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#### Our interpretation is that “War powers authority of the President” refers to Commander in Chief power to deploy military force

**Bejesky 12** (Robert, M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American government and constitutional law courses for Alma College, and business law courses at Central Michigan University and the University of Miami, WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE "ZONE OF TWILIGHT,” St. Mary's Law Journal, 44 St. Mary's L. J. 1, lexis)

V. CONCLUSION¶ **The roles of war powers delegated to Congress and the Executive within the text of the United States Constitution are quite clear** when Framer intent and historical records are considered. **Congress authorizes the use of force; the President is Commander in Chief of the United States Military when using force within the confines of Congress's authorization**. n560 Congress has authorized the use of military force in all but one major confrontation the United States has engaged in (the Korean War), which includes declaring war five times and authorizing large-scale military force four times. n561 Presidents largely adhere to the War Powers Resolution of 1973, which requires the President provide information to Congress and affirms Congress's right to authorize the use of force. n562¶ The Constitution states Congress funds, legislates over, and otherwise provides for the military and that the President is caretaker of the military during peacetime. n563 **Once Congress authorizes the President to deploy military force, Congress cannot interfere with the President's execution of orders; however, Congress has limited, conditioned, and parameterized the use of force**. n564 Presidents respected those restrictions at Jackson's lowest [\*94] ebb. Professors Barron and Lederman emphasized that there was no prior "sustained practice of [Presidents] actually disregarding statutes" until the last Bush Administration. n565¶ Due to drastic global changes since the Framers adopted the United States Constitution, it is possible for the Executive Branch and advocates of Executive powers to be immoderately risk-averse and propel presidential power. The President's informational advantages with the expansion of the administrative state and control over the national security apparatus, the reinterpretation of the use of force in the post-UN world and disparate levels of force, judicial hesitation to accept certiorari on use of force questions after the Vietnam War, and the President's advice from legal counsel are the primary variables that lead to confrontation within the zone of twilight. n566 Other considerations that should abate risk aversion since the Constitution's adoption include: today's elevated cooperation, UN restrictions on the use of force, United States hegemony, NATO as a global defense pact, and the role of the UN Security Council to prevent the use of force.¶ **Advocates should be respected for** their **creativity** **in sponsoring a dominant executive position** and so-called inherent presidential authority **in war powers** premised on originalism. n567 **However, biased advisory memos classified under national security that contain faulty premises should not be regarded as legitimate opinions** **leading to precedent that expands presidential powers**. It is toilsome to conceive that the text of the Constitution is so manipulable and that Supreme Court cases, legislation, [\*95] academics, and logic have been in discord about the scope of the Executive's war powers for nearly two centuries.

#### Violation—the aff doesn’t talk about the war powers authority of the president

#### Vote negative—for limits—absent a reduction in presidential war powers, it is impossible for the negative to debate against the aff—we don’t even get generic ground to impact turn them and say that war powers are good—the only ground we get is sexual violence in debate is good or doesn’t exist which is clearly indefensible

###  K

#### The 1AC’s strategic refusal to focus on capital makes their politics banal, resulting in worse inequality and the expansion of the capitalist system

Meszaros, 95

[Istavan, Prof. Emeritus at Sussex, Beyond Capital: Towards a Theory of Transition] p. 190-1

The most important aspect of the family for the maintenance of the rule of capital over society is the perpetuation — and internalization — of the deeply iniquitous value system which cannot possibly allow the challenge of the authority of capital in determining what may be considered an acceptable course of action by the individuals, if they want to qualify as normal individuals, as opposed to being disqualified for their ‘deviant behaviour’. This is why we encounter everywhere the ‘I know my place in society’ syndrome of internalized subservience, in Anglo-Saxon countries no less than in Germany or in former Soviet Russia, and in proletarian families as a rule no less than in their bourgeois and petty bourgeois counterparts. To have a family type which would make possible for the younger generation to think of their future role in life in terms of an alternative — genuinely egalitarian — system of values, thereby cultivating the spirit of potential rebelliousness toward the existing forms of subordination, would be an absolute outrage from the standpoint of capital. Thus, given the established conditions of hierarchy and domination, the historic cause of women’s emancipation cannot be successfully pursued without asserting the demand for substantive equality in direct challenge to the authority of capital, which prevails not only in the all-embracing ‘macrocosm’ of society but equally in the constitutive ‘microcosms’ of the nuclear family. For the latter cannot help being authoritarian to the core on account of the social reproductive functions assigned to it within a system of metabolic control ruled by capital, determining the orientation of the particular individuals through its unexceptionable value system. The authoritarianisn in question is not simply a matter of the more or less hierarchical personal relationships among the members of the particular families. More than that, it concerns the absolute imperative to deliver what is expected from the historically evolved family type, enforced through the necessary structural subordination of the specific reproductive microcosms’ to the tyrannical requirements of the overall reproduction process. Substantive equality within the family would be feasible only if it could reverberate across the whole of the existing social ‘macrocosm’, which obviously it cannot. This is the fundamental reason why the dominant family type must be structured in a way which happens to be fittingly authoritarian and hierarchical. Failing to conform to the general structural imperatives of the established mode of control — by successfully asserting in the ubiquitous ‘microcosms’ of society the validity and self-realizing power of human interchanges based on substantive equality — the family would directly contradict both the ethos and the effective material/human requirements of securing the stability of capital’s hierarchical system of production and social reproduction, undermining its very conditions of survival.

#### Focusing on the identities of those who have been sexually violated in the debate community creates a dichotomy that divides resistance to capitalism

Cloud, 03

[Dana, Prof at UT Austin, Talk for Regional Socialist Conference, “Marxism and Oppression”, 4.19]

That title demonstrates the major flaw of identity politics, namely, that it encourages people to target the wrong enemies. If oppression is thought to be a matter of maligned identities rather than historical and systematic efforts to divide and conquer, then Black people will see their fight as being against white people; women against men; gay people against straight people; immigrants against the native born; and so on. This logic actually replicates the ideologies of the capitalist system and does the bosses’ work for them. As the Black abolitionist Frederick Douglass noted about the beneficiaries of slavery, “The slaveholders by encouraging the enmity of the poor, laboring white man against the Blacks, succeeded in making the said white man almost as much a slave as the Black himself. Both are plundered and by the same plunderers. They divided both to conquer each.” Identity politics cooperates with that division. It obscures the fact that white straight men can fight oppression, and can be convinced that their long-term interests are not served by perpetuating racism, sexism, or homophobia. Identity politics hides the fact that whenever capitalists can threaten to replace one group of workers with another, poorly paid group of workers, neither group benefits. And it obscures the fact that the majority of the world’s population is at the mercy of a tiny elite at the top of society, a few percent of the world’s population that controls most of the world’s wealth and power. Every specially oppressed group is divided by class, and elite members of those groups don’t necessarily share interests in common with working class members of the same group. However, class also can bring together the vast majority of oppressed people around the world in a common fight. We are going to have to get together to challenge that system and make a world based on different priorities, one that does not require division and scapegoating to enable a few people to profit at the expense of the many. The politics of identity cannot point the way towards building the kind of movement which can actually end oppression. Among existing organizations founded on the basis of identity politics, the tendency has been toward fragmentation and disintegration rather than growth and effectiveness. The tactics of identity politics are often limited to people with the resources to commit cultural actions and shocking displays. The lifestyle emphasis of identity politics guarantees that movements will remain fragmented, middle class in nature, an therefore unable to confront the basic antagonism of capitalist society.

**Capitalism commodifies all existence—it’s the logic of genocide and the ultimate devaluation of life**

**Kovel, 02**

(Joel Kovel, Alger Hiss Professor, Social Studies, Bard College, THE ENEMY OF NATURE: THE END OF CAPITALISM OR THE END OF THE WORLD, 2002, p. 141.)

Capital produces egoic relations, which reproduce capital. The isolated selves of the capitalist order can choose to become personifications of capital, or may have the role thrust upon them. In either case, they embark upon a pattern of non-recognition mandated by the fact that **the almighty dollar interposes itself between all elements of experience: all things in the world, all other persons, and between the self and its world: nothing** really **exists except in and through monetization. This set-up provides an ideal culture medium for the bacillus of competition and ruthless self-maximization. Because money is all that ‘counts’, a peculiar heartlessness characterizes capitalists, a tough-minded and cold abstraction that will sacrifice species, whole continents (viz. Africa) or inconvenient sub-sets of the population (viz. black urban males) who add too little to the great march of surplus value or may be seen as standing in its way** The presence of value **screens out genuine fellow-feeling or compassion, replacing it with the calculus of profit-expansion**. Never has a holocaust been carried out so impersonally When the Nazis killed their victims, the crimes were accom­panied by a racist drumbeat; for global capital, the losses are regrettable necessities.

#### Capitalism creates incentives for sexual violence against womyn

Kovel, 02

[Joel, Prof at Bard, Enemy of Nature, Zed Books] p. 55

A similar splitting is played out in the sphere of gender. As ecosystems are broken up and rearranged under capitalism, a fraction of women in metropolitan regions attain considerable autonomy and opportunity, while conditions for the world’s majority sharply deteriorate. This is evident in the high percentage of women in sweatshops around the world (where fine motor skills and patriarchally imposed docility are valued); the burgeoning sex trade industries, where numberless women have now, in the era of free trade, become actual slaves (as have innumerable others in the sweatshops); as well as the general rise of rape and spousal abuse as concomitants of a disintegrating social order, so far gone that a recent UNICEF report indicates that nearly half the world’s women come under attack by those closest to them.7

#### This is historically true

Kovel, 02

[Joel, Prof at Bard, Enemy of Nature, Zed Books]p. 121

We would emphasize again that these principles would be variously applied across a vast range of situation. There is no need, either; to imagine a single such event radiating outward to encompass the rest of humanity But what has to be underscored is the absolute dynamism of this event, and the fact that it amounted to a real mutation of human society as potent as anything from the realm of genetics. Out of the nexus of original male violence arose codified property relations, as a way of holding on to what had been taken: hence the notion of legitimacy follows that of violent seizure. Similarly, the institution of patriarchy emerged, as a system of apportioning women and assuring ownership and control over children —a never ending dilemma for the man who sows his seed and moves on, as the Big Man must. Property in this sense is not primarily that which attaches to the self, like clothing or jewellery (although in stratified and wealthy societies, the control over personal consumption is quite significant), but rather the power of producing — and re-producing — life and the means for life. The control over labour generates civilization, and this originates in the forcible control over women. It follows that domination and property are gendered from the beginning. This means that a basic alienation is introduced at the foundations of society -- alienation being the reflex, at the level of human being, of ecosystemic splitting. The dominant male identity is formed in this cauldron. From the beginning, its reference point is the other males in the hunting/ warrior group, with whom it associates and identifies; coordinatively, it comes to shun and deny recognition to the subjected female. A purified male-Ego comes to define the dominant form taken by the self, which enters into the exfoliating system of splits constituting the emergent civilization. Subjectively, this alienation becomes inscribed as a progressive separation from the body, and from what the body signifies, namely, nature.

**Vote Negative to validate and adopt the method of structural/historical criticism—this action is the necessary starting point—only by understanding the epistemology of capitalism and why it has historically been propagated can we create an effective criticism of the squo**

**Tumino, 01**

[Stephen, Prof English at Pitt, ““What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critique, p. online]

Any **effective political theory will have to** do at least two things: it will have to **offer an integrated understanding of social practices and, based on such** an interrelated **knowledge, offer a** guideline for **praxis**. My main argument here is that among all contesting social theories now, **only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity**. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that **to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality**. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This **systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions** and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All **modes** of Marxism **now explain social inequalities primarily on the basis of these secondary contradictions and in doing so**—and this is my main argument—**legitimate capitalism**. Why? **Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society**, based on cultural equality but economic inequality, **has always been the not-so-hidden agenda of the bourgeois** left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . **For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable**, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . **). Such an understanding** of social inequality **is based on the fundamental understanding that the source of wealth is human knowledge and not** human **labor**. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. **Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth**. In this paper I argue that **any** **emancipatory theory has to be founded on recognition** of the priority of Marx's labor theory of value **and not repeat the technological determinism of** corporate theory ("**knowledge work") that masquerades as social theory**.

### K

#### The affirmative takes the position of the Maoist – their engagement the Otherness is parasitic and consumptive, naturalizing academic colonialism and oppression

**Chow, Anne Firor Scott Professor of Literature at Duke, 93**

(Rey, Writing Diaspora, Indiana University of Press, 1993, p.10-13, accessed via Google Books on 5-29-12, JDB) \*Note – under erasure

**The Orientalist has a special sibling whom I will**, in order to highlight her significance as a kind of representational agency, **call the Maoist.** Arif Dirlik, who has written extensively on the history of political movements in twentieth-century China, sums up **the interpretation of Mao Zedong commonly found in Western Marxist analyses in terms of a “'Third Worldist fantasy"**—“a fantasy of Mao as a Chinese reincarnation of Marx who fulfilled the Marxist promise that had been betrayed in the West."° **The Maoist was the phoenix which arose from the ashes of the great disillusionment with Western culture** in the 1960s **and which found hope in the Chinese Communist Revolution.** In the 1970s, when it became possible for Westerners to visit China as guided and pampered guests of the Beijing establishment, Maoists came back with reports of Chinese society’s absolute, positive difference from Western society and of the Cultural Revolution as "the most important and innovative example of Mao’s concern with the pursuit of egalitarian, populist, and communitarian ideals in the course of economic modernization” (Harding, p. 939). At that time, **even poverty in China was regarded as "spiritually ennobling**, since it meant that [the] Chinese were not possessed by the wasteful and acquisitive consumerism of the United States" [Harding, p. 941). Although the excessive admiration of the 1970s has since been replaced by an oftentimes equally excessive denigration of China, the Maoist is very much alive among us, and her significance goes far beyond the China and East Asian fields. Typically, **the Maoist is a cultural critic who lives in a capitalist society but who is fed up with capitalism**—**a cultural critic**, in other words, **who wants a social order opposed to the one that is supporting her own undertaking.** **The Maoist is thus a supreme example of the way desire works: What she wants is always located in the other, resulting in an identification with and valorization of that which she is not does not have. Since what is valorized is** often **the other’s deprivation – “having" poverty or “having" nothing**-**the Maoists strategy becomes in the main a rhetorical renunciation of the material power that enables her rhetoric.** In terms of intellectual lineage, one of the Maoists most important ancestors is Charlotte Bronté's Jane Eyre. Like Jane, **the Maoist’s means to moral power is a specific representational position**—**the position of powerlessness.** In their reading of Jane Eyre, Nancy Armstrong and Leonard Tennenhouse argue that the novel exemplifies the paradigm of violence that expresses its dominance through a representation of the self as powerless: Until the very end of the novel, Jane is always excluded from every available form of social power. **Her survival seems to depend on renouncing what power might come to her** as teacher, mistress, cousin, heiress, or missionary’s wife. **She repeatedly flees from such forms of inclusion in the field of power,** **as if her status as an exemplary subject, like her authority as narrator, depends entirely on her claim to a kind of truth which can only be made from a position of powerlessness.** By creating such an unlovely heroine and subjecting her to one form of harassment after another, Bronte demonstrates the power of words alone."' This reading of Jane Eyre highlights her not simply as **the** female **underdog who is often identified by feminist and Marxist critics, but as the intellectual who acquires power through an moral rectitude that was to become the flip side of Western imperialism`s ruthlessness.** Lying at the core of Anglo-American liberalism, **this moral rectitude would accompany many territorial and economic conquests overseas with a firm sense of social mission.** When Jane Eyre went to the colonies in the nineteenth century, she turned into the Christian missionary. It is this understanding—that Bronté's **depiction of a socially marginalized English woman is, in terms of ideological production, fully complicit with England`s empire-building ambition** rather than opposed to it—that prompted Gayatri Spivak to read Jane Eyre as a text in the service of imperialism. Referring to Bronté’s treatment of the "madwoman” Bertha Mason, the white Jamaican Creole character, Spivak charges Jane Eyre for, precisely, its humanism, in which **the "native subject" is not created as an animal but as “the object of what might be termed the terrorism of the categorical imperative**? **This kind of creation is imperialism’s use/travesty of the Kantian metaphysical demand to "make the heathen into a human so that ~~he~~ can be treated as an end in ~~himself~~”** In the twentieth century, as Europe’s former colonies became independent, Jane Eyre became the Maoist. Michel de Certeau describes the affinity between her two major reincarnations, one religious and the other political, this way: **The place that was formerly occupied by the Church or Churches vis-a-vis the established powers remains recognizable, over the past two centuries, in the functioning of the opposition known as leftist**. . . . **[T]here is vis-a-vis the established order, a relationship between the Churches that defended an other world and the parties of the left which, since the nineteenth century, have promoted a different future**. In both cases, similar functional characteristics can be discerned.... **The Maoist retains many** of Jane’s **awesome features, chief of which are a protestant passion to turn powerlessness into "truth" and an idealist intolerance of those who may think differently from her.** **Whereas the great Orientalist blames the living "third world" natives for the loss of the ancient non-Western civilization, his loved object, the Maoist applauds the same natives for personifying and fulfilling her ideals.** **For the Maoist in the 1970s, the mainland Chinese were, in spite of their "backwardness” of a puritanical alternative to the West in human form—a dream come true**. In the 1980s and 1990s, however, the Maoist is disillusioned to watch the China they sanctified crumble before their eyes. This is the period in which we hear disapproving criticisms of contemporary Chinese people for liking Western pop music and consumer culture, or for being overly interested in sex. In a way that makes her indistinguishable from what at first seems a political enemy, the Orientalist, the Maoist now mourns the loss of her loved object—Socialist China-—by pointing angrily at living "third world" natives. For many who have built their careers on the vision of Socialist China, the grief is tremendous. **In the "cultural studies" of the American academy** in the 1990s, **the Maoist is reproducing with prowess.** **We see this in the way terms such as "oppression," “victimization," and “subalternity" are now being used.** Contrary to Orientalist disdain for contemporary native cultures of the non-West, **the Maoist tums precisely the “disdained" other into the object of his/her study and**, in some cases, **identification.** **In a mixture of admiration and moralism, the Maoist** sometimes **turns all people from non-Western cultures into a generalized "subaltern" that is then used to flog an equally generalized “West.”** Because **the representation of "the other" as such ignores** (1) **the class and intellectual hierarchies within these other cultures**, which are usually as elaborate as those in the West, **and** (2) **the discursive power relations structuring the Maoists mode of inquiry and valorization, it produces a way of talking in which notions of lack, subalternity, victimization, and so forth are drawn upon indiscriminately**, often **with the intention of spotlighting the speaker’s own sense of alterity and political righteousness.** A comfortably wealthy white American intellectual I know claimed that he was a "third world intellectual,” citing as one of his credentials his marriage to a Western European woman of part-Jewish heritage; a professor of English complained about being "victimized" by the structured time at an Ivy League institution, meaning that she needed to be on time for classes; a graduate student of upper-class background from one of the world’s poorest countries told his American friends that he was of poor peasant stock in order to authenticate his identity as a radical "third world" representative; male and female academics across the U.S. frequently say they were "raped" when they report experiences of professional frustration and conflict. **Whether sincere or delusional, such cases of self—dramatization all take the route of self-subalternization, which has increasingly become the assured means to authority and power.** **What these intellectuals are doing is robbing the terms of oppression of their critical and oppositional import, and thus depriving the oppressed of even the vocabulary of protest and rightful demand**. **The oppressed, whose voices we seldom hear, are rubbed twice—the first time of their economic chances, the second time of their language, which is now no longer distinguishable from those of us who have had our consciousnesses “raised.”**

#### Reject the affirmative – our first obligation as intellectuals is to struggle against becoming the objects and instruments of power

**Chow, Anne Firor Scott Professor of Literature at Duke, 93**

(Rey, Writing Diaspora, Indiana University of Press, 1993, p.10-13, accessed via Google Books on 5-29-12, JDB)

**Because "borders" have so clearly meandered into so many intellectual issues** that the more stable and conventional relation between borders and the "field” no longer holds, **intervention cannot simply be thought of in terms of the creation of new “fields.**” Instead, it is necessary to think primarily in terms of borders—of borders, that is, as parasites that never take over a field in its entirety but erode it slowly and tactically. The work of Michel de Certeau is helpful for a formulation of this parasitical intervention. De Certeau distinguishes between "strategy" and another practice—“tactic"—in the following terms. **A strategy has the ability to “transform the uncertainties of history into readable spaces"** (de Certeau, p. 36). **The type of knowledge derived from strategy is** "one **sustained and determined by the power to provide oneself with one's own place"** (de Certeau, p. 36). Strategy therefore belongs to "an economy of the proper place" (de Certeau, p. 55) and to those who are committed to the building, growth, and fortification of a “field.” **A text**, for instance, **would become in this economy “a cultural weapon**, a private hunting preserve,” **or “a means of social stratification** in the order of the Great Wall of China (de Certeau, p. 171). **A tactic, by contrast, is "a calculated action determined by the absence of a proper locus"** (de Certeau, p. 37). Betting on time instead of space, a tactic "concerns an operational logic whose models may go as far back as the age-old ruses of fishes and insects that disguise or transform themselves in order to survive, and which has in any case been concealed by the form of rationality currently dominant in Western culture" (de Certeau, p. xi). Why are "tactics” useful at this moment? **As discussions about "multiculturalism," “interdisciplinarity,” "the third world intellectual,” and other companion issues develop in the** American **academy and society today, and as rhetorical claims to political change and difference are being put forth, many deep-rooted, politically reactionary forces return to haunt us.** **Essentialist notions of culture and history; conservative notions of territorial and linguistic propriety, and the “otherness" ensuing from them; unattested claims of oppression and victimization that are used merely to guilt-trip and to control; sexist and racist reaffirmations of sexual and racial diversities that are made merely in the name of righteousness**—**all these forces** **create new "solidarities" whose ideological premises remain unquestioned.** These new solidarities are often **informed by a strategic attitude which repeats what they seek to overthrow.** The weight of old ideologies being reinforced over and over again is immense. We need to remember as intellectuals that **the battles we fight are battles of words. Those who argue the oppositional standpoint are not doing anything different from their enemies and are most certainly not directly changing the downtrodden lives of those who seek their survival** in metropolitan and nonmetropolitan spaces alike. **What academic intellectuals must confront is thus not their "victimization” by society at large** (or their victimization-in-solidarity-with-the-oppressed), **but the power, wealth, and privilege that ironically accumulate from their “oppositional" viewpoint, and the widening gap between the professed contents of their words and the upward mobility they gain from such words. (When Foucault said intellectuals need to struggle against becoming the object and instrument of power, he spoke precisely to this kind of situation.)** The predicament we face in the West, where intellectual freedom shares a history with economic enterprise, is that "if a professor wishes to denounce aspects of big business . . . he will be wise to locate in a school whose trustees are big businessme11."”' **Why should we believe in those who continue to speak to language of alterity**—**as-lack** **while their salaries and honoraria keep rising?** **How do we resist the turning-into-propriety of oppositional discourses, when the intention of such discourses has been that of displacing and disowning the proper?** **How do we prevent** what begin as **tactics**—that which is "without any base where it could stockpile its winnings” (de Certeau, p. 37)—**from turning into a solidly fenced-off field,** in the military no less than in the academic sense?

### Case

**The aff gets co-opted—the logic of the academy means that we gain knowledge about their affirmative but never actualize it or create any change**

**Occupied UC Berkeley, 09**

(The Necrosocial: Civic Life, Social Death, and the UC; <http://anticapitalprojects.wordpress.com/2009/11/19/the-necrosocial/>, 11/19 //shree)

He and his look forward to a reproduction of the logic of representative governance, the release valve of the university plunges us into an abyss where ideas are wisps of ether—that is, meaning is ripped from action.  **Let’s talk about the fight endlessly, but always only in their managed form: to perpetually deliberate**, the endless fleshing-out-of—when we push the boundaries of this form they are quick to reconfigure themselves to contain us: the chancellor’s congratulations, the reopening of the libraries, the managed general assembly—there is no fight against the administration here, only its own extension. Each day passes in this way, the administration on the look out to shape student discourse—it happens without pause, we don’t notice nor do we care to. It becomes banal, thoughtless.  So much so that we see we are accumulating days: one semester, two, how close to being this or that, how far?  This accumulation is our shared history.  This accumulation—every once in a while interrupted, violated by a riot, a wild protest, unforgettable fucking, the overwhelming joy of love, life shattering heartbreak—is a muted, but desirous life.  A dead but restless and desirous life. The university steals and homogenizes our time yes, our bank accounts also, but it also steals and homogenizes meaning.  **As much as capital is invested in building a killing apparatus abroad, an incarceration apparatus in California, it is equally invested here** in an apparatus **for managing social death**.  Social death is, of course, simply the power source, the generator, of civic life with its talk of reform, responsibility, unity.  **A ‘life,’ then, which serves merely as the public relations mechanism for death**: its garrulous slogans of freedom and democracy designed **to obscure the shit and decay in which our feet are planted**. Yes, **the university is a graveyard**, but it is also a factory: **a factory of meaning which produces civic life and** at the same time produces **social death.  A factory which produces** the illusion that meaning and reality can be separated; which everywhere reproduces the empty reactionary behavior of students based on the values of life (identity), liberty (electoral politics), and happiness (private property).  Everywhere the same whimsical ideas of the future. Everywhere democracy. Everywhere **discourse to shape our desires and distress in a way acceptable to the electoral state, discourse designed to make** our very moments here together into **a set of legible and fruitless demands**. Totally managed death. A machine for administering death, for the proliferation of technologies of death. As elsewhere, things rule. Dead objects rule. In this sense, it matters little what face one puts on the university—whether Yudof or some other lackey. These are merely the personifications of the rule of the dead, the pools of investments, the buildings, the flows of materials into and out of the physical space of the university—each one the product of some exploitation—which seek to absorb more of our work, more tuition, more energy. The university is a machine which wants to grow, to accumulate, to expand, to absorb more and more of the living into its peculiar and perverse machinery: high-tech research centers, new stadiums and office complexes. And at this critical juncture the only way it can continue to grow is by more intense exploitation, higher tuition, austerity measures for the departments that fail to pass the test of ‘relevancy.’ But **the ‘irrelevant’ departments also have their place**.  With their ‘pure’ motives of knowledge for its own sake, they perpetuate the blind inertia of meaning ostensibly detached from its social context.  As the university cultivates its cozy relationship with capital, war and power, these discourses and research programs play their own role, **co-opting** and containing **radical potential**.  And so **we attend lecture after lecture about how ‘discourse’ produces ‘subjects,’ ignoring** the most obvious fact **that we** ourselves **are produced by this discourse about discourse which leaves us believing that it is only** words which matter, **words about words which matter.  The university gladly permits** the precautionary **lectures on** biopower; on the **production of race** and gender; on the reification and the fetishization of commodities.  A taste of the poison serves well to inoculate us against any confrontational radicalism.  And all the **while power weaves the invisible nets which contain and neutralize all thought and action**, that bind revolution inside books, lecture halls.

#### Forced refutation of someone else’s personal experience collapses the possibility of open and structured conversation

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Having traced a major strand in the development of CRT, we turn now to the strands' effect on the relationships of CRATs with each other and with outsiders. As the foregoing material suggests, the central CRT message is not simply that minorities are being treated unfairly, or even that individuals out there are in pain - assertions for which there are data to serve as grist for the academic mill - but that the minority scholar himself or herself hurts and hurts badly. An important problem that concerns the very definition of the scholarly enterprise now comes into focus. What can an academic trained to [\*694] question and to doubt n72 possibly say to Patricia Williams when effectively she announces, "I hurt bad"? n73 "No, you don't hurt"? "You shouldn't hurt"? "Other people hurt too"? Or, most dangerously - and perhaps most tellingly - "What do you expect when you keep shooting yourself in the foot?" If the majority were perceived as having the well- being of minority groups in mind, these responses might be acceptable, even welcomed. And they might lead to real conversation. But, writes Williams, the failure by those "cushioned within the invisible privileges of race and power... to incorporate a sense of precarious connection as a part of our lives is... ultimately obliterating." n74 "Precarious." "Obliterating." These words will clearly invite responses only from fools and sociopaths; they will, by effectively precluding objection, disconcert and disunite others. "I hurt," in academic discourse, has three broad though interrelated effects. First, it demands priority from the reader's conscience. It is for this reason that law review editors, waiving usual standards, have privileged a long trail of undisciplined - even silly n75 - destructive and, above all, self-destructive arti cles. n76 Second, by emphasizing the emotional bond between those who hurt in a similar way, "I hurt" discourages fellow sufferers from abstracting themselves from their pain in order to gain perspective on their condition. n77 [\*696] Last, as we have seen, it precludes the possibility of open and structured conversation with others. n78 [\*697] It is because of this conversation-stopping effect of what they insensitively call "first-person agony stories" that Farber and Sherry deplore their use. "The norms of academic civility hamper readers from challenging the accuracy of the researcher's account; it would be rather difficult, for example, to criticize a law review article by questioning the author's emotional stability or veracity." n79 Perhaps, a better practice would be to put the scholar's experience on the table, along with other relevant material, but to subject that experience to the same level of scrutiny. If through the foregoing rhetorical strategies CRATs succeeded in limiting academic debate, why do they not have greater influence on public policy? Discouraging white legal scholars from entering the national conversation about race, n80 I suggest, has generated a kind of cynicism in white audiences which, in turn, has had precisely the reverse effect of that ostensibly desired by CRATs. It drives the American public to the right and ensures that anything CRT offers is reflexively rejected. In the absence of scholarly work by white males in the area of race, of course, it is difficult to be sure what reasons they would give for not having rallied behind CRT. Two things, however, are certain. First, the kinds of issues raised by Williams are too important in their implications [\*698] for American life to be confined to communities of color. If the lives of minorities are heavily constrained, if not fully defined, by the thoughts and actions of the majority elements in society, it would seem to be of great importance that white thinkers and doers participate in open discourse to bring about change. Second, given the lack of engagement of CRT by the community of legal scholars as a whole, the discourse that should be taking place at the highest scholarly levels has, by default, been displaced to faculty offices and, more generally, the streets and the airwaves.

#### Every time they use the term “women” to denote a common identity they have turned the case. “Women” is not a stable signifier-their reading of “women’s material bodies” slaps an identity onto bodies and overdetermines the experience of individual bodies with labels, eliminating subjective experience.

Butler ’90

 (Gender Trouble, pg. 3)

Apart from the foundationalist fictions that support the notion of the subject, however, there is the political problem that feminism encounters in the assumption that the term *women* denotes a common identity. Rather than a stable signifier that commands the assent of those whom it purports to describe and represent, *women*, even in the plural, has become a troublesome term, a site of contest, a cause for anxiety. As Denise Riley’s title suggests, *Am I That Name?* is a question produced by the very possibility of the name’s multiple significations. If one “is” a woman, that is surely not all one is; the term fails to be exhaustive, not because a pregendered “person” transcends the specific paraphernalia of its gender, but because gender is not always constituted coherently or consistently in different historical contexts, and because gender intersects with racial, class, ethnic, sexual, and regional modalities of discursively constituted identities. As a result, it becomes impossible to separate out “gender” from the political and cultural intersections in which it is invariably produced and maintained.

Their treatment of males as equivalent to men, the oppressor, is an act of division that forecloses all other options besides dialectical reversal. This is a “with us or against us” approach to biological sex that eviscerates those whose identity is caught somewhere in between.

Azaldua in ’99 [Borderlands/La Frontera, pg 80]

Lumping the males who deviate from the general norm with man, the oppressor, is a gross injustice. Asombra pensar que nos hemos quedado en ese pozo oscuro donde el mundo encierra a las lesbianas {it’s amazing to think that we have been stuck in this dark well where the world encloses lesbians}. Asombra pensar que hemos, como feministas y lesbianas, cerrado nuestros corazones a los hombres, a nuestros hermanos los jotos, desheredados y marginales como nosotros. {It’s amazing to think that we, as feminists and lesbians, have closed our hearts to men, to our brothers the gays, disinherited and marginalizes like us}Being the extreme crossers of cultures, homosexuals have strong bonds with the queer white, Black, Asian, Native American, Latino and with the queer in Italy, Australia and the rest of the planet. We come from all colors, all classes, all races, all time periods. Our role is to link people with each other- the Blacks with Jews with Indians with Asians with whites with extraterrestrials. It is to transfer ideas and information from one culture to another. Colored homosexuals have more knowledge of other cultures; have always been at the forefront (although sometimes in the closet) of all liberation struggles in this country; have suffered more injustices and have survived them despite all odds. Chicanos need to acknowledge the political and artistic contributions of their queer. People, listen to what your joteria is saying. The mestizo and the queer exist at this time and point on the evolutionary continuum for a purpose. We are a blending that proves that all blood is intricately woven together, and that we are spawned out of similar souls.

#### The aff normalizes gender- the aff utilize the construction of gender that allows people to leverage biology to oppress others. They might mean well, but they are actually doing more harm than good. Voting for them will decrease meaningful female participation in the debate community.

Gosine, ‘2

Kevin Gosine, Brock University Sociologist, Essentialism Versus Complexity: Conceptions of Racial Identity Construction in Educational Scholarship, CANADIAN JOURNAL OF EDUCATION 27, 1 (2002): 81–100, http://www.csse.ca/CJE/Articles/FullText/CJE27-1/CJE27-1-06Gosine.pdf.

Researchers might consider employing postmodern perspectives to highlight the various ways individuals negotiate, engage, and resist such collective identifications from the multiplicity of subject positions that comprise a given racial community. Put differently, it is important to account for the unique ways different social statuses continually intersect to complicate collective strivings for coherent racial identities. Although collective or intersubjective forms of racial identity can frequently work to protect and empower racialized youth living within a hostile, Eurocentric environment (Miller, 1999), the imposition of defensively situated (counter-hegemonic) essentialisms can be, as Yon’s (2000) interviews with Trevor and Margaret illustrate, just as confining or oppressive as the negatively valued representations that circulate within the dominant society. In both cases, human subjects are objectified through the imposition of confining, static labels — a situation that provides fertile ground for intra-communal classism, sexism, and homophobia. For this reason, it is worthwhile to explore the diverse effects of these racialized communal forms of consciousness along with the multiplicity of ways in which individuals negotiate and make sense of them. Accounting for intra-group division, ambivalence, and rupture exposes the unstable and fluid nature of collective identities

#### We must reject imposition of hegemonic identity categories- we cannot ask anyone to sacrifice one part of their identity to maintain another- anything else is an act of psychic violence.

Bartel, ‘8

[Johannes Bartel, “Hybridity as a “Narrative of Liberation” in Trevor D. Rhone’s Old Story Time,” as peers, issue 1, 2008, http://www.aspeers.com/2008/barthel?fulltext]

Zapf takes the deconstructive element as the particular strength of Bhabha’s concept, which becomes clear when he states: “Deconstruction . . . in particular allows, philosophically thinking, ‘hybridity’ without a primacy of purity for the first time” (41, my translation).1 This aspect of Bhabha’s notion of hybridity is very important, since it undermines the dualistic oppositions that hegemonic groups and their discourses of purity operate wit (Zapf 51). But, as Zapf further notes, not only are claims by the dominant group rejected by this conception of hybridity, but also those of minority groups and discourses “that want to differentiate and fix racial and cultural features in an essentialist way” (51, my translation), such as the négritude movement in the Caribbean. Therefore, as Ashcroft, Griffiths, and Tiffin suggest, hybridity can be seen as “a means of evading the replication of the binary categories of the past and developing new anti-monolithic models of cultural exchange and growth” (“Introduction” 137). In this sense, Bhabha’s concept of hybridity answers Tejumola Olaniyan’s call for a “post-Afrocentric” discourse that subverts . . . the culturalist notion of difference that animates both the Eurocentric and the Afrocentric discourses—the fixation of one upon a white = civilized – black = barbaric opposition and of the other on a “white aesthetic” against a “black aesthetic”—and the quiet disregard by both for the complexity of the enabling conditions of their utterances. (27)2 Bhabha claims that culture is constructed in what he calls the “Third Space,” which he sees represented by “both the general conditions of language and the specific implication of the utterance in a performative and institutional strategy” (156). Since the subject making the utterance cannot consciously be aware of this strategy, Bhabha contends that “this unconscious relation introduces . . . an ambivalence in the act of interpretation” (156). Ambivalence here describes the “fluctuating relationship between mimicry and mockery” that is “fundamentally unsettling to colonial dominance” (Ashcroft, Griffiths, and Tiffin, Key Concepts 13). This form of ambivalence created within the Third Space therefore shatters “the very basis on which imperialist and colonialist discourse raises its claims of superiority” (121): the assertion of authenticity. Instead of creating a binary opposition in which the colonizer is the preferred and only powerful term in contrast to the powerless colonized, Bhabha “stresses [the] interdependence and the mutual construction of [the] subjectivities” (118) between both parties. He thereby rejects the notion of the simple one-way power structure in the colonial situation (118).

#### The communities they build will be closed over – contained within the content and identity put out over the airwaves – fortified and ready to challenge communities proporting different messages. The 1AC becomes a mandate for exclusion.

Caputo ’97 John Caputo is the Thomas J. Watson Professor of Religion Emeritus at [Syracuse University](http://en.wikipedia.org/wiki/Syracuse_University) Deconstruction in a Nutshell A Conversation with Jaques Derrida 1997 (107-109)

Deconstruction gets blamed for a lot of things--for everything from undermining the law of gravity to supporting Mormon polygamy and to starting the wars in Bosnia! At least, it has been suggested that the nationalist wars in central Europe are a good example of the legacy of the postmodern advocacy of "difference," of the right to be different. [1](http://www.questia.com/reader/action/gotoDocId/98137993#1) What else can the Croatian difference, the Bosnian difference, the Islamic difference, the Christian difference breed than strife not harmony, division not unity, war not peace? Alas, I would say such nationalisms are the last thing that Derrida means by "difference" and the tout autre, or by the politics of difference and a democracy to come. Indeed, the various nationalisms are for him the almost perfect embodiment of "identity," of identitarianism, of self-affirming, selfprotecting, homogenizing identities that make every effort to exclude the different. Such nationalist identitarianism does everything it can to prevent the "other" from crossing over "our" borders, from taking "our" jobs, from enjoying "our" benefits and going to "our" schools, from disturbing "our" language, culture, religion, and public institutions. They could not be more inhospitable to the coming of the other. Postmodern difference, let us say, the difference that interests Derrida, is deeply multi-cultural, multi-lingual, and multi-racial, representing what I have elsewhere called a highly miscegenated "polymorphism." [2](http://www.questia.com/reader/action/next/98137993#2) Derrida does not dismiss the idea of unity and identity out of hand, for "pure" diversity, were such a thing possible, would spell death no less surely than would a "pure" totalitarian unity. But he advocates highly heterogenous, porous, self-differentiating quasiidentities, unstable identities, if that is what they are, that are not identical with themselves, that do not close over and form a seamless web of the selfsame. What Derrida advocates, in a nutshell, is "democracy," which is supposed to be a very generous "receptacle" for every difference imaginable.

That is why Derrida is troubled by, and wants to make a certain trouble for, the word "community":

I don't much like the word community, I am not even sure I like the thing.

If by community one implies, as is often the case, a harmonious group, consensus, and fundamental agreement beneath the phenomena of discord or war, then I don't believe in it very much and I sense in it as much threat as promise.

There is doubtless this irrepressible desire for a "community" to form but also for it to know its limit--and for its limit to be its opening [ PdS, 366/ Points355].

What he does not like about the word community is its connotations of "fusion" and "identification" ( Sauf38/ ON46) [3](http://www.questia.com/reader/action/next/98137993#3). After all, communio is a word for a military formation and a kissing cousin of the word "munitions"; to have a communio is to be fortified on all sides, to build a "common" (com) "defense" (munis), as when a wall is put up around the city to keep the stranger or the foreigner out. [4](http://www.questia.com/reader/action/next/98137994#4) The self-protective closure of "community," then, would be just about the opposite of what deconstruction is, since deconstruction is the preparation for the incoming of the other, "open" and "porous" to the other, which would of course make one poor excuse for a defense system. A "universal community" excluding no one is a contradiction in terms; communities always have to have an inside and an outside. That is why Derrida's comments on "community" --which is otherwise a mom-and-applepie word, at the very sound of which every politician's knee must bend--are always extremely guarded, on guard against the guard that communities station around themselves to watch out for the other (see Pol.329-331). That, too, is why it was necessary to put the word "we" in scare quotes in the previous chapter. For the deconstructive "we" is always highly qualified and unsure, always running scared, a certain "we who cannot say we," a "we, if such a thing exists." I said above, referring to Derrida's theory of meaning and truth, that he is neither an essentialist nor a conventionalist, that he subscribes neither to preexisting meanings and truths to which linguistic practices must conform, nor to deeply but inchoately understood practices that exert a more gentle but no less sure rule. In a similar way, we can say here that, as regards social theory, Derrida is neither a liberal nor a communitarian, that he has no more confidence in Rawls's coldly formal guarantee of procedural rights than in snuggling up, à la Alasdair Maclntyre and Stanley Hauerwas, to the hearth of a communal tradition with deep and connatural intuitions of truths that run deeper than we can say or formalize. He is just as troubled by liberalism as by communitarianism, by essentialism as by conventionalism. That is because he is an in-ventionalist, because his eye or ear is always turned to what is to come and because he keeps a constant watch for all those forces that would contain what is coming, that would forestall or prevent the invention of the other. Liberalism for him is subjectivism, a philosophy in which everything turns on the "rights" of the "autonomous subject," whereas deconstruction is a philosophy of "responsibility to the other," where everything turns on the turn to the other. Communitarianism, on the other hand, assumes some sort of deep truth in the tradition upon which the individual draws as long as he remains tapped into its flow; whereas for Derrida one must watch out for the ways tradition and community become excuses for conservativism, for the exclusion of the incoming of the other, and hence constitute "as much threat as promise," as much a trap as a tap.

## 2NC

**Brown, Feminist Scholar and Professor of Political Science at UC Berkeley, 96**

(Wendy, “Constitutions and 'Survivor Stories': In the 'folds of our own discourse' The Pleasures and Freedoms of Silence,” 3 U Chi L Sch Roundtable 185, accessed via LexisNexis on 5-30-12, JDB)

But **if the silences in discourses of domination are a site for insurrectionary noise, if they are the corridors we must fill with explosive counter-tales, it is also possible to make a fetish of breaking silence.** Even more than a fetish, **it is possible that this ostensible tool of emancipation carries its own techniques of subjugation**--**that it converges with non-emancipatory tendencies in contemporary culture** (**for example**, the ubiquity of **confessional discourse and rampant personalization of political life**), **that it establishes regulatory norms, coincides with the disciplinary power of confession**, in short, **feeds the powers we meant to starve.** While attempting to avoid a simple reversal of feminist valorizations of breaking silence, it is this dimension of silence and its putative opposite with which this Article is concerned. In the course of this work, I want to make the case for silence not simply as an aesthetic but a political value, a means of preserving certain practices and dimensions of existence from regulatory power, from normative violence, as well as from the scorching rays of public exposure. **I** also **want to suggest a link between**, on the one hand, **a certain contemporary tendency** concerning the lives of public figures--**the confession or extraction of every detail of private and personal life** (sexual, familial, therapeutic, financial) **and**, on the other, a certain practice in feminist culture: **the compulsive putting into public discourse of heretofore hidden or private experiences**--**from catalogues of sexual pleasures to litanies of sexual abuses**, from chronicles of eating disorders to diaries of homebirths, lesbian mothering, and Gloria Steinam's inner revolution. In linking these two phenomena--the privatization of public life via the mechanism of public exposure of private life on the one hand, and the compulsive/compulsory cataloguing of the details of women's lives on the other--I want to highlight **a modality of regulation and depoliticization specific to our age that is not simply confessional but empties private life into the public domain**, **and thereby** also **usurps public space with the relatively trivial, rendering the political personal in a fashion that leaves injurious social, political and economic powers** unremarked and **untouched**. In short, **while intended as a practice of freedom** **(premised on the modernist conceit that the truth shall make us free), these productions of truth not only bear the capacity to chain us to our injurious histories as well as the stations of our small lives but also to instigate the further regulation of those lives, all the while depoliticizing their conditions.**

**Chow, Anne Firor Scott Professor of Literature at Duke, 93**

(Rey, Writing Diaspora, Indiana University of Press, 1993, p.10-13, accessed via Google Books on 5-29-12, JDB)

To give one example, **the sanctification of victimization in the American academy and its** concomitant **rebuke of "theory"** as intellectualist and elitist **parallel**, in an uncanny fashion, **the treatment of intellectuals during the Cultural Revolution,** when labels of "feudalist,” “reactionary,” “Confucianist," **and the like led to murder and execution in the name of salvaging the oppressed classes.** **This alleged separation of intellectuals from life continues today**, not so much in China, where intellectuals are poorly paid, as **in places where part of the power enjoyed by intellectuals comes precisely from “bashing” themselves from an anti-intellectual position of "solidarity with the masses**. Terry Eagleton’s recent diatribe against “American" intellectuals—even though his own publications are bestsellers in the American intellectual market-—is a good example of this kind of Cultural Revolution thinking inside capitalist society. Eagleton’s attitude is consistent with the typical European intellectual disdain toward "America" and with British intellectual disdain toward "French thought.” This is how he uses the Tiananmen incident to target his own enemies: **Viewed from eight thousand miles off, [the new historicist] enthusiasm for Foucault has a good deal to do with a peculiarly American left defeatism, guilt-stricken relativism** and ignorance of socialism— a **syndrome which is understandable in Berkeley but**, as I write, **unintelligible in Beijing. The unconscious ethnocentrism of much of the U.S. appropriation of such theory is** very **striking**, at least **to an outsider**. What seems on the surface like a glamorous theory of the Renaissance keeps turning out to be about the dilemmas of ageing 1950s radicals in the epoch of Danforth Quayle. I write this article while the Chinese students and workers are still massing outside the Great Hall of the People; and I find it rather hard to understand why the neo-Stalinist bureaucrats have not, so far anyway, moved among the people distributing copies of Derrida, Foucault and Ernesto Laclau. For the Chinese students and workers to learn that their actions are aimed at a "social totality" which is, theoretically speaking, non-existent would surely disperse them more rapidly than water cannons or bullets? **The claim to being an “outsider" is a striking one, bringing to mind not only Jane Eyre’s self-marginalization but also nineteenth century Britain’s “splendid isolation.”** Needless to say, it remains the case that **the “people” of the "third world" are invoked only in the form of an indistinguishable mass, while “first world" intellectuals continue to have names.**

## 1NR

#### Presidential war powers authority is contextual to everyday life. It’s not something broad and off base and shouldn’t be treated as something that can come after. You have presented an issue that is very prevalent in WPA debate but choosing not to talk about it in that context absolves academia of its responsibility to intersect the humanities and political actions.

Young 13 – Associate Professor of Communication and Director of Forensics at Wayne State

(Kelly, “Why Should We Debate About Restriction of Presidential War Powers,” 9-4-13, <http://public.cedadebate.org/node/13>, accessed 9-4-13 //Bosley)

Beyond its obviously timeliness, we believed debating about presidential war powers was important because of the stakes involved in the controversy. Since the Korean War, scholars and pundits have grown increasingly alarmed by the growing scope and techniques of presidential war making. In 1973, in the wake of Vietnam, Congress passed the joint War Powers Resolution (WPR) to increase Congress’s role in foreign policy and war making by requiring executive consultation with Congress prior to the use of military force, reporting within 48 hours after the start of hostiles, and requiring the close of military operations after 60 days unless Congress has authorized the use of force. Although the WPR was a significant legislative feat, 30 years since its passage, presidents have frequently ignores the WPR requirements and the changing nature of conflict does not fit neatly into these regulations. After the terrorist attacks on 9-11, many experts worry that executive war powers have expanded far beyond healthy limits. Consequently, there is a fear that continued expansion of these powers will undermine the constitutional system of checks and balances that maintain the democratic foundation of this country and risk constant and unlimited military actions, particularly in what Stephen Griffin refers to as a “long war” period like the War on Terror (http://www.hup.harvard.edu/catalog.php?isbn=9780674058286). In comparison, pro-presidential powers advocates contend that new restrictions undermine flexibility and timely decision-making necessary to effectively counter contemporary national security risks. Thus, a debate about presidential wars powers is important to investigate a number of issues that have serious consequences on the status of democratic checks and national security of the United States. Lastly, debating presidential war powers is important because we the people have an important role in affecting the use of presidential war powers. As many legal scholars contend, regardless of the status of legal structures to check the presidency, an important political restrain on presidential war powers is the presence of a well-informed and educated public. As Justice Potter Stewart explains, “the only effective restraint upon executive policy and power…may lie in an enlightened citizenry – in an informed and critical public opinion which alone can protect the values of a democratic government” (http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0403\_0713\_ZC3.html). As a result, this is not simply an academic debate about institutions and powers that that do not affect us. As the numerous recent foreign policy scandals make clear, anyone who uses a cell-phone or the internet is potential affected by unchecked presidential war powers. Even if we agree that these powers are justified, it is important that today’s college students understand and appreciate the scope and consequences of presidential war powers, as these students’ opinions will stand as an important potential check on the presidency.