucus:

Paul **Kane and Kelsey Snell, 9/9/2015** (staff writers, “GOP tries to avert shutdown as right spoils for Planned Parenthood fight,” http://www.washingtonpost.com/politics/gop-tries-to-avert-shutdown-as-right-spoils-for-planned-parenthood-fight/2015/09/09/a515099c-572f-11e5-b8c9-944725fcd3b9_story.html?tid=pm_politics_pop_b, Accessed 9/11/2015, rwg)

Pelosi said that **Boehner’s only path to avoiding a shutdown was through her caucus rather than the conservatives, who want big showdowns that result in bad political outcomes for their own leadership and for the White House.**

(--) Democrats are key to the internal link:

Kent **Hoover, 9/11/2015** (staff writer, “Why there’s a 50-50 chance of a government shutdown,” <http://www.bizjournals.com/bizjournals/washingtonbureau/2015/09/why-theres-a-50-50-chance-of-a-government-shutdown.html>, Accessed 9/11/2015, rwg)

“Given the appalling revelations surrounding Planned Parenthood, we cannot in good moral conscience vote to send taxpayer money to this organization while still fulfilling our duty to represent our constituents,” caucus members said in a joint statement. **This means any funding bill would have to rely on support from Democrats in order to pass the House — something Boehner has been reluctant to do in the past.** If it does it this time, it could cost him his job — many conservative Republicans already are unhappy with Boehner’s leadership.

(--) Obama’s political capital is key to avoiding a shutdown:

Russell **Berman, 9/9/2015** (staff writer, “Republicans Swear This Shutdown Will Be Different,” <http://www.theatlantic.com/politics/archive/2015/09/conservatives-embark-on-another-futile-fight/404242/>, Accessed 9/11/2015, rwg)

Conservatives in Congress are mounting what will likely be a futile fight to defund Planned Parenthood, even if it means shutting down the entire federal government.

Just those first 12 words amount to the journalistic equivalent of “It was a dark and stormy night...” This is a path the Republican Party’s right flank has been down several times before since 2011, and they’ve never succeeded in achieving the policy outcome for which they began their fight in the first place. In 2013, conservatives forced a government shutdown over the funding of Obamacare. It lasted two-and-a-half weeks, but when the doors reopened, the healthcare law was untouched. Earlier this year, conservatives again held up federal funding, this time for the Department of Homeland Security, as part of a battle to block President Obama’s executive actions on immigration. Ultimately, Republicans caved, DHS stayed open, and the president’s policy went forward—until it was blocked by the courts in a move completely unrelated to the maneuverings in Congress. The strategy is a total loser. It has never worked, and yet it is one that conservatives continue to embrace as a means of battling a pair of bogeymen that their supporters revile

with just about equal fervor: the Obama administration and the GOP leadership. Related Story The Plot Against Planned Parenthood and John Boehner How is that possible? In the view of conservatives, **Republican leaders have never actually waged the full fight to the bitter end. Even when they brought the nation to the brink of default in 2011. Even when they shut down the government two years later.** And even when they nearly let homeland-security funding lapse earlier this year. The party leadership always blinked, eventually. **Nevermind that** Speaker John **Boehner and** Majority Leader Mitch **McConnell folded each time** only after Republicans had incurred substantial political damage, and **only after the White House** and congressional Democrats **had made clear they would move no further.** According to this thinking, if GOP leaders had held out a little longer, a conservative victory would have been at hand.

(--) Dems key to Obama agenda and PC key to keep them on board

Chris **Stirewalt** is digital politics editor for Fox News, 2-6-2013

<http://www.foxnews.com/politics/2013/02/06/senate-dems-may-sink-obamas-second-term-strategy/>

In the first half of his first term, President Obama could count on then-House Speaker Nancy Pelosi to shove her members into politically damaging votes in order to advance his agenda.

¶ Whether it was a new government-run insurance program or global warming fees, Pelosi was willing to walk into the fire for Obama. While those initiatives failed, they gave Obama leverage in getting something out of balky moderate Democrats in the Senate. ¶ **There would be no Obama health-insurance entitlement program had Pelosi not kept the heat on** Senate Majority Leader Harry **Reid.** The results for Pelosi's members, though, were disastrous. ¶ Republicans were able to use Obama's unpopular health law in almost every district, and could augment those attacks with carbon fees and other votes with regional specificity. And when that wasn't enough, they could use the unpopular Pelosi herself as a cudgel. This set up a Midterm wipeout just ahead of 2010 redistricting and a huge GOP majority with serious staying power. ¶ **Now, the president's ambitious second-term agenda hangs on convincing Senate Democrats to take similar risks on his behalf.** ¶ Obama today heads to the Senate Democratic retreat in Annapolis and brings with him a bulging binder of demands: ¶ The president is seeking a gun ban, same-sex marriage, another round of tax increases, the continued power to kill American citizens without trial for ties to militant Islamists, the confirmation of a Defense secretary who stammered and staggered his way through confirmation hearings, more stimulus spending, a speedy and broad amnesty for illegal immigrants, ratification of a global warming treaty and more, more, more. ¶ **Obama's strategy is to get what he can out of his list** and in everything else keep House Republicans on defense. **By applying pressure on House Republicans** through community organizing precepts, Obama believes that he can "break the

fever" of conservative opposition and remake the Republican Party into something more amenable to his aims. ¶ **Liberals** and establishment press outlets have **cheered on the president's** confrontational **"go for the throat" strategy.** They relish the fight and also hold conservatives in low esteem, not understanding the ideology, and so assume that Republican opposition to Obama is, as he says, cynical and unpatriotic. ¶ This sounds like a good strategy, but for the United States Senate. ¶ Obama seems to not have figured out how the Senate works during his four years there. This collection of the 100 largest egos in the known universe is not like the 435 squabbling biennially elected members of the House. Senators don't like to be shoved and they are much harder to threaten or pressure. ¶ Reid is fairly typical. Obama is the fifth president under whom he has served and likely has thoughts of serving under a sixth. He has figured out a political strategy that works in purple Nevada: a mix of social conservatism, pork power, union support, Mormonism and political patronage. ¶ By applying pressure on House Republicans through community organizing precepts, Obama believes that he can "break the fever" of conservative opposition and remake the Republican Party into something more amenable to his aims. ¶ While Senate Democrats may delight in the thought of Obama's offer -- total victory over Republicans -- most of them have served long enough to know that the political pendulum is always swinging, sometimes with surprising speed. ¶ **When Obama asks Democrats to take dangerous votes** he is asking lawmakers like Reid **to undo the delicate balances they have found in their home states.** ¶ There is another problem for **Reid.** He **'s got 12 incumbents running in potentially competitive races,** including five in states won by Mitt Romney last year. **All 12 are eager to show themselves to be moderate** and independent and for the five Red States, as much distance from Obama as decorum allows.

(--) Dem unity key in post election congress.

STICKINGS 11-15-10. [Michael, assistant editor in Politics, "For Democrats, Unity and Continuity in the House" Moderate Voice]

Why is continuity important? Because the **Democrats need to move forward** in large part **by defending their impressive record** (health-care reform, Wall Street reform, the stimulus, the bailouts, etc.), not by making a show of throwing out those who helped guide the party to those successes. What, after all, would fresh new leadership signify? That the party was going in a different direction, that it was abandoning what it had done, all that it had accomplished, and that the midterms really were a rejection of the Democrats and their agenda. Changing the leadership, including forcing Pelosi out, would have been an admission of failure and an act of cowardice, an expression of fear and weakness, essentially a self-vote of non-confidence. Because, as I and many others keep saying, the result of the midterms, particularly in the House, was not an expression of popular support for the Republicans and their agenda (which is extremist and obstructionist). It was, rather, a reflection of deep public discontent rooted in the still lousy economy, with anger and frustration directed at incumbents, at the party in power. Certainly, the Democrats failed to make a convincing case for themselves, and, given the swing, failed to hang on to seats in heavily conservative districts that they won in '06 and '08, but that's hardly Pelosi's fault, or hardly hers alone. And while the Democrats, both in the House and elsewhere, do have some bitter lessons to learn, there is no need to overreact and certainly no need for a purge. **Republicans will likely remain united** on Capitol Hill, **but there are already signs of fracturing as the**

party gets ever more extreme and as the Tea Party acquires ever more power within the GOP. (It's one thing to be thoroughly obstructionist, as establishment types like Mitch McConnell want, and to end up with gridlock, quite another to turn the House into a hyper-investigative inquisition. And, of course, there will no doubt be a good deal of internal conflict as the 2012 primary season draws closer and the likely candidates jockey for position. All the more reason for Democrats to be as united as possible and to defend what they've done and what they stand for with conviction and purpose. There is certainly diversity in the Democratic House leadership, and it's not clear how they'll all get along, and there are quite a few Democrats who think Pelosi should have stepped down, but there is good reason to believe that, with Pelosi at the helm and her team settled in place, the party will be effective in opposition, working constructively and productively with Obama and Senate Democrats to get things done for the American people.

(--) Democratic unity key to the agenda.

Gerstein 8 (Dan, political communications consultant and commentator based in New York, founder and president of Gotham Ghostwriter, formerly served as communications director to Sen. Joe Lieberman, Forbes, December 3, http://www.forbes.com/opinions/2008/12/02/obama-defense-appointments-oped-cx_dg_1203gerstein.html)

Here, we can anticipate one of the trickiest tests of Obama's presidency. While he tries to govern from the pragmatic center on national security, he must manage the high expectations and inevitable disappointments of his strongest supporters. His liberal activist base may be relatively small, but its members can be extremely distracting and often destructive. Witness the successful campaign the left-wing blogosphere waged to derail the nomination of John Brennan, who had been considered the leading candidate for Obama's CIA director. That squabble took place off-stage and was totally overshadowed by Clinton's appointment. But Obama won't have that luxury once he's in office. The commentariat will be closely watching and inflating every intra-party fight, the most potent catnip for pundits. At a minimum, these spats could suck up precious time and political capital as Obama works to defuse them. At worst, they could inflame the latent divisions in Congress and sidetrack key elements of Obama's agenda.

(--) Base unity is the key starting point for ensuring agenda passage

Bond & Fleisher 96. (Jon R. and Richard professor in Political Science - Texas A&M and Professor in Political Science. Fordham - 1996. "The President in Legislation" p.120)

For majority presidents, unity in the party base is a key ingredient of success. When a majority president's base is unified, the chances of victory approach certainty. If the base is split, the probability of victory drops considerably. And the base is frequently split. In parliamentary systems, partisan control of the legislature virtually assures victories; in the United States, having more members in Congress who are predisposed to support the president is an advantage, but one insufficient to guarantee victories.

Moderate Dems Key

(--) Moderate Dems key to agenda – they get moderate GOP to move to the center.

SEIB 11-16-10. [Gerald, Washington Bureau chief, “White House Renovation Calls for a Bridge Builder” Wall Street Journal]

Second, consider rank-and-file moderates in Congress from the president's own party. The corps of these lawmakers was ravaged by this month's election, so their numbers are down. Yet their importance actually may go up in months ahead. These Democratic moderates, particularly in the Senate, worked over the last two years to nudge legislation from the left toward the political center, in ways that annoyed the White House. But now they have the ability in the new Congress to nudge legislation from the Republican right toward the center, this time in ways that can benefit the White House.

(--) Moderate Dems are a key swing voting bloc.

RAASCH 10. [Chuck, Gannett National Writer, “Noem, Herseth Sandlin embody '10 trends” Gannett News Service -- October 28 -- lexis]

If Kristi Noem is elected to Congress by fellow South Dakotans on Tuesday, she would be a member of what may be the largest freshman class in the House of Representatives since 1992. If Rep. Stephanie Herseth Sandlin, D-S.D., is re-elected, she would be a member of what is almost certain to be a diminished pack of centrist “Blue Dog” Democrats in the House. Those that survive could be a key swing bloc between President Barack Obama's party and Republicans, particularly if the GOP ends up with only a narrow majority in the House.

AT: Dem Unity Inev/PC Solves

(--) Obama leadership is key to rounding up democratic votes.

SKOCPOL AND JACOBS 10. [Theda, Victor S. Thomas Professor of Government and Sociology at Harvard, former Director of the Center for American Political Studies, Lawrence, Walter F. and Joan Mondale Chair for Political Studies and Director of the Center for the Study of Politics and Governance in the Hubert H. Humphrey Institute and Department of Political Science at the University of Minnesota, "Reaching for a New Deal: Ambitious governance, economic meltdown and polarized politics in Obama's first two years" Russell Sage Foundation -- October]

Of necessity, Obama's White House has repeatedly caucused with Democratic House Speaker Nancy Pelosi and Democratic Senate Majority Leader Harry Reid, looking for ways to coordinate agendas and move key bills through the many hurdles that mark today's legislative process, especially in the Senate. Even though the watching public might not understand why Democrats spend so much time negotiating among themselves, or why the President can't just tell Congress to —get it done, the early Obama administration understandably devoted much effort to prodding and cajoling Congress in consultation with key Congressional Democrats. This happened not merely because Obama is a former Senator and thinks in legislative terms, and not only because his former Chief of Staff, Rahm Emanuel, is a seasoned wheeler-dealer from the House of Representatives (Bai 2010). More than that, Obama and his White House aides knew that the 111th Congress is probably their only chance to further big legislative reforms. To take advantage of Congressional Democratic majorities that are sure to shrink, they have had to work week by week, month by month with the Congressional leaders to assemble fragile and shifting coalitions. Congressional sausage-making involving the President has been confusing and dispiriting for the public to watch, but the alternative would have been for an ambitious President Obama not to try for big legislative reforms. How can a leader who wants to use government to make America stronger not make such attempts?

(--) Re-election worries and an unpopular president mean obama can't count on dem votes.

FRIEL 10. [Brian, CQ Staff, "Divided Senate complicates Dem Agenda" CQ Today -- November 4 -- http://www.congress.org/news/2010/11/04/divided_senate_complicates_dem_agenda]

Reid could have a tough time holding his caucus together next year in support of Obama's agenda. With the president's fading popularity no doubt contributing to several Democratic senators' defeat, caucus members facing the voters in 2012 — particularly those in states where Obama's public approval ratings are low — could be under intense pressure to buck the White House. In the 2012 election cycle, Democrats will be defending twice as many Senate seats as Republicans. The GOP has 10 seats to protect, while the Democrats have 23. Most Democrats up for re-election in two years hail from states Obama won in 2008, but swing-state senators from Ohio, Missouri and Virginia, and those from states such as Montana and Nebraska that tend to vote Republican in presidential elections, may be difficult to keep in line.

AT: Dems Key

(--) If Obama angers the left, it only boosts capital

Weigant 8 (Chris Weigant is a political commentator. He has been a regular contributor to Arianna Huffington's The Huffington Post since June of 2006, "How Will Obama Enrage The Left?" Huffington Post 12/3/08 http://www.huffingtonpost.com/chris-weigant/how-will-obama-enrage-the_b_148246.html)

I hate to rain on anyone's parade, but Obama is guaranteed to disappoint. The right wing won't be terribly disappointed, of course, since they'll have plenty to complain about for the next four-to-eight years. The only disappointing thing to them will be that Obama will not turn out to be the boogeyman they created in an effort to scare the heck out of voters. This means Obama won't be as effective a Republican fundraising tool, since he won't be doing all those things that terrify Republican donors. The left wing, however, is going to get disappointed with a short sharp shock, soon after Obama enters office. Because newly-inaugurated President Obama is going to pick one issue and swiftly smack the left in the face, by refusing to do what they want him to do. This will be a calculated move, and will likely pay off enormous political dividends for Obama over the life of his presidency. Call it his "Sister Souljah moment," if you will. By appearing to "stand up" to the left wing, Obama will be seen as charting his own course as a strong and independent leader, beholden to no special interest group of radical progressives. That's how the news media will portray it, at any rate. His approval ratings will likely rise after he does so, since it will serve to calm fears from suburban Republicans and Independents that Obama is going to make too many radical changes too fast. But it's going to absolutely enrage the left. You can bet the farm on that one. Taking the long view, however, I believe it will actually help Obama get more progressive laws passed. It's kind of doublethink, but bear with me. If Obama starts off his presidency showing strength and independence from the left, it will mean a lot more people out there are going to give him the benefit of the doubt over time. They didn't believe the cries of "Socialist!" in the election, and they're going to get more comfortable with Obama as a result. It will then be up to Congress to challenge him by passing laws even more sweeping than Obama asked for. Which Obama will (perhaps with a show of reluctance) then sign. Meaning more progressive legislation actually gets passed in the end. If Obama removes his "lightning rod" target for the right wing early on, over the long run he'll be able to get better laws passed, with more support from the public than they would normally have. I could be monstrously wrong about all of this, to be sure. But from watching his campaign, and listening to what he actually said, the portrait of Obama I am left with is one of cautiousness and pragmatism, and not of some sort of progressive icon. Exhibit A in my thinking is the FISA bill he voted for. Exhibit B would have to be the numerous times he reluctantly moved left, without actually fully supporting a populist or liberal agenda. Exhibit C is his intervention with how the Senate treated Joe Lieberman. And that's without even examining his cabinet choices. All of these things point to a very centrist course for an Obama administration, with lots of compromises with political foes. A good test case will be how President Obama handles the torture question. Will he convene a commission to investigate? Will he offer blanket immunity (or even -- gasp! -- pardons) to get honest answers about what went on? Or will he sweep the whole thing under the rug and "look to the future and not the past," while urging everyone to move on? The torture question is merely the tip of the iceberg (the best bad example, as it were) in how Obama is going to handle Bush's legacy. What Bush policies is Obama going to immediately rectify? What Bush actions will he reverse, even if it takes months? We've never really gotten clear and consistent answers as to how Obama is going to handle the Bush mess, which leaves me wondering what he will actually do when he gets the chance. But it could be almost any issue, it doesn't just have to be how to deal with Bush's legacy. Barack Obama will likely not make the mistake Bill Clinton did when he entered office with the "gays in the military" issue. Clinton wanted to do what was right, the military balked, and we wound up with "Don't ask, don't tell," which has been a complete disaster. But the lesson here is that Clinton started off by picking a fight with his opponents -- with a bold move that he knew they would hate. I think Obama is going to do the opposite. I think he's going to come out with some bold move that he knows the left is absolutely going to abhor. [Feel free to offer your own thoughts in the comments as to what exactly this is going to turn out to be, or even if you think I'm barking up the wrong tree entirely.] Because I simply cannot get rid of the feeling that, sometime next January or February, President Obama is going to make a point of picking a fight with some of his own most fervent supporters. They will then denounce him for his outrageous action, and go ballistic in an entirely predictable fashion. And (this is the part I'm least sure about, I have to admit) Obama will emerge from the fray even stronger politically than ever, with more "political capital" to spend on getting the rest of his agenda done. In other words, although it will require more of a "big picture" or "long view of history" type of viewpoint, I don't think it'll be as bad as it will first seem when it happens.

(--) No impact to angering the democrats – they won't turn on obama.

Chicago Tribune 8. [11/7, Lexis]

Michael O'Hanlon, a national security expert at the Brookings Institution in Washington, said that Obama has enough political capital to free him from "pleasing the left" of the Democratic Party as he presses forward with his strategy for Iraq and Afghanistan. "Obama to the left is what Ronald Reagan was to the right," O'Hanlon said. "He can do no wrong. If you're ending the war anyway, and it is a question if you're doing it in 1 1/2 , 2 1/2 or 3 1/2 years. ... He's already moving things in the direction they want him to."

AT: Moderate Dems Key

(--) Nope they all lost – remaining democratic caucus will be unified and progressive.

KRIEGER 11-12-10. [Hilary Leila, Washington correspondent, "Analysis: The partisans are coming to Congress" Jerusalem Post]

But some Democrats have found a silver lining to their otherwise unwelcome results, particularly those Democrats on the farther left side of the spectrum. For them, though the party lost its majority in the House of Representatives and with it its committee chairmen, there was some small comfort in the result that most of those kicked out were moderates. Many were the so-called "blue dog Democrats" from traditionally Republican districts who rode the Democratic waves of 2006 and 2008 into office but were the most vulnerable when even Independents turned red this year. "In vivid contrast," as liberal blogger Deborah White wrote, "no Black Caucus members, and very few Progressive or Latino Caucus members, lost their House reelection bids. As a result, House Democrats in the 112th Congress will be more progressive and more supportive of the Democratic Party and Nancy Pelosi's agenda than any House of Representatives in recent memory."

(--) There's not enough left to matter – election results.

THOMMA 11-5-10. [Steven, White House correspondent, "Extremes rule both parties, as centrists lose their seats" McClatchy Newspapers]

The center may be falling out of American politics. About two dozen moderate to conservative Democrats in the House of Representatives were defeated this week, leaving a more liberal party in Washington. Also, several moderate to liberal Republicans were turned out through the year, ousted by primary challenges from more conservative candidates and leaving a more conservative party behind. The result is a more polarized Congress. That could complicate efforts to solve some of the country's biggest problems, such as government deficits and debt, especially as outsized voices on talk radio, cable TV and in the blogosphere pressure the parties not to compromise. All this risks driving politics farther from the American people, many of whom still stand squarely in the middle of the political road. "Bit by bit, the center in American politics is getting weaker," said William Galston, a top policy adviser in the Clinton White House and a scholar at the Brookings Institution. In the Democratic Party, this week's elections drove out about half of the conservative Democrats in the House, mostly from the South. Among the losers: Rep. Gene Taylor of Mississippi, who voted against the Democratic health care law, opposed "cap and trade" energy legislation and voted for Sen. John McCain, R-Ariz., for president in 2008 against his own party's nominee, Barack Obama. The remaining Democratic lawmakers, particularly in the House, will be more liberal, and under great pressure from such outside groups as labor unions not to make any compromises that would cut federal spending, particularly for pay or benefits for government employees.

AT: Lobby Link Turns – Theoretical

(--) **No risk of turns -- lobby impact is overrated – laundry list.**

INSIGHT ON THE NEWS 3. [Sept 15 --lexis]

Do we really have the best Congress money can buy? Maybe not. Paul Burstein, a sociology professor at the University of Washington, looked into the matter and concludes that "Contrary to popular belief and typical media portrayals, big campaign contributions and lobbying do not necessarily win the political influence that determines votes in the U.S. Congress." Writing in the summer 2003 edition of Contexts, the magazine of the American Sociological Association, Burstein says his research indicates votes are more often than not dictated by public opinion, ideology and party affiliation. "The power of interest groups to get legislators to change their votes in the face of personal ideology and party commitments is real but very limited," Burstein maintains. And just why does it appear otherwise? The author says that part of the misconception is due to media focus on the egregious actions of a few, and part is due to the individual perception that if government is not doing things "my way," then obviously it is a tool of special interests. Burstein says his study merely is one of many showing that money and special interests have little influence on the shaping of policy. This influence is limited by several factors, he says. For one thing, political-action-committee campaign contributions are not large compared with campaign costs, so their clout in that regard is limited. For another, "there are so many lobbyists that most cannot gain access to members of Congress, much less influence them." And lastly, "the number of members actually influenced by contributions and lobbying is often too small to determine the outcome of key votes." Burstein analyzed key votes from 2002 in reaching his conclusions. Most followed party affiliation. The major influence on voting, he concludes, is public opinion.

Losers Lose

(--) **Losers lose – clinton proves.**

Galston and Kamarck 2008 (William Galston and Elaine Kamarck, Senior Fellow at the Brookings Institution and Lecturer in Public Policy at the Kennedy School of Government at Harvard, “Change You Can Believe In Needs a Government You Can Trust: A Third Way Report,” November, http://www.thirdway.org/data/product/file/176/Third_Way_-_Trust_in_Government_Report.pdf)

On day one of the Reagan presidency, the hostages came home from Iran. This success, though arguably not of President Reagan’s making, enhanced one of his central narratives—the importance of strength and resolve—and helped set the stage for the passage of his historic tax cut. By contrast, President Bill **Clinton’s opening days were marred by** failed appointments to key positions, **controversies** over executive decisions, **and a poorly conceived economic stimulus plan that lingered for months before succumbing.** These **early stumbles took the luster off the new administration, reinforced a negative impression of chaos and inexperience, and lowered the president’s approval rating, all of which complicated the task of enacting key proposals.**

(--) **More evidence – perception of winning or losing is key.**

Ornstein 2001 (Norman, American Enterprise Institute, September 10, Lexis)

The compromise accomplished two ends. First, it changed the agenda base of the issue. Patients' rights went from an issue where the only viable proposal was from Democrats (with GOP co-sponsors), which the President vowed to veto - to one where both Democrats and Bush are for patients' rights and merely differ on the details. Two, it gave the President a victory on the House floor when all the pundits predicted defeat - a major momentum builder. **In a system where a President has limited formal power, perception matters.** The **reputation for success** - the belief by other political actors that even when he looks down, a president will find a way to pull out a victory - **is the most valuable resource** a chief **executive can have.** Conversely, the widespread **belief that the Oval Office occupant is on the defensive,** on the wane or without the ability to win under adversity **can lead to disaster,** as **individual lawmakers calculate who will be on the winning side and negotiate accordingly.** In simple terms, **winners win and losers lose** more often than not.

(--) **Losers lose -- congress abandons support.**

LIGHT 99 [*Paul C., Senior Fellow at the Center for Public Service The President’s Agenda: Domestic Policy Choice from Kennedy to Clinton, 3rd Edition p. 29*]

How does reputation affect presidential capital? According to Neustadt, **professional reputation is a “cardinal factor in the President’s own power to persuade”:** What me in government consider their relationships with him it does them little good to scan the Constitution or remind themselves that Presidents possess potential vantage points in excess of enumerated powers. Their problem never is what abstract Presidents might do in theory but what an actual incumbent will try in fact. They must anticipate, as best they can, his ability and will to make use of the bargaining advantages he has. Out of what others think of him emerge his opportunities for influence with them. **If he would maximize his prospects for effectiveness, he must concern himself with what they think.** For Neustadt, **the “greatest danger to President’s potential influence with [Congress] is not the show of incapacity he makes today but its apparent kinship to what happened yesterday, last month, last year.** For if his failures seem to **form a pattern, the consequence is** bound to be **a loss of faith** in his effectiveness ‘next time.’”

Moderates Key – Generic

(--) Moderates key to the agenda.

Silver 8 (Nate, Political Analyst published in the Guardian, the New Republic and CNN, and cited by the New York Times, “Who Are the Swing Senators?” December 4, <http://www.fivethirtyeight.com/2008/12/who-are-swing-senators.html>)

With Jim Martin's loss in Georgia, we now know that the Democrats will not achieve a 60-seat senatorial caucus once the 111th Congress convenes next month. In practice, however, the line between 59 (or 58) votes and 60 was never so bright as it seemed. **Moderate Republicans are an endangered species these days, but there are still a few of them left, as well as several other quasi-moderates who either get along with Obama or are under some form of electoral pressure in their home states. Conversely, there are more than a couple of Democrats in the chamber whose votes Obama can't take for granted. In practice, there will be a group of four or five senators in each party who line up just to either side of the 60-seat threshold and will find that they're suddenly very much in demand.** If Obama's approval ratings are strong, he should have little trouble whipping the couple of Republican votes he needs into shape, and should clear 60 comfortably on key issues. But, if Obama proves to be unpopular, there remain enough conservative, red-state Democratic senators to deny him a simple majority on key issues, much less 60 votes.

(--) Moderates key -- sway the vote.

Bangor Daily News 6. [Lauren Smith, “Moderates Still Wield Power in Congress” , 11-30-06, http://www.bu.edu/washjocenter/newswire_pg/fall2006/conn/Moderates.htm]

Despite the ouster of many moderate Republicans in the midterm elections, politicians and **political experts still expect moderates to play a pivotal role in the upcoming Congress.** “Nearly 45 percent of Americans describe themselves as moderates and I think that speaks volumes about what the people want, what Maine people want: an independent voice building a political center,” said Sen. Olympia Snowe (R-Maine), who won reelection with almost 75 percent of the vote. The Democrats will enjoy a 31-seat majority in the House come January. In the Senate, Democrats will have a slim two-seat majority in combination with the two independents who have said they will be caucusing with the Democrats. **“Because of the Senate rules, it takes 60 votes to get any major bill passed,”** said Sen. Susan Collins (R-Maine). **“That means the moderates on both sides of the aisle will be the ones who determine whether or not legislation is approved.”** The slight majority in the Senate could put Republican moderates in a powerful position. **“The few moderate Republicans that exist in the Senate are in an influential position,”** said Richard Powell, political science professor at the University of Maine, Orono. **“They still control the swing vote in such a narrowly divided Senate.”** Because of the rules in the House which allow the majority party to control the flow of legislation, Republicans in the House will have less influence, said Powell. But the Blue Dog Coalition, a group of moderate and conservative House Democrats, of which Rep. Michael Michaud (D-Maine) is a member, hopes to reach over to the Republican side of the aisle on at least some issues, said Eric Wortman, the coalition's spokesman. “I think you will see a rise in bipartisanship. The leadership of the House has made that clear,” Wortman said. The recent election brought a number of new Blue Dog Democrats to the House but took a particularly hard toll on the already endangered New England Republican. Rep. Chris Shays is not only the last Connecticut Republican in the House, he's the only Republican left in the chamber from New England. The state's other two GOP representatives, Nancy Johnson and Rob Simmons, viewed as moderates on most issues, lost to Democratic challengers. “This is just the latest in a long line of elections in which the number of moderate Republicans has been declining in both the House and the Senate,” Powell said. “The trend has been underway for quite some time now.” New Hampshire's two Republican House members, Charles Bass and Jeb Bradley also were defeated by Democratic challengers. In Rhode Island, moderate Republican Sen. Lincoln Chafee was ousted from his position. In Massachusetts, a Democratic governor was elected for the first time in 16 years, putting the statehouse in line with the state's entire congressional delegation. “It is not healthy for Republicans to have such a small presence in an entire region of the country,” Shays said. “Competition makes everyone perform better. It would be better for the Republicans, the Democrats and the country to have two strong parties in New England.” Shays said he would be happy to travel in New England to help rebuild the moderate wing of the party in the Northeast. **“Moderates in both parties have an important role of reaching across the aisle to get things done,”** Shays said. **“Most Americans are not red or blue, they are purple.”**

Moderate GOP Key

(--) Moderate republicans key.

MAXWELL 10. [Zerlina, former Obama campaign staffer, political commentator, "5 things Obama should do after the midterm elections" -- <http://theloop21.com/politics/5-things-obama-should-do-after-the-midterm-elections>]

The following is a list of 5 action items that President Obama should do in order to be successful under a new and more conservative Congress. 1. Meet with key Republicans in the U.S. Senate immediately after the midterm elections. While it is true that there will be fewer "moderate" Republicans left in the Congress after the midterms, there will still be a handful. They are the same ones whose names were dropped during the healthcare and financial reform debates, Olympia Snowe (R-ME), Susan Collins (R-ME), and Scott Brown (R-MA). These three at the very least should be on the President's list of "reasonable" Senators who will hopefully not filibuster every single piece of legislation. Senator Snowe who is up for re-election in 2012 actually has an incentive to work with the President and he is in a strong position to negotiate with her. It is important to point out that the political calculus after the midterms changes slightly for the Republicans in Congress. Whereas between 2008 and 2010 they had nothing at all to lose by going against the President's agenda and everything to gain by frustrating his efforts to bring about promised "change," they have to appear as though they are doing something other than saying "no." Otherwise they risk losing not only seats in Congress in 2012, but President Obama has a perfect scapegoat to blame for any lack of progress during his 2012 reelection campaign.

(--) Moderate republicans key to obama's agenda.

WHITTELL 10. [Giles, Washington, DC bureau chief for the London Times, "Barack Obama's agenda shifts to humility, consensus" The Australian -- October 30]

Translation: he knows that even if Democrats manage to hang on to the Senate and the house, their majorities will shrink to insignificance and their ability to force through ambitious legislation will disappear. Whether Mr Obama likes it or not, the time for serious compromise is near and the outlines of a legislative bargain with moderate Republicans are on the table.

(--) Moderate Republicans key to the agenda.

Guardian 8 (December 4, Lexis)

The Chambliss victory means the Democrats have 58 of the 100 Senate seats. A majority of 60 would have allowed them to override Republican delaying tactics such as filibusters that could wreck Obama's ambitious legislative programme. Instead, the Democrats will have to court Republicans to see their bills through. Chambliss' push to become a bulwark against Obama earned him the nickname "Mr 41" - the number of Republican senators needed to thwart a 60-seat Democrat majority - from the national Republican chairman, Mike Duncan. "Republicans still know how to win an election," Duncan declared yesterday at a victory party in Georgia. The final Senate contest, in Minnesota, is being recounted and hangs in the balance, with Republican incumbent Norm Coleman clinging to a lead of about 300 votes as of yesterday. Still, the Georgia defeat makes that outcome less important as Obama's allies in Congress now look to build alliances with moderate Republicans on their healthcare, energy, and jobs plans.

(--) Moderate gop are key to the agenda.

CHADDOCK 9. [Gail Russell Chaddock, Staff writer of The Christian Science Monitor, February 9, 2009 edition <http://features.csmonitor.com/economyrebuild/2009/02/09/gop-centrists-give-obama-a-majority-%E2%80%93-barely/>]

There are moments, even in highly polarized political times, when the center holds – and counts. This week's Senate vote on a massive economic recovery plan is one such moment. Three Republican centrists – the remnant of a

once-robust moderate wing of their party – are poised to give Democrats the last few votes they need to pass President Obama's \$800 billion-plus stimulus plan in the Senate. With a handful of GOP colleagues, they are the likely "swing votes" that could make or break legislation in the Congress for the first years of the Obama administration. It's a bare working majority. But if the relationship develops, it allows the president to go forward largely without regard to majority conservative views in the GOP caucus. Democrats shy of votes Even with a majority of 58 in the Senate (with one recount pending), Democrats are shy of the 60 votes needed to move major legislation. That's why Republican moderates like Sens. Susan Collins and Olympia Snowe of Maine and Arlen Specter of Pennsylvania are so crucial to the new president's agenda.

AT: There Are No Moderate GOP

(--) Republican midterm wins came in blue districts – considerable moderate gop contingent.

SHOR 10. [Boris, PhD, Assistant Professor, Harris School @ UChicago, political scientist, “Say Hello to the Future Fightin’ Republican Liberals and Moderates of the House Class of 2010” October 27 -- <http://bshor.wordpress.com/2010/10/27/say-hello-to-the-future-fightin-republican-liberals-and-moderates-of-the-house-class-of-2010/>]

Republicans, in this wave election that recalls 1994, look set to win not just swing districts, but also those districts that have been traditionally Democratic, or those with strong or longtime Democratic incumbents. Naturally, just as in 2008, this has led to overclaiming by jubilant conservatives and distraught liberals—though the adjectives were then reversed—that this portends a realignment in American politics. What do Republican inroads in traditionally Democratic areas portend for how these potential new Representatives will vote come January 2011? For a little guidance, think back to two Republicans who won special elections in deeply blue constituencies in the 111th Congress: Scott Brown in Massachusetts, and Charles Djou in Hawaii’s 1st District. I’ve already written a bit about Scott Brown. My prediction after his election but before his arrival in Washington was that Brown, based on his voting record in the Massachusetts state legislature, would prove to be one of the most liberal Republicans in the US Senate, for which I was vilified a bit online. Now that we have nearly a year’s worth of votes behind us, I feel pretty good about that prediction. My estimate of Brown’s ideology—using our NPAT common space data—is that he is the third most liberal Republican in the Senate, just behind Olympia Snowe and Susan Collins of Maine. Charles Djou won a unique special election in the normally very Democratic HI-1 district, when two Democrats split the majority of votes in the district due to the lack of a primary election by law. One measure, among many, of the partisan leanings of a district is its Cook Partisan Voting Index or PVI score. HI-1, which is Barack Obama’s home district and encompasses Honolulu, is D+11. I hadn’t yet written about Djou—to my regret—though he had previously served in the Hawaii State Assembly (District 47). While there, he compiled a conservative-for-Hawaii voting record; I estimate him in the top 10 percent of legislators for conservatism in the state. He was even right of center of his own party. Of course, the punch line is just like that for Dede Scozzafava in New York. A conservative Republican in Hawaii just ain’t that conservative when you look across the country. It’s just that Hawaii Republicans are quite liberal. Based purely on Djou’s voting record in the Assembly, I would have predicted him to be more liberal than Lincoln Chaffee (RI) or Jim Jeffords (VT), the first of whom endorsed a Democrat for president, and the second of whom gave majority control of the Senate to Democrats by leaving the Republican party. In fact, he turned out to be slightly more conservative than I had expected, but not by much. He’s about as conservative as Scott Brown is—that is, not very—by the standards of congressional Republicans. In fact, the only Republican representative evincing a more liberal voting record than Djou is Anh “Joseph” Cao, of Louisiana’s 2nd District. Cao won his New Orleans district after the indictment of his predecessor. Yet even his sole Republican vote in favor of the Democratic health care reform legislation doesn’t appear to be enough to save him, as polling and other data indicate a very high likelihood of a Cao loss. In short, Republican moderates in Congress are often associated with two factors: 1) a liberal voting record earlier in their career, and 2) a liberal district. Of course, both are related, in the sense that ambitious moderates choose liberal districts to run in, and liberal districts weed out conservative candidates. Still, district opinion and legislator ideology are not always mirror images, for reasons I will describe in a later post. Despite this, Republican liberals and moderates often find themselves in difficult electoral contests, as Democratic conservatives and moderates are discovering anew in 2010. Given how competitive Republicans are in 2010, even in otherwise unfriendly territory, we should then expect a crop of moderates to emerge in the 112th Congress that will vote on the left side of the party.

AT: Moderate GOP Key

(--) Reaching out to moderate gop fails – there's none left.

BARRON 11-4-10. [John, Inside American presenter on ABC NewsRadio, research associate @ US Studies Centre @ U of Sydney, "The Doughnut Election" ABC -- <http://www.abc.net.au/news/stories/2010/11/04/3056619.htm?site=thedrum>]

Already president Obama is being urged to "shift to the political centre" - to do as Bill Clinton did after he suffered massive losses in the 1994 mid-terms and abandon more divisive agenda items like health care and gays serving openly in the military. But even some Clinton insiders, like former labor secretary Robert Reich, say the political centre just doesn't exist - shift to the centre and you'll find you are all alone. American politics is more like a doughnut. And this is clearly a problem for any attempts at bipartisanship. When the democrats enjoyed a 60-40 Senate majority, there was no need to compromise. Which was just as well because there were only one or two moderate Republicans who might have ever considered a compromise. Usually when a chamber like the Senate swings back to closer to 50-50 that means you'll get more moderates in swinging electorates prepared to cut a deal and cross the floor. But not this time. Tea Party-backed freshmen Republican senators like Rand Paul from Kentucky and Marco Rubio in Florida immediately become the least likely to join with the Democrats. And Democrats like Evan Bayh of Indiana who frequently voted with the Republicans saw the writing on the wall and quit politics this year in disgust, while liberals capable of bipartisanship like Russ Feingold of Wisconsin got creamed.

(--) Moderates can't compromise – re-election.

FRIEL 10. [Brian, CQ Staff, "Divided Senate complicates Dem Agenda" CQ Today -- November 4 -- http://www.congress.org/news/2010/11/04/divided_senate_complicates_dem_agenda]

GOP primary voters made it clear this year that they were looking for conservative bona fides in their Senate candidates. Such demands ultimately cost Pennsylvania's Arlen Specter and Utah's Robert F. Bennett their seats and helped deny nomination to several candidates initially favored by Senate Republican leaders, including Florida Gov. Charlie Crist and Rep. Michael N. Castle of Delaware. Republican senators who could face challenges from the right in 2012 include Olympia J. Snowe of Maine, Orrin G. Hatch of Utah, Scott P. Brown of Massachusetts and Bob Corker of Tennessee. That pressure could make compromise with Democrats impossible.

(--) There aren't enough of them left to matter – election results.

THOMMA 11-5-10. [Steven, White House correspondent, "Extremes rule both parties, as centrists lose their seats" McClatchy Newspapers]

The center may be falling out of American politics. About two dozen moderate to conservative Democrats in the House of Representatives were defeated this week, leaving a more liberal party in Washington. Also, several moderate to liberal Republicans were turned out through the year, ousted by primary challenges from more conservative candidates and leaving a more conservative party behind. The result is a more polarized Congress. That could complicate efforts to solve some of the country's biggest problems, such as government deficits and debt, especially as outsized voices on talk radio, cable TV and in the blogosphere pressure the parties not to compromise. All this risks driving politics farther from the American people, many of whom still stand squarely in the middle of the political road. "Bit by bit, the center in American politics is getting weaker," said William Galston, a top policy adviser in the Clinton White House and a scholar at the Brookings Institution. In the Democratic Party, this week's elections drove out about half of the conservative Democrats in the House, mostly from the South. Among the losers: Rep. Gene Taylor of Mississippi, who voted against the Democratic health care law, opposed "cap and trade" energy legislation and voted for Sen. John McCain, R-Ariz., for president in 2008 against his own party's nominee, Barack Obama. The remaining Democratic lawmakers, particularly in the House, will be more liberal, and under great pressure from such outside groups as labor unions not to make any compromises that would cut federal spending, particularly for pay or benefits for government employees. In the Republican Party, dozens of tea party

conservatives won seats in the House. They're likely to pressure GOP leaders to make deep cuts in government spending, and to oppose any compromise with President Obama. Tea party candidates defeated moderate rivals in Senate primaries through the year. Among the moderate GOP victims: Rep. Michael Castle of Delaware, Gov. Charlie Crist of Florida, Secretary of State Trey Grayson of Kentucky and Sen. Robert Bennett of Utah. The ultimate example: Sen. Arlen Specter of Pennsylvania, whose political fate this year evoked the old line from Texas Democrat Jim Hightower, who sneered, "There's nothing in the middle of the road but yellow stripes and dead armadillos." A moderate to liberal Republican for most of his career, Specter was often right in the middle of Senate deal-making that bridged the two parties.

Leaks/AT: Plan Secret

(--) Yes leaks – increasing as secret programs increase

Patton 04 (Phil, "Exposing the Black Budget: The Cold War is over. So why, Paul McGinnis wanted to know, are major CIA, NSA, and Department of Defense programs still being kept secret from Congress and US taxpayers?", Steve Aftergood is a senior research analyst at the Federation of American Scientists, http://www.wired.com/wired/archive/3.11/patton_pr.html)

Classification can be viewed as the information equivalent of the national debt. Information we put off releasing is like debt we put off paying. Like the fiscal deficit, it costs a lot to service and maintain. Keeping things secret requires guards, vaults, background checks. A General Accounting Office study placed the cost at \$2.2 billion, but the office pointedly noted that its calculations had been hampered by the refusal of the CIA to cooperate. Private industry spends an estimated \$13 billion more adhering to government security standards. There is evidence that the secrecy structure may collapse of its own weight before anything is done to fix it. Says Steve Aftergood, "The more secrecy you have, the thinner your security resources are spread, and there is a loss of respect for the system. That promotes leaks. It's hard to keep things secret. It's work. People have to sit and read boring hearing records and black things out. It's easy to imagine they would miss stuff." Aftergood believes that accidental disclosure has been growing. Part of the reason is incompetence, part is semi-official policy. He wrote in the Bulletin that "accidental' disclosure has the great advantage that it does not require anyone to exercise leadership or to take responsibility. It has now become the preferred policy particularly since classification reform is not working. If current trends are taken to the limit, everything may eventually be classified - but nothing will be secret." Aftergood concludes the leaks are a sign of institutional decadence. "The government has found it easier to let the classification system disintegrate than to establish new standards that command respect and loyalty," he writes.

Lax security

Hoekstra 5 (Pete Hoekstra, ranking minority member of the House Permanent Select Committee on Intelligence and former Chairman, "Secrets and Leaks: the Costs and Consequences for National Security," speech to the Heritage Foundation on July 29, transcript at <http://author.heritage.org/Research/HomelandSecurity/wm809.cfm>)

It has become all too common—almost second nature—for people in Washington to leak information. Policymakers may leak for any number of reasons, such as to bring attention to a good news story or discredit a bad story. They may also leak information to gauge public interest on a new policy or issue. But some seemingly leak just because they can. These are the people, and especially those that have access to classified information, that we need to worry about. On the walls of the Intelligence Committee are framed posters from World War II that remind of the dangers of leaks. "LOOSE LIPS MIGHT SINK SHIPS," says one poster that was originally sponsored by the House of Seagram's. Another poster shows a ship in flames, its crew bobbing in the water and on lifeboats with the statement, "A CARELESS WORD A NEEDLESS SINKING." The ghosts of leaks past serve as potent reminders for us of the dangers of leaks today. Each year, countless unauthorized leaks cause severe damage to our intelligence activities and expose our capabilities. The fact of the matter is, some of the worst damage done to our intelligence community has come not from penetration by spies, but from unauthorized leaks by those with access to classified information. Were it not for a leak, there is a chance we could have brought Usama bin Laden to justice by now and have a better understanding of the al-Qaida operation. Several years ago, highly sensitive information was disclosed regarding the intelligence communities' ability to collect information on bin Laden. Reportedly as a result, bin Laden changed his methods of operation, and we lost a valuable means of understanding al-Qaida's movements and future plans. Now I realize there may be times when a person entrusted with classified information makes an unintentional disclosure. But, the Intelligence Community must be prepared to deal with these instances because all classified leaks can be dangerous. When it comes to deliberate disclosures of classified information, however, we must create a culture within the Intelligence Community where zero tolerance is the norm. People entrusted with a security clearance must realize their clearance is not a right, it is a privilege, and it must be treated as such. Just because a person has a security clearance does not give them the authority to exercise leadership in determining what should and should not be classified. Earlier this year, for example, the Department of Justice arrested Lawrence Franklin, a Pentagon defense analyst, for removing 83 documents from the Pentagon. Amazingly, this is not the first time Mr. Franklin was accused of compromising classified information, but his clearances were never suspended or revoked. We have to ask, did the previous leniency shown to Mr. Franklin contribute to his decision to go even further in revealing classified information? And then we should be outraged. It is painfully obvious we must change the culture within the Intelligence Community. The inability to protect our sources and methods from intentional leaks causes substantial damage to our intelligence services and national security.

No oversight

Banisar 7 (David Banisar, Policy Fellow at the Open Society Institute and Visiting Research. Fellow at the Faculty of Law, University of Leeds, July 2007, "Government Secrecy: Decisions Without Democracy," p. 16)

The lack of standards results in overuse of the designations and greater restrictions on information both for internal use and for public availability. A 2006 Government Accountability Office review found over fifty different categories of information designated as sensitive, ranging from Sensitive Homeland Security Information, Sensitive but Unclassified, Law Enforcement Sensitive, to For Official Use Only.⁴¹ The GAO found that, in different agencies, similar information was often being designated for control using different labels and procedures. It also found that few agencies provided adequate guidance, training or internal controls. The GAO concluded that "the lack of such recommended internal controls increases the risk that the designations will be misapplied. This could result in either unnecessarily restricting materials that could be shared or inadvertently releasing materials that should be restricted." Within departments such as Justice, the GAO found numerous procedural problems due to lack of formal policies, inadequate training, and poor oversight. In the FBI, any employee or contractor could designate information as sensitive even though the FBI had no guide and did not provide adequate training.⁴² A 2006 review by the National Security Archive of 37 major agencies and components found little consistency across government agencies.⁴³ Only eight of the agencies had legal authority to designate information as sensitive, while 24 were only following their own internal guidelines. Eleven had no policy at all. Nearly one-third of the policies allowed any employee to designate information as sensitive, but they did not set policies on how the markings could be removed, and only seven total set restrictions on how they can be designated. The review also found that policies set after 9/11 were "vague, open-ended or broadly applicable" compared with those before.

Yes leaks

- discontent in the cabinet causes executive leaks

Fox News, 14 [11-1-2014 <http://www.foxnews.com/politics/2014/11/01/tough-week-for-obama-as-frustrated-officials-air-their-grievances-to-media/>]

The White House ship is springing some leaks Trouble-making personnel inside the Obama administration have taken to the press

at a steady clip in recent days to badmouth senior officials, as well as a key American ally. And as President Obama enters his seventh year in office, the whispers and potshots are running the risk of undermining the once-cohesive image of the "no drama Obama" team. Whether it's a few leaky apples or the sign of a larger morale problem is unclear. But several stories with sharp-edged quotes attributed to unnamed administration officials have culminated in an embarrassing week for the White House -- complete with plenty of backpedaling and clarifications to assert a polished narrative that all is well. But the tarnish may be showing. Frustrated officials have started to air their grievances on everything from the relationship between the U.S. and Israel to the military response in Syria. The latest batch of stories started on Monday, when The Atlantic magazine quoted an anonymous official describing Israeli Prime Minister Benjamin Netanyahu as a "chickenshit." The comment follows weeks of heated exchanges between Netanyahu's government and Washington over disputed settlement-building. "The thing about Bibi is, he's a chickenshit," the official was quoted as saying. The article caused a furor, as Republicans demanded accountability for the anonymous insult to America's ally. White House and State Department officials insisted the remark does not reflect the administration's views, and White House officials reportedly were calling lawmakers to hammer home that point. Not everyone was buying the administration's contrite tone. Fox News contributor Judith Miller suggested that comment was "authorized," to "send a message to Israel." But other comments clearly were not green-lighted by the White House. In the latest episode, ticked-off military officials told The Daily Beast they were frustrated by the tight constraints the White House is placing on them in the war against the Islamic State in Syria. Disgruntled officers and civilian Pentagon leaders reportedly claimed that National Security Adviser Susan Rice, who is calling much of the shots on U.S. operations in Syria, is "obsessed with the tiniest of details" and referred to the process as "manic." The White House reportedly has instructed the military to keep the war contained within policy limits which include restrictions on which rebels can be trained to fight and what their roles will be in the field. The sources said Rice's micro-managing of basic operational details is tying their hands and holding up progress. Earlier, on Wednesday, The New York Times reported that Defense Secretary Chuck Hagel also was a critic of the White House strategy in Syria. Hagel recently wrote a memo to Rice warning that the current strategy was too unfocused and didn't clearly address U.S. intentions and how it relates to Syrian President Bashar al-Assad, the Times reported. Hagel did not back off his comments on Thursday, saying, "We owe the president and we owe the National Security Council our

best thinking on this. And it has to be honest and it has to be direct." The perception of a harmonious Cabinet was further dented following another claim in the Times article that officials routinely joked Secretary of State John Kerry is like the astronaut Sandra Bullock plays in the movie "Gravity," and that he's "somersaulting through space, un-tethered from the White House." The article seemed to suggest that Obama's once tight-knit circle of confidants has come apart in recent months as more and more staff members resign or retire. Personnel shakeups have led some to question the effectiveness of the president's crisis-management teams.

-executive branch

Turner 7 (Robert F. Cofounder Center For National Security Law, FISA and Civil Liberties, Capitol Hill Hearing Testimony, lexis)

The Federalist Papers are replete with references to the need for secrecy, unity of design, and speed and dispatch in war and foreign affairs - and each of these was recognized as a strength of the executive branch. Since the official journal and Madison's notes on the proceedings of the Federal Convention were not made public until decades after the Constitution was ratified, these brilliant essays on the principles of our new government were the most important single source in explaining the Constitution to the people. And in Federalist No. 64, John Jay made it clear that neither Congress nor the Senate were to have any role in the business of intelligence. His essay is worth quoting at length: There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions

will operate on those persons whether they are actuated by mercenary or friendly motives, and there doubtless are many of both descriptions, who would rely on the secrecy of the president, but who would not confide in that of the senate, and still less in that of a large popular assembly. The convention have done well therefore in so disposing of the power of making treaties, that although the president must in forming them act by the advice and consent of the senate, yet he will be able to manage the business of intelligence in such manner as prudence may suggest. Sadly, my experience both in the legislative and executive branches and as a scholar have persuaded me that the Framers' concern was justified. I've seen far too many harmful leaks from Capitol Hill. (To be sure, too many leaks also come from the executive department.)

Ext. Yes Leaks – Congress

Congress leaks –

-Congressional oversight causes leaks

Finan 10 (Elizabeth Finan, Senior Staff Writer for the International Affairs Review, "Changing the Status Quo: Congressional Oversight of the CIA," October 11, <http://www.iar-gwu.org/node/204>)

With the recent passage of the first intelligence authorization bill in six years, congressional oversight of covert action will expand to unprecedented levels. According to the Washington Post, in most instances the entire membership of the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI) will be permitted to attend briefings detailing the CIA's covert action programs. In the past, these types of briefings were limited to the so-called "Gang of Eight", a group that was limited to the party leadership in both, the House and the Senate, as well as the chairs and ranking minority members of the HPSCI and SSCI. In extremely sensitive operations, the bill grants the White House authority to restrict the briefings to the Gang of Eight; even then the full committees will still receive a "general description" of the contents of the presidential finding that was required to launch the covert action program.

Ext. Yes Leaks – Pentagon

Pentagon causes leaks

VIJAYAN 8/6/07 (JAIKUMAR is one of the senior-most South Asian technology journalists. He is currently senior editor of ComputerWorld, "Government Businesses hit by inadvertent disclosures, lexis)

Clark said he found classified diagrams of the Pentagon's backbone network infrastructure, complete with IP addresses and password change scripts; physical terrorism threat assessments for three major U.S. cities; and information on the U.S. Department of Defense's information security system audits on P2P networks. "There's all kind of data leaking out inadvertently," Clark told the committee. The documents discovered during Clark's search were "simply what we found when we put the straw in the water," he said. "The American people would be outraged if they were aware of what is inadvertently being disclosed on P2P networks," said Clark.

Ext. Leaks Link

Obama gets dragged in

Dickerson 9 (Slate's chief political correspondent and author of On Her Trail, "Who You Calling Debriefed?" May 15, <http://www.slate.com/id/2218392/>)

Who is telling the truth in the Pelosi matter? It's hard to know in what is now a **classic Washington case of he said/she said**. There weren't a lot of people in the key September 2002 meeting who can come forward to corroborate events, though former Democratic Sen. Bob Graham, who was then chairman of the Senate intelligence committee, has backed up Pelosi's **criticism of the CIA** in an interview with the Huffington Post. Former Rep. Porter Goss, who attended the meeting with Pelosi, has taken the CIA's side. But he's a Republican who later went on to run the CIA. He's got political reasons to contradict her as part of the GOP's broader attempt to distract attention from a past where Republicans are in far more political and legal danger. And Goss has residual reasons to stick up for the guys who once worked for him. Current CIA Director Leon Panetta, a Democrat from California who once served with Pelosi in Congress, released a statement that suggested that these techniques were discussed but that also said the agency couldn't be certain. Pelosi didn't help her credibility Thursday when she admitted that despite earlier denials, she did later know water-boarding was being used. Her explanation for the discrepancy: Her previous denials were about what she personally had been briefed on. She learned about water-boarding from a staffer. That kind of parsing is hard to sustain in a public fight. It also raises questions about why, if she was so adamant about torture, she didn't do more at the time. By contrast, when John McCain learned about water-boarding, he did get exercised about it and took measures to stop it. Yesterday, administration officials and Democratic political veterans were puzzled by Pelosi's gambit. She's put the spotlight on herself and has given weakened Republicans a fight they can enjoy, engage in, and possibly win. They can't put a scratch on the popular president, but Pelosi and the Democratic Congress are not as popular. Normally a politician in Pelosi's position could say she's moving forward to do important business rather than picking at the past, but she and other Democrats are the ones advocating for rummaging through the past. **The escalating mess is exactly why President Obama didn't want a thorough look into the question of torture. Fights like these distract from his effort to get politicians to focus on other matters, and the arguments potentially weaken his party by either undermining its high-road position on torture or making leading Democrats look unsteady,** as Pelosi looked during her halting and jittery press conference. **As one former senior Bush official put it,** "Their real political problem [with investigating torture] is when they look back, they will find many of their own there. **This shit storm will leave everyone stinky. Or might just leave their side in deeper doo-doo for the worst political sin: hypocrisy."** **At some point the president may be asked what his view of the Pelosi matter is.** It's a tricky spot. **He doesn't want to get in the middle of a he said/she said debate. If he defends Pelosi, he alienates the CIA.** That relationship is already tender because Obama released Bush-era torture memos against the wishes of the CIA, whose agents participated in the torture. **On the other hand, if Obama defends the CIA, he undermines** his leader in the House and angers her **liberal supporters.**

Congress finds out within hours – they'll backlash because they were kept in the dark

Washington Post 9 (Joby Warrick and Ben Pershing, Washington Post Staff Writers, "CIA Had Program to Kill Al-Qaeda Leaders," July 14, <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/13/AR2009071302589.html>)

The CIA ran a secret program for nearly eight years **that aspired to kill top al-Qaeda leaders with specially trained assassins, but the agency declined to tell Congress because the initiative never came close to bringing Osama bin Laden and his deputies into U.S. cross hairs.** U.S. intelligence and **congressional officials said yesterday.** The plan to deploy teams of assassins to kill senior terrorists was legally authorized by the administration of George W. Bush, but it never became fully operational, according to sources briefed on the matter. The sources confirmed that then-Vice President Richard B. **Cheney had urged the CIA to delay notifying Congress about the diplomatically sensitive plan -- a bid for secrecy that congressional Democrats now say thwarted proper oversight.** **The program, which was terminated last month, touched off a political firestorm** last week **when several Democrats said the CIA had misled Congress by not disclosing its existence.** CIA Director Leon E. **Panetta gave lawmakers their first overview on June 24, within hours of learning about it,** the officials said.

Internal Links: Bipartisanship

Democrats and Republicans need to work together to avoid a shutdown:

Reuters, 9/10/2015 ("White House urges Republicans to negotiate to avoid government shutdown," <http://www.reuters.com/article/2015/09/10/usa-budget-whitehouse-idUSW1N0ZC00M20150910>, Accessed 9/11/2015, rwg)

Republicans in the U.S. Congress must negotiate with Democrats on the country's budget in order to avoid a government shutdown, a White House spokesman said on Thursday. "If Republican leaders maintain their insistence on trying to pass a budget along party lines, then we are going to be headed for a shutdown because it's clear to anyone who's been paying attention for the last several months that they don't have the votes to pass a budget," White House press secretary Josh Earnest said. "The way to avoid that is for Democrats and Republicans to do what they did two years ago, which is finally sit down and try to work in bipartisan fashion to negotiate the kind of budget agreement that neither side would think is perfect but that both sides would acknowledge are in the best interest of the United States and our economy." (Reporting by Julia Edwards; Writing by Lisa Lambert; Editing by Bill Trott)

Bipart key to agenda.

JACOBY 11-4-10. [Tamar, President, ImmigrationWorks USA, "Immigration reform is still doable" CNN]

In a lopsided Congress, where one party has a supermajority or close, there's little or no incentive to compromise -- you can pass almost anything you want without making nice, so why make concessions to get a deal? This will no longer be true in the 112th Congress: Little if anything is going to pass without compromise. Neither party will have much to show for itself if it does not find ways to work across the aisle. And just saying "no" to the other side's proposals is likely to wear thin very quickly with the independent voters who decided this election and the last one and will surely be the prize in 2012.

Bipart key to agenda.

COLLINSON 11-15-10. [Stephen, AFP writer, "Obama lands back in changed Washington" AFP]

President Barack Obama landed in a politically-changed Washington after 10 days abroad and called on newly empowered Republicans to drop their strategy of 'No' to work with him. Obama returned from Asia to reverberating aftershocks of mid-term elections which dealt Democrats a crushing defeat and handed Republicans the House of Representatives -- and the means to halt his reform program. Flying into Washington on Air Force One on Sunday, after a trip that circled the globe, Obama reflected on the meaning of the election defeat two weeks ago, and promised to do more to honor his previous vows to reach across the aisle. He said that early in his term, an "obsessive" focus on anti-crisis policies had led him to neglect the need to reach across political divides and to get out into the heartland to explain to Americans what he was doing.

Bipart is key to obama's agenda.

GALSTON 10. [William, Senior Fellow, Governance Studies, Brookings, "President Barack Obama's First Two Years: Policy Accomplishments, Political Difficulties" Brookings Institute -- Nov 4]

The outcome of the November 2010 election has fundamentally changed the political dynamic for at least the next two years. **It will no longer be possible for President Obama to advance his agenda with support from only his own party.** Instead, **he will be forced either to negotiate with an emboldened Republican House majority or endure two years of confrontation and gridlock.** (As Newt Gingrich discovered in 1995, the same logic applies in reverse: it is no easier to run divided government from Capitol Hill than from 1600 Pennsylvania Avenue.) **Choosing the path of negotiation over confrontation would require a change of substance as well as tone.** The president would have to give the federal budget deficit and national debt a far more central place in his policy agenda. Here the obstacles to agreement across party lines are formidable, although the findings of his bipartisan fiscal commission, due out in December, may assist him in making a shift to a more fiscally conservative position. It helps that the co-chairs of the commission, Democrat Erskine Bowles and Republican Alan Simpson, are determined to break the current gridlock, in which conservatives refuse to consider raising taxes while those on the left stoutly resist cuts in social programs.

Bipart key to agenda – spills over

Zelizer 9 (Julian, Prof Public Affairs @ Princeton, CNN, 1/13)

Obama will have to define himself in relation to his predecessor, but in this case by demonstrating clearly to the public what he will do differently, rather than the same, as President Bush. And, finally, **the new president will need to find legislation that attracts some support from the opposition to diminish the power of polarization on Capitol Hill and establish the groundwork for future compromise.**

Bipart key to obama agenda.

News and Observer 8. [11/7, Lexis]

Such a move toward **bipartisanship may be challenged by those who think the Bush partisans have some payback coming.** But if Obama can rise above that instinct, **he will have taken some important initial steps** in bringing a much-divided country together, and **in easing the way for his ambitious agenda to clear the Congress.** If the people are ready, and they have signaled resoundingly that they are, then Republican and Democratic leaders need to be ready as well.

Partisanship spills over on security policy specifically.

COHEN 1. [WILLIAM, counselor @ CSIS and former Secretary of Defense, Washington Quarterly -- Spring -- lexis]

Finally, **a more bipartisan approach to the formulation of national security policy specifically can only occur with a less partisan approach to political discourse generally.** Social and political observers alike have chronicled an absence of civility in the public sphere and increasing hostility in the political sphere. Debate too often gives us a way to diatribe, and practical problem-solving to rhetorical finger-pointing. At times – such as the Desert Fox strikes – the enmity has become so intense that some openly question the motivations of the leaders on the opposite side of the aisle. At other times – such as during the national debate on the CTBT – **incendiary rhetoric is used to inflame core constituencies, gain political advantage,** or to humiliate or embarrass one's opponents. **Such scorched earth tactics may be chauvinistically satisfying, but they only diminish the trust and respect among policymakers that is essential to responsible and reason compromise.**

Internal – Committees

Opposition from even single powerful committee member drains capital because of unique ability to block legislation

Seidenfeld 94. , Associate Professor, Florida State University College of Law, 94 (Mark, Iowa Law Review, October, Lexis)

The cumbersome process of enacting legislation interferes with the President's ability to get his legislative agenda through Congress much as it hinders direct congressional control of agency policy-setting. 196 **A President has a limited amount of political capital** he can use to press for a legislative agenda, **and precious little time to get his agenda enacted.** 197 **These constraints prevent the President from marshalling through Congress all but a handful of statutory provisions** reflecting his policy [*39] vision. Although such provisions, if carefully crafted, can significantly alter the perspectives with which agencies and courts view regulation, such judicial and administrative reaction is not likely to occur quickly. Even after such reaction occurs, a substantial legacy of existing regulatory policy will still be intact. In addition, **the propensity of congressional committees to engage in special-interest-oriented oversight might seriously undercut presidential efforts** to implement regulatory reform through legislation. 198 On any proposed regulatory measure, **the President could face opposition from powerful committee members whose ability to modify and kill legislation is well-documented.** 199 This is not meant to deny that **the President has significant power that he can use to bring** aspects of his legislative agenda to fruition. The President's ability to focus media attention on an issue, his power to bestow benefits on the constituents of members of Congress who support his agenda, and his potential to deliver votes in congressional elections increase the likelihood of legislative success for particular programs. 200 Repeated **use of such tactics**, however, **will** impose economic costs on society and concomitantly **consume the President's political capital.** 201 At some point **the price to the President** for pushing legislation through Congress **exceeds the benefit** he derives **from doing so.** Thus, a President would be unwise to rely too heavily on legislative changes to implement his policy vision.

Outweighs every other factor of support

Association for Postal Commerce, No Date Given,

<http://www.postcom.org/public/publicaffairs/howabillbecomesalaw.htm>

CONGRESSIONAL COMMITTEES. **Committees** are the infrastructure of Congress. They **are where the bulk of legislative work is done.** Although the House and Senate handle bills in different ways when they reach the floor, the committee system in both chambers is similar. **Committees have enormous power.** They **hold hearings, conduct investigations, and oversee government programs.** They **initiate bills, approve and report legislation to the floor.** They also **can kill measures through inaction or defeat.** The standing **committees** of Congress **determine the fate of most legislative proposals.** Committee members and staff frequently are experts in the subjects under their jurisdiction, and **it is at the committee stage that a bill comes under the sharpest scrutiny.** If a measure is going to be substantially revised, that revision usually occurs at the committee or subcommittee level. Of all the committees in Congress, those with the most influence over the delineation of our nation's postal policy include: the House Subcommittee on the Postal Service, the House and Senate Committees on Appropriations, and the Senate Committee on Governmental Affairs. Those with a lesser degree of influence include: the House and Senate Committees on the Budget and the House Committee on Government Reform and Oversight. **A committee may dispose of a bill in one of several ways:** it may **approve**, or "report," the legislation **with** or without **amendments; rewrite the bill** entirely; **reject** (i.e., "kill") the bill; **report it unfavorably** or without recommendation to allow full House or Senate consideration; **or refuse to consider the bill at all.** Committee membership is determined on the basis of majority and minority party ratios in each chamber, and is set at the beginning of each new Congress. In the House, the Democrats make their committee appointments through their Steering and Policy Committee and the Democratic Caucus, the Republicans through the Republican Conference. These assignments are then confirmed by floor vote. The most senior member of the majority often is designated as the committee chair. The

most senior member of the minority party is usually designated as the "ranking minority member." Subcommittees. Most standing committees have a number of subcommittees, which vary in importance from committee to committee. Some have well-defined jurisdictions and function with great autonomy. Much of their work -- both in the House and Senate -- is routinely endorsed by the full committee without further review. Subcommittee membership also is determined in a manner that maintains the prevailing majority/minority party ratio in the full chamber. Senators may serve on three committees and on as many as eight subcommittees. Representatives, however, may serve on only two committees unless they are assigned to Rules, Appropriations, or Ways and Means. They may serve on only one of these key committees at a time. Subcommittees and committees enjoy considerable independence and autonomy. The chair of a committee or subcommittee is a very important figure in the legislative process because he or she can determine which bills are taken up and the pace and sequence in which they are considered.

Concessions Fail – General

Concessions fail – obama is inept.

PONNURU 11-16. [10 -- Ramesh, senior editor @ National Review, "National Review: Eleven reasons 2010 is not a rerun" NPR]

Seventh, Obama isn't Clinton. The former president started his political career in a relatively conservative state. During his governorship, Arkansas gave its electoral votes to Republican presidential candidates three times. Clinton also ran the Democratic Leadership Council, which sought to pull the party rightward. Obama has had much less experience of appealing to conservative and moderate voters. He did it in the general election of 2008 only under exceptional circumstances and with a very short record. It's not clear that he is interested in "triangulating" against congressional Democrats and Republicans, much less that he is capable of it. Keep in mind that at this point in his presidency Clinton had already relied on Republican votes to win a high-profile fight over trade. Obama has done nothing similar.

No shift to the center –gop will reject it.

BAKER 10. [Peter, foreign policy reporter, author of Kremlin Rising: Vladimir Putin and Russian Counter-Revolution, "In Republican Victories, Tide Turns Starkly" New York Times]

Strategists on both sides said the lessons of the past offered only limited utility. As politically toxic as the atmosphere in Washington was in the 1990s, the two sides appear even more polarized today. The Republicans may be more beholden to a Tea Party movement that abhors deal cutting, while Mr. Obama has not shown the same sort of centrist sensibilities that Mr. Clinton did and presides in a time of higher unemployment and deficits. "I know President Clinton. President Clinton was an acquaintance of mine. Obama is no President Clinton," said former Representative Dick Army of Texas, who as House Republican leader squared off against Mr. Clinton at the time and today is a prime Tea Party promoter. "Personally, I think he's already lost his re-election." That remains to be determined, but he can expect a rough two years. If nothing else, both Mr. Clinton and Mr. Bush saw what can happen when the other side gets subpoena power. Legitimate oversight and political fishing expeditions can both take their toll. "Even when carefully managed, these investigations can be distracting to senior White House officials," said W. Neil Eggleston, who was a White House lawyer under Mr. Clinton and later represented an aide to Mr. Bush during a Congressional inquiry. Still, Mr. Obama wields the veto pen, and his Democratic allies in the Senate will provide a firewall against Republican initiatives. The possibility of gridlock looms. And in the White House, there is hope that Republicans descend into fratricide between establishment and Tea Party insurgents, while Mr. Obama presents himself as above it all. Former Representative Tom Davis, Republican of Virginia, said it was hard to see Mr. Obama finding common cause with Mr. Boehner or Mr. McConnell, the Republican leaders. "Obama's denigrated Boehner and McConnell by name — not very presidential," Mr. Davis said. Moreover, both sides will have to answer to partisans on the left and the right with little interest in compromise. "There's going to be a lot of posturing to the base," Mr. Davis said. "I think it's going to be ugly, at least at first."

Concessions Fail – Left Backlash

Concessions fail – angers the left.

FRIEL 10. [Brian, CQ Staff, “Divided Senate complicates Dem Agenda” CQ Today -- November 4 --
http://www.congress.org/news/2010/11/04/divided_senate_complicates_dem_agenda]

While many Democratic senators may feel pressure from their right, **Obama** may **feel pressure from his left**. Henry Olsen, a political analyst at the conservative American Enterprise Institute, noted that both presidents who have faced serious primary challenges when seeking a second term in recent years — Jimmy Carter and George H.W. Bush — were defeated in the general election. Olsen warned that **Obama could risk such a challenge from the left if he strikes deals with Republicans the way President Bill Clinton did** in 1996. **“Triangulation is not going to be on the agenda,”** Olsen said.

Concessions fail – alienates the left.

PONNURU 11-16-10 -- Ramesh, senior editor @ National Review, “National Review: Eleven reasons 2010 is not a rerun” NPR]

Eighth, **Obama has to deal with a larger, angrier, and more implacable Left** than Clinton did. The Left was chastened after three Republican presidential terms when Clinton took office. When Clinton signed welfare reform in 1996, a few of his appointees resigned but there was no revolt. **Obama cannot be so sure that MoveOn.org, MSNBC, etc., will stay in his corner if he triangulates.** His freedom of action is more circumscribed.

Concessions Fail – GOP Says No

Concessions to the gop fails – pisses off the left and the GOP won't listen.

LIASSON 11-12-10. [Mara, national political correspondent for NPR, "Democrats split on way forward after losses" NPR]

Going forward, one of the flash points for Democrats is how far to go to accommodate the new Republican majority in the House and the expanded Republican minority in the Senate. Green thinks reaching out won't help. "Democrats could take a lesson from what Republicans are doing right now, which is being dogged in what they believe," he says. "They're not talking about compromise. They're saying, 'We're going to fight for what we just campaigned on'. What we've seen the last week or so is a president consistently talking about compromise, consistently talking about consensus, and never laying out any blueprint by which he would actually be willing to fight the Republicans."

Attempts to triangulate fail – uncooperative GOP.

GANDLEMAN 11-14-10. [Joe, editor-in-chief in Politics, "Is the democratic party really out for the count?" Moderate Voice]

But Obama's problem will be that the party's progressive wing will be clamoring for him to be a progressive Democrat while to rebrand himself as a different kind of Democrat he's going to have to triangulate (which will create howls of protest from the Democratic left and could even spark a primary challenge) and show that he is working with some key GOPers (at a time when most in the GOP see that noncooperation with Obama reaps political dividends and also can be a way of avoiding a primary challenge from Tea Party movement members).

Concessions fail – GOP says no.

COLLINSON 10. [Stephen, AFP writer, "Sun sets on Obama's era of grand reforms" AFP -- October 25]

Should Obama chose cooperation, it is uncertain whether his Republican foes will have the inclination -- or the political capacity -- to help. An influx of ideological conservatives from the Tea Party movement may push the party's leadership further to the right, narrowing room for compromise. And with a looming general election, Republicans have little incentive to bolster a Democratic president. Republican Senate leader Mitch McConnell signaled that Republicans may be flexible, but only strictly in their own interests.

Moving to the center fails – too polarized.

SARGENT 10. [Greg, Washington Post journalist, editor of Election Central, Talking Points Memo's politics and elections website, "How will Obama react to GOP gains?" Washington Post]

What's striking about this is how dated, and even quaint, it sounds. As Ronald Brownstein has noted, a conspicuous move to the ideological center isn't really something we should expect from Obama after the election, even in the event of major GOP gains, because such a gesture wouldn't really be relevant to our politics today, which are even more polarized now than in Clinton's time.

AT: Bipart/Concessions Key

Concessions fail – cause republicans to undermine obama agenda.

Parry 8 (Robert, former writer for the Associated Press and Newsweek who broke the Iran-Contra stories in the 1980s, Baltimore Chronicle, November 11, <http://baltimorechronicle.com/2008/111108Parry.shtml>)

Barack **Obama seeks** a new era of **bipart**isanship, but **he should take heed of what happened to** the last Democrat in the White House – Bill **Clinton** – in 1993 **when he sought to appease Republicans** by shelving pending investigations into Reagan-Bush-I-era wrongdoing and hoped for some reciprocity. **Instead the Republicans pocketed** the Democratic **concessions and pressed ahead with** possibly **the most partisan assault ever** directed against a sitting **President**. The war on Clinton included attacks on his past life in Arkansas, on his wife Hillary, on personnel decisions at the White House, and on key members of his administration. **The Republicans also took** the **offensive against Clinton's reformist agenda, denying him even one GOP vote for his first budget and then sabotaging** Hillary Clinton's plan for **universal health insurance**.

Moderate gop not key – democratic unity is crucial.

Walter 8 (Amy, Staff Writer, National Journal, November 18, http://www.nationaljournal.com/njonline/ol_20081117_2769.php)

But what does "working across the aisle" really mean? In the Senate, retirements and election losses have substantially reduced the number of Republican moderates. Olympia Snowe, Susan Collins, George Voinovich, Arlen Specter and, of course, McCain are the only obvious potential allies Obama will have on the GOP side. Of the 19 Republicans up in 2010, just six -- including Voinovich and Specter -- sit in states Obama won. If Obama is counting on McCain to help broaden that coalition, it's worth asking why. After all, this is a guy who campaigned heavily on his "maverick-ness" and ranted against the corrupting influence of Washington insiders. Team player he was not. Even so, he, like Obama, ended the campaign with high approval ratings and has more political capital than your typical defeated nominee. **Obama's potential GOP allies in the House may be an even smaller bunch.** There are only five Republicans who sit in districts that **John Kerry** won four years ago: **Mike Castle** (Del.-At Large), **Mark Kirk** (Ill.-10), **Jim Gerlach** (Pa.-06), **Charlie Dent** (Pa.-15) and **Dave Reichert** (Wash.-08). (Note: We are using 2004 stats since we won't have presidential vote by congressional district data for some time). Given Obama's strong showing in places like Neb.-02 (where GOP Rep. **Lee Terry** sits) and New Jersey (home to freshman Rep. **Leonard Lance** in N.J.-07), this list of Republicans sitting in putatively Democratic seats will grow -- but probably not by much. **For all the talk of bipartisanship, the reality is that there just aren't that many Republicans left to work with.** Herding them may not be Obama's biggest problem. Now, about corraling expectant Democrats ...

Bipart fails—strong partisan line key to win support

KUTTNER 8. [Robert, political commentator and author of "Obama's Challenge: America's Economic Crisis and the Power of a Transformative Presidency." December 15, http://www.realclearpolitics.com/articles/2008/12/the_post_postpartisan_presiden.html]

Here is an easy prediction: **When** President **Obama reaches that hand of bipart**isanship **across the aisle, he will find** that the **Republicans bite it**. Of course, it is smart politics to pick off Republicans for a progressive agenda wherever possible. Splitting the Republicans is much better than splitting the difference. By January, when Congress takes up the emergency stimulus bill, unemployment will be heading toward double digits, and state and local governments will be slashing public services. In that emergency climate, Obama may well get some Republicans to cross over and vote for a Democratic plan. **But that strategy is not being bipartisan. It is being an astute partisan. And there will be many other times when Obama will need to rally all** of his **Democrats to enact** progressive **legislation over** the strenuous **objection of most Republicans**. This economic emergency and its political opportunity is no time to compromise for the sake of hollow unity. **If Obama can win over a few Republicans for a progressive program, great. If he put can Republicans in the position of haplessly opposing popular and urgently needed legislation, so much the better.** By the end of his first year, either Obama will have put the economy on the path to recovery based on a progressive program that represents a radical ideological shift; if he achieves that, he will have done it with precious little Republican support. **Alternatively, much of his program will have been blocked by Republican filibusters** enabled by a few conservative Democratic allies.

Political Capital is True

PC Theory True – General

Consensus of studies

Anthony J. **Madonna**, Assistant Professor, University of Georgia, **et al** Richard L. Vining Jr., Assistant Professor, University of Georgia and James E. Monogan III, Assistant Professor, University of Georgia 10-25-2012 “Confirmation Wars and Collateral Damage: Assessing the Impact of Supreme Court Nominations on Presidential Success in the U.S. Senate”

The selection of Supreme Court justices is just one of several key powers afforded to the modern presidency. **Presidents use a wide range of tactics to set policy, including their ability to influence the legislative agenda** and staff vacancies to key independent boards and lower level federal courts. In terms of influencing the legislative agenda, modern **presidents introduce legislation and define policy alternatives** (Covington, Wrighton and Kinney 1995; Eshbaugh-Soha 2005, 2010). The State of the Union Address and other **public speeches** are important venues for this activity (Canes-Wrone 2001; Cohen 1995, 1997; Light 1999; Yates and Whitford 2005), **but they are not the only means** through which presidents outline their legislative goals. Presidents also **add items to the legislative agenda** intermittently in response to issues or events that they believe require attention. **This may be done either by sending messages to Congress** or through presidential communication to legislators' constituents. While not unconditional, **presidents can use their time and resources to secure the passage of key policy proposals** (Edwards and Wood 1999; Light 1999; Neustadt 1955, 1960).

PC theory true for Obama- empirics

Color Lines, 10-14-2011

http://colorlines.com/archives/2011/10/is_president_obamas_jobs_drumbeat_working.html

But what **Obama's new insistence on a jobs agenda proves** is this: **the presidency is**, in fact, **a powerful bully pulpit**. No, **he can't just wave a magic wand and pass bills**. No one credible has ever argued that. **What he can do is use the substantial power of his office to bully Congress into action, or at least into focusing on the right problem**. The first step in doing so is, as the president has said, taking the discussion to the voters. Every time **a president** speaks, it's news. So **he controls the news cycle** every day, **if he so chooses, and if he talks about jobs every day, that's what we'll all be talking about**. **The second step is negotiating from the place of strength that this rhetorical bullying creates**. And we will all desperately need that strength when the deficit-reduction process reaches its grim climax this winter. So let's hope Marshall is onto something when he says we might be at a turning point in Washington.

Your evidence oversimplifies political capital- it's not just about personality and likeability- it's about the structural advantages of the presidency

Light 99 – Senior Fellow at the Center for Public Service (Paul, the President's Agenda, p. 24-25)

Call it push, pull, punch, juice, power, or clout – they all mean the same thing. The most basic and **most important of all presidential resources is capital**. **Though the internal resources** time, information, expertise, and energy **all have an impact** on the domestic agenda, **the President is severely limited without capital**. And capital is directly linked to the congressional parties. While there is little question that bargaining skills can affect both the composition and the success of the domestic agenda, **without the necessary party support, no amount of expertise or charm can make a difference**. Though bargaining is an important tool of presidential power, it does not take place in a neutral environment. Presidents bring certain advantages and disadvantages to the table.

Also- studies prove the theory of political capital

Eshbaugh-Soha, M. (2008). Policy Priorities and Presidential Success in Congress. Conference Papers -- American Political Science Association, 1-26. Retrieved from Political Science Complete database.

Presidential-congressional relations are a central topic in the scientific study of politics. The literature is clear that a handful of variables strongly influence the likelihood of presidential success on legislation. Of these variables, party control of Congress is most important (Bond and Fleisher 1990), in that conditions of unified government increase, while conditions of divided government decrease presidential success, all else equal. The president's approval ratings (Edwards 1989) and a favorable honeymoon (Dominguez 2005) period may also increase presidential success on legislation. In addition, presidential speeches that reference policies or roll-call votes tend to increase the president's legislative success rate (Barrett 2004; Canes-Wrone 2001; Eshbaugh-Soha 2006). In their landmark examination of presidential success in Congress, Bond and Fleisher (1990, 230) identify yet another condition that may facilitate presidential success on legislation when they write that "the president's greatest influence over policy comes from the agenda he pursues and the way it is packaged." Moreover, the policies that the president prioritizes have "a major impact on the president's relationship with Congress." Taken together, these assertions strongly suggest that the policy content of the president's legislative agenda—what policies the president prioritizes before Congress—should be a primary determinant of presidential success in Congress.

Sequencing means bargaining chips are limited – plan trades off Bernstein, 8/20/11

Jonathan Bernstein is a political scientist who writes about American politics, especially the presidency, Congress, parties and elections, http://www.salon.com/news/politics/war_room/2011/08/20/bernstein_presidential_power/index.html

Moreover, the positions of the president and most everyone else are, to look at it one way, sort of opposites. The president has potential influence over an astonishing number of things -- not only every single policy of the U.S. government, but policy by state and local governments, foreign governments, and actions of private citizens and groups. Most other political actors have influence over a very narrow range of stuff. What that means is that while the president's overall influence is certainly far greater than that of a House subcommittee chair or a midlevel civil servant in some agency, his influence over any specific policy may well not be greater than that of such a no-name nobody. A lot of good presidential skills have to do with figuring out how to leverage that overall influence into victories in specific battles, and if we look at presidential history, there are lots of records of successes and failures. In other words, it's hard. It involves difficult choices -- not (primarily) policy choices, but choices in which policies to fight for and which not to, and when and where and how to use the various bargaining chips that are available.

And- our controversy aversion link—

Empirics prove – it's not just question of capital - forcing votes on highly a controversial item means they won't be willing to on others - accesses structural factors and anticipated voter reaction warrants

Katherine **Ling** and Katie **Howell**, E&E reporters, 11-2-2010 Katherine Ling and Katie Howell, E&E reporters

After Obama was inaugurated as president in 2009, House Democrats unleashed a formidable agenda consisting of a two-month blitz to pass a \$787 billion stimulus bill, which passed in February 2009; four months of pushing the cap-and-trade climate bill, which passed in June 2009; and, finally, an eight-month slog to pass a financial regulation reform bill in December 2009 and a health care reform bill in February 2010. But only the stimulus, health care reform and financial regulation bills made it through the "wet cement" that is the Senate, as Sen. Byron Dorgan (D-N.D.) has described it. After months of talks, Senate negotiations on climate came to a standstill this summer as partisan bickering kept the upper chamber from passing even the smallest of energy bills. Many lawmakers have criticized House leadership for forcing them to take a hard vote on a cap-and-trade bill without knowing whether Senate Democrats would also be able to take up and pass the bill. "I frankly don't think the House gave it that much thought. I think they acted on what they thought was an important initiative at a time when the perception was that the new president and the Democrats in Congress had a lot of momentum," said Leon Billings, a retired lobbyist and former Democratic Senate staffer who helped write the Clean Air Act in 1970. "It was only later that the

leadership in the House began to realize ... that the Senate was going to become a cemetery rather than a maternity ward," Billings added. "It took awhile, way too long, for the Democrats in the House, Senate and White House to realize the magnitude of the assault that was going to be launched by the radical right and even longer to realize that it was going to take a real toll on the country." Frost also blasted Democrats' costly political oversight, saying the cap-and-trade vote was "much harder" than health care.

PC Theory True – Dems

Consistent White House pressure key to keep Dems in line.

Lee and Soloman 3-29. [Carol, WH correspondent, Jay, national security reporter, "Barack Obama ramps up lobbying on Iran as deadline looms" Wall Street Journal -- www.wsj.com/articles/obama-ramps-up-lobbying-on-iran-1427674427]

Meanwhile, **White House officials are plowing ahead with a behind-the-scenes strategy**, tailored more than a year ago, with key groups who might help overcome opposition to an Iran nuclear agreement. For example, White House officials have encouraged liberal groups to put U.S. lawmakers on the spot with the question: "Are you for solving this diplomatically or being forced...to war?" Ben Rhodes, one of Mr. Obama's closest foreign-policy advisers, used those words at a January 2014 meeting with dozens of representatives from liberal political organizations, according to a transcript reviewed by The Wall Street Journal. At the time, the Obama administration had just signed an interim agreement with Iran that called for Tehran to freeze parts of its nuclear program in return for suspension of some economic sanctions. While a coalition in the Senate, including some Democrats, was pushing for more financial penalties in an effort to win additional concessions from Iran, Mr. Rhodes told attendees that lobbying against more sanctions wouldn't be politically effective. Instead, lawmakers had to be challenged on whether or not they supported another war, he said at the meeting. **That message helped delay congressional action on a sanctions bill, allowing the diplomacy to continue. "When the White House decides to firmly and consistently press their case, they are successful in getting Democrats to give them latitude,"** said Mr. Murphy, the Democrat from Connecticut.

Obama cultivating better ties with Dems and GOP leaders ensure successful outcomes with Congress

Eilperin, 12/3/14 --- White House correspondent for The Washington Post (Juliet, "Obama, looking to mend fences with Congress, is reaching out. To Democrats,"

http://www.washingtonpost.com/politics/obama-looking-to-mend-fences-with-congress-is-reaching-out-to-democrats/2014/12/03/3fdf9078-7a40-11e4-9a27-6fdb612bff8_story.html, JMP)

President **Obama** and his closest aides have **determined that their best chance of success in the next two years will depend on improved relationships on Capitol Hill**, but their behind-the-scenes efforts are more focused on Obama's own party rather than the Republicans who are about to take full charge of Congress in January. Obama's attention on congressional Democrats, allies whom he once regarded as needing little attention, marks a shift in his view on how to deal with Congress. **The president now sees his path to success as running through Hill Democrats**, a group that has been disenchanted by the treatment it has received from the White House over the years. **The remedial work has included frequent calls to Democratic leaders** since the midterm elections and comes as Republicans prepare to take control of both chambers for the first time since Obama took office. While the president and GOP leaders have pledged to seek common ground, Obama's use of executive action to alter immigration enforcement procedures and other steps have already angered Republicans, making significant legislative accomplishments more difficult. And **White House officials are looking to Hill Democrats as a defense against Republican efforts to undo key elements of Obama's legislative legacy**, including the Affordable Care Act, his immigration action and climate policy. **The president's ability to sustain the vetoes he is likely to issue will depend on whether he is able to mend relations with congressional Democrats** — many of whom blame the president for the party's large midterm losses — **and persuade Republican legislators to work with him in a way that has eluded the two parties for the past six years.** On Wednesday, the outreach effort began publicly as Obama hosted Sen. Mitch McConnell (R-Ky.) — who will lead the Senate starting in January — in the Oval Office. It was the first time the two have met one on one for an extended period in more than four years. The most recent small gathering they had was with Vice President Biden, nearly 3 1/2 years ago. McConnell spokesman Don Stewart called the session "a good meeting" but did not release additional details. By contrast, **House Minority Whip Steny H. Hoyer (D-Md.) has been in near-constant communication with the White House since the midterm elections. He received back-to-back calls from Obama** on Nov. 24 and 25, **the first to discuss the administration's handling of sanctions against Iran** amid ongoing negotiations over that nation's nuclear program, and the second to confer on the two men's shared opposition to a pending proposal extending a series of federal tax breaks. "In the past couple of months, I've seen heightened outreach," Hoyer said in an interview Tuesday. "To some degree, we become even more relevant than we were before. Now **he needs to rely on both houses to sustain a veto.**" Those are not the only calls Hoyer has received from the White House recently. Obama's chief of staff, Denis McDonough — who paid a visit to House Minority Leader Nancy Pelosi (D-Calif.) on Tuesday — called Hoyer on Nov. 13 to discuss an effort by lawmakers to force federal approval of the Keystone XL oil pipeline and on Nov. 25 to talk about tax policy. The White House legislative-affairs staff also called him Nov. 6 to discuss immigration policy, a day after Obama called him at home in the evening to discuss immigration and ongoing efforts to counter the Islamic State. Hoyer, who was also part of a group of Democratic leaders who had dinner with the president last month in advance of his immigration announcement, said those discussions have allowed him to have an impact on issues such as how the administration is working to fund its military strategy in Iraq and Syria. "I do believe I was part of the conversation that has hopefully focused us all on accomplishing the president's objectives," he said. Outreach efforts **Sen. Robert P. Casey Jr. (D-Pa.), another White House ally, said there have been "substantial improvements" in the president's legislative outreach**, in large part because Obama's director of legislative affairs, Katie Beirne Fallon, has revived an operation that had been moribund for an extended period. "Just speaking as a Democratic senator, that was not a

problem-free area," Casey said, adding that he had this advice for the White House a few months ago: "My main suggestion is they needed to have more 'What do you think?' meetings instead of 'Here's what we're doing' meetings." Rep. Joseph Crowley (D-N.Y.), who co-chairs the Congressional Caucus on India and Indian-Americans, got McDonough to meet with about a dozen members of the bipartisan group in late May. Crowley said the group pushed for more of a focus on India. "Obviously, there has been a tremendous enhancement in that relationship," he said. The White House has dramatically stepped up its

use of perks for lawmakers in the past year. At the president's request, his staff is making more room for members on Air Force One (eight lawmakers flew with him to Las Vegas for his immigration event there last month), and he now gives a shout-out to nearly all lawmakers who attend his public speeches. This year his staff issued more than 4,270 invitations to come to the White House, travel with the president or attend his events, almost double the number handed out in 2012, and it is letting lawmakers use the President's Box at the Kennedy Center more often.

AT: Alter

Prefer our evidence- Alter is old- talking about Obama before health care and stimulus successes- Obama has been able to use PC empirically

AT: Beckman and Kumar

Beckman and Kumar conclude neg- proves that PC is key in close votes and, in fact, is the ONLY thing to explain why there is success given polarization in congress- PC is a vital determinant

Matthew N **Beckmann** and Vimal **Kumar** **11**, Associate Professor of Political Science at UC Irvine, econ prof at the Indian Institute of Tech, “Opportunism in Polarization”, *Presidential Studies Quarterly*; Sep 2011; 41, 3

The final important piece in our theoretical model—presidents’ political capital— also finds support in these analyses, though the results here are less reliable. Presidents operating under the specter of strong economy and high approval ratings get an important, albeit moderate, increase in their chances for prevailing on “key” Senate roll-call votes ($b = .10$, $se = .06$, $p < .10$). Figure 4 displays the substantive implications of these results in the context of polarization, showing that going from the lower third of political capital to the upper third increases presidents’ chances for success by 8 percentage points (in a setting like 2008). Thus, political capital’s impact does provide an important boost to presidents’ success on Capitol Hill, but it is certainly not potent enough to overcome basic congressional realities. **Political capital is just strong enough to put a presidential thumb on the congressional scales, which often will not matter, but can in close cases.**

---their card ends---

Lastly, two of the control variables are particularly noteworthy. The first is the president’s public declaration of his preferred outcome ($b = .64$, $se = .26$, $p < .05$), which shows that presidents fare far better on publicized positions—24 points better, holding all else at its 2008 values. While this relationship may partly be causal, it is more likely reflects the fact that presidents tend to publicize popular policies (see Canes-Wrone 2005) and also that public statements are symptomatic of a broader lobbying campaign (see Beckmann 2010). The other significant control variable is the one accounting for nonideological polarization changes occurring in Washington over the last 50 years (a secular trend captured by the natural log of the number of Congresses since the 83rd). Results for this variable show more recent senators have been more willing to defeat the president on key, contested roll-call votes, all else equal ($b = -0.42$, $se = 0.13$, $p < .05$). To the extent senators’ ideological polarization has intertwined with the postwar Washington’s more politicized environment, it has muted presidents’ ability to exploit centrist senators’ increased isolation. All told, the multiple regression results corroborate the basic model and its principal hypothesis: ideological polarization around that pivotal voter’s position provides presidents with a better opportunity to win key roll-call votes. This is especially true if the president is backed by high public approval and buoyed by a strong economy. By contrast, a president confronting a far-off pivotal voter surrounded by like-minded colleagues has few options for achieving legislative success, regardless of his political potency. Discussion The United States’ founders never intended federal lawmaking to be easy and, in fact, fashioned a constitutional design—including bicameralism and vetoes, staggered terms and separated constituencies—to ensure the nation’s elected officials could not easily impose new laws on their constituents. As a first point, therefore, it is worth underscoring that disagreements across Pennsylvania are not necessarily symptomatic of a poorly functioning republic. If anything, George Will’s insight is apt: “Gridlock is not an American problem, it is an American achievement” (*Washington Post*, November 4, 1999, A 35). Yet widespread disagreement does not necessarily indicate a broken policy-making process, nor are legislative failures always benign. For even though the framers did not want congressional coalition-building to be easy, nor did they want it to be impossible— not in addressing the nation’s pressing problems, not in answering citizens’ considered demands. And this is why the polarization that currently grips the nation’s capital matters. By making winning coalitions so hard to assemble, a broad swath of status quos effectively impossible to replace, polarization presents a comparable challenge for practitioners and political scientists alike: understanding how, even amidst vast divisions, the nation’s representatives can corral the votes needed to avoid “doing nothing.” A modest step in this direction is what this paper sought to offer. First, building on previous research that shows congressional polarization frequently produces legislative gridlock, we augmented this work in ways that helped uncover polarization’s conditional impact on lawmaking. We did so by first highlighting presidents’ key coalition-building role in postwar America and second, incorporating it into familiar voting models while varying both presidents’ political capital and Congress’s polarization. **Theoretical results showed that even as polarization renders coalition building more difficult when the president lacks political capital** (or chooses not to use it promoting legislation), also uncovered was an interesting and somewhat counterintuitive prediction: **polarization around the pivotal voter can actually provide presidents a unique opportunity to win key votes, secure legislative success, and**

influence national legislation. Using CQ's key Senate votes from 1954 to 2008, a first test of our opportunism in polarization model corroborated these principal hypotheses, including the prediction that polarization qua polarization can actually boost presidents' chances for prevailing on important, contested roll-call votes, especially when enjoying high approval ratings and strong economic growth. In doing so, these results also shed light on familiar empirical findings showing presidents often, but not always, help pass important legislation even when confronted with substantial polarization, divided government, or both (Beckmann 2010; Cox and McCubbins 1993, 2005; Mayhew 2005; Peterson 1990). Going forward, then, we hope this study spawns follow-up work on the relationship between polarization, presidents, and policy making. For our argument and evidence suggest that in today's polarized political environment—where winning coalitions rarely emerge effortlessly—key to understanding policy-making outcomes is understanding what policies presidents support and even more, what policies they are willing to invest resources promoting on Capitol Hill. Thus, research better capturing presidents' lobbying and political capital would offer more precise estimates of presidents' attempts at exerting influence, while developing better measures of policy outcomes (especially ones not inferred from roll-call votes) would permit more robust tests of those efforts' effectiveness. All of this would shine new light on the conditions that shape national policy making in today's polarized environment, particularly presidents' vital role therein.

AT: Bouie

Prefer our evidence to Bouie

This is talking exclusively about the popularity of the president- doesn't account for other factors in political capital

It's written by a blogger- we have qualified studies that prove the president is relevant

AT: Cameron and Park Study

it's about Supreme Court nominations and 'public appeals' – presidents only go public when the opposition is mobilized against their candidate which makes it harder to win from the outset –that's why there's more negative results.

Bond and Fleisher 11. [Jon, Professor @ Texas A&M, Ph.D. from the University of Illinois at Urbana-Champaign, Richard, Professor of Political Science, Fordham University, "Editor's Introduction" Presidential Studies Quarterly Volume 41 Issue 3 September -- p. 437-441]

In "Going Public When Opinion Is Contested: Evidence from Presidents' Campaigns for Supreme Court Nominees, 1930-2009," Charles Cameron and Jee-Kwang Park add new insight to the analysis of going public. Two innovations advance our understanding. First, the analysis of Supreme Court nominations permits examination of presidential and congressional behavior back to 1930, a longer period of time than usual. Second, the analysis incorporates the observation that presidents' efforts to influence the public do not occur in a vacuum. Instead, going public is often an "opinion contest" in which the president often competes against opponents who also go public. The confirmation process for Supreme Court nominees was traditionally low key, and we do not see presidents' going public in support of their before the mid-1960s. The authors find that presidents go public when groups mobilize against the nominee. As a result, going public is associated with more negative votes in the Senate, because presidents go public over Supreme Court nominees only when battling active opposition to a controversial nomination. This study shows the limits of the standard "political capital" model and helps explain why we often fail to find the expected positive effects.

AT: Dickinson/Ideology

Their ev is just a blog post, not peer reviewed and solely in the context of Supreme court nominations – Dickinson concludes neg

Dickinson, 2009 (Matthew, professor of political science at Middlebury College. He taught previously at Harvard University, where he also received his Ph.D., working under the supervision of presidential scholar Richard Neustadt, *We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research*, *Presidential Studies Quarterly* 39 no4 736-70 D 2009)

Small wonder, then, that initial efforts to find evidence of presidential power centered on explaining legislative outcomes in Congress. Because scholars found it difficult to directly and systematically measure presidential influence or "skill," however, they often tried to estimate it indirectly, after first establishing a baseline model that explained these outcomes on other factors, including party strength in Congress, members of Congress's ideology, the president's electoral support and/or popular approval, and various control variables related to time in office and political and economic context. With the baseline established, one could then presumably see how much of the unexplained variance might be attributed to presidents, and whether individual presidents did better or worse than the model predicted. Despite differences in modeling assumptions and measurements, however, these studies came to remarkably similar conclusions: individual presidents did not seem to matter very much in explaining legislators' voting behavior or lawmaking outcomes (but see Lockerbie and Borrelli 1989, 97-106). As Richard Fleisher, Jon Bond, and B. Dan Wood summarized, "[S]tudies that compare presidential success to some baseline fail to find evidence that perceptions of skill have systematic effects" (2008, 197; see also Bond, Fleisher, and Krutz 1996, 127; Edwards 1989, 212). **To some scholars, these results indicate** that Neustadt's "**president-centered**" perspective is incorrect (Bond and Fleisher 1990, 221-23). In fact, the aggregate results reinforce Neustadt's recurring refrain that presidents are weak and that, when dealing with Congress, a president's power is "comparably limited" (Neustadt 1990, 184). **The misinterpretation of the findings** as they relate to PP **stems** in part **from scholars' difficulty in defining and operationalizing presidential influence** (Cameron 2000b; Dietz 2002, 105-6; Edwards 2000, 12; Shull and Shaw 1999). But it is also that case that scholars often misconstrue Neustadt's analytic perspective; his description of what presidents must do to influence policy making does not mean that he believes presidents are the dominant influence on that process. Neustadt writes from the president's perspective, but without adopting a president-centered explanation of power. Nonetheless, if Neustadt clearly recognizes that a president's influence in Congress is exercised mostly, as George Edwards (1989) puts it, "at the margins," his case studies in PP also suggest that, within this limited bound, presidents do strive to influence legislative outcomes. But how? **Scholars often argue that a president's most direct means of influence is to directly lobby certain members of Congress**, often through quid pro quo exchanges, **at critical junctures during the lawmaking sequence. Spatial models of legislative voting suggest that these lobbying efforts are most effective when presidents target the median, veto, and filibuster "pivots" within Congress. This logic finds empirical support in vote-switching studies that indicate that presidents do direct lobbying efforts at these pivotal voters, and with positive legislative results.** Keith **Krehbiel** analyzes successive votes by legislators in the context of a presidential veto and **finds** "modest **support for the** sometimes doubted stylized **fact of presidential power as persuasion**" (1998, 153-54). Similarly, David **Brady and Craig Volden look at vote switching** by members of Congress in successive **Congresses on nearly identical legislation and also conclude that presidents do influence the votes** of at least some legislators (1998, 125-36). In his study of presidential lobbying on key votes on important domestic legislation during the 83rd (1953-54) through 108th (2003-04) Congresses, Matthew **Beckman shows that in addition to these pivotal voters, presidents also lobby leaders in both congressional parties in order to control what legislative alternatives make it onto the congressional agenda** (more on this later). These lobbying efforts are correlated with a greater likelihood that a president's legislative preferences will come to a vote (Beckmann 2008, n.d.). In one of the most concerted efforts to model how bargaining takes place at the individual level, Terry Sullivan examines presidential archives containing administrative headcounts to identify instances in which members of Congress switched positions during legislative debate, from initially opposing the president to supporting him in the final roll call (Sullivan 1988, 1990, 1991). Sullivan shows that in a bargaining game with incomplete information regarding the preferences of the president and members of Congress, there are a number of possible bargaining outcomes for a given distribution of legislative and presidential policy preferences. These outcomes depend in part on legislators' success in bartering their potential support for the president's policy for additional concessions from the president. In threatening to withhold support, however, members of Congress run the risk that the president will call their bluff and turn elsewhere for the necessary votes. **By capitalizing on members' uncertainty regarding whether their support is necessary to form a winning coalition, Sullivan theorizes that presidents can reduce members of Congress's penchant for strategic bluffing and increase the likelihood of a legislative outcome closer to the president's preference.** "Hence, **the skill to bargain successfully becomes a foundation for presidential power even within the context of electorally determined opportunities,**" **Sullivan concludes** (1991, 1188). Most of these studies infer presidential influence, rather than measuring it directly (Bond, Fleisher, and Krutz 1996, 128-29; see also Edwards 1991). Interestingly, however,

although the vote "buying" approach is certainly consistent with Neustadt's bargaining model, none of his case studies in PP show presidents employing this tactic. The reason may be that Neustadt concentrates his analysis on the strategic level: "Strategically the question is not how he masters Congress in a peculiar instance, but what he does to boost his mastery in any instance" (Neustadt 1990, 4). For Neustadt, whether a president's lobbying efforts bear fruit in any particular circumstance depends in large part on the broader pattern created by a president's prior actions when dealing with members of Congress (and "Washingtonians" more generally). These previous interactions determine a president's professional reputation--the "residual impressions of [a president's] tenacity and skill" that accumulate in Washingtonians' minds, helping to "heighten or diminish" a president's bargaining advantages. "Reputation, of itself, does not persuade, but it can make persuasions easier, or harder, or impossible" (Neustadt 1990, 54).

Ideology doesn't outweigh – presidential success dictates votes

Lebo, 2010 (Matthew J. Lebo, Associate Professor, Department of Political Science, Stony Brook University, and Andrew O'Geen, PhD Candidate, Department of Political Science, Stony Brook University, Journal of Politics, "The President's Role in the Partisan Congressional Arena" forthcoming, google)

Keeping this centrality in mind, we use established theories of congressional parties to model the president's role as an actor within the constraints of the partisan environment of Congress. We also find a role for the president's approval level, a variable of some controversy in the presidential success literature. Further, we are interested in both the causes and consequences of success. We develop a theory that views the president's record as a key component of the party politics that are so important to both the passage of legislation and the electoral outcomes that follow. Specifically, theories of partisan politics in Congress argue that cross-pressured legislators will side with their parties in order to enhance the collective reputation of their party (Cox and McCubbins 1993, 2005), but no empirical research has answered the question: "of what are collective reputations made?" We demonstrate that it is the success of the president – not parties in Congress – that predicts rewards and punishments to parties in Congress. This allows us to neatly fit the president into existing theories of party competition in Congress while our analyses on presidential success enable us to fit existing theories of party politics into the literature on the presidency.

Prefer our studies – examines both presidential and congressional influence – their studies don't.

Lebo 10. [Matthew J., Associate Professor, Department of Political Science, Stony Brook University, and Andrew O'Geen, PhD Candidate, Department of Political Science, Stony Brook University, "The President's Role in the Partisan Congressional Arena" Journal of Politics -- online]

A similar perspective on the importance of legislative victories is shared by White House Chief of Staff Rahm Emanuel. His observation that "When a party fails to govern, it fails electorally," is indicative of a view in Washington that electoral fortunes are closely tied to legislative outcomes. This view is echoed in theories of political parties in Congress (e.g., Cox and McCubbins 1993, 2005; Lebo, McGlynn, and Koger 2007). But the consequences of presidential failure to members of his party are largely unexplored in empirical research. Also, while the fairly deep literature on the causes of presidential success has focused a lot on the partisan environment within which the president's legislative battles are won and lost, it pays less attention to theories of congressional parties. Our attempt to combine these theories with a view of the president as the central actor in the partisan wars is meant to integrate the literatures on the two institutions. Even as the study of parties in Congress continues to deepen our understanding of that branch, the role of the president is usually left out or marginalized. At the same time, research that centers on the president's success has developed with little crossover. The result is that well-developed theories of parties in Congress exist but we know much less about how parties connect the two branches. For example, between models of conditional party government (Aldrich and Rohde 2001; Rohde 1991), Cartel Theory (Cox and McCubbins 1993, 2005), and others (e.g., Patty 2008), we have an advanced

understanding of how parties are important in Congress, but little knowledge of where the president fits. As the head of his party, the president's role in the partisan politics of Congress should be central.

AT: Edwards

Presidential leadership still key- facilitates coalition building and important at the margins- conclusion of their card

Edwards, 9 – Distinguished Professor of Political Science at Texas A&M University, holds the George and Julia Blucher Jordan Chair in Presidential Studies and has served as the Olin Professor of American Government at Oxford [George, “The Strategic President”, Printed by the Princeton University Press, pg. 149-150]

Even **presidents who appeared to dominate Congress** were actually **facilitators** rather than directors of change. **They** understood their own limitations and explicitly **took advantage of opportunities** in their environments. **Working at the margins, they successfully guided legislation through Congress.** When their resources diminished, they reverted to the stalemate that usually characterizes presidential-congressional relations. As legendary management expert Peter Drucker put it about Ronald Reagan, “His great strength was not charisma, as is commonly thought, but his awareness and acceptance of exactly what he could and what he could not do.”¹³⁴ These conclusions are consistent with systematic research by Jon Bond, Richard Fleisher, and B. Dan Wood. They have focused on determining whether the presidents to whom we attribute the greatest skills in dealing with Congress were more successful in obtaining legislative support for their policies than were other presidents. After carefully controlling for other influences on congressional voting, they found no evidence that those presidents who supposedly were the most proficient in persuading Congress were more successful than chief executives with less aptitude at influencing legislators.¹³⁵ Scholars studying leadership within Congress have reached similar conclusions about the limits on personal leadership. Cooper and Brady found that institutional context is more important than personal leadership skills or traits in determining the influence of leaders and that there is no relationship between leadership style and effectiveness.¹³⁶ Presidential legislative leadership operates in an environment largely beyond the president's control and must compete with other, more stable factors that affect voting in Congress in addition to party. These include ideology, personal views and commitments on specific policies, and the interests of constituencies. By the time a president tries to exercise influence on a vote, most members of Congress have made up their minds on the basis of these other factors. Thus, a president's legislative leadership is likely to be critical only for those members of Congress who remain open to conversion after other influences have had their impact. Although the size and composition of this group varies from issue to issue, it will almost always be a minority in each chamber.

<<<their card ends>>>

It is important to note that it is not necessary to take an ex-treme position to obtain a better understanding of the nature of presidential leadership. **There are times, of course, when presidents do persuade some members of Congress to change their votes.** A famous example of apparent large-scale change occurred over the Panama Canal treaties, ratified in 1978. In the fall of 1976, shortly before Jimmy Carter became president, forty-eight senators introduced a resolution pledging not to approve any change in the existing treaties regarding the canal. After a full-court press, Carter obtained the two-thirds vote in the Senate to ratify the new treaties.¹³⁷ The issue for us is not whether persuasion is ever successful in moving a member of Congress. Instead, the question is whether persuasion is typically the key to presidential success in Congress. Examples such as the Panama Canal treaties are rare. Whatever the circumstances, the impact of persuasion on the outcome is usually relatively modest. As Calvin Mouw and Michael MacKuen concluded, “**presidential influence in Congress does not rely on persuasion.**”¹³⁸ Although potentially important, **conversion is likely to be at the margins of coalition building** rather than at the core of policy change. **Presidential legislative leadership is more useful in exploiting discrete opportunities** than in creating broad possibilities for policy change

And- Edwards votes neg- agenda setting is critical given finite PC

Edwards, 9 – Distinguished Professor of Political Science at Texas A&M University, holds the George and Julia Blucher Jordan Chair in Presidential Studies and has served as the Olin Professor of American Government at Oxford [George, “The Strategic President”, Printed by the Princeton University Press, pg. 149-150]

Setting priorities.¹¹ New **presidents are wise to resist the temptations to try to deliver on all their campaign promises immediately** following their elections and to accede to the many demands that interests make on a new administration. Instead, **it is important to establish priorities among legislative proposals**. In addition, because the Washington community pays disproportionate attention to the first major legislative initiatives, **it is especially critical to choose early battles wisely**. Setting priorities in the early weeks of a new administration is also important because during the first months in office the president has the greatest latitude in focusing on priority legislation. After the transition period, other interests have more influence on the White House agenda. Congress is quite capable of setting its own agenda and is unlikely to defer to the president for long. In addition, ongoing policies continually force decisions to the president's desk. If the president is not able to focus Congress's attention on his priority programs, they may become lost in the complex and overloaded legislative process. Congress needs time to digest what the president sends, to engage in independent analyses, and to schedule hearings and markups. Unless the president clarifies his priorities, Congress may put the White House's proposals in a queue. **Setting priorities is also important because presidents and their staff can lobby effectively for only a few bills at a time. The president's political capital is inevitably limited, and it is sensible to focus on the issues he cares about most.** Setting priorities early also can reduce intra-administration warfare over the essence of the administration.

AT: Hirsch

(--) Hirsh doesn't say political capital doesn't exist just that it's complex—prefer the specificity of our scenario:

Michael **Hirsh, 2/7/2013** (staff writer, "There's No Such Thing as Political Capital,"

<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>,
Accessed 2/22/2013, rwg)

The point is not that "political capital" is a meaningless term. Often it is a synonym for "mandate" or "momentum" in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn't, he has a better claim on the country's mood and direction. **Many pundits still defend political capital as a useful metaphor at least. "It's an unquantifiable but meaningful concept," says Norman Ornstein** of the American Enterprise Institute. **"You can't really look at a president and say he's got 37 ounces of political capital. But the fact is, it's a concept that matters, if you have popularity and some momentum on your side."**¶ The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. "Presidents usually over-estimate it," says George Edwards, a presidential scholar at Texas A&M University. "The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980." For that reason, political capital is a concept that misleads far more than it enlightens. It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history.¶ **Naturally, any president has practical and electoral limits.** Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.

(--) Political capital and winning depend on picking the right issues—we'll prove they picked the wrong issues & immigration reform is the right one:

Michael **Hirsh, 2/7/2013** (staff writer, "There's No Such Thing as Political Capital,"

<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>,
Accessed 2/22/2013, rwg)

And **then there are the presidents who get the politics, and the issues, wrong.** It was the last president before Obama who was just starting a second term, George W. **Bush**, who really **revived the claim of political capital, which he was very fond of wielding. Then Bush promptly demonstrated that he didn't fully understand the concept either.**¶ At his first news conference after his 2004 victory, a confident-sounding Bush declared, "I earned capital in the campaign, political capital, and now I intend to spend it. That's my style." **The 43rd president threw all of his political capital at an overriding passion: the partial privatization of Social Security.** He mounted a full-bore public-relations campaign that included town-hall meetings across the country.¶ **Bush failed utterly, of course. But the problem was not that he didn't have enough political capital.** Yes, he may have overestimated his standing. Bush's margin over John Kerry was thin—helped along by a bumbling Kerry campaign that was almost the mirror image of Romney's gaffe-filled failure this time—but that was not the real mistake. **The problem was that whatever credibility or stature Bush thought he had earned as a newly reelected president did nothing to make Social Security privatization a better idea in most people's eyes. Voters didn't trust the plan,** and four years later, at the end of Bush's term, the stock-market collapse bore out the public's skepticism.

Privatization just didn't have any momentum behind it, no matter who was pushing it or how much capital Bush spent to sell it. The mistake that Bush made with Social Security, says John Sides, an associate professor of political science at George Washington University and a well-followed political blogger, "was that just because he won an election, he thought he had a green light. **But there was no sense of any kind of public urgency on Social Security reform.** It's like he went into the garage where various Republican policy ideas were hanging up and picked one. **I don't think Obama's going to make that mistake**.... Bush decided he wanted to push a rock up a hill. He didn't understand how steep the hill was. **I think Obama has more momentum on his side because of the Republican Party's concerns about the Latino vote** and the shooting at Newtown." Obama may also get his way on the debt ceiling, not because of his reelection, Sides says, "but because Republicans are beginning to doubt whether taking a hard line on fiscal policy is a good idea," as the party suffers in the polls.

AT: Jacobs and King

Jacobs and King does NOT say that political capital is irrelevant--

Proves our argument that it's about more than personality but also structural factors

Concludes that presidential leadership DOES matter in close votes

Criticisms of Obama's PC are from people who expected him to be the secular messiah- there ARE instances where he can seize opportunities and be successful

Jacobs and King 10, University of Minnesota, Nuffield College, (Lawrence and Desmond, "Varieties of Obamaism: Structure, Agency, and the Obama Presidency," *Perspectives on Politics* (2010), 8: 793-802)

But personality is not a solid foundation for a persuasive explanation of presidential impact and the shortfalls or accomplishments of Obama's presidency. Modern presidents have brought divergent individual traits to their jobs and yet they have routinely failed to enact much of their agendas. Preeminent policy goals of Bill Clinton (health reform) and George W. Bush (Social Security privatization) met the same fate, though these presidents' personalities vary widely. And presidents like Jimmy Carter—whose personality traits have been criticized as ill-suited for effective leadership—enjoyed comparable or stronger success in Congress than presidents lauded for their personal knack for leadership—from Lyndon Johnson to Ronald Reagan.⁷ Indeed, a personalistic account provides little leverage for explaining the disparities in Obama's record—for example why he succeeded legislatively in restructuring health care and higher education, failed in other areas, and often accommodated stakeholders. Decades of rigorous research find that impersonal, structural forces offer the most compelling explanations for presidential impact.⁸ Quantitative research that compares legislative success and presidential personality finds no overall relationship.⁹ In his magisterial qualitative and historical study, Stephen Skowronek reveals that institutional dynamics and ideological commitments structure presidential choice and success in ways that trump the personal predilections of individual presidents.¹⁰ Findings point to the predominant influence on presidential legislative success of the ideological and partisan composition of Congress, entrenched interests, identities, and institutional design, and a constitutional order that invites multiple and competing lines of authority. The widespread presumption, then, that Obama's personal traits or leadership style account for the obstacles to his policy proposals is called into question by a generation of scholarship on the presidency. Indeed, the presumption is not simply problematic analytically, but practically as well. For the misdiagnosis of the source of presidential weakness may, paradoxically, induce failure by distracting the White House from strategies and tactics where presidents can make a difference. Following a meeting with Obama shortly after Brown's win, one Democratic senator lamented the White House's delusion that a presidential sales pitch will pass health reform—"Just declaring that he's still for it doesn't mean that it comes off life support."¹¹ Although Obama's re-engagement after the Brown victory did contribute to restarting reform, the senator's comment points to the importance of ideological and partisan coalitions in Congress, organizational combat, institutional roadblocks, and anticipated voter reactions. Presidential sales pitches go only so far.

---their card ends---

Yet if presidential personality and leadership style come up short as primary explanations for presidential success and failure, this does not render them irrelevant. There is no need to accept the false choice between volition and structure—between explanations that reduce politics to personality and those that focus only on system imperatives and contradictions. The most satisfying explanations lie at the intersection of agency and structure—what we describe as structured agency. Presidents have opportunities to lead, but not under the circumstances they choose or control. These circumstances both restrict the parameters of presidential impact and highlight the significance of presidential skill in accurately identifying and exploiting opportunities. Indeed, Obama himself talks about walking this tightrope—exercising "ruthless pragmatism" in seizing opportunities for reform while accepting the limits and seeking to "bridge that gap between the status quo and what we know we have to do for our future".¹² The extraordinary economic and political circumstances under which Obama took office as well as the dramatic disparity between his administration's successes and failures underscore the need to synthesize the study of presidency with the analysis of political economy, American political development, and comparative policy analysis.¹³ Such an analysis would focus on the intermeshing of government policy making with differentially organized interests; the relative advantages or disadvantages that different institutional settings provide to different organized groups; and the ways in which substantive policy decisions both reflect and shape political struggles. Such structural constraints and differences in organizational power do not literally prohibit Obama, or

any president, from taking initiatives—say, nationalizing the banks—but they do create two significant barriers to dramatic policy change: a political environment in which members of Congress, independent regulatory bodies, and officials in his administration (especially in the Department of Treasury) can reject, stymie, or sabotage policies that threaten key relationships (such as sources of campaign contributions or future employment); and an economic environment in which private firms and their customers could respond to policy proposals by taking actions that drive down profitability or by shifting capital out of the US, as happened in Latin America during its debt crisis and in France after the election of Socialist Francois Mitterrand as president. Obama's presidency can thus be viewed as a delicate dance to formulate policies that navigate these barriers and blunt conflicts with established economic/political relationships. Such a politics of compromise has thus far generated dueling frustrations: liberals and progressives steam that Obama's policy proposals are too tepid and too easily stymied by stakeholders, while conservatives fume at his temerity in successfully challenging the basic market-deferring precepts of American political economy. In short, the structured agency perspective integrates two critical components of social science analysis. First, it situates Obama's initiatives within the existing political economic structure of organizational combat, institutions, and policy. Second, it scrutinizes Obama's strategic and tactical decisions to mobilize coalitions that are targeted at points of political economic vulnerability and to use his expressive powers to manage the political narrative, to control expectations, and to frame challenges to the existing power structure in ways that sustain and broaden support. A political economy perspective offers distinct contributions to analyzing the Obama presidency and especially his domestic policies. The first is to recalibrate expectations of presidential leadership and, in particular, Obama's capacity for change. The initial expectation that Obama would transform America—which he himself encouraged—needs to be refocused on the opportunities and constraints within the existing US political economy. This shifts attention from Obama as a kind of secular messiah to the strategic challenge of seizing opportunities within existing institutional and economic structures and instituting changes that instigate future developmental paths in desired directions.

AT: Klein

PC theory true- empirics prove deal making matters- Klein is overly pessimistic

Seth **Mandel** is Assistant Editor of Commentary magazine. He was a 2011 National Security Fellow at the Foundation for Defense of Democracies. Prior to that, Mandel was Managing Editor of The Jewish State, The Jewish Journal, and The Speaker, where he won Investigative Reporting awards for his coverage of the Second Lebanon War and the Iranian nuclear program, as well as Column Writing and Editorial Writing awards for his coverage of the Middle East. His work has also been published by National Review, the Weekly Standard, the Washington Times, and many other publications. **3-23-2012**
<http://www.commentarymagazine.com/2012/03/23/presidential-persuasion-commander-in-chief-obama-reagan-clinton/>

I finally got around to reading Ezra Klein's interesting take on what I consider to be a fascinating subject: the power of presidents to persuade the public. Klein's piece, in the March 19 New Yorker, takes a dim view of the practical uses of presidential rhetoric, using mostly presidents Bill Clinton, Ronald Reagan, George W. Bush, and Barack Obama as case studies. Reagan, Klein notes, was considered to be a great communicator (or, as he is remembered, the Great Communicator), yet his approval ratings were average and many of his primary policy prescriptions never caught on with the public. Overall, he writes, the same is true of Clinton, Bush, and Obama. Bush was unable to convince the country to accept social security reform, and Obama has been unable to sell additional fiscal stimulus and most notably his health care reform law, which remains broadly unpopular. The overestimation of the power of the bully pulpit, he finds, is more likely to harm a president's domestic policy agenda than advance it. But I think the key word there is "domestic." Switch the subject to foreign policy, and the power is somewhat restored. Bush may not have been able to sell Social Security reform, but it would be difficult to conjure a more memorable scene from Bush's eight years in office than his speech atop the fire truck at Ground Zero after the Sept. 11 terror attacks. It was—and remains—both moving and inspiring to hear the president emerge brilliantly from the shell of his tendency toward the folksy, and sometimes awkward, when ad-libbing, at that scene. It all could have gone very differently, since the bullhorn he was using worked only intermittently, and the crowd began losing patience. Yet, as they shouted that they couldn't hear him, Bush remained calm, steady, and delivered a fine moment when he responded, "I can hear you. I can hear you, the rest of the world hears you, and the people who knocked these buildings down will hear all of us soon." Reagan's most famous line, obviously, was "Mr. Gorbachev, tear down this wall." It is what he is remembered for as well—not just the words, but the sentiment, and the political risk involved. Very few conversations about Reagan center on what he said before or after his first-term tax deal with the Democrats. It's fitting, because though presidential elections usually turn on the economy, the chief executive has more influence on foreign affairs. This is no different for Obama. After Obama announced a troop "surge" in Afghanistan in December 2009, polls showed a 9-percent jump in Americans who thought staying in Afghanistan was the right course of action, and a 6-percent drop in those who opposed the war. Americans favored the speech itself by a 23-point margin. And the president saw a 7-point jump in public approval of his handling of the war. None of this is out of the ordinary. When I interviewed James Robbins about his book on Vietnam, This Time We Win, he argued that polls at the time showed Lyndon Johnson to have more support for the war effort—especially its escalation—than most people think in retrospect. "According to opinion polls at the time taken directly after Tet and a few weeks after Tet, the American people wanted to escalate the war," Robbins told me. "They understand that the enemy had suffered a terrible defeat, so there was an opportunity if we had taken concerted action to actually win this thing." Even on college campuses, he said, more people identified as hawks than doves: "The notion that young people were long-haired dope smoking draft resisters in 1967-68 is not true. The 'Forrest Gump' view of history is wrong." If you expand the category to national security in general, Clinton gets a boost as well. This one is more difficult to measure than support for a war, but leading up the Oklahoma City bombing, Clinton had been marginalized to such a degree by Newt Gingrich's masterful ability to control the narrative that Clinton offered his much-mocked plea at a briefing: "The president is still relevant here." The bombing happened the next day, and Clinton's ability to project empathy and his portrayal of opposition to his presidency as right-wing anti-government excess partly to blame for any dark mood in which someone bombs a federal building completely changed the pace and tone of the coverage of his presidency. Speeches delivered in the service of selling a tax increase or even solving a debt-ceiling showdown are often treated as the president taking his eye off the ball. The president as commander-in-chief, however, is a role for which voters consistently express their support. I want to offer Klein one more note of optimism. He writes: Back-room bargains and quiet negotiations do not, however, present an inspiring vision of the Presidency. And they fail, too. Boehner and Obama spent much of last summer sitting in a room together, but, ultimately, the Speaker didn't make a private deal with the President for the same reason that Republican legislators don't swoon over a public speech by him: he is the leader of the Democratic Party, and if he wins they lose. This suggests that, as the two parties become more sharply divided, it may become increasingly difficult for a President to govern—and there's little that he can do about it. disagree. The details of the deal matter, not just the party lines about the dispute. There is no way the backroom negotiations Clinton conducted with Gingrich over social security

reform **could have been possible if we had prime ministers**, instead of presidents. **The president possesses political capital** Congress doesn't. **History tells us there are effective ways to use that capital**. One lesson: quiet action on domestic policy, visible and audible leadership on national security.

Klein is quite wrong – empirics cuts both ways.

Drum 3-12. [Kevin, political blogger, "Presidents and the Bully Pulpit" Mother Jones -- <http://motherjones.com/kevin-drum/2012/03/presidents-and-bully-pulpit>]

I also think that **Ezra doesn't really grapple with the strongest arguments on the other side**. For one thing, **although there are examples of presidential offensives that failed** (George Bush on Social Security privatization), **there are also example of presidential offensives that succeeded** (George Bush on going to war with Iraq). The same is true for broader themes. For example, Edwards found that "surveys of **public opinion have found that support for regulatory programs and spending on health care, welfare, urban problems, education, environmental protection and aid to minorities increased rather than decreased during Reagan's tenure**." OK. **But what about the notion that tax cuts are good for the economy?** The public may have already been primed to believe this by the tax revolts of the late '70s, but I'll bet **Reagan did a lot to cement public opinion on the subject**. And **the Republican tax jihad has been one of the most influential political movements of the past three decades**. More generally, I think **it's a mistake to focus narrowly on presidential speeches about specific pieces of legislation**. Maybe those really don't do any good. But **presidents do have the ability to rally their own troops, and that matters**. That's largely what Obama has done in the contraception debate. **Presidents also have the ability to set agendas. Nobody was talking about invading Iraq until George Bush revved up his marketing campaign** in 2002, and after that it suddenly seemed like the most natural thing in the world to a lot of people. Beyond that, **it's too cramped to think of the bully pulpit as just the president, just giving a few speeches**. It's more than that. **It's a president mobilizing his party and his supporters** and doing it over the course of years. That's harder to measure, and I can't prove that presidents have as much influence there as I think they do. But I confess that I think they do. **Truman made containment national policy for 40 years, JFK made the moon program a bipartisan national aspiration**, Nixon made working-class resentment the driving spirit of the Republican Party, Reagan channeled the rising tide of the Christian right and turned that resentment into the modern-day culture wars, and George Bush forged a bipartisan consensus that the threat of terrorism justifies nearly any defense. It's true that in all of these cases presidents were working with public opinion, not against it, but I think it's also true that different presidents might have shaped different consensuses.

Partisanship is about politics not ideology – proves our link story true – this cites the study your card cites.

Mellow 11. [Nicole, Associate Professor of Political Science, Chair of Leadership Studies Program @ Williams College, "Book Reviews: American Politics Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate" Perspectives on Politics, Vol 9, Issue 3, p. 722-723]

In 2008, Barack Obama's calls for a new postpartisan era struck a chord with many Americans. Yet President Obama has struggled with Congress to produce even bipartisan outcomes. The reigning wisdom on partisanship would suggest that this is because the ideological divide between the parties is simply too stark. Frances Lee's thoughtful **new book**, which is a study of Senate voting behavior from 1981 through 2004, **offers an alternative interpretation**, one that validates public skepticism of inside-the-beltway party politics. Her claim is that **much of the congressional partisanship is about politics and power, rather than ideological differences**. Collective political interests within each party predispose Democrats and Republicans to oppose each other, even on votes with no ideological content. If true, then public distaste for "partisan bickering" is reasonable, and much of the conventional scholarly understanding of congressional partisanship is wrong. Lee begins by historicizing and challenging the methodological individualism now dominating studies of Congress for **ascribing legislator vote behavior to individual policy preference and treating party cohesion as ideological cohesion** and party difference as ideological difference. As she astutely points out, **the problem with**

this conceptualization is that it reads ideology into every partisan dispute. Rather than assuming ideological content based on the observed behavioral patterns of votes, Lee uses legislative language and Congressional Record debates to distinguish, a priori, those roll call votes that bear on liberal/conservative debates over the economy, social issues, and foreign policy from those that do not. What she discovers is that a full 44% of party votes are over issues of no identifiable ideological significance (p. 65).

Fights occur to score political points – context of each particular fight is key – prefer our issue specific capital key warrants.

Mellow 11. [Nicole, Associate Professor of Political Science, Chair of Leadership Studies Program @ Williams College, “Book Reviews: American Politics Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate” Perspectives on Politics, Vol 9, Issue 3, p. 722-723]

Lee’s findings lead her to conclude that Democrats and Republicans often fight to advance their party’s political interests in being perceived as effective or being associated with popular outcomes. The party, in her view, is a “political institution” (p. 182), a team of members who have gotten better at working together to advance collective electoral and political goals. Thus, one party will regularly disagree with the other simply to make the president look bad (or good), to discredit the opposition’s integrity, to attempt to control the debate, or to burnish its image. In short, today’s parties fight because there is political payoff even if there is no ideological reward. When we understand this, we see why bipartisanship is so hard to come by. Lee designs her research carefully and rigorously. For example, in determining whether to count a vote as ideological, she digs deeply into the public record to learn if senators discussed any aspect in ideologically identifiable terms. In coding nonideological votes, such as “good government” votes, Lee excludes those that may be even partially about ideology, such as nomination fights in which part of the debate was about the nominee’s policy views and part was about credentials or ethics. Expansive ideological categories make for a harder test of her argument, as do narrower nonideological categories. There are some elements of the research, though, where greater clarification would be especially useful (some might claim critical). Most important is the description of nonideological votes. According to the author’s method, these votes account for a sizable majority—nearly 60%—of all Senate votes in her time period (p. 65), and thus are central to her argument. She provides some textual description of the types of issues included (e.g., good government, institutional powers, some federal programs), but knowing more about these votes and how they break down, similar to what she usefully provides for ideological votes, would be helpful in evaluating her argument. One suspects that in any given political moment, a putatively “nonideological” partisan battle over an ethics investigation or presidential power is actually a proxy war about the party-in-power’s liberal (or conservative) agenda. While the nominal issue at hand may, in principle, defy left/right categorization, the vote is nevertheless very much about ideological commitments. Context is everything, and without knowing more details of this broad category, it is difficult to ascertain whether an issue is as free of ideological portent as the public record suggests.

Public appeals aren’t even the main source of capital – your article’s generalizations are wrong.

Dickinson 9. [Matthew, Professor of Political Science - Middlebury College, “We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research” Presidential Studies Quarterly Volume 39 Issue 4 -- December – p 736-770]

If higher approval ratings can augment a president’s persuasive power in select cases, Neustadt remains skeptical that presidents can substitute “going public” for bargaining as a general means of influence. “Public appeals,” he argues instead, “are part of bargaining,” albeit a changing part since prestige bulks far larger than before in reputation” (Neustadt 1990, xv). A key reason why presidents cannot expect to rely on prestige to augment their power is that approval levels are largely governed by factors outside their control. “[L]arge and relatively lasting changes [in Gallup Polls measuring popular approval] come at the same time as great events with widespread consequences” (81).

Ext: Klein = Wrong

Reagan disproves Klein's arguments.

Drum 3-13. [Kevin, political blogger, "Presidential Persuasion, Take 2" Mother Jones -- <http://motherjones.com/kevin-drum/2012/03/presidential-persuasion-take-2>]

There are some important points to be made about this. First: we should be careful not to take opinion polls too seriously. Gallup may say that attitudes toward taxes didn't change a lot pre- and post-Reagan, but the real world says different. Before 1980, it was possible to raise taxes both locally and at the federal level. After 1980 it became virtually impossible, and after the early 90s it became very nearly literally impossible. In Congress and at the polling place, where it really matters, public opinion was loud and clear: higher taxes were a killer. Second: it's not just broad public opinion that matters. Persuading the base matters. Ramping up intensity matters, even among a minority. Raising money matters. And persuading the chattering classes matters. Those are all things that presidential persuasion can affect, even if they don't get picked up in the latest Gallup poll. Third, there's always a pendulum effect. If your campaign to lower taxes succeeds in lowering taxes, it's natural that even the tax fighters will start to relax some and become more open to the idea that existing tax rates are OK. That doesn't mean persuasion on taxes has failed. Just the opposite: it means it worked! But no amount of persuasion will keep people heated up no matter how low taxes go. That's just not a realistic bar. Now, I don't want to pretend that the tax revolt of the past 30 years was all Ronald Reagan's doing. It wasn't. He came into office on a wave of anti-tax sentiment that was already ramping up, and there was a big institutional movement to back him up. But did he really have no effect at all? That's a tough nut to swallow. He was the most important public face of the anti-tax crusade, and I think his choice to talk about taxes endlessly for eight years made a difference. Three decades later, it still does.

AT: Going Public

Going public works- public opinion critical to determining presidential success- gives leverage as Congressional members try to avoid electoral repercussions

Gibbs, '09, Christine, James H. Dunn Memorial Fellowship Program in Illinois government, a political science and international studies double major at Wesleyan Illinois 'Presidential Success in Congress: Factors that Determine the President's Ability to Influence Congressional Voting'
http://digitalcommons.iwu.edu/polisci_honproi/35

The **weakening of president-party relations has given more leverage to the president** to act independently. This has allowed **the president to use his unique resources, such as media attention, to further policy proposals. It has also allowed the president to bully members of Congress by essentially threatening their popularity** in their electoral districts **if they do not support the president**. It is necessary to understand how the president can boost the office's powers in the legislative arena to increase voting preferences for his policies in order to understand how the president, in general, can influence policies. ¶ Presidential Effort ¶ **Scholars** have also **attributed presidential success to the president's ability to "go over the heads" of members of Congress to take their message directly to the people** (Tulis 1987,4). Jeffrey Tulis states that the President acts as a spokesperson for "the people," bringing their proposals not only to the people but also to members of Congress. Edwards and Wood claim that presidents have the ability to use their elevated position to create attention where none exists (Edwards and Wood 1999). ¶ **Due to the limited resources** of presidents, Steger, Prins and Marshall have stated that **presidents need to allocate their resources carefully in order to make them useful**. Steger claims that **"[resource] limitations compel presidents to set priorities and choose fights selectively [because] they cannot afford to waste scarce resources and political capital pursuing futile legislation"** (Steger 2005, 315). If a president is using his resources on a particular policy measure, it can be assumed that the issue is of particular importance to the president. ¶ Samuel Kernell has stated that **presidents will use their "bully pulpit" powers to influence the populace to become more activated on a particular topic or to influence Congress** directly. In similar studies, Jacobs and Shapiro have found that politicians "attempt to change public opinion not by directly persuading the public on the merits of the policy choices" but by priming public opinion (Jacobs and Shapiro 2000, xiv). Priming refers to the politicians' aim to increase publicity of certain policy themes in order to boost favor for particular policies (Jacobs and Shapiro 2000). Jacobs and Shapiro came to the conclusion that presidents use public opinion polls not to create policies that reflect the opinions of the nation, but in order to craft speeches and allocate resources to package their proposals in a way that will convince the public and members of Congress to support their proposals (Jacobs and Shapiro 2000). ¶ **By taking his influence directly to the people, the president has the ability to target constituents of the politicians who depend on their vote. This puts significant power in the hands of the president** in that what he needs to do "is convince a sufficient number of politicians that the political cost of resisting his policy is greater than any potential gain" (Kernell 1997,250). This power is so strong, says Kernell, that at times, even when the representatives know that their position is not the same as the president's, **they may vote with the president in order to avoid the political backlash that may occur should the president 'take his case to the people'** (Kernell 1997, 250). The assumption that Kernell makes is that when the president takes his message directly to the people, they will be more aware of how their representative will vote in regards to the policy issue. **The representative, being aware of this increased focus on the issue, will feel pressured to vote in favor with the president in order to avoid electoral repercussions.** ¶ Woodrow Wilson and Theodore Roosevelt were two of the first to use **the strategy of "going public"** to win favor for policy measures. The diverging strategy, as opposed to simple negotiations that were previously used, was necessary to use for these presidents due to their progressive proposed reforms that would have stripped power from the politicians that would need to vote to enact them (Kernell 1997). Since it was first employed by these presidents, it is now seen to be used by presidents to appeal to the public for support and in turn to influence Congress to support the president's policies.

Aff's generalizations about going public are irrelevant – not the only factor.

Dickinson 9. [Matthew, Professor of Political Science - Middlebury College, "We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research" Presidential Studies Quarterly Volume 39 Issue 4 -- December -- p 736-770]

More systematic efforts to test the utility of going public produce mixed empirical results. Again, much of the research employs quantitative analysis and focuses on legislative outcomes as a measure of presidential influence. Some studies claim a positive correlation between increases in aggregate levels of presidential approval and presidential influence in Congress (Brace and Hinckley 1992, Rivers and Rose 1985). But others find a more variable effect, with the impact of presidential approval depending on the legislators' partisan affiliation (Edwards 1989; Bond and Fleisher 1990), and some see no relationship at all (Mouw and MacKuen 1992b; see also Collier and Sullivan 1995). It is not clear, however, whether studies utilizing aggregate levels of presidential popularity are appropriate tests of Neustadt's more nuanced claim regarding the power of a president's public prestige. Neustadt warns that "one rarely finds a one-to-one relationship between appraisals of his general popularity and responses from some public in particular" (1990, 77). Instead, he argues that the relationship between a president's public prestige and bargaining effectiveness varies based on several factors, including the parties involved, the issue saliency and complexity, the affected publics' level of interest and knowledge, and prior presidential statements (78-85). The latest scholarly studies support Neustadt's more textured assessment; they find that rather than a direct correspondence between presidential popularity and legislative outcomes, a president's prestige influences congressional behavior in a more nuanced, less direct fashion. Simple generalizations regarding prestige and power, then, are difficult to make.

Public appeals aren't even the main source of capital – your article's generalizations are wrong.

Dickinson 9. [Matthew, Professor of Political Science - Middlebury College, "We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research" Presidential Studies Quarterly Volume 39 Issue 4 -- December – p 736-770]

If higher approval ratings can augment a president's persuasive power in select cases, Neustadt remains skeptical that presidents can substitute "going public" for bargaining as a general means of influence. "Public appeals," he argues instead, "are part of bargaining," albeit a changing part since prestige bulks far larger than before in reputation" (Neustadt 1990, xv). A key reason why presidents cannot expect to rely on prestige to augment their power is that approval levels are largely governed by factors outside their control. "[L]arge and relatively lasting changes [in Gallup Polls measuring popular approval] come at the same time as great events with widespread consequences" (81).

Going public is not the same as political capital theory – doesn't disprove it.

Cameron and Park 11. [Charles, jointly appointed in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, M.P.A. and Ph.D. (Public Affairs) from Princeton University, Jee-Kwang, Associate Professor of Political Science at Penn State, "Going Public When Opinion Is Contested: Evidence from Presidents' Campaigns for Supreme Court Nominees, 1930-2009" Presidential Studies Quarterly 41, 3 (Sep 2011): 442-470.]

Progress in theory development has been somewhat slower. Early studies of going public adopted a "political capital" theory in which the president could move public opinion rather easily, simply through the exertion of effort (Kernell 1986). A major refinement came with conditional escalation theory in which the popularity of issues acts as a constraint on the tactic's effectiveness and hence the president's willingness to employ it (Canes-Wrone 2001b, 2006). However, both approaches implicitly assume an uncontested information environment - the president's opponents do not initiate a public fight or countermobilize in response to a presidential initiative. Some scholars have begun to explore a further development, which we call opinion contest theory. This approach assumes the president faces competition in messages and hence a struggle over public opinion (see, e.g., Jacobs and Shapiro 2000; Rottinghaus 2010). Contested opinion theory adds a new level of strategic complexity to going public and makes its effectiveness more problematic. In this article, we explore opinion contest theory and contrast

it with political capital theory, using new data on going public and new data on interest group mobilization against the president. The data come from the same policy event repeated many times across multiple presidencies:

presidential nominations to the U.S. Supreme Court. This research design may be distinguished from those involving repeated instances of the same speech (e.g., the State of the Union speech; see Cohen 1997), repeated instances of the same type of rhetoric (e.g., economic appeals; see Wood 2007), or multiple kinds of rhetoric across many programs or events (Canes-Wrone 2006; Edwards 2003; Rottinghaus 2010). By focusing on the same policy event, we implicitly control for many factors that vary across issues, programs, or policy arenas. In addition, we can tailor the predictions and our empirical models to the specific context of Supreme Court nominations. By the same token, however, our findings may be somewhat special to Supreme Court nominations. That acknowledged, we examine the triggers for going public over Supreme Court nominees, the content of the president's messages, and their impact on Senate voting on nominees. Because we collect consistent data on interest group mobilization, we are able to explicitly address opinion contest theory. In addition, the length of our data - covering some 80 years, from 1930 to 2009 - allows us to examine the historical development of going public over much of the 20th century and into the early 21st century, at least in this one arena. There is little prior research on presidents going public on behalf of Supreme Court nominees. We discuss the principal study, Johnson and Roberts (2004), below. However, useful comparisons come from work examining going public on lower court nominations (Holmes 2007, 2008) and work examining interest group activity during nominations (Scherer 2005); for broader comparisons across types of nominations, see Krutz, Fleisher, and Bond 1998. More generally, we know of no other work that contrasts the predictions of political capital theory and opinion contest theory and applies them systematically to data from a single frequently recurring policy event. Our principal empirical findings are the following. Prior to about 1965, presidents virtually never went public over Supreme Court nominees, even (as in the case of Herbert Hoover's 1930 nominee, Judge Parker) when the nominee ran into serious trouble. But this changed thereafter, with presidents going public defensively when interest groups mobilized against the nominee. Beginning with Ronald Reagan, presidential efforts became significantly more intense. In addition, Republican presidents went public more aggressively when their nominee would move the median justice on the

Supreme Court in a conservative direction. In explaining the intensity of going public,

models based on opinion contest theory substantially out-perform

political capital models. In fact, formal nonnested F-tests reject political capital models based on filibuster pivots or opposition seats in favor of an opinion contest model based on interest group mobilization against the nominee. In essence, presidents went public over Supreme Court nominees when - and almost only when - groups mobilized against the

nominee. We also find that when presidents do go public over the nominee, they engage in what Jacobs and Shapiro call "crafted talk": they emphasize the nominee's professional qualifications and positive personal qualities, not his or her often extreme ideological commitments. Finally, as predicted by opinion contest theory, going public in an opinion contest is associated with more negative votes in the Senate, not fewer. This is because presidents go public over Supreme Court nominees only when battling a vigorous and active opposition. In short,

at least for understanding going public over Supreme Court nominees, the data strongly favor an opinion contest perspective.

AT: Newsweek

This card is just an editorial reflective of one journalist's opinion – it cites no statistical facts or even credible data – if we win Obama is fighting for and pushing our agenda item it disproves this argument.

Pepsi challenge – the card doesn't even say political capital.

Newsweek concludes neg- Obama's strategy is a nuanced and successful deployment of PC- campaign-style presidency is his strong suit- contextualizes to our jobs internal link

Newsweek 10 ("Learning from LBJ," 3-25, <http://www.newsweek.com/2010/03/25/learning-from-lbj.html>)

Obama entered politics as a community organizer, and as a presidential candidate he oversaw an operation that brilliantly organized from the ground up. So it was a puzzle to Marshall Ganz, a longtime community organizer, that Obama seemed to neglect the basic rule of a grassroots organizer: to mobilize and, if necessary, polarize your popular base against a common enemy. Instead, President Obama seemed to withdraw and seek not to offend while Congress squabbled. "It was a curiously passive strategy," says Ganz, who worked for 16 years with Cesar Chavez and the United Farm Workers and now teaches at Harvard's Kennedy School. In a way, he says, Obama's "fear of a small conflict made a big conflict inevitable."

---their card ends---

The health-care battle "was a political near-death experience for the president and congressional leaders," says Bill Galston, formerly Clinton's domestic adviser and now an old Washington hand at the Brookings Institution. Galston describes Obama's style as "drift and mastery." He recalls early in Obama's presidential campaign, in the summer of 2007, when the candidate seemed oddly inert as he dropped in the polls. Then he perfected a rousing stump speech, just in time for the run-up to the Iowa caucuses. Obama, says Galston, seems to have his own "inner gyroscope" but he also shows a distaste for the messy business of governing in fractious Washington. "He has something approaching contempt for the hyperreactive government in Washington, where people pay way too much attention to the crisis of the moment," says Galston. The president doesn't have all that much use for the niceties of international diplomacy, either. Early in his term, British Prime Minister Gordon Brown spoke of renewing the "special relationship" between Britain and the U.S. When he came calling in Washington in the winter of 2009, Brown brought a penholder crafted from the timbers of a 19th-century British ship that blockaded the African slave trade. Obama's Oval Office desk is made from the timbers of a sister ship. In return, Obama gave Brown a lame gift of some Hollywood DVDs and blew him off without a dinner or press conference. Brown has stayed miffed. More recently, Obama has given the cold shoulder to Israeli Prime Minister Bibi Netanyahu. That may have been more calculated—a rebuff intended to get Israel to act more in line with U.S. interests. One can imagine LBJ exercising the same manipulative disdain. Even on domestic issues, Obama may be playing a more subtle game than is readily apparent. Presidential historian Doris Kearns Goodwin recalls that when she met with candidate Obama in 2007, she expected to talk about his hero Lincoln, the subject of Goodwin's book *Team of Rivals*. Yet he also quizzed her and her husband, former Kennedy and Johnson speechwriter Richard Goodwin, about LBJ. He was interested in learning about Johnson's philosophy for dealing with Congress. Goodwin says she now realizes that by working so closely and deferentially with Congress on health care, Obama was taking a page from LBJ's oft-expressed philosophy: "If they're with you at the takeoff, they'll be with you in the landing." At times the haggling irked him. House Speaker Nancy Pelosi recalled for journalists that in mid-January, when health reform seemed nearly sunk, Obama grew impatient as she and Senate Majority Leader Harry Reid bickered before him. Pelosi said she told the president he should "ignore some of our, shall we say, frankness with each other." But all the while Obama was paying close attention, says his chief adviser, David Axelrod. "Most people treat lulls when they're not speaking as a place to rest and gather their thoughts until they make the next point. He actually listens," Axelrod tells NEWSWEEK. In the afterglow of the health-care success, Goodwin thinks that Obama has amassed some good will and momentum he can use to gain more victories. "The telling moment was in the signing ceremony when [Obama] said, 'You've taken your lumps.' And then a congressman yelled out, 'You're right, we did, and we still stood.' When you've been in the trenches together as they were in this fight, it does create relationships that he can now build on

and they can build on too," she says. Goodwin also expects Obama to have a stronger appetite for change now that he's had one big success. "Once you've achieved something that everyone admits is a historic achievement, it does something, I think, inside a president's heart," she says. "LBJ said after he got the Civil Rights Act through in 1964, knowing that he had done something that would be remembered in time only emboldened him to want to do more, because the feeling was so extraordinary...cThe next year, when he proposed voting rights, people around him said, 'No way, you have to let the country heal'...cjust as people might be saying that about Obama. My guess is that what happens when you feel that sense of fulfillment inside is that it makes you remember what the presidency is about, to use power to change the lives of people in a positive way. It will only, it seems to me, make it more likely that he will continue now to go forward with the rest of his agenda." A knowledgeable White House aide, who did not want to be named, expects Obama to get financial reform out of the Senate—"and then we'll have to surprise everyone on energy." (Translation: getting a climate-change bill through Congress is a much bigger challenge.) But going forward, listening won't be enough. Obama will need to feel the passion of the presidency. At some point he is going to have to go to the people in full campaign mode, and he may have to learn to twist arms, LBJ style, even if he doesn't like to.

AT: Neustadt Study

Neustadt outdated- newest consensus is PC theory is true

Gibbs, '09, Christine, James H. Dunn Memorial Fellowship Program in Illinois government, a political science and international studies double major at Wesleyan Illinois 'Presidential Success in Congress: Factors that Determine the President's Ability to Influence Congressional Voting"
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Richard Neustadt's Presidential Power published in 1962, set the basis for continued studies on the president, the president's authority and the factors limiting his authority. Although he claimed that the presidency "amounted to little more than a clerkship," it appears that scholarly thought has moved away from that idea towards the thought that the president has significant legislative powers, but that those powers are often very limited by Congress (Pika, Thomas and Watson 1994, 207). By clerkship, Neustadt meant that the president was expected to be at the service of the rest of the government. He wrote that the president's "authority and status" were his means to getting his legislation passed through Congress by way of negotiation and persuasion (Neustadt 1962, 35). As time has progressed and new studies have been done on the presidency and presidential powers, scholars have come to believe that the president is much stronger than Neustadt gave the position credit for. Stephen Skowronek describes the president as having the ability to "seize control of the powers of his office to try... to establish order anew on his own terms" (Skowronek 1994, 20). Baumgartner and Jones have found that the "president is the dominant leader if he wants to be" indicating that the president is able to be a powerful legislator if he possesses the will and creates the environment to be successful (Thurber 1996, 113). Rudalevige claims that the president has more influence in legislative agenda setting than any other political actor. He has written that "the president's legislative initiatives almost invariably receive congressional attention and agenda space - and that the scope and content of the president's program will frequently form the backbone of national policy debate" (Rudalevige 2002, 3). If this is true, it puts significant power in the hands of the president, not only in forming policy but also in capturing the demands of the electorate.

AT: Ornstein

Ornstein concludes neg- there is an agenda setting impact and the president matter in close votes

Norman **Ornstein** is a long-time observer of Congress and politics. He is a contributing editor and columnist for National Journal and The Atlantic and is an election eve analyst for BBC News. He served as codirector of the AEI-Brookings Election Reform Project and participates in AEI's Election Watch series. 5-8-**2013** <http://www.aei.org/article/politics-and-public-opinion/executive/the-myth-of-presidential-leadership/>

The theme of presidential leadership is a venerated one in America, the subject of many biographies and an enduring mythology about great figures rising to the occasion. The term "mythology" doesn't mean that the stories are inaccurate; Lincoln, the wonderful Steven Spielberg movie, conveyed a real sense of that president's remarkable character and drive, as well as his ability to shape important events. Every president is compared to the Lincoln leadership standard and to those set by other presidents, and the first 100 days of every term becomes a measure of how a president is doing.¶ I have been struck by this phenomenon a lot recently, because at nearly every speech I give, someone asks about President Obama's failure to lead. Of course, that question has been driven largely by the media, perhaps most by Bob Woodward. When Woodward speaks, Washington listens, and he has pushed the idea that Obama has failed in his fundamental leadership task—not building relationships with key congressional leaders the way Bill Clinton did, and not "working his will" the way LBJ or Ronald Reagan did.¶ Now, after the failure to get the background-check bill through the Senate, other reporters and columnists have picked up on the same theme, and I have grown increasingly frustrated with how the mythology of leadership has been spread in recent weeks. I have yelled at the television set, "Didn't any of you ever read Richard Neustadt's classic Presidential Leadership? Haven't any of you taken Politics 101 and read about the limits of presidential power in a separation-of-powers system?"¶ But the issue goes beyond that, to a willful ignorance of history. No one schmoozed more or better with legislators in both parties than Clinton. How many Republican votes did it get him on his signature initial priority, an economic plan? Zero in both houses. And it took eight months to get enough Democrats to limp over the finish line. How did things work out on his health care plan? How about his impeachment in the House?¶ No one knew Congress, or the buttons to push with every key lawmaker, better than LBJ. It worked like a charm in his famous 89th, Great Society Congress, largely because he had overwhelming majorities of his own party in both houses. But after the awful midterms in 1966, when those swollen majorities receded, LBJ's mastery of Congress didn't mean squat.¶ No one defined the agenda or negotiated more brilliantly than Reagan. Did he "work his will"? On almost every major issue, he had to make major compromises with Democrats, including five straight years with significant tax increases. But he was able to do it—as he was able to achieve a breakthrough on tax reform—because he had key Democrats willing to work with him and find those compromises.¶ For Obama, we knew from the get-go that he had no Republicans willing to work with him. As Robert Draper pointed out in his book Do Not Ask What Good We Do, key GOP leaders such as Eric Cantor and Paul Ryan determined on inauguration eve in January 2009 that they would work to keep Obama and his congressional Democratic allies from getting any Republican votes for any of his priorities or initiatives. Schmoozing was not going to change that.¶ Nor would arm-twisting. On the gun-control vote in the Senate, the press has focused on the four apostate Democrats who voted against the Manchin-Toomey plan, and the unwillingness of the White House to play hardball with Democrat Mark Begich of Alaska. But even if Obama had bludgeoned Begich and his three colleagues to vote for the plan, the Democrats would still have fallen short of the 60 votes that are now the routine hurdle in the Senate—because 41 of 45 Republicans voted no. And as Sen. Pat Toomey, R-Pa., has said, several did so just to deny Obama a victory.¶ Indeed, the theme of presidential arm-twisting again ignores history. Clinton once taught Sen. Richard Shelby of Alabama a lesson, cutting out jobs in Huntsville, Ala. That worked well enough that Shelby switched parties, joined the Republicans, and became a reliable vote against Clinton. George W. Bush and Karl Rove decided to teach Sen. Jim Jeffords a lesson, punishing dairy interests in Vermont. That worked even better—he switched to independent status and cost the Republicans their Senate majority. Myths are so much easier than reality.

---their card ends---

All this is not to say that leadership is meaningless and the situation hopeless. **Obama has failed to use the bully pulpit as effectively as he could**, not to change votes but **to help define the agenda**, while his adversaries have often—on health care, the economy, stimulus, and other issues—defined it instead. **Shaping the agenda can** give your allies traction and **legitimize your policy choices and put your opponents on defense**. **And any of us could quibble with some of the strategic choices** and timing emanating from the White House. But it is past time to abandon selective history and wishful thinking, and realize the inherent limits of presidential power, and the very different tribal politics that Obama faces compared with his predecessors.

AT: Rockman

Their Rockman evidence is a straw-person argument- Rockman votes neg- thinks that presidential influence is OBVIOUSLY relevant and that strategies matter

Rockman 9, Purdue University Political Science professor, (Bert A., October 2009, Presidential Studies Quarterly, “Does the revolution in presidential studies mean “off with the president's head”?”, volume 39, issue 4, Academic OneFile. accessed 7-15-10)

There is, however, a matter that he and I are apt to continue to disagree about, and that is the role of individual leaders. This is a focus that Moe tends to heavily discount or perhaps disparage. This should hardly come as a surprise to anyone who is familiar with Moe’s work or his efforts over the years to set presidential studies on a more theoretical course. I think I am not stretching matters too far to say that Moe believes that theorizing and research in presidency studies ought to proceed without presidents and that the “revolution” in presidential studies has succeeded precisely because it has. Correspondingly, although Richard Neustadt’s reputation scarcely needs to be defended by me, **Moe’s long-standing critique of Neustadt on presidential behavior is, I think, misplaced.**

These differences reflect conversations, panel discussions, conference repartee, and the like that have been going on between us for more than two decades. Although I doubt that we are apt to change one another’s minds, the fact is that we share quite a few critical assumptions about how to peel away the hard shell of presidential studies. We apparently differ as to whether or not we get to the spongier and softer stuff inside. I cannot speak for Terry on this, but it is possible that he thinks we can forgo getting deeply inside the shell, if I may use that metaphor. I think that depends on what we want to find out. That certainly should be driven by theory, but it also may be driven by substantive importance or by a problem. I sympathize with Moe’s view that a focus on people is apt to go nowhere if we begin with it. People are the residue left over from what it is we can explain in more coherent theoretical ways. Psychologists and biologists often use the language of “individual differences” when they have no theoretically coherent explanation of why some seemingly like individuals, be they mice or men, respond differently to similar treatments or stimuli. The question is whether the residual variance is important at all. For most students of political leadership, we get to the individual only after we have gone through everything else. I would argue that this was Neustadt’s premise when the iconic *Presidential Power* (1960) was first published. I am sure that Moe disagrees with that, and I doubt that there is any definitive way of settling this argument. Nevertheless, Neustadt begins *Presidential Power* with the contention that because the system denies presidents straightforward levers of power, a president had better be politically adept if he (or she) is to figure out the levers and tactics that might enhance his (or her) capabilities. True enough, as Moe says, the insights that Neustadt gleams about the levers of power derive from no systematic theory at all. Neustadt uses observations, some of which are the product of his own firsthand perceptions of how power was exercised or frustrated. I agree fully with Moe that while there is no specific theory here—and, to be sure, Neustadt intended none—there is an effort to depart from the arid institutionalism of his day. Neustadt told us that his book was not about powers but about power. Moreover, his intent was not to build a theory for political scientists but to provide advice to a real-world occupant of the White House and, indirectly, to those who help choose new presidents. Neustadt was a fox, not a hedgehog—to use Sir Isaiah Berlin’s metaphor (derived from Tolstoy) to distinguish between those who see complexity in their environment (the foxes) and those who see the big and overarching picture (the hedgehogs). He was interested in the particulars and the nuances. That, to my mind, is no criticism at all once it is placed in an institutional context—a context that Neustadt hammers home as the source of the president’s power problem. Taking him for what I believe he intended, *Presidential Power* remains a brilliant, if sometimes flawed, book. People, he claimed, are not just marginal elements in the successes or failures of leadership. The claim, of course, is not easily testable because it is often argued in the form of counterfactuals. We know what X did; we can only speculate as to what Y might have done. Nor, as I previously pointed out (Rockman 1984), is it at all self-evident where the political gifted are to be found. Fred Greenstein (1994) made the point even more directly in his book depicting Dwight D. Eisenhower as an astute politician rather than the political owl he resembles in Neustadt’s characterization. Neustadt concludes his book by noting that, more likely than not, the search for the politically adept would have to focus on a small subset of the class of professional politicians. In fact, the search may have to be both more expansive and random than that. While the needle may still be tiny, the haystack is larger. Psychology (the individual) is likely to provide more clues than recruitment pools predicated on professional experiences. Neustadt thought that the adept individuals would most likely be found within the recruitment pool of professional politicians. Would that there were solid evidence of that. Political astuteness, incidentally, is not just a matter of getting your way, as I think Neustadt meant it. It is figuring out the long run, not painting yourself into a corner, and working to keep your options open. It was not confidence that Neustadt was trying to instill in presidents; it was skepticism. Confidence can lead a president into being ambushed by reality. The second Bush presidency was a prime example of this. Skepticism about what others want and about the likelihood that if anything can go awry, it will, leads a president to look at what is at stake for him (or her). Judicious assessment of the possibilities likely leads to better decisions, and optimizing information likely reduces the prospect that someone else’s “best case” scenario may become the president’s “worst case” reality. *Presidential Power* was not a theory of the presidency. It was a response to a problem, and thus was problem driven rather than theory driven. If one goes back to the era in which Neustadt wrote *Presidential Power*, very little of what we think of today as theory had actually made its way into political science. There were theoretical frameworks such as systems theory and communications theory but precious little theory, as Moe articulates that. Some middle-level theories did develop in political science, for example, pluralism stemming especially from Robert Dahl’s analytic work *A Preface to Democratic Theory* (1963) and his empirical work *Who Governs?* (1961). And there were theories that drew from social and cognitive psychology that informed the studies of Angus Campbell, Philip Converse, Warren Miller, and Donald Stokes (1960, 1967). Some of that quartet also drew on probability theory and spatial theory, as well as the sociology of communication and the role of institutions, in producing more or less decisive political outcomes. I think it would be fair to say, however, that none of these monumental empirical studies was driven purely by deductive or axiomatic theorizing other than the borrowing of Downsian spatial theory (1957) to demonstrate its limited empirical applicability. Only William Riker and Herbert Simon, as members of that same generational cohort, might be said to have been theory driven in the fundamental sense that I think Moe means it, and Simon was certainly skeptical of the sort of assumption-heavy axiomatic theorizing reflected in *Homos Economicus*. Neustadt was problem driven, praxis oriented, and, not surprisingly, essentially focused on knowing what could affect the wisdom of choices that leaders have to make. *Presidential Power* was not the only volume in which that orientation was at work. His book with Ernest May (1986), for example, was an effort to apply the lessons of history to the avoidance of policy traps. For better or worse—and Moe, no doubt, believes for the worse—praxis continues to be an orientation that influences students of the presidency and undoubtedly also students of public administration, the latter of which Moe wrote about critically in his notable 1985 essay on presidential politicization.

---their card starts---

Although Neustadt shunned theory as such, his ideas could be made testable by scholars of a more scientific bent. George Edwards (e.g., 1980, 1989, 1990, 2003) and others (e.g., Bond and Fleisher 1990) have tested Neustadt’s ideas about skill and prestige translating into leverage with other actors. In this, Neustadt’s ideas turned out to be wrong and insufficiently specified. We know from the work of empirical scientists that public approval (prestige) by itself does little to advance a president’s agenda and that the effects of approval are most keenly felt—where they are at all—among a president’s support base. We know now, too, that a president’s purported skills at schmoozing, twisting arms, and congressional lobbying add virtually nothing to getting what he (or she) wants from Congress. That was a lot more than we knew prior to the publication of *Presidential Power*. Neustadt gave us the ideas to work with, and a newer (and now older) generation of political scientists, reared on Neustadt but armed with the tools of scientific inquiry, could put some of his propositions to an empirical test. That the empirical tests demonstrate that several of these propositions are wrong comes with the territory. That is how science progresses. But the reality is that there was almost nothing of a propositional nature prior to Neustadt.

---their card ends---

As well, some of Neustadt’s examples are also misplaced. From an organizational standpoint, Neustadt’s story of Eisenhower’s lack of decisiveness in getting his treasury secretary, George Humphrey, on board with the administration’s budget plans or making an example of Humphrey by dismissing him highlights the wrong lesson. Humphrey was obviously not speaking alone. He had a good bit of support from the congressional wing of his party for a more austere budget than the administration recommended. Neustadt portrays Eisenhower as indecisive and incompetent at protecting his stakes by defending both his budget and Humphrey’s criticism of it. Eisenhower had to contend with the Democrats’ criticism of too little spending and the congressional Republicans’ criticism of too much. As matters played out, Humphrey eventually left his post in less than a year’s time, and Eisenhower saw no reason to heighten tensions over this controversy. Why make a bigger fuss when the objective is to reduce the fuss? Humphrey was gone after a decent interval without bloodletting. The contrast should be noted with Richard M. Nixon’s firing of Walter Hickel, his first interior secretary, after Hickel publicly protested about never meeting alone with the president. All Nixon truly achieved, in the short run at least, was more adverse publicity. Nixon may have been the more political of the two presidents, but Eisenhower probably was the more politically adept. Moe’s fundamental criticism of Neustadt and of those of us who found value in his book is that, objectively, it set presidency scholars off in the wrong direction in pursuit of the personal, the idiosyncratic, and the complex when the objectives should have been on making the long story short by pursuing the “fundamentals.” Of course, the “fundamentals” may change as they run into problems they are unable to resolve. That is, in part, also the message of Moe’s current essay. Nevertheless, in order to get anywhere, from Moe’s perspective, the presidency needs to be depersonalized. Presidents need to be detached from the presidency. As I have indicated, I accept this notion—up to a point. Obviously, we need to know the forces that would constrain any president (and that conceivably would lead them to try to find ways to overcome those constraints), as well as the cognitive regularities that would help us understand how presidents (as would any person) assess opportunities and risks in decision making and frame incoming information. Such regularities certainly must be our starting point. Will they, in turn, be sufficient? That depends on what we want to find out. Surely, structures and rules set limits. Political outcomes, such as elections, also set limits and, to a lesser degree, provide opportunities. In market transactions, a plethora of rules and restrictions are likely to lead either to black markets or loophole searching. When confronted with restrictions on their discretion, presidents look for the loopholes. It is important to understand what the incentives are, and that is the underlying basis of structural choice. But the incentives may play out differently for presidents with different agendas and strategic situations. Presidents of different parties, for example, tend to face different strategic situations because their agendas tend to differ, at least initially. They also tend to organize their presidencies differently at the outset. One party’s presidents tend to focus on control and discipline; the other on an active flow of ideas, producing potentially less coherence and discipline. The reason mainly has to do with the parties having quite different agendas and interests in public policy. One typically wants to do less, while the other typically wants to do more (Rockman 1993). The debate as to the extent to which leaders are incarcerated by nonmanipulables or are able to see and take advantage of opportunities is an old one, even if the language with which it is being carried out is different. In a well-aged but still superb summary of these streams of theory, published more than 40 years ago,

Donald Searing (1969) divided theories of elites into ones that were organic and those that were mechanistic. Organic theories emphasized the deep structure of forces that determined elite behavior. Marxist theory fit that pattern, but so, too, did classical theories of elites set forth by Mosca, Pareto, and Michels. Alternatively, mechanistic theories provided some play for voluntaristic behavior, strategic manipulation, and leadership. Pluralism, as Dahl explained it in *Who Governs?* allowed for leadership. The initiatives that occurred in New Haven, according to Dahl, mainly were the product of the mayor's persistence rather than some evident pent-up demand. Alternatively, when leadership swings do bring about change, as Stephen Skowronek (2008) has pointed out, it may be principally because the leaders are the products of deeper currents in the political system rather than their being attributable to the specific skill sets of the individuals brought to power by these currents. The arguments over how much is predetermined and how much remains open to manipulation continues. Another well-aged body of work by Fred Greenstein (1969) notes upon reviewing the research literature underlying the interplay of personality and politics that the more a person's role is structured, the less of an opportunity there is for individual characteristics to come to the fore, and vice versa. Thus, one can infer that where presidents need the help of others, such as congressional support, their personal skills or temperaments matter little. The Lyndon B. Johnson and Franklin D. Roosevelt mythologies of congressional mastery were the product of extraordinary majorities that had limited longevity. Jimmy Carter's difficulties with Congress certainly were not eased by his lack of camaraderie with its members, but they probably were not appreciably worsened by it either. In all likelihood, these problems had a lot to do with the complexity of Carter's proposed legislative agenda, the interests antagonistic to it, and his being

out of step with his party's traditional labor and social welfare interests. **Nevertheless**, even here, **presidents have choices to make**—as do other politicians. **Do they try to build oversized coalitions and induce buy-in through compromises on controversial legislation? Or do they seek a minimum winning coalition strategy** to preserve the essentials or the purity of their ideas? Or will they govern by veto? Or, alternatively, will they employ executive-only strategies? It is hardly clear what one might do without knowing the political circumstances. **They obviously shape the choices**. Does the president have majorities in his (or her) favor? How big are they? What are the interchamber differences? A president without majorities more likely will have to use the veto chip to help shape legislation. Or, plausibly, as George W. Bush did, use signing statements to avoid vetoes but also avoid legislative oversight. The structural institutional literature that Moe cites certainly defines the strategic conditions, limits, and opportunities that inform presidential choices. Individual **variability**, however, **remains relevant**. Despite the fact that George W. Bush had working majorities in Congress for all but his last two years, and despite the fact that all presidents have resorted to unilateralism, Bush did so to an unparalleled degree (Shane 2009). Several administration officials in the Justice Department warned the White House against doing through the executive that which they could accomplish through legislative process (Goldsmith 2007). Their advice was spurned and the careers of those advisors cut short. We can only speculate as to why, and this is not the place to engage in that. My point is that even though the logic of the president's strategic situation may be clear, it may not be consistent with the logic the president is carrying in his head (or, plausibly in this case, the vice president). Drawing from cultural anthropology, Fred Greenstein comments that "[e]very human being is in certain ways like all other human beings, in certain ways more like some human beings than others, and in certain ways unique" (1992, 119). I suspect that Moe would find extending beyond the first of these conditions to be unworthy of the hunt. There are instances in which presidents may take the advice of others and consult with others but ultimately bear the burden of making the decisions that count. In fact, the situations in which the president is the "decider" are typically matters of life and death. They are less structured than the conditions of mutual dependency that a president has with Congress. Given the constraints that otherwise govern a president's legislative agenda, here is where a president earns his (or her) spurs. How carefully does a president think about options? How open is a president to serious debate among his (or her) advisors? How likely is it that a president will think about what can go wrong and either avoid it or prepare for it? Because a president's legislative agenda can be regarded as iffy at best, it is these very limited but vitally important situations in which a president's intellect, wisdom, and temperament can make all the difference in the world. In other words, where structural constraints are limited, there is greater play for personal characteristics to influence outcomes. Unfortunately, there is no theory that we can presently point to that helps us deal with individual differences of this nature. But it did not take a theory to observe the differences between George Bush the former and George Bush the latter. One was prudent, and the other, to be charitable, less so. One understood the limits of power, while the other tended to see the world as his oyster. Could we have seen it coming? I think we could see the characteristics of the first George Bush based on his experiences and diplomatic engagements. It was probably less plausible that we could have detected the leadership theory of the younger George Bush and the confidence he placed in his judgments, which leaned toward taking the bold stroke. His résumé was thin, and he left little on the public record. Observation rather than theory will be our best bet as to how any given president is apt to pan out in the most singularly important aspects of the presidency. It may well be that our best sources for observation and clues as to future behavior will come from the journalists who covered the prior beat of the particular president, as Lou Cannon (1982) had done for Reagan. I do not pretend that this is theoretical; I do claim that it is vitally critical to understanding the most important aspects of the presidency. We are now well past the hard shell and to the squishy but vital stuff inside. **There are circumstances in which the president tends to be the exclusive decider, or at least the most critical one**, and in which his (or her) interaction with others comes on his (or her) terms. **These occasions just happen to be the main reasons we need a president, because this is where it counts**. We have come to know more about crisis situations: fewer actors are involved, and interactions tend to have a very high density function around a core actor who just happens to be the president (Link 2000). We also know that when presidents tip their hand at the outset, the incentive for an advisor to be an outlier is exceedingly low. Thus, we do need to know more about how presidents act and, above all, think in these situations. Admittedly, theories of personality have gotten us nowhere because they tend to be overdrawn, overly simple, frequently circular, and permanently fixed. We need to be more focused, first, in understanding the organizational and communication logics of crisis situations; second, in thinking about the uniformities that influence choices; third, in thinking about the historically conditioned patterns of thought influencing responses; and finally, in considering what it is that the decision makers, preeminently the president, bring to the table. Moe emphasizes that the second and third conditions are likely to be essential components of gaining a stronger theoretical grasp. I infer that he would accept the first condition as a plausible basis for theory. I am pretty sure that he would reject the fourth. Ironically, no one has mined this condition better than Neustadt.

(--) Ideology doesn't outweigh – presidential success dictates votes—prefer our evidence, it's peer reviewed and more qualified:

Lebo, Associate Professor, Stony Brook University, 2010 (Matthew J. Lebo, Associate Professor, Department of Political Science, Stony Brook University, and Andrew O'Geen, PhD Candidate, Department of Political Science, Stony Brook University, Journal of Politics, "The President's Role in the Partisan Congressional Arena" forthcoming, google)

Keeping this centrality in mind, **we use established theories of congressional parties to model the president's role as an actor within the constraints of the partisan environment of Congress.** We also find a role for the president's approval level, a variable of some controversy in the presidential success literature. Further, we are interested in both the causes and consequences of success. We develop a theory that views **the president's record as a key component of the party politics that are so important to both the passage of legislation and the electoral outcomes that follow.** Specifically, **theories of partisan politics in Congress argue that cross-pressured legislators will side with their parties in order to enhance the collective reputation of their party** (Cox and McCubbins 1993, 2005), but no empirical research has answered the question: "of what are collective reputations made?" We demonstrate **that it is the success of the president – not parties in Congress – that predicts rewards and punishments to parties in Congress.** This allows us to neatly fit the president into existing theories of party competition in Congress while our analyses on presidential success enable us to fit existing theories of party politics into the literature on the presidency.

(--) Capital determines agenda above all else

Light 99 – Senior Fellow at the Center for Public Service (Paul, the President's Agenda, p. 34)

In chapter 2, I will consider just how capital affects the basic parameters of the domestic agenda. Though the internal resources are important contributors to timing and size, capital remains the critical factor. That conclusion will become essential in understanding the domestic agenda. **Whatever the President's personal expertise,** character, or skills, **capital is the most important resource.** In the past, presidential scholars have focused on individual factors in discussing White House decisions, personality being the dominant factor. Yet, given low levels in presidential capital, **even the most positive and most active executive could make little impact.** A president can be skilled, charming, charismatic, a veritable legislative wizard, but **if he does not have the basic congressional strength, his domestic agenda will be severely restricted – capital affects both the number and the content of the President's priorities.** Thus, **it is capital that determines whether the President will have the opportunity to offer a detailed domestic program,** whether he will be restricted to a series of limited initiatives and vetoes. Capital sets the basic parameters of the agenda, determining the size of the agenda and guiding the criteria for choice. Regardless of the President's personality, **capital is the central force behind the domestic agenda.**

Internal Links: Popularity key to political capital

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

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

Obama is now slightly more popular than he typically was through most of his first term; consequently, he may have a heightened amount of influence as he begins to pursue his next-term agenda. New

presidential terms are difficult -- regardless of the size of the re-election victory -- as Obama himself admitted recently when he cautioned he was "more than familiar with all the literature about presidential overreach in second terms." Yet, setbacks and opprobrium need not permanently derail a president, as Reagan's and Clinton's presidencies show.

(--): Popularity key to political capital:

Arturo Lopez-**Levy, 11/24/2012** (staff writer, "The Latin American Gorilla," <http://www.theepochtimes.com/n2/opinion/the-latin-american-gorilla-318169.html>, Accessed 1/23/2013, rwg)

The popularity of a re-elected president tends to increase in the first year of the second term, providing

Obama with more political capital. Additionally, the next discussion of immigration reform will occur in the context of modest Democratic gains in both Houses of Congress, and a Republican Party that has been criticized for obstructionism, bias, and a resistance to compromise.

(--): Public opinion is key to the president's political capital

Barrett and Eshbaugh-Soha, '7

(Andrew W. & Matthew, March, Political Research Quarterly, Vol. 60, No. 1, "Presidential Success on the Substance of Legislation", University of North Texas, pp. 100-112, Stable URL: <http://www.jstor.org/stable/4623810>, Accessed: 7-15-10)

Public attitudes also should influence the president's bargaining position. Despite evidence to the contrary (Bond and Fleisher 1990; Collier and Sullivan 1995), **presidents, White House staff, and legislators believe that public approval is important to the president's success in Congress** (Edwards 1997; Neustadt 1960; Rivers and Rose 1985). **Theoretically, public support will improve the president's bargaining position as members of Congress will not want to risk alienating their constituents by opposing a popular president's policy preferences. Therefore, we hypothesize that the higher his level of approval, the more a final statute will reflect the president's policy preferences.**

(--): Public opinion polls influence presidential agenda

Sparrow, '8 (Bartholomew H., University of Texas at Austin government professor, "Who Speaks for the People? The President, the Press, and Public Opinion in the United States", 10-13-8, Presidential Studies Quarterly, Volume 38, Issue 4, Pages 578-592, Wiley InterScience, accessed 7-8-9)

Public opinion serves as a metric of presidential leadership with respect to presidential approval ratings.

Presidents and their advisors use public opinion not as an absolute guide, but rather **for tactical purposes, and instrumentally, for reaching particular political ends** (Jacobs and Shapiro 2000). **In general, political analysts**

conceive of public opinion as a channel or guide for policy makers, boundaries beyond which they cannot go but which also offer leeway in terms of the exact path policy makers take. Public opinion serves as a "permissive limit" for policy makers (Almond 1950; Key 1961; Sobel 2001).

(--) **Popularity is key to congressional leverage**

Spitzer 93 [Robert, professor of political science at the university of new york state, president and congress, pg 65]

Three observations about the relationship between Presidents and the people warrant mention here. First, the link between the President's public standing and the President's influence in Congress is indisputably important but also more complex than the above examples suggest. When the President's standing is high, members of Congress are likely to interpret this positive support as either direct or indirect evidence of a popular mandate for the President. Fearing a popular backlash, Congress is less likely to buck presidential preferences under these conditions. Moreover, some members of Congress accept as a matter of principle that Presidents with a popular mandate are entitled, by virtue of that mandate to have their programs enacted. Continued public approval is a sign of success (or, to be more precise, perceived success); declining public approval signals an ebbing mandate.

(--) **Public key to agenda – frustrations affect Congress**

George 10 (Bill George - professor of management practice at Harvard Business School – 1/26, Business Week “An Agenda Disrupted: Obama After Year One”
http://www.businessweek.com/managing/content/jan2010/ca20100126_350258.htm ty)

Most pressing of all for Obama's second-year agenda is the deepening jobs crisis. Twenty-five million Americans—17.3% of the workforce—lack full-time jobs. While the massive stimulus bill saved some jobs, it did virtually nothing to create new ones. This November, absent a major jobs revival, voters' frustrations are likely to be directed at the party in power, further weakening the President's ability to lead an increasingly dysfunctional Congress. At the outset of his second year, Obama faces a choice. Obama the Politician would fan the flames of populist anger to solidify his base. Obama the Leader would follow in the footsteps of President Clinton—who also faced failed health-care reform—and pivot to the political center to address the nation's most pressing problems, starting with job creation. For the sake of our nation's health, let's hope that Obama the Leader will prevail in the year ahead.

Impacts

Impacts: Shutdown Wrecks Economy

(--) Budget shutdown undermines the economy:

News Advance, 9/10/2015 ("Please, Not Another D.C. Shutdown,"

http://www.newsadvance.com/opinion/editorials/please-not-another-d-c-shutdown/article_35cc3446-572c-11e5-9ce8-1f3ee808b7a5.html, Accessed 9/11/2015, rwg)

They did so knowing full well **the impact a shutdown would have on the national economy** and the individual economies of the states. **Virginia, for example, took a major hit two years ago in the 2013 shutdown** and four years ago when sequestration kicked into effect. National parks — including Appomattox and the Blue Ridge Parkway — closed; military spending in Norfolk and Hampton Roads ground to a halt; **layoffs rippled through the Northern Virginia region, the engine of the commonwealth's economy. It all could happen again.** Indeed, The Washington Post reports both Democratic and Republican experts on the budget process believe there's a better-than-even chance it will, barring an 11th-hour, kick-the-can-down-the-road deal as materialized in 2011. **With the Chinese economy sputtering, Europe treading water and the developing economies contracting, now isn't the time for political games on Capitol Hill.**

(--) Shutdown damages the economy—undermines predictability necessary for growth:

CBS News, 9/16/2015 ("Obama: Government shutdown over Planned Parenthood "not good

sense", " <http://www.cbsnews.com/news/obama-government-shutdown-over-planned-parenthood-not-good-sense/>, Accessed 9/16/2015, rwg)

WASHINGTON --President Barack **Obama** urged Congress on Wednesday to avoid another contentious budget showdown and **warned that the economy would surely take a hit if the government shuts down again.** Mr. Obama blamed Republicans for the shutdown two years ago and made clear he would do so again if it comes to that. Play Video Undercover videos spark funding fight for Planned Parenthood "You'll recall two years ago Republicans shut down the government because they didn't like Obamacare. Today, some are suggesting the government should be shut down because they don't like Planned Parenthood," The president said. "That's not good sense, and it's not good business." A partial shutdown will occur Oct. 1 unless lawmakers provide money to keep the federal government functioning. The GOP-led Congress must overcome opposition from some conservatives who want to block federal funding for Planned Parenthood as part of a spending agreement. "The notion we play chicken with a \$18 trillion economy...all because of an issue around a woman's health provider that receives less than 20 cents out of every 1,000 dollars in the federal budget -- that's not good policy making," the president said Wednesday. Mr. Obama used his speech to members of the Business Roundtable to turn up the pressure on lawmakers to reach a budget agreement. He also pointed to a potential revenue source to pay for some of the increased investments he wants in infrastructure, education and scientific research - taxing so-called "carried interest" as ordinary income rather than as a capital gain, which is taxed at a lower rate. The proposed change is aimed primarily at managers of some types of private investment funds who pay a lower tax rate on their income than do many individuals. He noted, without naming them, that some Republican presidential candidates, primarily Donald Trump and Jeb Bush, have voiced support for increasing taxes on carried interest. "You've got two leading candidates on the Republican side who've said we should eliminate the carried-interest loophole," he said. "Keeping this tax loophole, which leads to folks who are doing really well paying lower rates than their secretaries, is not in any demonstrable way improving for our economy." "If we close the tax loophole, we could double the number of workers in America's job-training programs, we could help another 4 million more students afford college," the president explained. This approach "is an example of how we can maintain fiscal responsibility while at the same time making the investments that we need to grow," he later added. Mr. Obama also tried to portray an improving economy that has come a long way while he's been in office. "America's winning right now. America's great right now. We can do even better," he said Wednesday. Play Video Trump: "Hedge fund guys are getting away with murder" He argued the U.S. is doing better than those countries who have embraced spending cuts to climb their way out of tough economic times and that "perennial gloom and doom" descriptions are perpetuated by the presidential campaign that will determine his successor. "In the echo chamber that is presidential politics, everything is dark and everything is terrible," the president said. "They don't seem to offer many solutions for the disasters that they perceive." **The Business Roundtable is made up of CEOs from large corporations.** Executives from companies such as Procter & Gamble, AES, AT&T and Ameriprise were among those in attendance. **The group released a survey this week showing that business executives are cautious about the U.S. economy's near-term prospects. The group is worried about a potential standoff regarding the budget,** and further down the road, raising the debt ceiling. **"Predictability is critical to spur investment and unlock economic expansion and job growth,"** said

Randall Stephenson, chairman of the trade group and CEO of AT&T Inc. Stephenson added that "**U.S. workers cannot afford the instability that comes with inaction.**"

(--) Shutdown undermines the US economy:

Fred **Lucas, 9/16/2015** (staff writer, "Obama Explains the Problem With the American Economy: 'Us'," <http://www.theblaze.com/stories/2015/09/16/obama-explains-the-problem-with-the-american-economy-us/>, Accessed 9/16/2015, rwg)

With a budget due by the end of the month, **Obama warned against another government shutdown**. "Democrats are willing to work with Republicans right now as we speak, but it should be over legitimate questions of spending and revenue not on unrelated ideological issues," Obama said. "You'll recall two years ago, Republicans shut down the government because they didn't like Obamacare. **Today, some are suggesting the government should be shut down because they don't like Planned Parenthood. That's not good sense. That's not good business.**" **The notion that we play chicken with an \$18 trillion economy in global markets that are already skittish all because of issues around a woman's health provider that receives 20 cents out of every \$1,000 in the federal budget — that's not good policy.**" Obama added.

(--) Shutdown undermines the economy and rattles the markets:

Justin **Sink, 9/8/2015** (staff writer, "Budget Dispute May Cause Government Shutdown, White House Warns," <http://www.bloomberg.com/politics/articles/2015-09-08/budget-dispute-may-cause-government-shutdown-white-house-warns>, Accessed 9/11/2015, rwg)

The White House warned Tuesday against a shutdown of the U.S. government, as President Barack Obama's spokesman insisted he would not sign a fiscal 2016 budget that locks in automatic spending cuts known as the sequester. **The government's fiscal year ends Sept. 30, and without a new spending plan in place, a lapse in funding would have a "negative impact on our economy" and cause "instability" in financial markets**, Josh Earnest, the White House press secretary, told reporters. He said Republicans wouldn't be able to extend spending caps into 2016 and called on them to negotiate. "It's not at all clear to me that there is enough support in the United States Congress to pass a budget that would lock in sequester spending," Earnest said. "There's good reason for that."

(--) Shutdown saps the momentum in the economy:

Washington Times, 9/5/2015 ("Obama already blaming Republicans for potential government shutdown," <http://www.washingtontimes.com/news/2015/sep/5/obama-already-blaming-republicans-potential-govern/>, Accessed 9/11/2015, rwg)

At the same time he warned of a potential shutdown, Mr. Obama also deepened battle lines with Republicans during his Saturday address, saying unequivocally that he'll veto any spending bills that continue the so-called sequestration cuts or otherwise fail to make proper investments in Democratic policy priorities. "As always, the deadline for Congress to pass a budget is the end of September. Every year. This is not new. And if they don't, they'll shut down the government for the second time in two years. **At a time when the global economy faces headwinds and America's economy is a relative bright spot in the world, a shutdown of our government would be wildly irresponsible. It would be an unforced error that saps the momentum we've worked so hard to build. Plain and simple, a shutdown would hurt working Americans,**" the president said. "It doesn't have to happen. If Congress wants to support working Americans and strengthen our middle class, they can pass a budget that invests in, not makes cuts to, the middle class. If they pass a budget with shortsighted sequester cuts that harm our military and our economy, I'll veto it," Mr. Obama said. "If they make smart investments in our military readiness, our infrastructure, our schools, public health, and research, I'll sign that budget — and they know that."

(--) Last shut down hurt business confidence:

Kent Hoover, 9/11/2015 (staff writer, "Why there's a 50-50 chance of a government shutdown," <http://www.bizjournals.com/bizjournals/washingtonbureau/2015/09/why-theres-a-50-50-chance-of-a-government-shutdown.html>, Accessed 9/11/2015, rwg)

The shutdown hurt the economy. Government employees didn't get paid during this period, and tourists couldn't visit national parks and Smithsonian museums. **Homebuyers couldn't get Federal Housing Administration loans, and small businesses couldn't get SBA loans. Plus, the uncertainty created by the shutdown was a blow to business confidence.**

(--) Shutdown weakens the economy:

Tampa Tribune 9-6-15 ("Editorial: Congress, Planned Parenthood and governance") www.tbo.com/list/news-opinion-editorials/editorial-congress-planned-parenthood-and-governance-20150906/, Accessed 9/14/2015, rwg)

Congress returns from its summer recess this week, and many are predicting an ugly session. The need to deal with the budget, the transportation bill and raising the debt limit may result in more exasperating brinkmanship. Some Republicans — including Sens. Ted Cruz of Texas and Rand Paul of Kentucky, both presidential candidates — **are demanding a government shutdown** if federal funding is not eliminated for Planned Parenthood. They are right to want to defund Planned Parenthood; they are wrong to risk a shutdown over it. The situation illustrates how certain anger-fueled politicians are more concerned with histrionics than in getting things done. It also shows why Congress is held in such low esteem. A CBS poll this summer found just 17 percent of Americans approve of the job Congress is doing. All the grandstanding threats are not going to change the fact that, with the opposition of President Barack Obama and most Democrats, cutting Planned Parenthood's \$500 million in funding this year is unlikely. It is not being weak-kneed to respect reality and our system of government. This doesn't mean opponents should relent in the fight against the zealously pro-abortion organization. The revealing tapes of Planned Parenthood officials callously discussing the sale of babies' body parts revolted most Americans, and future elections will likely further erode its support, making defunding possible. But in politics, as in every aspect of life, things don't always happen as quickly as we would like. Threatening a shutdown is the equivalent of a child holding his breath until he gets his way. Moreover, it will turn attention from Planned Parenthood's immoral practices to the financial fallout of a shutdown, which would hurt all American families. **Consider the impacts of the 16-day partial government shutdown in October 2013.** After that shutdown over a budget impasse, Standard & Poor's economists cut their fourth-quarter forecast for economic growth from 3 percent to 2 percent. **According to the nonpartisan Office of Management and Budget, the shutdown cost the American economy up to \$6 billion in economic output** and the creation of about 120,000 private sector jobs. The agency found hundreds of patients were prevented from enrolling in clinical trials at the National Institutes of Health, and the Food and Drug Administration delayed hundreds of food safety inspections. National parks lost half-a-billion dollars in visitor spending, and millions of Americans had tax refunds delayed. Special last-minute legislation allowed military personnel to be paid, but the armed forces still suffered. The Pentagon had to furlough 400,000 civilian workers. At MacDill Air Force Base, 1,500 civilian workers were furloughed. Military family support services and base maintenance work were cut. Construction projects were delayed. **Another shutdown would have similar destructive consequences. Indeed, even the threat of such haphazard governance is likely to further weaken a wobbly economy.** A 2013 report by Macroeconomic Advisers, LLC estimated all the fiscal-policy brinkmanship since 2009 had cut economic growth by a third of a percentage point a year — a drop equal to 900,000 lost jobs. The Democrats and the administration deserve more blame than they usually get during the standoffs for not adequately compromising. But the Republicans receive the bulk of the blame because certain firebrands seem to relish the drama of a shutdown. The theatrics may get them a lot of attention, but it is harmful to the country and their cause. Senate President Mitch McConnell and House Speaker John Boehner, to their credit, both seem committed to pushing the Republican agenda as far as possible without threatening to shutter the government. We hope they remind their more impulsive colleagues there is nothing conservative about always demanding to get your way. Pro-life members of Congress should continue to highlight Planned Parenthood's dubious operations and fight government funding. But they should also remember most Americans are unlikely to look kindly on politicians who would risk the nation's welfare to advance their cause.

Impacts: AT: Shutdown Good Because it Defunds Planned Parenthood

(--) Shutdown won't end Planned Parenthood funding:

Wall Street Journal, 9/8/2015 ("Government Shutdown Redux,"

<http://www.wsj.com/articles/government-shutdown-redux-1441756095>, Accessed 9/11/2015, rwg)

Ted Cruz and other architects of the 2013 ObamaCare shutdown strategy are urging the House to refuse to vote for a continuing resolution that contains Planned Parenthood money, even if it risks another government shutdown. The argument is that Republicans should stand up and fight, and the videos are so horrifying that this time public opinion will turn against President Obama. **The problem is that this plan lacks even a small chance of success. The House can pass a budget without funding for Planned Parenthood but the Senate won't.** Majority Leader Mitch **McConnell held a test vote on defunding Planned Parenthood earlier this summer and the stand-alone bill drew 53 Senators, not enough to overcome a filibuster.** In a Quinnipiac poll taken at the end of August, **69% of the public also opposed a shutdown over Planned Parenthood—**including 53% of Republicans.

(--) Democrats have enough votes to block a spending bill that strips Planned Parenthood funding:

Amber **Phillips, 9/10/2015** (staff writer, "5 scenarios that could prevent a lengthy government shutdown," <http://www.washingtonpost.com/news/the-fix/wp/2015/09/10/here-are-5-scenarios-could-prevent-a-long-government-shutdown/>, Accessed 9/11/2015, rwg)

Likelihood: Not very. **Senate Democrats have made it clear that they have enough votes to block a spending bill that strips Planned Parenthood funding from even coming to a vote in the Senate.** That would send the drama back to the House.

(--) Shutdown won't end Planned Parenthood funding:

Dustin **Siggins, 9/10/2015** (staff writer, "U.S. House Speaker Boehner: Government shutdown will not help the pro-life cause," <https://www.lifesitenews.com/news/u.s.-house-speaker-boehner-government-shutdown-will-not-help-the-pro-life-c>, Accessed 9/11/2015, rwg)

While the speaker did not rule out the riskier measure, he did say that **a government shutdown would not stop Planned Parenthood from receiving funding.** Boehner also said that he wants to stop Planned Parenthood's fetal parts trafficking, and wants to allow the prosecution of doctors who kill babies who survive abortions.

(--) Banning Planned Parenthood funding won't pass:

Kent **Hoover, 9/11/2015** (staff writer, "Why there's a 50-50 chance of a government shutdown," <http://www.bizjournals.com/bizjournals/washingtonbureau/2015/09/why-theres-a-50-50-chance-of-a-government-shutdown.html>, Accessed 9/11/2015, rwg)

Democrats, meanwhile, have remained steadfast in their support for Planned Parenthood funding. That means any bill that defunds the organization is unlikely to get the 60 votes needed to clear procedural hurdles in the Senate. Even if it did, President Barack Obama would likely veto it.

Impacts: AT: Economy Resilient

(--) Second shock would be worse—the economy can't take it:

Werling 10/26/12 (Jeff, University of Maryland; “Fiscal Shock America’s Economic Crisis: Executive Summary”

<http://www.nam.org/~media/45A37479471D4EB1AA3804DE86AEC1A.ashx>)

Still, **10 years after the original fiscal contraction, economic performance remains significantly lower than** the baseline. The outcome for real disposable income is even more severe. Even after a decade of adaptation, real household income remains 5 percent below its baseline level in 2022. These results suggest that long-run losses to GDP, productivity and real income could be a durable consequence of a large and sudden short-term fiscal contraction in 2013. A fiscal shock of this nature would, in essence, wipe away a generation’s worth of labor and growth, turning back the clock on our economy. Moreover, there’s a chance that the long-term economic damage could be much larger if the recession has a greater negative impact on the labor participation or productivity of the potential worker pool. The report assumes that labor participation does not react to the fiscal policy changes; this may not be the case as long periods of unemployment historically have reduced both the long-term employability and productivity of workers. Another long-running jobs recession coming on the heels of the Great Recession, with high rates of longterm unemployment, has the potential to produce additional lasting damage to economic output. In addition, the recession could cause lower investment levels than expected, especially for infrastructure and human capital. Under the sequestration mandated by the BCA, government spending is reduced across the board. A more rational fiscal retrenchment would likely tread more gradually and lightly on education, infrastructure, defense and other government programs that are vital to the productivity and human capital of the nation. Finally, **further economic recovery depends on positive resurgences in private business activity and exports.** However, **realization of the worst-case fiscal contraction scenario in January 2013 could be associated with a highly visible paralysis in federal policymaking. Additional problems in Europe would also weigh on confidence. Government failures of such consequence could land another large and lasting blow to consumer and business demand, reducing economic performance and employment** by significantly more than indicated in this analysis. **It has been four years since the financial crisis induced a steep recession followed by an anemic recovery. The extent of long-run economic damage from this episode is still unknown. A second deep recession following so closely on the first would compound the effect on potential growth.**

Economy is resilient, but not invincible:

Johnathan **Gregory**, 8/28/2014 (director in APCO Worldwide’s Washington, D.C., office, “The U.S. Economy: Resilient, But Not Invincible,”

<http://www.apcoworldwide.com/blog/detail/apcoforum/2014/08/28/the-us-economy-resilient-but-not-invincible>, Accessed 9/11/2015, rwg)

We are likely to hear that the economy is good or the economy is bad or something in between and terms like foreign investment, offshoring and inversion will be invoked when useful. What we will not hear as much is a discussion of how U.S. trade policy is contradictory and incomplete. And **we are not likely to hear that despite the fact that the U.S. economy has shown incredible resilience in the face of global conflicts and economic tension, the United States is placing itself in a risky long-term position.** The key issue is the imbalance between foreign direct investment and domestic investment. The United States is sending conflicting signals about who it wants to invest in its economy and how. Foreign direct investment and U.S. exports continue to be a stabilizing force and mainstay in the U.S. economy, a positive dynamic that should continue. It is often reported that exports were the only increasing element of the U.S. economy following the 2008 economic downturn. However, the United States cannot and should not keep promoting a contradictory tax and investment policy for U.S. companies (and foreign subsidiaries) that forces domestic companies to do corporate “inversions” and conduct “offshoring” to minimize tax burdens or reduce regulations. Concerns about a lack of reinvestment by corporate America as recently mentioned by columnist Harold Meyerson are legitimate, but what is even more legitimate is that companies are not incentivized at the federal level to remain in the United States. The fierce and successful competition by individual states is being overshadowed by larger federal constraints (taxes and regulation). This is not and should not necessarily be a partisan issue – jobs, tax revenue and investments leaving the United States is not a popular cause, nor can these attributes be replaced by foreign direct investment or expanded exports. Incentivizing companies to remain in the United States AND do their fair share to support domestic investment, job creation and taxes is not a zero sum game. The dangerous situation that the United States faces in the current polarized political environment is that not many people want a balanced approach – Democrats focus almost exclusively on corporate inversions and offshoring, and Republicans focus almost exclusively on lower tax rates and fewer regulations. They are talking the same language in a sense and a middle ground is less difficult than it appears in theory, particularly since government spending freezes, an expanding economy with higher tax collection and decreasing federal budget deficit make it easier. **The U.S. economy remains the largest and most dynamic in the history of the**

world and will remain so for many years to come. But it is not invincible and can't afford rely on the status quo to succeed.

Impacts: AT: No impact to 08 recession

(--) Don't gamble—a new economic decline risks World War III:

O'Donnell '09 [Sean, Baltimore Republican Examiner writer and Marine Corps Reserve squad leader,

"Will this recession lead to World War III?," 2-26-09, <http://www.examiner.com/x-3108-Baltimore-Republican-Examiner~y2009m2d26-Will-this-recession-lead-to-World-War-III>]

Could the current economic crisis affecting this country and the world lead to another world war? The answer may be found by looking back in history. One of the causes of World War I was the economic rivalry that existed between the nations of Europe. In the 19th century France and Great Britain became wealthy through colonialism and the control of foreign resources. This forced other up-and-coming nations (such as Germany) to be more competitive in world trade which led to rivalries and ultimately, to war. After the Great Depression ruined the economies of Europe in the 1930s, fascist movements arose to seek economic and social control. From there fanatics like Hitler and Mussolini took over Germany and Italy and led them both into World War II. With most of North America and Western Europe currently experiencing a recession, will competition for resources and economic rivalries with the Middle East, Asia, or South American cause another world war? Add in nuclear weapons and Islamic fundamentalism and things look even worse. Hopefully the economy gets better before it gets worse and the terrifying possibility of World War III is averted. However sometimes history repeats itself.

Impacts: US Key to World Economy

(--) **US economy key to the global economy**

Betty Jane **Punnett, 2015** (Dept. of Management Studies, University of the West Indies)
INTERNATIONAL PERSPECTIVES ON ORGANIZATIONAL BEHAVIOR AND HUMAN RESOURCE
MANAGEMENT, 2015, p. 96.

Emerging economies, are, however, becoming increasingly important to today's business world. **China is on track to become the biggest economy in the world**, and other countries, including Brazil, India, and Russia, are having a substantial impact on world economies and global business. **Nevertheless, the recession that started in the United States in 2008 and the continuing economic problems around the world have shown how interrelated countries are. As the old saying goes, "when the U.S. sneezes, the world catches a cold."**

(--) **Financial crises in the US spills over - all markets are reliant on the US**

Harris and Burrows 2009 (PhD in European History @ Cambridge and Counselor of the US National Intelligence Council AND Member of the National Intelligence Council's Long Range Analysis Unit (Mathew J. and Jennifer, "Revisiting the Future: Geopolitical Effects of the Financial Crisis," April, Washington Quarterly, http://www.twq.com/09april/docs/09apr_Burrows.pdf)

Such was the world the NIC foresaw as the crisis unfolded. Now, **emerging markets the world over have lost more than half of their value since September 2008 alone**. Banks that have never reported a net loss earnings quarter were dissolved in a matter of days. Even with the one year anniversary of the Bear Stearns collapse approaching in March, markets may have yet to find a floor. The proportions of the current crisis hardly need familiarizing. As the panic has not yet given way to a lucid picture of the impacts, most economists and political forecasters are smart enough to shy away from sweeping predictions amid the fog of crisis. Yet, **in the post-crisis world**, it seems conceivable that **global growth will most likely be muted, deflation will remain a risk** while any decoupling of the industrialized from developing countries is unlikely, the state will be the relative winner while authoritarianism may not, and **U.S. consumption as the engine for global growth will** slowly **fade**. Whether U.S. political and market clout will follow, and whether U.S. political leadership will come equipped with knowledge of the strategic forces affecting the United States remains to be seen. How Much of a Geopolitical "Game Changer" is the Financial Crisis? Mapping the NIC's predictions against early facts, **one of the most interesting observations is** less **about** any particular shock generated by **the financial crisis and** more about **its global reach**. If anything, **the crisis has underscored the importance of globalization** as the overriding force or "mega-driver" as it was characterized in both the NIC's 2020 and 2025 Global Trends works. **Developing countries have been hurt as decoupling theories, assertions that the emerging markets have appreciably weaned themselves from the U.S. economy, have been dispelled**. This second epicenter of the crisis in emerging markets could also continue to exacerbate and prolong the crisis. Alongside foreseeable exposures, such as Pakistan with its large current account deficit, are less predictable panics like Dubai, whose debt was financed on suddenly expensive dollars. Even those with cash reserves, such as Russia and South Korea, have been severely buffeted.

Impacts: Asian Wars

Economic decline turns Asian Wars:

AARON FRIEDBERG and GABRIEL SCHOENFELD, 10/21/2008 (professor of politics and international relations @ Princeton & a visiting scholar @ Princeton, "The Dangers of a Diminished America," <http://online.wsj.com/article/SB122455074012352571.html>, Accessed 11/7/2012, rwg)

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future?¶ Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern.¶ **If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk.**

Asian economic depression causes nuclear war

Auslin, 09 (Michael Auslin is a resident scholar at the American Enterprise Institute, "Averting Disaster" February 2, <http://www.weeklystandard.com/Content/Public/Articles/000/000/016/115jtnqw.asp?page=1>)

AS THEY DEAL WITH a collapsing world economy, policymakers in Washington and around the globe must not forget that when a depression strikes, war can follow. Nowhere is this truer than in Asia, the most heavily armed region on earth and riven with ancient hatreds and territorial rivalries. Collapsing trade flows can lead to political tension, nationalist outbursts, growing distrust, and ultimately, military miscalculation. The result would be disaster on top of an already dire situation. No one should think that Asia is on the verge of conflict. But it is also important to remember what has helped keep the peace in this region for so long. Phenomenal growth rates in Japan, South Korea, Hong Kong, Singapore, China and elsewhere since the 1960s have naturally turned national attention inward, to development and stability. This has gradually led to increased political confidence, diplomatic initiatives, and in many nations the move toward more democratic systems. America has directly benefited as well, and not merely from years of lower consumer prices, but also from the general conditions of peace in Asia. Yet policymakers need to remember that even during these decades of growth, moments of economic shock, such as the 1973 Oil Crisis, led to instability and bursts of terrorist activity in Japan, while the uneven pace of growth in China has led to tens of thousands of armed clashes in the poor interior of the country. Now imagine such instability multiplied region-wide. The economic collapse Japan is facing, and China's potential slowdown, dwarfs any previous economic troubles, including the 1998 Asian Currency Crisis. Newly urbanized workers rioting for jobs or living wages, conflict over natural resources, further saber-rattling from North Korea, all can take on lives of their own. This is the nightmare of governments in the region, and particularly of democracies from newer ones like Thailand and Mongolia to established states like Japan and South Korea. How will overburdened political leaders react to internal unrest? What happens if Chinese shopkeepers in Indonesia are attacked, or a Japanese naval ship collides with a Korean fishing vessel? Quite simply, Asia's political infrastructure may not be strong enough to resist the slide towards confrontation and conflict. This would be a political and humanitarian disaster turning the clock back decades in Asia. It would almost certainly drag America in at some point, as well. First of all, we have alliance responsibilities to Japan, South Korea, Australia, and the Philippines should any of them come under armed attack. Failure on our part to live up to those responsibilities could mean the end of America's credibility in Asia. Secondly, peace in Asia has been kept in good

measure by the continued U.S. military presence since World War II. There have been terrible localized conflicts, of course, but nothing approaching a systemic conflagration like the 1940s. Today, such a conflict would be far more bloody, and it is unclear if the American military, already stretched too thin by wars in Afghanistan and Iraq, could contain the crisis. Nor is it clear that the American people, worn out from war and economic distress, would be willing to shed even more blood and treasure for lands across the ocean. The result could be a historic changing of the geopolitical map in the world's most populous region. Perhaps China would emerge as the undisputed hegemon. Possibly democracies like Japan and South Korea would link up to oppose any aggressor. India might decide it could move into the vacuum. All of this is guess-work, of course, but it has happened repeatedly throughout history. There is no reason to believe we are immune from the same types of miscalculation and greed that have destroyed international systems in the past.

Impacts: China

Economic decline turns China:

AARON FRIEDBERG and GABRIEL SCHOENFELD, 10/21/2008 (professor of politics and international relations @ Princeton & a visiting scholar @ Princeton, "The Dangers of a Diminished America," <http://online.wsj.com/article/SB122455074012352571.html>, Accessed 11/7/2012, rwg)

The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. **China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity.** None of this is good news if the authoritarian leaders of these countries seek to **divert attention from internal travails with external adventures.**

Economic decline risks a nuclear war with China:

John Chan, 2006 (26 June 2006, <http://www.wsws.org/articles/2006/jun2006/nucl-j26.shtml>)

The greatest danger of nuclear war does not come from China, but from the US. Since the collapse of the Soviet Union, **Washington has been seeking to use its military superiority increasingly aggressively to offset its long-term economic decline,** in particular to establish its dominance over the resource-rich regions of the Middle East and Central Asia. **The Bush administration's invasion of Afghanistan and Iraq, and threats against Iran have antagonised US rivals in Europe and Asia. The US preoccupation with China reflects deep concerns about Beijing's economic expansion and growing political influence in Asia and globally. The Pentagon's focus on China says more about US preparations for eventual war, including a possible nuclear attack, against the Beijing regime,** than it does about China's relatively limited military capacity.

Impacts: Environment

Economic growth's a prerequisite to environmental care

Sagoff '97 (Mark, The Atlantic, "Do we consume too much?"

<http://www.theatlantic.com/issues/97jun/consume.htm>)

Many have argued that economic activity, affluence, and growth automatically lead to resource depletion, environmental deterioration, and ecological collapse. Yet greater productivity and prosperity -- which is what economists mean by growth -- have become prerequisite for controlling urban pollution and protecting sensitive ecological systems such as rain forests. Otherwise, destitute people who are unable to acquire food and fuel will create pollution and destroy forests. Without economic growth, which also correlates with lower fertility, the environmental and population problems of the South will only get worse. For impoverished countries facing environmental disaster, economic growth may be the one thing that is sustainable.

Impacts: Hegemony

Shutdown undermines US leadership:

Richard N. Haass, 10/2/2013 (President, Council on Foreign Relations, "How the Shutdown Weakens U.S. Foreign Policy," <http://www.cfr.org/budget-debt-and-deficits/shutdown-weakens-us-foreign-policy/p31534>, Accessed 9/14/2015, rwg)

The circumstances that have brought a government shutdown raise concerns that U.S. political dysfunction now poses the biggest threat to national security, says CFR President Richard N. Haass. **The shutdown**, combined with other recent events, **also stirs questions about "American predictability and reliability, which are qualities that are vital to an effective great power."** says Haass. The U.S. Congress, vital for advancing policy initiatives from trade to sanctions, is now an unreliable partner, he argues. **"This sends a message to allies that they're somewhat on their own,"** Haass says. **"It sends a message to adversaries, or would-be adversaries, that you've got a more unpredictable America."** With the U.S. government in a shutdown phase right now, what does that tell the rest of the world about how this country is run? It sends the message that the country is divided. It certainly dilutes any appeal of the American political model, and **it raises anew questions of American predictability and reliability, which are qualities that are vital to an effective great power.**

(--) Financial stability key to global influence

Khalilzad 11 [ZALMAY KHALILZAD, Zalmay Khalilzad was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, The Economy and National Security, National Review, FEBRUARY 8, 2011, p. online, <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>]

Since the end of the Cold War, **a stable economic and financial condition at home has enabled America to have an expansive role in the world. Today we can no longer take this for granted. Unless we get our economic house in order, there is a risk that domestic stagnation in combination with the rise of rival powers will undermine our ability to deal with growing international problems.** Regional hegemony in **Asia could seize the moment, leading the world toward a new, dangerous era of multi-polarity.**

(--) Economic stability key to hegemony

Hachigian 10 [Nina, co-author of The Next American Century: How the U.S. Can Thrive as Other Powers Rise and a senior fellow at the Center for American Progress. The False Promise of Primacy Debunking Robert Kagan's Nostalgia for Bush-Era Foreign Policy January 21, 2010 http://www.americanprogress.org/issues/2010/01/american_primacy.html]

Kagan declines to mention domestic policy, yet rebuilding American strength is, at the end of the day, **a task for us here at home. Behind every great power is a great economy. We can try to perpetuate our power and influence all we like, but if our economy doesn't begin to grow steadily again in the years to come, all our scrimping will be for naught—we simply will not be able to afford the tools for an expansive foreign policy, not to mention rising living standards for future Americans.** Growing American strength is not about rhetoric; it involves tough political choices. Getting politicians to prioritize long-term success over short-term gain is never easy.

Impacts: Japan Alliance

A) US economy key to Japanese economy:

William H. **Cooper**, 2/18/2014 (Specialist in International Trade and Finance, U.S.-Japan Economic Relations: Significance, Prospects, and Policy Options, <https://www.fas.org/sgp/crs/row/RL32649.pdf>, Accessed 9/11/2015, rwg)

The U.S.-Japan economic relationship is strong and mutually advantageous. The two economies are highly integrated via trade in goods and services—they are large markets for each other's exports and important sources of imports. More importantly, Japan and the United States are closely connected via capital flows. Japan is a major foreign source of financing of the U.S. national debt and will likely remain so for the foreseeable future, as the mounting U.S. public debt needs to be financed and the stock of U.S. domestic savings remains insufficient to meet the investment needs. Japan is also a significant source of foreign private portfolio and direct investment in the United States, and the United States is the origin of much of the foreign investment in Japan.

B) Japan's economy is key to the alliance:

David **Envall**, 8/11/2010 (Postdoctoral Fellow in the Department of International Relations at the ANU, "Implications for Asia in Japan's economic decline," <http://www.easiaforum.org/2010/08/11/implications-for-asia-in-japans-economic-decline/>, Accessed 9/11/2015, rwg)

What makes Japan's economic woes a regional security challenge is the important role of the US-Japan alliance in maintaining regional stability. If the alliance were weaker, it would have serious implications for regional stability. As a Japanese analyst recently observed, a US downgrading of the alliance or withdrawal from the region could well lead to faster Japanese military growth (notwithstanding its current economic lethargy), heightened regional threat perceptions and a greater scope for global insecurity. Alliance troubles would make it harder if not impossible for the US to pursue its 'double assurance' strategy of instilling confidence in strategic partners and competitors alike. How could Japan's fiscal weakness potentially undermine the alliance? Worsening economic troubles would add greater constraints to the already considerable political and cultural restrictions on Japan's ability to contribute to the alliance and thus negatively affect America's confidence in Japan as an ally. Declining military spending over the past seven years illustrates Japan's predicament, and the trend, in light of the country's public debt, could well continue. Shifting greater amounts of the total bill for ongoing agreements to the US, as a recent report on the alliance's future postulates, would undoubtedly put strain on the alliance'.

Impacts: Nuclear War

Turn- Global economic crisis causes nuclear war

Cesare **Merlini 11**, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, *Survival*, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional **conflict** between states, perhaps even **involving the use of nuclear weapons**. The crisis **might be triggered by a collapse of the global economic and financial system**, the vulnerability of which we have just experienced, **and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first**. Whatever the trigger, **the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference** would self-interest and rejection of outside interference **would** likely **be amplified, emptying**, perhaps entirely, the half-full glass of **multilateralism**, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. **familiar issues of creed and identity could be exacerbated**. One way or another, the **secular rational approach would be sidestepped by a return to theocratic absolutes**, competing or **converging with** secular absolutes such as **unbridled nationalism**.

(--) Probability—history’s on our side—the 30’s prove economic collapse causes global nuclear war

Friedberg and Schoenfeld, 2008 [Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of *Commentary* and *Wall Street Journal*, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>]

Then **there are** the dolorous **consequences of a** potential **collapse of the world's financial architecture**. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. **Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing** smartly **down the road to chaos**. **Russia's new militancy and China's seemingly relentless rise also give cause for concern**. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario **there are shades of the 1930s, when global trade and finance ground nearly to a halt**, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that **rogue states may choose to become** ever more **reckless with their nuclear toys**, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian **leaders of these countries seek to divert attention from internal travails with external adventures**.

Growth solves their impact—interdependence checks conflict:

Griswold 2007 - director of the Center for Trade Policy Studies (4/20, Daniel, “Trade, Democracy and Peace”, <http://www.freetrade.org/node/681>)

A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.

Economic downturn causes conflicts to erupt across the globe

Auslin and Lachman, 2009 (Michael, AEI's [American Enterprise Institute] director of Japan Studies, was an associate professor of history and senior research fellow at the MacMillan Center, and Desmond, AEI fellow, former deputy director in the International Monetary Fund's Policy Development and Review Department, "The Global Economy Unravels" Forbes, 3-6, <http://www.forbes.com/2009/03/06/global-economy-unravels-opinions-contributors-g20.html>)

What do these trends mean in the short and medium term? **The Great Depression showed how social and global chaos followed hard on economic collapse.** The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. **The threat of instability is a pressing concern. China,** until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. **A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow.** Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then **wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely.** Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. **Europe as a whole will face dangerously increasing tensions** between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. **A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries.** Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. **The result may be a series of small explosions that coalesce into a big bang.** One has to hope that ahead of the next G-20 summit in London this April, global policymakers will get real about the gravity of the present global economic and political situation. **For only with a coordinated and forceful economic policy response is there any hope of extricating ourselves from what is turning out to be the most serious global economic slump since the Great Depression.**

Impacts: Russia

A strong economy is key to relations with both China and Russia

Bennett 01 Richard Bennett is a strategist at Armed Forces Intelligence, the international research organization, The Express, As America's Relations with Russia and China Take a Nosedive...; is the World on the Brink of a New Cold War? April 12, 2001 Lexis

With the evident cooling of relations between America and both Russia and China the hopes for greater understanding and co-operation in the new post-cold war world have been buried. A mere 10 years after the collapse of much of the communist world, confrontation and distrust have returned to haunt an international community already riven with economic collapse, conflict, famine and the growing threat of severe climatic changes. The new US administration already finds itself confronted with a tit-for-tat spy expulsion feud with Vladimir Putin's newly resurgent Russia, the US Navy's EP-3 "spy plane" stand-off with an increasingly aggressive China, the growing threat of war in the Middle East and the re-establishment of anti-Western alliances. There are in addition a number of other potential crisis areas, including world environmental issues where President Bush has already moved strongly out of step with much of the international community by refusing to ratify agreements on cutting the emissions of greenhouse gases. He also faces a domestic economic slow-down that threatens the stability of US industry and Wall Street. The old cold war certainties have been replaced by an uncertain and confused international situation. Regions once neatly divided into "them and us" are now beset with ever-changing alliances and re-alignments. Both China and now, increasingly, Russia see their long-term interests being served more by a confrontationalist attitude towards the US than by begging for crumbs from the tables of the rich and privileged. Both China and Russia wish to establish themselves as countries whose views are listened to and whose influence is enhanced rather than simply ignored - or, worse still, actively undermined. They want their position as regional, if not world, superpowers to be respected. The US, on the other hand, can see little value in allowing its status as the world's single global superpower reduced in any meaningful way simply to satisfy the largely internal needs of two nations that are quite unable to challenge the US economically or militarily. Russia has failed to see the large-scale Western investment and international acceptance expected by Yeltsin and the economic reformers following the overthrow of the communist system. The economic benefits promised by the West during the political turmoil of the early Nineties have simply failed to materialise for the vast majority of Russian citizens. Instead, Russia has been stripped of its superpower status and most of its influence; while the US has tended to ignore the feelings of this - temporarily at least - militarily impotent nation, particularly over some of its traditional areas of interest such as Serbia and Iraq. The missile attack on the Chinese embassy in Belgrade during the bombing of Serbia in 1999 - made in the sure knowledge of China's inability to retaliate - angered that nation's government far more than the West was prepared to accept or even, such is the intolerance of the powerful, recognise as having any justification. China's eventual response was the hard line now being taken over the spy plane forced to land on Hainan island. Though China has finally agreed to release the crew, the countries' mutual suspicion has helped turn an unfortunate incident into a potential international crisis. The demands for an apology over a surveillance flight made in international airspace, the determination to hold the crew of 24 captive for as long as possible and the virtual dismantling of this super-secret aircraft on the tarmac of Lingshui airbase in full view of US intelligence satellites has left little doubt in the minds of US analysts that China has every intention of using this unexpected intelligence and diplomatic windfall to extract as much political advantage out of the crisis as possible. The international humiliation of the US, and President Bush in particular, is a bonus that President Jiang Zemin will not easily forgo. There are problems in other areas of the world. Cracks are developing in the united front shown by the international community since the Iraqi invasion of Kuwait and the resulting Gulf War in 1991. These are caused in part by US support for Israel, particularly in the light of an increasingly more aggressive military response to the continuing violence of the Palestinian Intifada and in part by the reaffirmation of the determination to both maintain sanctions and military pressure on Iraq in a final attempt to rid the area of Saddam Hussein. The new US administration will need to tread carefully and think long and hard over its response to these events. Diplomatic policy may well have to be re-assessed and defence strengthened. the international "warming" that followed the end of the cold war has been put in reverse, certainly in the short term, and the world is now witnessing the dawn of a new age of uncertainty.

Impacts: South Korea Alliance

A) Shutdowns increase the deficit:

Mark **Gongloff**, 9/30/2013 (staff writer, "A Government Shutdown Will Only Make The Budget Deficit Worse," http://www.huffingtonpost.com/2013/09/30/government-shutdown-budget-deficit_n_4017583.html, Accessed 9/12/2015, rwg)

House Republicans are willing to shut down the government to stop Obamacare and lower the federal budget deficit. In fact, a shutdown would fail on both counts. Shutting down the government will "likely add to the budget deficit," Bank of America Merrill Lynch economist Ethan Harris wrote in a research note on Monday. That's because a shutdown could hurt the economy, undercutting tax revenues. At the same time, stopping and starting the massive gears of government is "costly," he added. Those two factors combined to add \$1.4 billion (or about \$2.5 billion in today's dollars) to the budget deficit during the 1995-96 shutdown, Harris estimates. That shutdown was the longest in recent decades. Any shorter shutdown would have less of an impact, but almost certainly would not help the government's finances.

B) Deficits undermine the US-South Korean alliance:

John **Power**, 4/14/2014 ("The Relevance of the South Korea-US Alliance," <http://thediplomat.com/2014/04/the-relevance-of-the-south-korea-us-alliance/>, Accessed 9/12/2015, rwg)

The perception that the U.S. is unfairly burdened with being the world's watchman could have profound implications for the future of the alliance, especially if such weariness were to reach critical mass among the American public. U.S. government budget constraints, too, raise questions about the sustainability of the U.S. commitment to South Korea, despite a massive plan currently under way to modernize its installations in the country.

Impacts: Warming

Economic crisis blocks solutions to global warming:

Michael Graham **Richard**, 2/6/2008 ("Counter-Point: 4 Reasons Why Recession is BAD for the Environment," http://www.treehugger.com/files/2008/02/4_reasons_recession_bad_environment.php, Accessed 11/7/2012, rwg)

Thirdly, **there's less money going into the stock markets and bank loans are harder to get, which means that many small firms and startups working on the breakthrough green technologies of tomorrow can have trouble getting funds or can even go bankrupt**, especially if their clients or backers decide to make cuts. **Fourthly, during economic crises, voters want the government to appear to be doing something about the economy** (even if it's government that screwed things up in the first place). **They'll accept all kinds of measures and laws, including those that aren't good for the environment**. Massive corn subsidies anyone? **Don't even think about progress on global warming...**

Impacts: Econ Turns India-Pak Instability

Economic decline turns India-Pak instability:

Lopez, staff, BusinessWorld, 9/10/98 (Lexis)

What would it be like if global recession becomes full bloom? The results will be catastrophic. Certainly, global recession will spawn wars of all kinds. Ethnic wars can easily escalate in the grapple for dwindling food stocks as in India-Pakistan-Afghanistan, Yugoslavia, Ethiopia-Eritrea, Indonesia. Regional conflicts in key flashpoints can easily erupt such as in the Middle East, Korea, and Taiwan. In the Philippines, as in some Latin American countries, splintered insurgency forces may take advantage of the economic drought to regroup and reemerge in the countryside. Unemployment worldwide will be in the billions. Famine can be triggered in key Third World nations with India, North Korea, Ethiopia and other African countries as first candidates. Food riots and the breakdown of law and order are possibilities. Global recession will see the deferment of globalization, the shrinking of international trade - especially of high-technology commodities such as in the computer, telecommunications, electronic and automotive industries. There will be a return to basics with food security being a prime concern of all governments, over industrialization and trade expansions. Protectionism will reemerge and trade liberalization will suffer a big setback. The WTO-GATT may have to redefine its provisions to adjust to the changing times. Even the World Bank-IMF consortium will experience continued crisis in dealing with financial hemorrhages. There will not be enough funds to rescue ailing economies. A few will get a windfall from the disaster with the erratic movement in world prices of basic goods. But the majority, especially the small and medium enterprises (SMEs), will suffer serious shrinkage. Mega-mergers and acquisitions will rock the corporate landscape. Capital markets will shrink and credit crisis and spiralling interest rates will spread internationally. And environmental advocacy will be shelved in the name of survival. Domestic markets will flourish but only on basic commodities. The focus of enterprise will shift into basic goods in the medium term. Agrarian economies are at an advantage since they are the food producers. Highly industrialized nations will be more affected by the recession. Technologies will concentrate on servicing domestic markets and the agrarian economy will be the first to regrow. The setback on research and development and high-end technologies will be compensated in its eventual focus on agrarian activity. A return to the rural areas will decongest the big cities and the ensuing real estate glut will send prices tumbling down. Tourism and travel will regress by a decade and airlines worldwide will need rescue. Among the indigenous communities and agrarian peasantry, many will shift back to prehistoric subsistence economy. But there will be a more crowded upland situation as lowlanders seek more lands for production. The current crisis for land of indigenous communities will worsen. Land conflicts will increase with the indigenous communities who have nowhere else to go either being massacred in armed conflicts or dying of starvation. Backyard gardens will be precious and home-based food production will flourish. As unemployment expands, labor will shift to self-reliant microenterprises if the little capital available can be sourced. In the past, the US could afford amnesty for millions of illegal migrants because of its resilient economy. But with unemployment increasing, the US will be forced to clamp down on a reemerging illegal migration which will increase rapidly. Unemployment in the US will be the hardest to cope with since it may have very little capability for subsistence economy and its agrarian base is automated and controlled by a few. The riots and looting of stores in New York City in the late '70s because of a state-wide brownout hint of the type of anarchy in the cities. Such looting in this most affluent nation is not impossible. The weapons industry may also grow rapidly because of the ensuing wars. Arms escalation will have primacy over food production if wars escalate. The US will depend increasingly on weapons exports to nurse its economy back to health. This will further induce wars and conflicts which will aggravate US recession rather than solve it. The US may depend more and more on the use of force and its superiority to get its ways internationally. The public will rebel against local monopolies. Anarchy and boycotts will be their primary weapons against cartels especially on agricultural products such as rice and vegetables, which are presently in the hands of a few in most Third World nations. Global recession will test the limits of human cooperation and sharing in the name of survival. Grants and aids will decrease. Rescues and international funding for advocacy NGOs will disappear rapidly. Coupled with disasters such as earthquakes, volcanic eruptions, climatic aberrations like the El Nino, global recession will degrade a step further. On the individual level, the best way to cope is to depend on self-production rather than employment, move to the province rather than stay in the city, concentrate on microenterprises which are less capital intensive, and embark on more intensified social coalitions and cooperations such as agrarian cooperatives. Certain enterprises will grow rapidly if related to basic needs such as food, clothing, and shelter. The most important weapon against recession is

being aware that it may come, knowing its negative impacts, knowing how to avoid or skirt around them and preparing for the worse.

Impacts: Econ Turns Terror

Economic decline causes terrorism

Burton, J.D. candidate, Georgetown University Law Center, 2004 (Adam, "NOTE: A Grave and Gathering Threat: Business and Security Implications of the AIDS Epidemic and a Critical Evaluation of the Bush Administration's Response", 35 Geo. J. Int'l L. 433, lexis)

The consequences for economic development cut even deeper than injury to multinationals already in Africa, however, as economic growth or stagnation for Africa has reverberations on the macro level beyond the continent. **At stake is the legitimacy of Western political and economic ideals in the developing world.** For the Bush Administration, spreading liberal democracy is in many ways intertwined with the war on terror. **Countries with an interest in global economic stability are less likely to sponsor terrorism, and individuals with a stake in the capitalist order (i.e., people wealthy enough to own private property) are less likely to join terrorist groups.** ⁿ⁵⁴ In contrast, a class of desperate and hopeless people in Africa might produce the next flood of converts to radical Islam, which has already penetrated East Africa and has **[*442] begun to spread southward at a steady pace.** ⁿ⁵⁵

Economic growth solves terrorism

Wanandi, board of trustees Center for Strategic Studies, 2002 (Justuf, "A Global Coalition against international terrorism, pg 1849)

A robust global economy is a condition sine qua non in the battle against terrorism. By destroying a root cause of frustration – namely, grinding poverty – a healthy economy denies terrorists a fresh source of recruits.

Impacts: Econ Turns Accidents

Growth solves nuclear accidents - collapse leads to sabotage

Sagan, Stanford poli sci professor and Center for International Security and Cooperation co-director, 2003

[Scott D., Spread of Nuclear Weapons: A Debate Renewed, 77-82]

If domestic unrest leads to severe economic hardships at military bases, disgruntled operators are more likely to engage in acts of sabotage that could inadvertently or deliberately produce accidents. An example of the type of dangerous incident one should anticipate in future nuclear states occurred in early 1992 at the Ignalina nuclear power plant in Lithuania, where a programmer reported that he had found a virus in the computer that ran the safety systems for the plant. Investigators later concluded, however, that he had placed the virus there himself in order to receive a pay bonus for improving safety.⁸¹

Impacts: Econ Turns Russia

Economic decline turns Russia

Auslin, scholar at American Enterprise Institute, 2009 (Michael, "The global Economy Unravels"
American Enterprise Institute, , http://www.aei.org/publications/filter.all,pubID.29502/pub_detail.asp)

Global policymakers need to get real about the gravity of the present world economic and political situation. Only with a coordinated and forceful economic policy response is there any hope of extricating ourselves from what is turning out to be the most serious global economic slump since the Great Depression. **The world's policymakers are finally waking up to how synchronized and how severe the global economic crisis is** turning out to be. Just this week, newspapers reported that the British army is being put on standby to deal with possible civil disorder. World leaders are beginning to grasp the all too likely political fallout from a sustained period of falling output, rapidly rising unemployment and declining equity and home prices. However, their uncoordinated global policy response to this crisis underscores the political failure to embrace policies most likely to restore growth and not simply bust national budgets. Conversely, global policymakers do not seem to have grasped the downside risks to the global economy posed by a deteriorating domestic and international political environment. If the past is any guide, the souring of the political environment must be expected to fan the corrosive protectionist tendencies and nationalistic economic policy responses that are already all too much in evidence. After spending much of 2008 cheerleading the global economy, the International Monetary Fund now concedes that output in the world's advanced economies is expected to contract by as much as 2% in 2009. This would be the first time in the post-war period that output contracted in all of the world's major economies. The IMF is also now expecting only a very gradual global economic recovery in 2010, which will keep global unemployment at a high level. Sadly, the erstwhile rapidly growing emerging-market economies will not be spared by the ravages of the global recession. Output is already declining precipitously across Eastern and Central Europe as well as in a number of key Asian economies, like South Korea and Thailand. A number of important emerging-market countries like Ukraine seem to be headed for debt default, while a highly oil-dependent **Russia seems to be on the cusp of a full-blown currency crisis**. Perhaps of even greater concern is the virtual grinding to a halt of economic growth in China. The IMF now expects that China's growth rate will approximately halve to 6% in 2009. Such a growth rate would fall far short of what is needed to absorb the 20 million Chinese workers who migrate each year from the countryside to the towns in search of a better life. As a barometer of the political and social tensions that this grim world economic outlook portends, one needs look no further than the recent employment forecast of the International Labor Organization. The ILO believes that the global financial crisis will wipe out 30 million jobs worldwide in 2009, while in a worst case scenario as many as 50 million jobs could be lost. What do these trends mean in the short and medium term? The Great Depression showed how social and global chaos followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir **Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely**. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang.

Impacts: Economic Decline = Protectionism

A) Economic decline risks protectionism:

Hill, 3/9/2011 (blog) ("Tuesday Profile: A multinational take on job creation and tax code overhaul ", <http://thehill.com/blogs/blog-briefing-room/482-lobbyist-profiles/147939-a-multinational-perspective>)

That evolving approach, McLernon indicated, has come in handy in the last couple of years, as the American economy fell to depths not seen in decades. Last year's midterm campaign also featured a fair bit of economic protectionist rhetoric. "After 20 years of working on it, it's going to ebb and flow," McLernon said. "In times of recession, some of the jingoism gets a little more loud." Luckily, she added, not only has the economic climate improved in recent months, but so has the rhetoric from policymakers.

1) Protectionism will lead to terrorism, genocide, world war, and extinction.

Panzner (faculty at the New York Institute of Finance) 2008 (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 (Michael, Financial Armageddon: Protect Your Future from Economic Collapse, Revised and Updated Edition, p. 136-138, googlebooks)

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 (heap 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.**

B) Protectionism Causes NUCLEAR WAR

Copley News Service, 12/1/99 (Lexis)

For decades, many children in America and other countries went to bed fearing annihilation by nuclear war. The specter of nuclear winter freezing the life out of planet Earth seemed very real. Activists protesting the World Trade Organization's meeting in Seattle apparently have forgotten that threat. The truth is that nations join together in groups like the WTO not just to further their own prosperity, but also to forestall conflict with other nations. In a way, our planet has traded in the threat of a worldwide nuclear war for the benefit of cooperative global economics. Some Seattle protesters clearly fancy themselves to be in the mold of nuclear disarmament or anti-Vietnam War protesters of decades past. But they're not. They're special-interest activists, whether the cause is environmental, labor or paranoia about global government. Actually, most of the demonstrators in Seattle are very much unlike yesterday's peace activists, such as Beatle John Lennon or philosopher Bertrand Russell, the father of the nuclear disarmament movement, both of whom urged people and nations to work together rather than strive against each other. These and other war protesters would probably approve of 135 WTO nations sitting down peacefully to discuss economic issues that in the past might have been settled by bullets and bombs. As long as nations are trading peacefully, and their economies are built on exports to other countries, they have a major disincentive to wage war. That's why bringing China, a budding superpower, into the WTO is so important. As exports to the United States and the rest of the world feed Chinese prosperity, and that prosperity increases demand for the goods we produce, the threat of hostility diminishes. Many anti-trade protesters in Seattle claim that only multinational corporations benefit from global trade, and that it's the everyday wage earners who get hurt. That's just plain wrong. First of all, it's not the military-industrial complex benefiting. It's U.S. companies that make high-tech goods. And those companies provide a growing number of jobs for Americans. In San Diego, many people have good jobs at Qualcomm, Solar Turbines and other companies for whom overseas markets are essential. In Seattle, many of the 100,000 people who work at Boeing would lose their livelihoods without world trade. Foreign trade today accounts for 30 percent of our gross domestic product. That's a lot of jobs for everyday workers. Growing global prosperity has helped counter the specter of nuclear winter. Nations of the world are learning to live and work together, like the singers of anti-war songs once imagined. Those who care about world peace shouldn't be protesting world trade. They should be celebrating it.

AT: Theory Arguments to Politics

AT: Non-Intrinsic: Pass the Plan and Do your scenario

Intrinsicness is illegitimate and a voting issue:

1) Decimates disad ground: allows them to just wish away the impact to any disad.

2) Makes the AFF not topical: The intrinsicness answer is not topical, proves the resolution alone is inadequate to solve and is a reason to vote negative.

3) Begs the question of political capital—political capital is an intrinsic resource for Obama: if we prove the plan trades off with that, it is an intrinsic disad.

4) Makes the AFF a moving target: NEG needs a fixed target to shoot at in order to promote clash and in-depth education

5) Politics is core negative disad ground—mentioned in the topic paper and literature is AFF biased—NEG needs the politics disad to offset.

6) Debating politics is educational—teaches us about how government functions and about relevant pieces of legislation of the day—their argument wishes politics disads away.

(--) **Capital is an intrinsic resource that sets the parameters of the President's agenda**

Light, Brookings Governance Studies senior fellow, 99

[Paul Light, Senior Fellow of Governance Studies, Director of the Center for Public Service the President's Agenda: Domestic Policy Choice from Kennedy to Clinton, 3rd Edition p. 34 EJONES]

In chapter 2, I will consider just how capital affects the basic parameters of the domestic agenda. Though the internal resources are important contributors to timing and size, capital remains the critical factor. That conclusion will become essential in understanding the domestic agenda. Whatever the President's personal expertise, character, or skills, capital is the most important resource. In the past, presidential scholars have focused on individual factors in discussing White House decisions, personality being the dominant factor. Yet, given low levels in presidential capital, even the most positive and most active executive could make little impact. A president can be skilled, charming, charismatic, a veritable legislative wizard, but if he does not have the basic congressional strength, his domestic agenda will be severely restricted – capital affects both the number and the content of the President's priorities. Thus, it is capital that determines whether the President will have the opportunity to offer a detailed domestic program, whether he will be restricted to a series of limited initiatives and vetoes. Capital sets the basic parameters of the agenda, determining the size of the agenda and guiding the criteria for choice. Regardless of the President's personality, capital is the central force behind the domestic agenda.

Politics tests a key opportunity cost

Saideman, associate professor of political science - McGill University, 7/25/'11

(Steve, "Key Constraint on Policy Relevance," <http://duckofminerva.blogspot.com/2011/07/key-constraint-on-policy-relevance.html>)

Dan Drezner has a great post today about how the foreign policy smart set (his phrase) gets so frustrated by domestic politics that they tend to recommend domestic political changes that are never going to happen.¶ I would go one step further and suggest that one of the key problems for scholars who want to be relevant for policy debates is that

we tend to make recommendations that are "incentive incompatible." I love that phrase. What is best for policy may not be what is best for politics, and so we may think we have a good idea about what to recommend but get frustrated when our ideas do not get that far.¶ Lots of folks talking about early warning about genocide, intervention into civil wars and the like blame "political will." That countries lack, for whatever reason, the compulsion to act. Well, that is another way of saying that domestic politics matters, but we don't want to think about it.¶ Dan's piece contains an implication which is often false--that IR folks have little grasp of domestic politics. Many IR folks do tend to ignore or simplify the domestic side too much, but there is plenty of scholarship on the domestic determinants of foreign policy/grand strategy/war/trade/etc. Plenty of folks look at how domestic institutions and dynamics can cause countries to engage in sub-optimal foreign policies (hence the tradeoff implied in my second book--For Kin or Country).¶ The challenge, then, is to figure out what would be a cool policy and how that cool policy could resonate with those who are relevant domestically. That is not easy, but it is what is necessary. To be policy relevant requires both parts--articulating a policy alternative that would improve things and some thought about how the alternative could be politically appealing.¶ Otherwise, we can just dream about the right policy and gnash our teeth when it never happens.

AT: "Say No"

- 1) Counter-interpretation:** Judge should act as an independent agent assessing whether or not the plan should be done. Judge shouldn't operate as an individual member of Congress—if the plan would drain away from Obama's ability to pass other legislation, it is a bad idea.
- 2) Argument makes zero sense:** Politicians consider political consequences of actions—an individual representative could vote no BECAUSE of the political consequences of the plan.
- 3) Process can't be distinguished from substance:** Whether the plan is a good idea in part depends on whether or not it is the right time to do the plan.
- 4) Politics is core negative disad ground**—mentioned in the topic paper and literature is AFF biased—NEG needs the politics disad to offset.
- 5) Debating politics is educational**—teaches us about how government functions and about relevant pieces of legislation of the day—they wish the disad away.

AT: Plan is Bottom of the Docket

This is self-serving and a voting issue:

- 1) Counter-interpretation: the plan should happen at the nearest available opportunity—which means moving it to the top of the docket.
- 2) Alternative interpretation allows for delays around any disad: they can delay until the economy recovers, etc. destroys negative disad ground.
- 3) Their interpretation destroys uniqueness debates: delaying off into the future means we can't debate issues in their current context.
- 4) We aren't being absurd: we aren't saying the plan has to happen Sunday night or in the middle of a break—we're saying the plan has to happen in the current political context so we can debate it.
- 5) Bottom of the docket means the plan will be pushed off forever—their inherency evidence says the plan is unlikely to happen and will be de-prioritized—vote negative on presumption.
- 6) Not reciprocal: only destroys negative disad ground.
- 7) We don't defend immediacy—only nearest available opportunity.

FISA/FISC Extensions

2nc Overview

Cp solves the case – legal action by FISCR sets legal precedent for all NSA surveillance requests and ensures compliance from the FISC – that solves unwarranted bulk surveillance - all surveillance cases go through FISC

Avoids the NB –

2NC Solvency - Generic

FISA can do the plan – they have the Jurisdiction to set legal precedent

Kayyali 14 Nadia Kayyali, Bill of Rights Defense Committee Legal Fellow ,BA from UC Berkeley, JD from UC Hastings. “What You Need to Know About the FISA Court—and How it Needs to Change” Electronic Frontier Foundation. <https://www.eff.org/deeplinks/2014/08/what-you-need-know-about-fisa-court-and-how-it-needs-change>. 8/15/2014

Why the FISA Court Needs to Change: Among the myriad reasons the FISC must change, three stand out. First, FISA has become a drastically more complicated law than when it was originally passed in 1978, and the role of the FISC has accordingly grown far beyond the bounds of what Congress envisioned. Second, because of those changes, the FISC has created a huge body of secret policy and legal precedent. Finally, the court’s reliance on the government to provide all the necessary information needed to fairly make decisions is not sufficient, something that is painfully obvious as one reads the FISC decisions themselves. It’s also something EFF has recently experienced in our NSA cases. The court’s mandate has expanded exponentially since 1978, especially during the 90s. More recently, Section 215 of the PATRIOT Act and Section 702 of the FISA Amendments Act—both of which were passed decades after the initial FISA—granted far broader spying authorities to the government than had existed before, and the government has claimed the right to conduct mass surveillance under these provisions. What Congress originally authorized when creating the FISC, with the Church Committee hearings freshly in mind, was an expedited system of approving individualized warrants for foreign surveillance of specified individuals—much like what regular magistrate judges do with warrants now, with safeguards built in for the national security context. That bears repeating: When FISA was passed, it authorized individualized warrants for surveillance. **Now, the court is approving mass surveillance. This is key, because as “current and former officials familiar with the court’s classified decisions”** told the New York Times in July of last year, **the court is no longer simply approving applications. It is “regularly assessing broad constitutional questions and establishing important judicial precedents, with almost no public scrutiny,”** affecting millions of innocent people. As former FISC judge James Robertson stated to the Privacy and Civil Liberties Oversight Board, “What [the FISC] does is not adjudication, but approval. This works just fine when it deals with individual applications for warrants, but **the 2008 (FISA) amendment has turned the FISA court into an administrative agency making rules for others to follow.**” The result of this expansion of the FISC’s role is a body of secret law that, now that some has come to light, has shocked most Americans. The most obvious example of this is, of course, section 215 of the Patriot Act, where “the court’s interpretation of the word [‘relevant,'] enabled the government . . . to collect the phone records of the majority of Americans, including phone numbers people dialed and where they were calling from, as part of a continuing investigation into international terrorism.” The “heightened duty of candor” is not enough. FISC decisions that have been made public are full of descriptions of the NSA not fulfilling its duties and being very slow to inform the court about it. Judge John Bates noted: “The court is troubled that the government’s revelations regarding the NSA’s acquisition of Internet transactions mark the third instance in less than three years in which the government has disclosed a substantial misrepresentation regarding the scope of a major collection program,” and noted “repeated inaccurate statements made in the government’s submission,” concluding that the requirements had been “so frequently and systematically violated that it can fairly be said that this critical element of the overall...regime has never functioned effectively.” Judges have consistently chastised the NSA for “inaccurate” statements, misleading or incomplete filings and for having “circumvented the spirit” of laws protecting Americans’ privacy. EFF had its own brush with this problem earlier this year, when we discovered that the government had not even informed the FISC of its duties to preserve evidence. In March, after an emergency hearing, a federal court in San Francisco ordered the government to preserve records of Section 215 call details collection. On that same day, the FISC issued its own strongly worded order in which it mandated the government to make a filing explaining exactly why it had failed to notify the FISC about relevant information regarding preservation orders in two related cases, Jewel and Shubert. This failure had affected the court’s earlier ruling mandating that certain information be destroyed. It’s clear that the FISC simply can’t rely on the government to get the full picture.

FISA has empirically ruled against the NSA on domestic surveillance

Dougdale 13. Addy Dougdale. Contributor to FastCompany – a leading progressive news outlet. “FISA COURT FORCED NSA TO STOP ILLEGALLY GATHERING EMAIL” August 22, 2013. <http://www.fastcompany.com/3016203/the-code-war/foi-request-shows-nsa-forced-to-stop-illegal-gathering-of-us-correspondence-by->

U.S. Intelligence officials have released papers showing the NSA illegally snooped on thousands of U.S. citizens' electronic messages before a court ordered it to cease. The declassified ruling, made by FISA's

chief judge in 2011, ordered the National Security Agency to rethink its methods of surveillance. The heavily redacted 85-page document—which was released on the Office of the Director of National Intelligence's brand-new Tumblr account, IC On The Record—is the first FISA court opinion released by the government in response to a FOIA lawsuit brought by the Electronic Frontier Foundation in 2012. Although FISA has been heavily criticized as a cypher for the intelligence sector, these documents show that, on this occasion, that was not the case. "For the first time, the government has now advised the court that the volume and nature of the information it has been collecting is fundamentally different from what the court had been led to believe," wrote Judge John D. Bates in the ruling of October 3, 2011.

No risk of it getting overturned – rulings are legally within FISA's jurisdiction

Pfander and Birk 15 James E. Pfander & Daniel D. Birk; James has a BA, University of Missouri and JD, University of Virginia. Currently Owen L. Coon Professor of Law at Northwestern School of Law. Daniel has a JD from Northwestern School of law and is Law Clerk to Kenneth F. Ripple of the U.S. Court of Appeals, Seventh Circuit. "Article III Judicial Power, the Adverse-Party Requirement, and Non-Contentious Jurisdiction" Yale Law journal Volume 125, Number 5, March 2015 – 1346-1835. http://www.yalelawjournal.org/article/non-contentious-jurisdiction#_ftnref552

Since the adoption of FISA in 1978, the Foreign Intelligence Surveillance Court has reviewed government applications for the approval of certain surveillance practices on an ex parte basis.⁵⁴⁸ As with other warrant applications,⁵⁴⁹ the government submits the request to the court without notice to the target of the proposed surveillance.⁵⁵⁰ But unlike the targets of other warrant proceedings, most FISA targets will never learn that the surveillance has been carried out and will never have occasion to challenge the warrant in the course of criminal proceedings. Unlike other warrant proceedings, moreover, the proceedings do not take place in the local federal courthouse; rather, they require the FISA judges to travel to a secret courthouse.⁵⁵¹ If the FISC denies the government's application, FISA provides for oversight by the Foreign Intelligence Surveillance Court of Review.⁵⁵² The government does not invariably release either the decisions of the trial court or the opinions of the court of review, although a few decisions have come to light as a result of the leaks by Edward Snowden.⁵⁵³ Critics have argued that the FISC's ex parte process presents both constitutional and practical problems and have put forward a variety of suggested cures.⁵⁵⁴ For example, Orin Kerr has argued that Congress should establish a special advocate within an existing security-cleared government department to offer adversary presentations during FISC proceedings.⁵⁵⁵ Steve Vladeck has urged instead that "private security-cleared lawyers, not government employees . . . serve as adversaries in secret litigation commenced by the government."⁵⁵⁶ Such proposals have gained traction in Congress; newly introduced bills would attempt to ensure adversarial presentations by requiring the appointment of public interest advocates in certain situations.⁵⁵⁷ One commentator has argued that private attorneys might be appointed to serve as consultants to the court in proceedings deemed to require some adversarial presentation.⁵⁵⁸ We do not claim expertise in matters of national security and have little to add to the policy debate over the wisdom of introducing an adversary process to improve decision making at the FISC. We simply suggest that the FISC's role in hearing warrant applications on an ex parte basis seems to fit comfortably within the scope of federal judicial power over matters of non-contentious jurisdiction. The FISA process calls for the court to determine that the government has complied with various statutory elements that regulate access to intelligence surveillance.⁵⁵⁹ The resulting decisions by the FISC serve as final decisions on the issues at hand: the government's compliance with the statute and entitlement to conduct the surveillance in question. While the targets of such surveillance can contest various aspects of the proceedings that yielded the evidence introduced at their trials, courts hearing those trials treat the FISC's determination as conclusive on the issue of the legality of the surveillance.⁵⁶⁰ Even if the courts were to reopen the FISA decision and reevaluate the showings, such judicial revision would not raise doubts about the judicial finality of the initial decision. To be sure, federal officials may not always discharge their duties of candor to the FISC and may exceed the scope of the warrant's authority in carrying out the surveillance in question. Remedies should be available in such cases (just as they were in the nineteenth century when officers exceeded the scope of their warrants). But the possibility of executive branch missteps, while legitimate matters of litigation and policy concern, do not deprive the judicial process of its character as such.

FISA solves

Cardy 08 Emily A Cardy. B.A in Law from Yale University "THE UNCONSTITUTIONALITY OF THE PROTECT AMERICA ACT OF 2007" Boston University Public Interest Law Journal 18 B.U. Pub. Int. L.J. 171. Fall, 2008.

In 1978 the Foreign Intelligence Surveillance Act (FISA) established the processes by which the United States intelligence community could effectively gather foreign intelligence, while striking "a balance between national security interests and civil liberties." n10 "FISA provides a means by which the government can obtain approval to conduct electronic surveillance of a foreign power or its agents without first meeting the more stringent standard" required in domestic criminal investigations. n11 That the TSP operated outside of FISA's purview made it automatically constitutionally suspect. n12 The Article III court established by FISA, the Foreign Intelligence Surveillance Court (FISC), is essential to FISA's operation. n13 FISC objectively adjudicates intelligence collection proposals and procedures, while protecting such details in the interest of national security. In short, FISA establishes the United States' legal standard for gathering foreign intelligence, and provides safeguards [*174] to protect the Fourth Amendment's promises to the American public that they will be free from unwarranted government intrusion. n14

2NC Solvency – Constitutional Rulings

Specifically true of constitutional issues

Benkler 13 Yoichai Benkler. law professor and director of the Berkman Center for Internet & Society at Harvard University. "In secret, Fisa court contradicted US supreme court on constitutional rights" The Guardian.
<http://www.theguardian.com/commentisfree/2013/sep/22/secret-fisa-court-constitutional-rights>. 9/22/13

On Tuesday, the Foreign Intelligence Surveillance Court (FISC) declassified an opinion in which it explained why the government's collection of records of all Americans' phone calls is constitutional, and that if there is a problem with the program, it is a matter of political judgment, not constitutional law. So, should Americans just keep calm and carry on phoning? Not really. Instead, we should worry about a court that, lacking a real adversarial process to inform it, failed while taking its best shot at explaining its position to the public to address the most basic, widely-known counter-argument to its position. The opinion does not even mention last year's unanimous US supreme court decision on the fourth amendment and GPS tracking, a decision in which all three opinions include strong language that may render the NSA's phone records collection program unconstitutional. No court that had been briefed by both sides would have ignored the grave constitutional issues raised by the three opinions of Justices Scalia, Sotomayor, and Alito in *United States v Jones*. And no opinion that fails to consider these should calm anyone down. The newly-released FISC opinion, the first to opine on the legality of the phone metadata collection program since the Snowden leaks brought the program to national attention, is based on two straightforward points. First, in 1979, the supreme court held in *Smith v Maryland* that using "pen registers" that record what number called what other number, when, and for how long, did not violate the fourth amendment. The court in Smith reasoned that individuals have no expectation of privacy in information they knowingly hand over to the phone company. The FISC reasoned that even though the NSA metadata program collected more information than the program the supreme court upheld 35 years ago, the details did not make a constitutional difference. Individuals have no fourth amendment rights in their phone call metadata. The second component of the FISC argument was that "grouping together a large number of individuals", no single one of whom has "a fourth amendment interest", "cannot result in a fourth amendment interest springing into existence ex nihilo". Adding up many zeros doesn't create a positive value; bulk collection of unprotected materials over a sustained period of years raises no special constitutional considerations. Standing on its own, this logic may seem persuasive. But only until you think about how last year's *Jones* decision by the supreme court destabilizes this logic.

FISCR has jurisdiction over 4th amendment rulings

Donohue 14 Laura K Donohue; Professor of Law, Georgetown University Law Center. "BULK METADATA COLLECTION: STATUTORY AND CONSTITUTIONAL CONSIDERATIONS" *Harvard Journal of Law & Public Policy*, 37 *Harv. J.L. & Pub. Pol'y* 757. Summer, 2014. Lexisnexis.

To enforce the specialized probable cause standard encapsulated in FISA, Congress created a court of specialized but exclusive jurisdiction. n279 Its job was to ascertain whether sufficient probable cause existed for a target to be considered a foreign power, or an agent thereof; whether the applicant had provided the necessary details for the surveillance; and whether the appropriate certifications and findings had been made. It is thus surprising that the government considers these orders now to be evidence of precedent, on the basis of which, it argues, the programs are legal. In *ACLU v. Clapper*, n280 for instance, the government responded to the argument that it had exceeded its statutory authority under FISA by arguing: [S]ince May 2006, fourteen separate judges of the FISC have concluded on thirty-four occasions that the FBI satisfied this requirement, finding "reasonable grounds to believe" that the telephony metadata sought by the Government "are relevant to authorized investigations . . . being conducted by the FBI . . . to protect against international terrorism. n281 The government went on to cite Judge Eagan's August 2013 memorandum opinion in further support of its interpretation of "relevance." n282 These were the only points of reference that mattered: "Considering that the Government has consistently demonstrated the relevance of the requested records to the FISC's satisfaction, as Section 215 requires, it is difficult to understand how the government can be said to have acted in excess of statutory authority." n283 [*823] Even more surprising than the role the granting of orders is playing for establishing legal precedent is the revelation that FISC has greatly broadened the "special needs" exception to the Fourth Amendment to embrace wholesale data collection. n284 Although the Supreme Court has never recognized such an exception, FISC's unique constitutional interpretation has served to authorize broad collection of information on U.S. citizens.

Notably, because of the secret nature of FISC's proceedings and the ex parte nature of the court, there are no advocates who could appeal a decision based on this interpretation to the Supreme Court. Consequently, an unreviewable, complex body of law, establishing doctrines unrecognized by the Supreme Court, has emerged as precedent for future application to FISC. In *In re Directives*, FISCR looked back at its decision in *In re Sealed Case* to confirm "the existence of a foreign intelligence exception to the warrant requirement." n285 It acknowledged that FISC had "avoided an express holding that a foreign intelligence exception exists by assuming arguendo that whether or not the warrant requirements were met, the statute could survive on reasonableness grounds." n286 FISCR went on to determine that, as a federal appellate court, it would "review findings of fact for clear error and legal conclusions (including determinations about the ultimate constitutionality of government searches or seizures) de novo." n287 It then asserted, for the first time, a foreign intelligence surveillance exception to the Fourth Amendment: The question . . . is whether the reasoning of the special needs cases applies by analogy to justify a foreign intelligence exception to the warrant requirement for surveillance undertaken for national security purposes and directed at a foreign power or an agent of a foreign power reasonably believed to be located outside the United States. Applying principles derived from the special needs cases, we conclude [*824] that this type of foreign intelligence surveillance possesses characteristics that qualify it for such an exception. n288 The court analogized the exception to the 1989 Supreme Court consideration of the warrantless drug testing of railway workers, on the grounds that the government's need to respond to an overriding public danger could justify a minimal intrusion on privacy. n289 The government subsequently cited *In re Directives* in its August 9, 2013 white paper, defending the telephony metadata program, in support of an exception to the Fourth Amendment warrant requirement. n290 FISC continues to go beyond its mandate. In August 2013, for instance, FISC issued a twenty-nine-page Amended Memorandum Opinion regarding the FBI's July 18, 2013 application for the telephony metadata program. n291 Appending the seventeen-page order to the opinion, Judge Claire V. Eagan considered Fourth Amendment jurisprudence, the statutory language of Section 215, and the canons of statutory construction to justify granting the order. n292 Similarly, in a 2002 per curiam opinion, FISCR suggested the case raised "important questions of statutory interpretation, and constitutionality" and concluded "that FISA, as amended by the Patriot Act, supports the government's position, and that the restrictions imposed by the FISA court are not required by FISA or the Constitution." n293 Congress did not design the Foreign Intelligence Surveillance Court or the Court of Review to develop its own jurisprudence. Particularly in light of the secrecy and lack of adversarial process inherent in the court, it is concerning that FISC's decisions have taken on a force of their own in legitimizing the collection of information on U.S. citizens.

2NC Solvency – Section 215

Solves surveillance under Section 215 – requests go through the court every 90 days

Slobogin 14. Slobogin, Christopher. Milton Underwood Professor of Law, Vanderbilt University Law School. "Panvasive Surveillance, Political Process Theory, and the Nondelegation Doctrine" *Georgetown Law Journal* 102 *Geo. L.J.* 1721. August, 2014. Lexis.

The National Security Agency has wide-ranging authority to conduct surveillance of our phone and email communications, assuming its efforts are aimed at protecting national security. Under the Foreign Intelligence Surveillance Act of 1978, for instance, the NSA has the power to intercept the contents of certain communications if a special, secret court (the Foreign Intelligence Surveillance Court, or FISC) finds probable cause to believe a foreign agent is the target and that gathering intelligence is a "significant purpose" of the surveillance. n181 The focus here, however, will be solely on the NSA's authority to obtain "metadata," the term the NSA uses to describe both "envelope" information obtained from [*1756] phone and Internet carriers and information from other third-party sources. n182 While the NSA's interception of the content of communications still follows the typical Fourth Amendment model, at least in the sense that a particularized warrant is required, the NSA's metadata collection program has been highly panvasive in nature. Under Section 215 of the PATRIOT Act, as amended in 2006, the NSA and other intelligence agencies may, pursuant to a request through the FBI, obtain "any tangible thing[] (including books, records, papers, documents, and other items)" if it is "relevant to an authorized investigation [designed] . . . to protect against international terrorism or clandestine intelligence activities." n183 The designation of whether an investigation is authorized is solely within the discretion of the Attorney General or his or her delegate. **n184 Based on this authorization, the FISC decides whether to issue a Section 215 order, which must describe with particularity the types of items to be seized but not the people who will be targeted.** n185 Section 215 has long been the subject of criticism. n186 For instance, a Section 215 order permits the seizure of records of persons who are neither the agent of a foreign power nor the target of the investigation, and thus could authorize accessing personal information about many innocent Americans who happen to be somehow related to the investigation. As one commentator stated, "[T]he literal terms of section 215 would permit an entire database to be the subject of a FISA order. As long as there is 'an authorized investigation,' the statute does not set any limits on the type or number of records subject to the FISA order." n187 Snowden's disclosures, and the admissions made by the government subsequent to those disclosures, indicate that the NSA is taking full advantage of this authority. n188 The NSA, through the Attorney General, has asserted that the metadata of anyone who makes a phone call or sends a text message in the [*1757] United States are "relevant" to its ongoing investigation of terrorist activities, because only by obtaining this bulk information can the links between known and unknown terrorists be discovered. n189 The FISC has agreed, authorizing such bulk metadata collection for the first time in May 2006, and reauthorizing this collection (from, at a minimum, the three largest service providers) every ninety days since then, including in the wake of the Snowden affair n190 (although President Obama recently ordered that the metadata be stored with a third party rather than the NSA itself n191). As described in more detail in Part III, Snowden's revelations and the NSA's own disclosures indicate that these bulk metadata are "queried" on a frequent basis, resulting in the examination of the communication records of thousands of people. n192

2NC Solvency – EO 12333

Solves 12333 – FISA defers to NSA based on EO 12333 now, but CP breaks that, which routes cases surveillance cases through FISC

Farivar 13 (Cyrus Farivar, Senior Business Editor at Ars Technica; “Judge: “NSA exceeded the scope of authorized acquisition continuously” Nov 19, 2013 <http://arstechnica.com/tech-policy/2013/11/judge-nsa-exceeded-the-scope-of-authorized-acquisition-continuously/>)

The second important FISC opinion, authored by Judge Bates, came in response to a government request that aimed to expand the metadata collection program by “11-24 times.” Bates slammed the government for not adhering to its guidelines but “reluctantly” **allowed them to continue out of deference to the Executive Branch (and intelligence agencies, like the NSA, whose powers are granted through the Reagan-era Executive Order 12333)**. In the opinion, Judge Bates appears unwilling or unable to meaningfully punish any government officials despite clear violations of the court’s prior orders. “I see a lot of similarities between the Bates opinion and the Walton opinion,” Mark Rumold, a staff attorney at the Electronic Frontier Foundation, told Ars. Rumold was referring to a 2009 opinion by FISC Judge Reggie Walton, who also lambasted the government for breaking the rules.

2NC AT Circumvention/Noncompliance

FISC wont get circumvented – has disciplinary authority over NSA

Sinha 13 G. Alex Sinha. Aryeh Neier Fellow, Human Rights Watch and the American Civil Liberties Union. "NSA SURVEILLANCE SINCE 9/11 AND THE HUMAN RIGHT TO PRIVACY" Loyola Law Review 59 Loy. L. Rev. 861. Winter, 2013

On August 21, 2013, in response to a Freedom of Information Act (FOIA) lawsuit, intelligence officials declassified an October 2011 FISC opinion in which the court's chief judge castigated the NSA for misleading the FISC as to the nature and scope of some of the NSA's domestic surveillance activities. n230 According to the [*898] opinion, in May of 2011, the NSA revealed to the court that it had been collecting full strings of purely domestic communications that were not from, to, or about a legitimate surveillance target. n231 The NSA had been collecting as many as 56,000 of these communications annually, and the surveillance practices that led to this over-collection had been in place for roughly three years, since the passage of the FAA in 2008. n232 The FISC ordered the NSA to cease such collection, which it deemed unconstitutional, and subsequently approved a modified collection technique in November of 2011. n233 (The modified technique screened purely domestic communications to the FISC's satisfaction, and reduced the retention period for data from five years to two, though further details remain unclear.) n234 The court also criticized the NSA for using improper search terms in digging through the massive amounts of transactional data it obtained about Americans' calling records. n235

2NC AT Transparency Turn

FOIA solves transparency

EFF 15 (Electronic Frontier Foundation; non-profit organization working to preserve civil rights; 2015 <https://www.eff.org/issues/transparency>)

One of the major tools we use is the Freedom of Information Act (FOIA), a federal law that gives people the right to request information kept by federal government agencies. Our team of FOIA lawyers also submit requests on a variety of digital civil liberties issues and often take cases to court when we believe the government is unduly withholding information. But anyone can make a request under FOIA, and you can go here to learn how you can submit your own. While emerging technologies give the government new tools that threaten citizen civil liberties, technology also has the potential to create a more democratic relationship between public institutions and the citizens they serve. **Today, a broad range of new tools are allowing the public to more closely examine government and corporate entities and to hold them accountable for deception, censorship, and corruption**. In addition to using freedom of information laws to shed light on government actions, EFF also wants to highlight technologies that help the transparency process — whether it's making it easier to file and track FOIA requests, websites dedicated to whistleblowing, or open government initiatives that can improve access to information.